



An
Bord
Pleanála

Board Direction
BD-017306-24
ABP-315466-23

The submissions on this file and the Inspector's report and addendum report were considered at a Board meeting held on 22/08/2022. The Board had previously considered this appeal at meetings on the 29/01/2024, 13/03/2024, and the 15/07/2024.

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 land to the south and west of the Sruffaunbrogue Stream, where the applicant proposes a temporary construction traffic access road, is indicated on floodinfo.ie as being within the 10% AEP Fluvial Flood Extent (i.e. High Probability) and the 1% AEP Fluvial Flood Extent (i.e. Medium Probability) respectively and there is therefore potential for contaminated run-off from the temporary construction access route to enter the Sruffaunbrogue Stream during a flood event. In the case of the modelled water levels for each of the three AEP scenarios, the temporary construction access route would at its minimum level be 21 metres OD Malin, as stated in the revised NIS submitted to the Board on the 16th of May 2024, and would therefore be submerged at this/these location(s). The efficacy of silt-fencing along the edge of the temporary construction access, which is intended as a mitigation measure to protect the Sruffaunbrogue Stream from pollutants and sediment laden run-off, would therefore be compromised. On the basis of the information submitted with the planning application/appeal documentation and the revised Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant

effect on Killala Bay/Moy Estuary SAC (Site Code: 000458), Killala Bay/Moy Estuary SPA (Site Code: 004036) or River Moy SAC (Site Code: 002298), or any other European site, in view of the site's conservation objectives. In such circumstances, the Board is precluded from granting permission.

Board Member



Mary Henchy

Date: 26/08/2024