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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Waterford City and County Council**

**Planning Register Reference Number: 19/79**

**APPEAL** by Edward O'Brien care of New Ground Limited of Main Street, Bennettsbridge, County Kilkenny against the decision made on the 4<sup>th</sup> day of April, 2019 by Waterford City and County Council to refuse permission to the said Edward O'Brien.

**Proposed Development:** Permission for retention of foundations, concrete ground slab, walls, drains, foul and waste water sewers, also permission for the construction and completion of a dwelling, all at Monang, Dungarvan, County Waterford.

**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**

Having regard to

- (a) the information submitted with the application and the appeal,
- (b) the appellant's response to the notice issued by An Bord Pleanála under section 132 of the Planning and Development, 2000, as amended, which did not comply with the specific requirements of that notice in relation to the need for a detailed assessment to be carried out by a suitably qualified person and the need for hydrostatic leak detection testing, and did not demonstrate that the development proposed to be retained has not impacted on the integrity of the existing sewer which traverses the site, and
- (c) the proximity of the site to the European Site: Dungarvan Harbour Special Protection Area (site Code: 004032),

and in the absence of a Screening Statement for Appropriate Assessment and, if necessary, a Natura impact statement carried out by a suitably qualified person, the Board cannot be satisfied that the proposed development and the development proposed to be retained, individually or in combination with other plans or projects, would not be likely to have a significant effect on the European Site, or that the proposed development and the development proposed to be retained would not be likely to adversely affect the integrity of the European Site, in view of the site's Conservation

Objectives. In such circumstances, the Board is precluded from granting permission for the proposed development and for the development proposed to be retained.

In deciding not to accept the Inspector's recommendation to grant permission, the Board was not satisfied that the proposed development and the development proposed to be retained, individually or in combination with other plans or projects, would not be likely to have a significant effect on the European Site: Dungarvan Harbour Special Protection Area (Site Code: 004032), or that the proposed development and the development proposed to be retained would not be likely to adversely affect the integrity of the European Site, in view of the site's Conservation Objectives.

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

**Dated this            day of            2020.**