



Planning and Development Acts 2000 to 2020

Planning Authority: Clare County Council

Planning Register Reference Number: P20/150

APPEAL by Sarah McNamara of Teeroneer, Tuamgraney, County Clare against the decision made on the 21st day of August, 2020 by Clare County Council to grant subject to conditions a permission to Paul Boland care of Mark Ward of Ruane, Creagh, Ballinasloe, County Galway.

Proposed Development: Construct a six bay slatted cattle shed with creep area and cattle handling area on lands at Coolreagh Beg, Bodyke, County Clare.

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 Stage 1 Screening Report for Appropriate Assessment and in the absence of a Natura impact statement, the Board cannot be satisfied that the proposed development individually or in combination with other plans or projects would not result in adverse effects on the integrity of the Lough Derg (Shannon) Special Protection Area (Site Code: 004058) in view of the site's conservation objectives by reason of a hydrological connection between the appeal site and the Natura 2000 site that may result in indirect effects due to construction and development related emissions including land spreading of slurry and therefore the Board is precluded from granting permission.

2. The documentation submitted with the planning application and the appeal has not demonstrated adequate proposals for the management of surface water at the proposed development or within the overall farmyard complex, or detailed construction proposals to include for the storage and removal of topsoil and fill onsite, or that sufficient storage capacity is proposed for the effluent likely to arise from the proposed development, in a manner which complies with the EU (Good Agricultural Practice for Protection of Waters) Regulations 2017, as amended. In the absence of such information and having regard to Article 5 of the European Communities Environmental Objectives (Surface Waters) Regulations, 2009, as amended, which requires that a public authority, in the performance of its functions, shall not undertake those functions in a manner that knowingly causes or allows deterioration in the chemical or ecological status of a body of surface water, it is considered that the proposed development would pose an unacceptable risk of environmental pollution and would, therefore, be contrary to the proper planning and sustainable development of the area.

John Connolly

Member of An Bord Pleanála

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

Dated this day of 2021