

Board Order PL 02.248164

Planning and Development Acts 2000 to 2017

Planning Authority: Cavan County Council

Planning Register Reference Number: 16/264

Appeal by Cavan Better Waste Management care of Environmental Management Services of Outer Courtyard, Tullynally, Castlepollard, County Westmeath against the decision made on the 13th day of February, 2017 by Cavan County Council to grant subject to conditions a permission to Andrew Fay care of McCutcheon Halley of Kreston House, Arran Court, Arran Quay, Dublin.

Proposed Development: : Demolition of an existing derelict house, construction of an anaerobic digestion facility comprising one number reception building, two number digester tanks, four number pre-storage tanks, two number storage tanks, green waste storage, one number combined heat and power unit, one number flare, biofilter, office and control room, weighbridge, wheel wash area, access road, parking spaces, and all associated site works and services at Lismagratty, Cavan, County Cavan

Decision

REFUSE permission for the above proposed development in accordance with 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

1. On the basis of the submissions made in connection with the application and the appeal and in the absence of a 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 European sites Lough Oughter and Associated Loughs Special Area of Conservation (Site Code 000007) and Lough Oughter Complex Special Protection Area (Site Code 004049) in view of the sites' conservation objectives. In these circumstances, the Board is precluded from granting permission for the proposed development.

2. The Board is not satisfied that adequate information has been submitted in relation to the scale of the proposed facility relative to the reduced volume of input material which it appears is proposed at appeal stage, the source for the input materials, the final destination and frequency and volume of removal of the solid and liquid digestate, details of the biogas flare stack, risk assessment plans for spillages, leakages, accidents and emergencies, details of a grid connection and details of existing hydrology and hydrogeological environment such as would enable the Board to carry out an assessment of the proposal in the context of proper planning and sustainable development and an assessment of the potential environmental impacts on the area which might arise. In the absence of such information, the Board is not satisfied that the proposed development would not be likely to have significant adverse effects on the environment. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2017