



An  
Bord  
Pleanála

**Board Order**

**ABP-309251-21**

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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Cavan County Council**

**Planning Register Reference Number: 20477**

**Appeal** by Eddie Connell of Clonbockoge, Mountnugent, County Cavan against the decision made on the 21<sup>st</sup> day of December, 2020 by Cavan County Council to grant, subject to conditions, permission to Kiernan Farms (Aughafad) Unlimited Company care of C.L.W. Environmental Planners Limited of The Mews, 23 Farnham Street, Cavan, County Cavan.

**Proposed Development:** Demolition of four number existing pig houses and two number manure storage tanks (as previously approved) and construction of three number replacement pig houses (in lieu of six number replacement pig houses and associated works approved under planning register reference number 19/250 and PL 02.305444), together with all ancillary structures (to include meal bins and soiled water tanks) and all associated site works arising from the above proposed development, all at Dungummin Lower, Mountnugent, County Cavan.

### **Decision**

**REFUSE** permission for the above proposed development in accordance with the reasons and considerations set out below.

## Reasons and Considerations

1. Having regard to the Appropriate Assessment carried out in the Inspector's report in respect of the implications of the proposed development on the integrity of Lough Sheelin Special Protection Area (Site Code: 004065) and Moneybeg and Clareisland Bogs Special Area of Conservation (Site Code: 002340) which the Board accepted and adopted, and taking into account the nature of the development including land spreading activities that are shown in areas close to watercourses, and noting the presence of a surface water stream running through the development site with resultant potential for hydrological pathways to the aforementioned European sites that have not been adequately addressed in the submitted Natura Impact Statement or supporting documentation, and taking into account the submissions on file, including those from prescribed bodies on this matter, the Board considered that there was insufficient information on file to exclude significant effects with certainty on Lough Sheelin Special Protection Area and Moneybeg and Clareisland Bogs Special Area of Conservation, having regard to these sites' conservation objectives arising from the potential for increased nutrient concentration and deterioration of the water quality. In such circumstances, the Board is precluded from granting permission.
2. The Board was not satisfied that there was sufficient information provided in the submitted Environmental Impact Assessment Report and accompanying documentation such as to enable it to carry out a complete environmental impact assessment and conclusively reach a reasoned conclusion in respect of all of the resultant likely significant environmental effects, taking into account the mitigation measures, arising from the proposed development as is required under Directive 2011/92/EU as amended by Directive 2014/52/EU (the EIA Directives) for the following reasons:

- (a) Notwithstanding the justification put forward by the applicant for the current site location chosen on the basis of it being more suitable than the previous site granted permission under An Bord Pleanála appeal reference number: ABP-305044-19, the Board is not satisfied that the information provided in the submitted Environmental Impact Assessment Report and accompanying documentation includes a sufficient description of the reasonable alternatives (for example relating to matters such as project design, technology, location, size and scale) studied by the developer which are relevant to the current project and its specific characteristics and an indication of the main reasons for the option chosen, taking into account the environmental effects.
- (b) The Board is not satisfied that the Environmental Impact Assessment Report adequately identifies, describes and assesses in an appropriate manner the direct and indirect significant effects of the proposed development on biodiversity, with particular attention to protected species and habitats.
- (c) The Board is not satisfied that the Environmental Impact Assessment Report adequately identifies, describes and assesses in an appropriate manner the direct and indirect significant effects of the proposed development and associated land spreading of the generated pig manure on customer lands on water with particular attention to hydrological and hydrological pathways including hydrological pathways from the proposed development and sensitive watercourses including Lough Sheelin.
- (d) The Board is not satisfied that the likely significant effects of the proposed development on climate, primarily through greenhouse gas emissions, were addressed and noted the absence of a quantifiable assessment of the emissions likely to be generated from the proposed development and the associated land spreading activities.

In the absence of an ability to carry out a complete environmental impact assessment and conclusively reach a reasoned conclusion in respect of all of the likely significant environmental effects arising from the proposed development, the proposed development if permitted would be contrary to the proper planning and sustainable development of the area.

*Patricia Calleary*

**Patricia Calleary**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this *20* day of *December* 2022

