



Planning and Development Acts 2000 to 2020

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 19/28

APPEAL by the Residents of Fanlehane care of John and Ita Carroll and others care of Castlemahon, County Limerick against the decision made on the 12th day of February, 2020 by Limerick City and County Council to grant subject to conditions a permission to John Nash care of Montgomery EHS Limited of Kantoher Business Park, Killeedy, Ballagh, County Limerick.

Proposed Development Construction of two poultry houses, a storage shed for the storage of poultry bedding and all associated site works, all at Fawnlehane, Castlemahon, County Limerick, as amended by the revised public notice received by the planning authority on the 11th day of December, 2019 to include (1) The relocation of the proposed development site within the existing land holding, and (2) the reduction in the application of the proposed poultry house from two number to one number poultry house.

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

On the basis of the information on file, the Board is not satisfied that the proposed development, either individually or in combination with other projects, would not be likely to have a significant effect on European Site, Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle Special Protection Area (Site Code: 004161), or any other European site. In such circumstances, the Board is precluded from granting permission for the proposed development.

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered the totality of information on the application file and noted the commentary of the planning authority in its Planning Report that part of the Appropriate Assessment Screening report submitted by the applicant with the application 'is based on the incorrect assumption that the site is developed'. In addition, the Board noted the significant change to the nature, form and position of the proposed development subsequent to the submission of Further Information, without any accompanying update or submission of information related to appropriate assessment. In this context, the Board determined that the information available on file was not sufficient to enable the potential for significant effects on a European site to be ruled out.

Chris McGarry

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2020.