



Planning and Development Acts 2000 to 2018

Planning Authority: Louth County Council

Planning Register Reference Number: 17727

APPEAL by Bernard Lynch care of Stephen Ward of Jocelyn House, Jocelyn Street, Dundalk, County Louth against the decision made on the 3rd day of August, 2018 by Louth County Council to refuse permission to the said Bernard Lynch.

Proposed Development The filling of an area of land with inert construction and demolition material for the purposes of reclamation of land for agricultural use. The development will also consist of a new vehicular entrance, access track, on-site truck wheel wash area, all associated site development works and capping off with top-soil. On completion of filling and capping off and seeding the land will be used for agricultural purposes and the entrance will be closed up. A waste facility permit will be required for the development, all at Drumcashel, Castlebellingham, County Louth.

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 information provided with the application and the appeal, including the Appropriate Assessment Screening Report, having regard to the fact that the presence or otherwise of hydrological links between the application site and European sites have not been examined, and noting that a Natura impact statement has not been prepared and submitted with the application and appeal, the Board cannot be satisfied beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on Stabannan-Braganstown Special Protection Area (Site Code 004091), Dundalk Bay Special Protection Area (Site Code 004026) and Dundalk Bay Special Area of Conservation (Site Code 000455), in view of the sites' conservation objectives. In such circumstances, the Board is precluded from granting permission for the proposed development.

2. On the basis of the information submitted with the application and appeal, it is considered that the proposed development, which would

generate a significant amount of heavy goods vehicle movements, would endanger public safety by reason of traffic hazard and obstruction of road users along the adjoining local road network, due to the restricted width and alignment of the road and in the absence of the provision of adequately designed passing bays. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Chris McGarry

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

Dated this day of 2019.