

An
Bord
Pleanála

Board Direction
BD-015227-24
ABP-314030-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/01/2024.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

1. The proposed development lies partly within and adjoining Lough Sheelin SPA (Site Code 004065) and it has been identified in the Natura Impact Statement, provided as part of the application that the proposed development, at both construction and operational stages, has the potential to impact on water quality within the SPA. Insufficient information has been provided regarding the proposed surface water drainage system, foul water drainage system and the proposed floating marina, to demonstrate that these aspects of the development will not affect water quality and/or integrity of the special conservation interests for which the SPA is designated. Therefore, on the basis of the information provided with the application and appeal, and in light of the Stage 2 Appropriate Assessment undertaken, the Board cannot be satisfied that the development, individually, or in combination with other plans or projects, would not be likely to have an adverse affect on the integrity of Lough Sheelin SPA, in view of the site's conservation objectives. In such circumstances, the Board is precluded from granting permission.

2. Having regard to: -

- The seasonal nature of the proposed development, which is proposed to operate between April-September annually,
- The seasonal nature of the use of the proposed on-site wastewater treatment system, which includes the proposed use of ferric sulphate as a means of reducing Phosphorus emissions from the site, and
- The vulnerability of Lough Sheelin to discharges containing suspended solids and/or pollutants which would degrade water quality.


The Board is not satisfied, on the basis of the submissions made in connection with the planning application and appeal, that effluent from the development can be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would therefore pose an unacceptable risk of environmental pollution and would be contrary to the proper planning and sustainable development of the area.

Note

The Board noted that the Site Suitability Assessment submitted in response to the further information request referenced the proposal as originally submitted and not the revised scheme submitted at further information stage. It was also noted that the bored well proposed in the original scheme was not referenced in the revised site layout plan.

Copy of Direction to issue with Order

Board Member



Date: 26/01/2024

Una Crosse