

An
Bord
Pleanála

Board Direction
BD-018297-24
ABP-317951-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 22/11/2024.

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

Reasons and Considerations

1.

- a) The site is located on a minor country road that is seriously substandard in terms of width and alignment. The traffic generated by the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users.
- b) The site is accessible from the heavily trafficked National Primary Road N5 at a point where a speed limit of 100 km/h applies and the traffic turning movements generated by the development would interfere with the safety and free flow of traffic on the public road. The proposed development would also militate against national roads policy MTP 23 of the planning authority that is considered reasonable to preserve the level of capacity, efficiency and safety of the National Primary Road. It is considered that the proposed development necessitates significant and excessive improvements to the local road network, furthermore, it has not been satisfactorily demonstrated that mitigation measures to restrict movements to and from the N5 National Primary route would be effective, thus the proposed development would endanger public safety by reason of traffic hazard.


2. On the basis of the information provided with the application and appeal, including the Natura Impact statement, the Board is not satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the European Site River Moy SAC (site code 002298). In such circumstances, the Board is precluded from granting permission for the proposed development.

[Note:

The Board, having regard to the nature, scale and location of the proposed development, and in particular the insufficient information provided which fails to accord fully with Schedule 7A of the Planning and Development Regulations 2001 (as amended), considered that the potential for significant emissions from the proposed development and the likelihood of significant effects on the environment cannot be determined. There is, therefore, a significant and realistic doubt as to the likelihood of significant effects on the environment. The Board further considered that it was not reasonable or beneficial in this particular instance to pursue the matter further having regard to the substantial reasons for refusal above.]

[Please issue a copy of this Direction with the Board Order to the parties.]

Board Member


Stephen Bohan

Date: 22/11/2024