

An
Bord
Pleanála

Board Order
ABP-319136-24

Planning and Development Acts 2000 to 2022

Planning Authority: Westmeath County Council

Planning Register Reference Number: 23113

APPEAL by Transport Infrastructure Ireland of Parkgate Business Centre, Parkgate Street, Dublin against the decision made on the 2nd day of February, 2024 by Westmeath County Council to grant permission, subject to conditions, to Michael Moore Car Sales Limited care of EMD Architects of 107 Ludford Road, Ballinteer, Dublin for the proposed development.

Proposed Development: Demolition of existing non-habitable dwelling and associated buildings and construction of the following: Building A: single storey motor vehicle service and sales facility (1,780 square metres); Building C: a detached single storey ancillary building (310 square metres); Building B: a partially two storey motor vehicle service and sales facility (952 square metres) service and sales building and Building D: a detached single storey ancillary building (326 square metres). Both Building C and Building D will be used for valeting and washing vehicles solely in the operation of Buildings A and B. The development also includes the construction of an access road off the N62, on-grade car parking, free standing signage and flag poles, boundary treatments, associated drainage and ancillary site works all at Creggan Upper, Fardrum, Athlone, County Westmeath.

Decision

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


Reasons and Considerations

Having regard to the contents of the Natura Impact Statement (NIS) submitted by the Applicant, which addressed impact prediction only for the construction phase of the development, and did not address the predicted impacts of the operational phase of the proposed development, including the impact of staff, visitors and car washing operations from two number proposed valet and car wash buildings to the rear of the site, and having regard to the proposed discharge of treated effluent from the tertiary treatment plant onsite, and the drainage ditch on the site which ultimately outflows to the Cloonbonny Stream into the River Shannon, the Board was unable, on the basis of objective scientific information, to exclude an adverse effect on the integrity of the River Shannon Callows Special Area of Conservation (Site Code 000216) and Middle Shannon Special Protection Area (Site Code 004096), European sites. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area and a grant of permission would not be warranted.

In deciding not to accept the Inspector's recommendation to grant permission, the Board agreed with the Inspector that the operational phase of the proposed development was a concern, and that the NIS did not refer to this issue. The Board noted that the design and loading of the proposed wastewater treatment system did not include information regarding the volume and discharge of chemical components from the two number proposed car washing buildings and the NIS did not include an assessment of the discharge of treated effluent from the proposed car washing facilities via the tertiary

treatment plant onsite, to the drainage ditch along the southern boundary of the site, or an assessment of the impact of this discharge on the hydrological connection to Natura 2000 sites. In this context, the Board determined that it would not be appropriate to attach a planning condition as a manner of mitigation of an issue that was not addressed in the NIS.

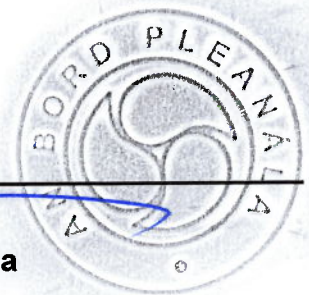
The Board was of the opinion that this was a lacuna in the NIS carried out under Article 6(3) of the Habitats Directive, as the NIS did not contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the proposed development, on the identified Natura 2000 sites.



MaryRose McGovern

Member of An Bord Pleanála

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



Dated this 24th day of March 2025.