

An
Bord
Pleanála

Board Direction
BD-015404-24
ABP-314071-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12/02/2024.

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

Reasons and Considerations

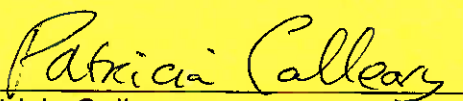
1. Having regard to the stated land reclamation purpose of the proposed development as outlined on the statutory public notice, the Board was not satisfied that sufficient information has been included with the application or appeal documents such as would demonstrate that the proposed development would be required to be as extensive in its footprint or as substantial in its height to achieve the stated purpose of land reclamation. In these circumstances and noting the absence of clarity in relation to the nature of the proposed development also as a soil recovery facility, the Board concluded that the proposed development would be contrary to the proper planning and sustainable development of the area.
2. Having regard to INF POL 32 (protection and improvement of waters) and INF OBJ 29 (strive to achieve 'good status' in all water bodies) of the Meath County Development Plan 2021 – 2027, it is considered that the applicant has provided insufficient information to demonstrate that the proposed development would be capable of being undertaken without a significant deterioration in water quality including the surface water in the drainage channels that serve the site and the groundwater underlying the site. In these circumstances, a grant of planning

permission would be contrary to the stated policy of the County Development Plan and would therefore be contrary to the proper planning and sustainable development of the area.

3. On the basis of the information provided with the application and appeal, including the submitted Natura Impact Statement, and in light of the appropriate assessment carried out in the inspector's report which the Board agreed with and adopted, the Board is not satisfied that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of European Site No. 004232 (River Boyne and River Blackwater SPA), in view of the site's conservation objective. This conclusion is based on a complete assessment of all aspects of the proposed project and the following:

- In the absence of a comprehensive and self-evidently coherent drainage scheme for the site, reasonable doubt exists as to the capability of the project to avoid causing a deterioration in water quality within an existing drainage ditch, which discharges to the Boycetown River, a tributary of the River Boyne. The kingfisher is the Special Conservation Interest of the River Boyne and River Blackwater SPA, and so a deterioration in water quality could adversely affect aquatic life upon which this bird species depends. A reduction in the availability of its food source would adversely affect the conservation objective of this scientific conservation interest which is 'To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA', and hence there is no reasonable scientific certainty that the integrity of the SPA would not be adversely affected.

Board Member


Patricia Calleary

Date: 12/02/2024