



An
Bord
Pleanála

Inspector's Report PL02.248325

Development	Retention of building for dog breeding and conversion of buildings for dog breeding and all associated site works.
Location	Corfeehone, Poles, Co. Cavan
Planning Authority	Cavan County Council
Planning Authority Reg. Ref.	16/365
Applicant(s)	Raymond Cullivan
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Michelle Strauss & Others
Observer(s)	Cllr. Roderic O'Gorman
Date of Site Inspection	14 th August 2017
Inspector	Rónán O'Connor

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1.0 Site Location and Description

- 1.1. The site is located on local road L6041 in the townland of Corfreehone, Poles, approximately 7km north-east of Cavan Town. The site is rural in character and characterised by undulating landscape. The appeal site is split over two separate sites, located approximately 60m from one another. The first site is located to the north of local road L6041 and contains a number of different outbuildings. The second site is located to the south of the road and contains converted stables. From my site visit, both sites appear to be in operation as a Dog Breeding Establishment (DBE).
- 1.2. The larger site is located approximately 200m north-east of a stream that flows in an easterly direction feeding into Corfeehone Lough, while the smaller site 240 m from the stream, at the closest point. Corfeehone Lough is located approximately 490m south-east from the smaller site, and 600m south-east from the larger site.
- 1.3. In terms of surrounding settlement, the applicant's property is located immediately to the east of the smaller site, with the dwellinghouse approximately 35m from the converted stables. To the north-east there is a dwelling house approximately 160m from the larger site. To the north-west there is a dwelling house approximately 295m from the larger site. To the south-east there is a cluster of residential properties approximately 150m from the site on either side of the L2011 Road.

2.0 Proposed Development

- 2.1. Retention of building for dog breeding and conversion of buildings for dog breeding and all associated site works.
- 2.2. I refer to the plans as submitted to the LPA as Further Information on 03/02/2017. The larger site to the north contains a number of outbuildings. The proposal is for the following
 - Unit A – Convert for the use of food storage, chemical storage, isolation facilities, and treatment/vet room.
 - Units B, D4, D5, E and F – Retain for use for dog breeding
 - Units C, D1, D2– Convert for use for dog breeding

2.2.1. The proposal also consists of the following

- Sprinkler system, dung heap for soiled dog bedding, new concrete effluent tank, decommission of old tank, dog exercise area.
- The smaller site to the south contains a stable unit. The plans note that it is to be converted for use for dog breeding. From my site visit the stable was in use for housing dogs.
- The plans also detail the area that slurry is to be spread over which are within the family land holdings.
- Landscaping

2.2.2. During the appeal process, the applicant has made the following amendments to the development.

- All manure/waste produced on site is removed at present and will continue to be removed off-site by a licensed contractor – it is no longer proposed to land-spread the manure
- Omission of the sprinkler system from the proposed development as all foul wash waters are removed off-site by a licenced contractor for disposal.
- Provision of sight distances within the land-holding of the applicant to facilitate improvements to the existing entrance points serving the site area.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Grant permission with conditions. Conditions of note include:

- Condition 2 – Maximum of 350 dogs (male and female combined) shall be housed at the facility.
- Condition 4 – Submit plans to improve sightlines at the junction of L6041 and L2011 to the east.
- Condition 12 – Submit Nutrient Management Plan for dog waste, contaminated sawdust and straw.

- Condition 13 – Submit Nutrient Management Plan for soiled water/wash water
- Condition 15– Effluent, soiled water, wash water, dog waste, contaminated sawdust and contaminated straw shall not be caused or permitted to enter adjoining properties or watercourses
- Condition 16 - Effluent, soiled water, wash water, dog waste, contaminated sawdust and contaminated straw shall not be spread on or applied to land where there is a risk, because of the gradient of land, or weather conditions, that the effluent will run from the land to any lake, river, ditch, stream or other watercourse.
- Condition 20 – Mitigation measures recommended in the ‘Report to Address Concerns of Inland Fisheries’ shall be implemented.
- Condition 21 – Best practice measure recommended in the ‘Statement of Screening for Appropriate Assessment’ shall be implemented
- Condition 22 – Details of animal exercise areas to be submitted

3.2. Planning Authority Reports

Planning Reports

- 3.2.1. The Assistant Planner recommended refusal for one reason related to traffic safety, impacts on the environment, residential amenities (noise and odour) and the rural character of the area. Points of note in this report include:
- Considered the proposed development is likely to have negative impacts on the environment, community and rural character of the area.
 - Dog breeding is not listed in the list of rural enterprises considered suitable for rural areas.
 - Insufficient information has been submitted with the application to demonstrate that the proposed development ensures the protection of the environment and natural assets.
 - No detail in relation to traffic volumes, types of vehicles, number and frequency of customers, deliveries, transport of animals, removal of waste and animal carcasses etc

- No details of number of dogs/puppies
- None of the existing buildings bar the stables have permission

3.2.2. This recommendation was overturned and Further Information was sought in relation to; (1) a revised site layout denoting location of the wells serving the development (2) details of the proposed surface water drainage system serving the proposed and existing development (3) Details of storage tanks to serve the dog housing facility (4) Detail of the number of dogs to be kept at the site (5) details on the volume of dog waste, wastewaters and wash down waters generated from the facility (6) details on the collection, removal and eventual disposal of the waste and wastewaters (7) submit an assessment in relation to noise and odour (8) details on monitoring of environmental impacts (9) details of asbestos removal (10) Submit a Planning Application Form for the Construction of Farm Developments including stock numbers, lands available for spreading and dimensions of existing and proposed slurry storage facilities (11) Details of food storage, chemical storage, isolation facilities, treatment/vet room, animal exercise areas (12) Report outlining the assessment of impacts on the environment, residential amenities and the rural character of the area and details pertaining to safe access and egress (13) A report addressing the concerns raised in the third party submissions (14) report addressing any issues raised in the representation from Inland Fisheries Ireland (15) Traffic and Transport Assessment (16) Landscaping Scheme (17) Stable unit differs from that granted permission – submit proposals to address this issue (18) Unit C appears to already be in use for dog breeding – submit proposals to address this issue (19) Appropriate Assessment Screening (20) submit that the development complies in full with the Dog Breeding Establishment Guidelines 2011 and the Dog Breeding Act 2010.

3.2.3. The report of the Assistant Planner, following the submission of Further Information, notes the following:

- Applicant has not addressed the impacts on residential amenities
- Not stated who carried out the Noise Report and what qualifications they have – recommendations of the report cannot be verified
- Proposals for landscaping are acceptable

- Not addressed issue of sightlines – condition could be imposed but would be difficult to enforce
- Concerns of Inland Fisheries Ireland have not been addressed.
- Notable discrepancy between details provided in relation to disposal of waste and information provided elsewhere in the documentation
- Issues in relation to the stable unit have been adequately addressed
- Natura Impact Statement should be prepared
- Notes that issues relating to animal welfare and breeches of DBE regulations are not issues that can be assessed in a planning application
- States that this is a large scale commercial activity taking place in a rural area – it is not an agricultural development
- Concern is raised in relation to the large numbers of dogs to be kept on site and resultant large amount of dog waste and soiled water produced on site and disposed of.
- Concern in relation to spread the soiled water and dog waste on land
- Scale of development contravenes CDP
- Issues raised in the Further Information request have not been addressed

3.2.4. The Assistant Planner recommended that permission be refused for one reason relating to traffic safety, impacts on the environment, residential amenities (noise and odour) and the rural character of the area.

3.2.5. This recommendation was overturned by the Senior Planner and the report of the Senior Planner notes the following:

- Breeding of animals and nature of same is a rural enterprise and thus is suitable located in a rural location
- Has considered the similarities of this use and the issues that arise with other agricultural uses
- No objections in relation to traffic
- Issue of dog waste and storage can be addressed by way of condition

- Odour does not raise a public health or residential amenity risk
- Recommends a condition in relation to noise
- NIS is not required
- Recommends a grant of permission

3.2.6. Other Technical Reports

Veterinary Officer – recommends condition in relation to details of animal exercise area

Environment Section – Recommends conditions

Roads – Recommends conditions

3.3. Prescribed Bodies

- 3.3.1. Inland Fisheries – all structures and associated practices must comply with the EC (Good Agricultural Practice for the Protection of Waters) Regulations 2014 (S.E. No. 31 of 2014) and DOA Guidelines. Put forward good practice measures to prevent pollution.

3.4. Third Party Observations

- 3.4.1. Submissions were received during the course of the application. The issues raised are covered in the Grounds of Appeal.

4.0 Planning History

- 4.1.1. 06/1199 – Grant - construct horse stables and exercise arena and dungstead.
- 4.1.2. 95/605 – Grant - erect new bungalow residence, detached garage, entrance gates, walls and piers, site and sewerage facilities.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The relevant Development Plan for the area is the Cavan County Development Plan 2014-2020.

5.2. Natural Heritage Designations

- 5.2.1. None.

6.0 The Appeal

6.1. Grounds of Appeal

- Development is an industrial scale commercial Dog Breeding Establishment (DBE).
- It is not an agricultural development
- DBE is one of the largest in Ireland
- Located on a top of a hill on a sharp bend on a single carriage unlit, winding rural road
- Stables have been used for commercial dog breeding from some point post August 2006 until Autumn 2016
- Used unlawfully in violation of planning permission 06/1199
- Fundamentally contradictory position between the Assistant Planner, who recommended refusal, and the Senior Planner
- No information from the LPA as to whether previous Enforcement Notices were complied with
- Applicant was the subject of BBC Panorama Programme
- Improvement Notice was issued following this programme
- Has breached cross border regulations, animal welfare and customs laws

- LPA has not given any consideration to non-compliance of previous permission
- No attempt to rectify breaches until the BBC Panorama broadcast
- Risk that applicant would not comply with any of the conditions attached to the grant of retention
- Not open to Cavan County Council to grant retention having expressly excluded it previously – permission should have been refused under S35 (as amended)
- Applicant's plan is fundamentally flawed and not capable of being mitigated to such an extent to render it safe in terms of the risk to human and animal health (livestock), the environment and the ecology of the area.
- Development required an Environment Impact Assessment (EIA) – LPA was not in a position to grant retention permission for development
- Submitted Environment Report addresses the issues of Environmental Impact, deficiencies in the decision making process and the dearth of information furnished by the planning authority by the applicant
- Deficiencies were such that the determination must be regarded as flawed and *primie facie* unlawful
- Key principle of EEC Directive is the Prevention of Damage
- In determining Threshold, the relevant selection criteria set out in Annex III to the Directive should be taken into account
- Article 2(1) emphasises the requirement for prior assessment of projects
- As the applicant's DBE is located in a sensitive rural ecological area, the potential environmental impact is significant
- Circular PD5/08 directed LPAs not to grant retention permission for development, which due to their size, nature of location, required an EIA.
- Determination contravenes EU and national law and should be overturned in its entirety.
- The proposal will give rise to a traffic hazard.

- The proposal may give rise to a fire safety risk
- The proposal constitutes an unacceptable risk to human health due to spreading of dog faeces, contaminated material and waste water onto farmland
- The proposal constitutes a real and substantial threat to the health of livestock
- Proposal would impact on groundwater and surface waters
- The DBE is an industrial scale commercial dog breeding enterprise – it is not a farm and it is not as an agricultural use
- DBEs are not under the remit of the Department of Agriculture, Food and the Marine - under the remit of Department of Local Government and Housing
- Dog waste is treated in a completely different manner under EU law than waste from livestock
- DBE's are classed as commercial – other DBE's in Cavan are considered commercial by Cavan County Council
- No consideration of waste produced by puppies – there could be a significant number of puppies on the site
- No information on where the puppies are sold
- Amount of contaminated straw will exceed the stated amount
- Levels of waste water could be in the region of 13,000 litres per day
- Would need to apply for a trade discharge or effluent licence
Fingal County Council has designated this effluent as 'trade effluent'
- The proposed development will give rise to noise, odour and air pollution.
- The proposed development contravenes the County Development Plan.
- Animal welfare issues must be considered when considering a planning application
- Proposal needs to comply with DBE Guidelines – including the construction of such facilities

- Impact on residents and compliance with Article 8 of the European Convention on Human Rights
- The appeal submission contains 29 Appendices.

6.2. Applicant Response

6.2.1. Have submitted 3 no. minor amendments to the details of the operations/proposed development including:

- All manure/waste produced on site is removed at present and will continue to be removed off-site by a licensed contractor – it is no longer proposed to land-spread the manure
- Omission of the sprinkler system from the proposed development as all foul wash waters are removed off-site by a licenced contractor for disposal
- Provision of sight distances within the land-holding of the applicant to facilitate improvements to the existing entrance points serving the site area.

6.2.2. The response to the appeals is as follows:

- Decision made by the LPA is the correct assessment
- Development shall not be assessed in a critical manner simply because it is unauthorised or due to unfounded concerns being raised by the appellants
The proposed development complies with the County Development Plan
- Traffic volumes are minimal
- Sight distances can be improved if considered necessary
- Noise survey demonstrates that noise levels audible from the site do not adversely affect residential amenity of any neighbouring residents
- A condition can be imposed relating to the provision of acoustic lining to the interior of buildings used for housing of dogs/Noise monitoring to be carried out in the event of any complaints
- No pollutants will emanate from the site onto any surrounding farmland
- No appropriate assessment issues arise

- Environmental matters and the effects of the development are considered acceptable by the Planning Authority and there are no matters outstanding
- Objections have been received in relation to other similar developments including those considered by the Board.
- Enforcement issues are a matter for the planning authority.
- Development does not require an EIA
- Roads and site can accommodate HGV movements
- Fire safety cert can be obtained separate to the planning process
- No adverse impacts on residential amenity and does not breach Article 8 of Human Rights
- Animal health and welfare is maintained to the highest standards at all times
- Waste Manure/Bedding is transported to a facility in based in Northern Ireland
- Foul waters are collected from the site and disposed of via the Cavan Town wastewater treatment (or other equivalent facility)
- Storm water collection system discharges separately to the foul water collection system
- Kennel sizes are in compliance with the draft Dog Breeding Establishment Guidelines (Nov 2016)
- In previous planning precedents, the Board has considered appropriate the storage of waste in collection tank(s) and manure stores e.g. appeal references PL22.216615 and PL16.239479
- Conditions can ensure best environmental practice is maintained going forward
- 11 No. appendices are included with the submission.

6.3. **Planning Authority Response**

- In relation to traffic/risk to public safety, condition No. 4 requires sightlines to be improved
- Need for a Fire Safety Cert not a planning matter

- Condition 12 requires a Nutrient Management Plan for dog waste, contaminated sawdust and contaminated straw.
- In relation to soiled water, Condition stipulates that a Nutrient Management Plan is submitted and agreed.
- Threats to livestock – spreading of waste will be carried out under the relevant Nutrient Management Plan.
- Threats to environment – all land spreading will have to take place in accordance with Nitrates Regulations.
- Applicant is obliged to comply with planning conditions – LPA are obliged to ensure all conditions are carried out.
- Fees and contributions were calculated as commercial - application was assessed under Rural Enterprises section of CDP – Senior Planner noted that that the use was a ‘rural based enterprise’.
- Condition 2 has capped the numbers of dogs on the site.
- Senior Planner’s report concluded that the development complied with the CDP.
- Animal Welfare is assessed under separate DBE regulations.
- Odour was not considered to be a residential amenity risk – noise levels were limited by Condition 11.

6.4. **Observations**

6.4.1. Observation from Cllr. Roderic O’Gorman

- Agrees with the grounds of appeal
- Observation relates specifically to animal health and animal welfare
- 3 documents attached to submission
- Spread of disease in dogs and livestock from spreading of dog faeces
- Submitted articles set this out in detail
- Food Safety Authority (FSA) has not studied the impact of the spread of dog faeces as a form of manure

- ABP must take account of the precautionary principle and refuse application
- Application is unique as it seeks planning permission for a large commercial usage of domestic animals which is not currently regulated under agricultural practices.
- Submitted report of Prof. Sheila Crispin raises issues of animal welfare.

6.5. Further Responses

6.5.1. None

7.0 Assessment

7.1. The following assessment covers the points made in the appeal submissions and also encapsulates my *de novo* consideration of the application. The main planning issues in the assessment of the proposed development are as follows:

- Principle of Development
- Effluent Treatment
- Impacts on Amenity
- Traffic Safety
- EIS Screening
- Other Matters
- Appropriate Assessment

7.2. Principle of Development

7.2.1. The site is located on unzoned lands outside the development boundary of any settlement and is part of a larger agricultural holding. The LPA, in its response to the appeal, has stated that the proposed use is considered a 'rural based enterprise' and has been considered under the relevant CDP policies relating to same. I have no reason to disagree with the LPAs definition of the development as a 'rural based enterprise'. Policy EDP5 encourages the sustainable development of rural enterprises within the County and Objective EDO14 seeks to promote the growth of rural enterprises while ensuring the protection of the environment and natural assets.

7.2.2. Objective ED02 of the CDP seeks to encourage and facilitate agricultural diversification, including small to medium sized enterprises, subject to the retention of the holding for primarily agricultural use and the proper planning and sustainable development of the area. Having regard to the extent of the total landholdings of the applicant, the majority of these are retained for primarily agricultural use.

7.2.3. There is no objection, therefore, to the principle of development.

7.3. **Effluent Treatment**

7.3.1. The applicant, in the appeal submission, has stated that manure/waste produced on site is removed at present and will continue to be removed off-site by a licensed contractor – it is no longer proposed to land-spread the manure. In addition, it is stated that all foul wash waters are now removed off-site by a licenced contractor for disposal.

7.3.2. I note that an issue of concern raises Third Party Appeal relating to the spreading of the dog waste over farmland and the impact of same on human and animal health, and on the environment. I am satisfied that the revised arrangements of removing the waste from the site have overcome the concerns relating to the spreading of such waste.

7.3.3. From the further information submission, the applicant states that the volume of solid waste generated (which includes straw, sawdust and dog waste) is estimated to be 1.6 tonnes per month.

7.3.4. The Further Information submission states that it is proposed to decommission the existing soiled water holding tank and replace with a new 8000L concrete holding tank. There will also be a new 8000L holding tank to store any run off from the proposed new dungstead. It is stated within the applicant's appeal submission that the foul wash waters will be removed and disposed of via the Cavan Town wastewater treatment plant (or other equivalent facility).

7.3.5. There is detail of wash water (soiled water) volumes within the response to the Further Information request submitted to the LPA. It is estimated that the washwaters arising would equate to 1160 litres per 10 days or 45m³ per year. This is with a washout frequency of 42 washes per year.

- 7.3.6. The figures in relation to the amount of solid waste and foul water generated are disputed by the appellants, and it is put forward that the volumes will be greater, if the applicant is to comply with the published guidelines for Dog Breeding Establishments (DBE).
- 7.3.7. Notwithstanding the dispute in relation to volumes of waste and soiled water generated, I am satisfied that the removal of such waste from the site has overcome many of the concerns in relation to potential impacts on human health and impacts on the environment. A more detailed waste management plan could be required by way of condition, which includes details on frequency of collection.

7.4. Traffic Safety

- 7.4.1. The applicant has submitted a Transport Report at application stage (and re-submitted as part of the response to the Third Party Appeal) which considers trips generated by the development, as well traffic volumes and accident data for the area. It is concluded that there is capacity at the junction of the local road with the L2011 and that queuing is non-existent.
- 7.4.2. Appendix 8 of the Third Party appeal submission includes a Traffic Report and Appendix 9 includes Images of Road and Development. The report states that the applicant has not demonstrated that waste disposal collection vehicles or fire tenders can access the site, and manoeuvre safely within the site. It is further stated that the L6041 local road is not wide enough for such vehicles to pass, leading to potential traffic hazards, and that the junction with the L6041 with the L2011 has constrained visibility. It is stated that the Traffic and Transport Report Submitted with the application does not consider all of the relevant issues.
- 7.4.3. While the Transport Report submitted by the applicant details trip generation rates, the report has not been updated to include any details of the volume of traffic generated by the disposal of solid waste and waste water. There will be additional traffic movements because of this.
- 7.4.4. I note that the junction of the L6041 and L2011 has relatively poor sightlines, especially towards traffic approaching from the north along the L2011. While the LPA has imposed a condition requiring sightlines to be improved, the only works that can be carried out by the applicant is on lands within his control, which are on the

southern side of the L6041 Road. The applicant, in his appeal submission, has stated that these sightline improvements now form part of the application.

- 7.4.5. It is within the applicant's power to improve to improve the sightlines towards the south, for traffic turning right from the L6041 onto the L2011. However, sightlines towards the north will remain poor, notwithstanding works that can be carried out by the applicant, due to the bend in the road north of the junction of the L6041 and L2011. The removal of waste from the facility will necessitate the use of slow moving HGVs which will be required to exit from this junction. No information on achievable sightlines has been submitted by the applicant.
- 7.4.6. Given the above, I cannot be satisfied that the development will not result in the creation of a traffic hazard with a subsequent risk to public safety.

7.5. Impacts on Amenity

- 7.5.1. The main potential impacts on amenity relate to noise and odour impacts. In relation to noise, I note a noise survey has been submitted by the applicant. This also considers odour impact. This concludes that the development does not negatively impact on noise levels at the nearest noise sensitive location. Noise management practices are recommended. Odour testing is recommended.
- 7.5.2. The appellants have submitted a review of the Noise Assessment Report and this highlights deficiencies in the applicant's noise report. It is concluded that given these deficiencies, there is doubt over the accuracy of the measurements performed and the conclusions drawn.
- 7.5.3. The nearest residential dwelling is located 35m from the DBE. This is the applicant's dwelling. The next nearest dwelling is approximately 160m north-east from the larger site. My observations on site was that noise volumes increased significantly in once I entered a building with dogs present, or was in proximity to other kennels. In particular, in Building F, noise was very significant when standing inside it. This appeared to have the largest numbers of dogs within it. This building should be adequately insulated against noise escape. I consider that, subject to a condition limiting noise levels at the nearest noise sensitive location, and subject to a condition requiring insulation of this building, that any noise impacts will be acceptable.
- 7.5.4. In relation to odour impacts, I note that the plans indicate a dung heap where the spoiled dog bedding will be stored. This was not in place when I visited the site.

However, I consider that it is sufficiently removed from surrounding dwellings so as not to cause an odour nuisance. There was no significant odour present from other sources at the time of my site visit. I do not consider therefore that odour impacts would cause adverse impacts on surrounding amenity.

7.6. EIS Screening

- 7.6.1. It is stated in the Third Party appeal submission that the proposed development should have been subject to EIA, and subsequent to this, the planning authority was not in a position to grant retention permission.
- 7.6.2. The classes of development, and applicable thresholds within those classes, which require submission of an EIS and the carrying out of EIA are set out in Schedule 5 Parts 1 and 2 of the Planning and Development Regulations 2001, as amended. Class 1 of Part 1 relates to development related to agriculture, silviculture, and aquaculture. Dog breeding or the keeping of dogs is not a class of development within Schedule 5.
- 7.6.3. Where an application for permission is made to the planning authority, or the Board, the planning authority should consider if the proposed development is sub-threshold and therefore requires a submission of a subthreshold EIS in accordance with article 103 of the Regulations. But to be subthreshold a proposed development must be within a class of development provided for in the regulations. Since the proposed development in this case is not within such a class it does not trigger the requirement for a sub-threshold EIS.

7.7. Other Matters

- 7.7.1. In relation to the visual impact of the units proposed to be retained, the units appear as part of an established farm holding, and due to the undulating nature of the landscape, are not visible from longer views. As such the visual impact of same is acceptable.
- 7.7.2. In relation to non-compliance with previous conditions, it is of note that the Board does not have a role in Enforcement and in this respect regard is had to Section 10.1 of the Development Management Guidelines 2007 which provides: Enforcement of planning control is the responsibility of the planning authority and this is the case, of course, whether the planning decision, including conditions, was made by the planning authority or the Board.

7.8. **Appropriate Assessment**

- 7.9. The submitted screening report considers the impact on the closest Natura 2000 sites. The report identifies Lough Oughter and Associated Loughs SAC (00007) and Lough Oughter SPA (004049). The former is 6.3km north-west of the site at its closest point and the latter is 8.8km west of the site.
- 7.10. The AA screening concludes that, having regard to the location, nature and scale of the proposed development, it is considered that there is no potential for significant effects either from the proposed development on its own or in combination with other plans and projects. A number of best practice measures in relation to the operation of the development are set out in Section 4 of the screening report.
- 7.11. The Board, as a competent authority, shall only agree to a plan or project only after having ascertained that it will not adversely affect the integrity of a Natura 2000 site. In this regard it is appropriate to carry out a stage 1 screening assessment and then if necessary a stage 2 appropriate assessment.
- 7.12. I have considered those sites within 15km of the appeal site and the impacts of the development which is under consideration here.

Relevant Natura 2000 Sites, Qualifying Interests and Conservation Objectives

- 7.13. The appeal site is not currently designated for any nature conservation purposes under national or international legislation but there are two Natura 2000 sites (SAC/SPA) are within a 15km radius of the subject site. These are set out in the table below:

Site Code, Site Name and Designation	Approx. distance from the appeal site	Qualifying Habitats and Species
004049 Lough Oughter Complex SPA	8.8 W	Great Crested Grebe (Podiceps cristatus) [A005] Whooper Swan (Cygnus cygnus) [A038] Wigeon (Anas penelope)

		[A050] Wetland and Waterbirds [A999]
000007 Lough Oughter and Associated Loughs SAC	6.3km N.W.	Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150] Bog woodland [91D0] Lutra lutra (Otter) [1355]

- 7.21. There is a no direct source-pathway link, or readily identifiable indirect source-pathway link, between the development and the above Natura 2000 sites. Having regard to the location of the development, which is on land of limited ecological value, I do not consider that the proposed development will result in loss of supporting habitat for those Special Conservation Interests listed above.
- 7.22. The solid waste and foul water generated has no capacity to have a significant effect on the above sites as it is removed from the site and therefore does not comprise a potential source for contamination from the site.
- 7.23. Having regard to the foregoing it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Lough Oughter and Associated Loughs SAC (000007) and Lough Oughter Complex SPA (004049) or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

I recommend that permission is refused for the reason set out below.

9.0 Reasons and Considerations

It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate at the junction of the L6041 and the L2011, at a point where sightlines are restricted in a northerly direction.

Rónán O'Connor
Planning Inspector

16th November 2017