

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Carlow County

Planning Register Reference Number: 15/377

An Bord Pleanála Reference Number: PL 01.246282

APPEAL by Patrick Hanlon care of EssGee Consultants of 1 Southern Gardens, Kilkenny Road, Carlow against the decision made on the 17th day of February, 2016 by Carlow County Council to refuse permission.

PROPOSED DEVELOPMENT: Permission to import stones and soil and to use them to restore an exhausted sand and gravel pit, to agricultural use at Powerstown, Carlow, County Carlow.

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the location of the site within the River Barrow and Nore Special Area of Conservation (Site Code number 002162), and to the nature, scale and characteristics of the proposed development, which is likely to result in the generation of silt-laden runoff draining to the River Barrow, it is considered that the proposed development would result in an unacceptable risk of contamination of the River Barrow and consequent risk to water quality. Having regard to the absence of detailed information on the source and composition of the infill materials, to the 12-year time period involved in particular, and to the absence of detailed proposals to demonstrate a very high level of control of silt, the Board cannot be satisfied beyond reasonable scientific doubt that the proposed development would not adversely affect the integrity of this European Site in light of its conservation objectives, which are dependent on good water quality. The Board, is, therefore, precluded from giving further consideration to a grant of permission.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.