

An
Bord
Pleanála

Board Direction
BD-016559-24
ABP-315652-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12/06/2024.

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

Reasons and Considerations


The Board is not satisfied, on the basis of the information submitted with the application and appeal that it can be determined beyond reasonable scientific doubt that the proposed development, either individually or in-combination with other plans or projects will not have an adverse effect on the Whooper Swan, a species of conservation interest of the Kilcolman Bog SPA. 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 the Kilcolman Bog Special Protection Area (Site Code: 004095) in view of the sites conservation objectives. In such circumstances, the Board is precluded from granting permission for the proposed development. Furthermore, the granting of permission for this development would be contrary to development objective BE 15-2 of the Cork County Development Plan 2022-2028 which seeks to 'Protect sites' habitats and species' and would therefore be contrary to the proper planning and sustainable development of the area.

Note

The Board noted the Inspectors reference and consideration of the potential cumulative and in combination effects of the proposed development with the permitted Ballyroe Solar Farm (CCC Reg. Ref. 204041) on the Whooper Swan and the consideration of the submission from the NPWS in respect of the extension to the Ballyroe Solar Farm (CCC Ref. Ref. 226901) which was refused permission by the Planning Authority after the decision in the subject case was made by the Planning Authority and after the submission of the appeal in respect of the subject case. The Board also noted the Inspectors advice in respect of facilitating the applicant with an opportunity to respond to same but considered that a decision could be made on the basis of the documentation submitted with the application and appeal and in this regard shared the view of the Planning Authority and found that it could not determine beyond reasonable scientific doubt, that the proposed development, either individually or in-combination with other plans or projects would not have an adverse effect on the Whooper Swan, a species of conservation interest of the Kilcolman Bog SPA and in this regard the Board was precluded from granting permission.

Please circulate the Direction with the Board Order.

Board Member


Una Crosse

Date: 12/06/2024