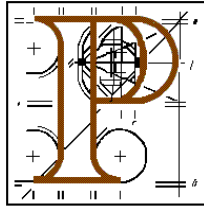


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Sligo County

Planning Register Reference Number: PL 16/72

An Bord Pleanála Reference Number: PL 21.246608

APPEAL by An Taisce of The Tailors' Hall, Back Lane, Dublin against the decision made on the 20th day of April, 2016 by Sligo County Council to grant subject to conditions a permission to David Sheerin of Aclare, Tubbercurry, County Sligo in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Erection of post and wire fence consisting of one row of barbed wire over 800 millimetres high heavy duty sheep wire to a height of 1.2 metre height, with tantalised timber support posts and strainers along a distance of 2,300 millimetres at Gortersluin, Lough Talt, Tubbercurry, County Sligo. The area under application is within the Lough Nabrickkeagh Bog Special Area of Conservation (SAC Natura 2000 Site), a Natura Impact Statement has accompanied the application.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions 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

Screening

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Lough Nabrickkeagh Bog Special Area of Conservation (Site Code 000634) is the European site for which there is a likelihood of significant effects.

Natura Impact Statement

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for the European Site in view of the sites' conservation objective for Lough Nabrickkeagh Bog Special Area of Conservation (Site Code 000634) – "To maintain or restore the favourable conservation condition of the Annex I habitat, blanket bog, for which the Special Area of Conservation has been selected."

The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the assessment the Board considered, in particular,

- (i) the mitigation measures set out in the Natura Impact Statement which is included as part of the current proposal,
- (ii) the conservation objective for this European Site,
- (iii) the views of the Department of Arts, Heritage and the Gaeltacht, and
- (iv) the statement in the Site Synopsis for Lough Nabrickkeagh Bog Special Area of Conservation (Site Code 000634) that the major threats to blanket bogs stem from peat exploitation, drainage, afforestation, overstocking with grazing animals and burning, and

considered that the proposed development would not adversely affect the integrity of the Lough Nabrickkeagh Bog Special Area of Conservation (Site Code 000634), or any other European site, in view of the sites' conservation objectives.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the Lough Nabrickkeagh Bog Special Area of Conservation (Site Code 000634) in view of the site's conservation objectives.

Having regard to the scale and nature of the proposed development, the established agricultural land-use in this rural area, the stated need for the fencing, that being to facilitate livestock grazing on the subject lands, and also having regard to the nature of the receiving environment, it is considered that, subject to compliance with the conditions set out below, the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All mitigation measures as listed in section 8.1 of the Natura Impact Statement (as prepared by Aster Environmental Consultants Limited) received by the planning authority on the 29th day of February, 2016 shall be implemented in full to the written satisfaction of the planning authority.

Reason: To protect the integrity of the Lough Nabrickkeagh Bog Special Area of Conservation (Site Code 000634).

3. The fence shall be constructed in accordance with the 'Method statement for proposed fence construction for David Sheerin' submitted to the planning authority on the 29th day of February, 2016.

Reason: In the interests of clarity and to protect the integrity of the Lough Nabrickkeagh Bog Special Area of Conservation (Site Code 000634).

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

Dated this day of 2016.