



An
Bord
Pleanála

Inspector's Report ABP-307922-20

Development	One and a half-storey house, garage, wastewater treatment system, vehicular access and associated works
Location	An tArd Donn, Gaoth Dobhair, Leitir Ceanainn, Contae Dhún na nGall
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	20/50611
Applicant(s)	Ailbhe Ó Monacháin
Type of Application	Outline Permission
Planning Authority Decision	Refuse
Type of Appeal	First-Party
Appellant(s)	Ailbhe Ó Monacháin
Observer(s)	None
Date of Site Inspection	10 th November 2020
Inspector	Colm McLoughlin

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1.0 Site Location and Description

1.1. The appeal site measures 0.36ha and forms part of the appellant's family landholding in the townland of Arduns, which is within the Gweedore Gaeltacht area of northwest County Donegal. It is setback 50m from the N56 national secondary road and is proposed to be accessed off a private access road that currently serves the appellant's family home adjacent to the site. The open ground on site is characterised by rushes, grass and heather, with rocky outcrops and soil indicative of the Atlantic blanket bog context. Open drains bordering the site, a number of which have been subject to recent cleaning, connect with an open roadside drain to the north of the site. Overhead electricity lines traverse the subject landholding between the appeal site and the roadside. Land levels in the area drop steadily in a northwest direction towards the Clady headrace canal and into the Clady river valley. The surrounding area is dominated by blanket peat uplands with one-off housing primarily along the lower valleys and fronting onto the local and national secondary roads.

2.0 Proposed Development

2.1. The proposed development for which outline permission is sought, would comprise the following:

- construction of a one and a half-storey house on a footprint measuring approximately 120sq.m;
- construction of a detached garage on a footprint measuring approximately 40sq.m;
- installation of a packaged wastewater treatment system with a percolation area;
- vehicular access off an existing private access road;
- connection to mains water supply;
- all associated groundworks and landscaping.

2.2. In addition to the standard documentation and drawings, the planning application was accompanied by a site suitability assessment report addressing on-site disposal

of effluent, a letter of consent from the owners of the site agreeing to use of the vehicular access road and land, letters of support for the proposed development and a transport engineering report addressing vehicular access arrangements.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority decided to refuse to grant permission for the proposed development for reasons that can be summarised as follows:

- Reason No.1 – proposals would result in an intensification of traffic movements to and from a private access road onto a national secondary road, where a 100km/hr speed limit applies, which would be contrary to planning policy and objectives, while also endangering public safety, restricting the free flow of traffic, compromising road capacity, undermining national road investment and setting precedent for similar development;
- Reason No.2 – lack of clarity regarding the likely significant effect on Fawnboy Bog/Lough Nacung Special Area of Conservation (SAC).

3.2. Planning Authority Reports

3.2.1. Planning Report

The recommendation within the report of the Planning Officer (July 2020) reflects the decision of the planning authority and noted the following:

- the site is within a 'structurally weak rural area' and the applicant has submitted information to outline their housing need, which is acceptable, along with the siting of the proposed house;
- traffic safety remains a pivotal matter in respect of the development;
- sight clearance works were undertaken at the existing entrance onto the N56, with 171m and 167m visibility achievable, whereas, a minimum of 215m visibility in both directions is required under Development Plan standards;

- the applicant's report recording vehicle speeds is noted, however, a request for a derogation is not provided for on national roads with a 100km/hr speed-limit restriction;
- a material intensification in use of the access would arise, as recognised within the recent Board decision for a similar proposal (ABP-304555-19) near Falcarragh;
- national policy with respect to roads applies for all categories of development, including individual houses.
- based on the report from the environmental health officer, concerns with respect to wastewater treatment have been satisfactorily addressed;
- the applicant did not submit an ecological report to address the previous reason for refusal with respect to the likely effect of the development on a SAC.

3.2.2. Other Technical Reports

- Environmental Health Officer (HSE) – attach conditions relating to surface and wastewater treatment, including capacity, design, layout and maintenance requirements;
- Executive Engineer (Roads) – no objection, subject to conditions;
- Road Design – no response.

3.3. Prescribed Bodies

- Transport Infrastructure Ireland (TII) – objection based on the adverse impact of the development on the operation of a national secondary road;
- Irish Water – no response.

3.4. Third-Party Observations

3.4.1. None received.

4.0 Planning History

4.1. Appeal Site

4.1.1. The planning authority's report states that they held preplanning discussions with the applicant in October 2019. The following recent planning applications relate to the appeal site:

- ABP Ref. 302899-18 / Donegal County Council (DCC) Ref. 18/51245 – outline permission was refused by the Board in March 2019 for a house, garage, an on-site wastewater treatment system and a connection to an existing private access road, due to the impact of the development on traffic safety, concerns regarding the capacity for the site and treatment proposals to adequately dispose of wastewater on site and the absence of a Natura Impact Statement (NIS) addressing effects on a SAC;
- DCC Ref. 18/50480 – outline permission was refused by the planning authority in May 2018 for a house, garage, a septic tank and a connection to an existing private access road, due to the adverse impact of the development on traffic safety and concerns regarding surface and wastewater treatment;
- DCC Ref. 17/50552 – outline permission was refused by the planning authority in June 2017 for a house, garage, a septic tank and a new access road off the N56 to serve both the site and the adjoining property, due to the adverse impact on traffic safety and concerns regarding surface and wastewater treatment.

4.2. Surrounding Sites

4.2.1. There have been a number of recent planning applications and appeals for development on the neighbouring lands, as addressed under the Inspector's Report for ABP Ref. 302899-18 listed above. I also note the following recent case decided by the Board, as referenced by the planning authority:

- ABP Ref. 304555-19 (DCC Ref. 18/50823) – permission was refused by the Board in November 2019 for a house, garage, a septic tank and vehicular access off an existing private access road connecting with the N56 national

road at Killult, Falcarragh, Letterkenny, County Donegal, due to the intensification of use of a private access onto the N56 national secondary road, where a speed limit of 100 km/h applies, contrary to the provisions of the Donegal County Development Plan 2018-2024, in contravention of Spatial Planning and National Roads Guidelines for Planning Authorities (2012) and in conflict with national policy as set out in the National Planning Framework Strategic Outcome 2.

5.0 Policy & Context

5.1. Donegal County Development Plan 2018-2024

- 5.1.1. Map 6.2.1 of the Plan identifies the appeal site area as being within a 'structurally-weak rural area'. The subject site is situated in an area of high-scenic amenity (HSA), which are considered to have capacity to absorb sensitively-located development.
- 5.1.2. Policy T-P-4 of the Plan sets out that permission will not be given for 'developments requiring new accesses or which would result in the adverse intensification of existing access points onto National Roads where the speed limit is greater than 60kph or roads treated to National Roads Standards'. Map 5.1.3 illustrates the roads to which Policy T-P-4 applies, including the N56 fronting the appeal site. Objective T-O-6 aims to safeguard the carrying capacity of national and certain regional roads. Policy T-P-8 requires a Traffic and Transport Assessment and Road Safety Audit for any development proposing access to the Strategic Road Network. Appendix 3 to Part B of the Plan outlines Development Guidelines and Technical Standards, including those relating to entrances and visibility along national roads, where sight visibility of 215m is required in both directions at entrances to national roads outside of urban speed limit areas.
- 5.1.3. Policy WES-P-11 of the Plan requires applications for single dwellings in areas without sewers to include a site suitability assessment for the disposal of wastewater on site and details of the proposed wastewater treatment system, in compliance with the Environmental Protection Agency (EPA) Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10).

5.2. National Guidance

5.2.1. The following national guidance documents are considered relevant to this appeal:

- National Planning Framework – Project Ireland 2040;
- Spatial Planning and National Roads Guidelines for Planning Authorities (2012);
- National Roads Authority - Design Manual for Roads and Bridges (2011);
- Code of Practice - Wastewater Treatment and Disposal Systems serving Single Houses (p.e. ≤ 10) (EPA, 2011);
- Sustainable Rural Housing Guidelines for Planning Authorities (2005).

5.3. Natural Heritage Designations

5.3.1. The nearest natural heritage designated European sites to the appeal site, including SACs and Special Protection Areas (SPAs), are listed in table 1 below.

Table 1. Natural Heritage Designations

Site Code	Site Name	Distance	Direction
002047	Cloghernagore Bog and Glenveagh National Park SAC	300m	southeast
000140	Fawnboy Bog/Lough Nacung SAC	650m	north
001141	Gweedore Bay and Islands SAC	1.5km	west
004039	Derryveagh and Glendowan Mountains SPA	1.5km	southeast
004150	West Donegal Coast SPA	5km	west
004230	West Donegal Islands SPA	7.5km	northwest

5.4. Environmental Impact Assessment - Preliminary Examination

5.4.1. Having regard to the nature and scale of the proposed development, it is considered that the issues arising from the proximity and connectivity to European Sites can be adequately dealt with under the Habitats Directive (Appropriate Assessment), as there is no likelihood of other significant effects on the environment. The need for

environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal can be summarised as follows:

- meaningful and objective assessment of the application, including the site access appraisal report has not been undertaken in determining the proposed development;
- proposals overcome the previous reasons for refusal of the Board, issued under ABP Ref. 302899-18, while the reference to an appeal decision under ABP Ref. 304555-19 regarding a development at Killult, Falcarragh, is not understood;
- considerable efforts and works were undertaken to improve visibility and traffic safety at the existing entrance area and along the immediate stretch of the N56, which outweigh any minor intensification in use of the access;
- exclusion of a derogation with respect to vision lines on a national road is not provided for in the Development Plan;
- the planning authority decision refers to a 'similar precedent' in the Irish-language version and an 'undesirable precedent' in the English-language version, nevertheless, every application should be considered with respect to their individual merits;
- in the event of a favourable decision, a more comprehensive assessment with respect to the need for a NIS would be provided.

6.2. Planning Authority Response

6.2.1. The Planning Authority response to the grounds of appeal primarily reaffirms matters raised in their initial assessment, including the following:

- the Board's decision under ABP Ref. 304555-19 for a single-house near Falcarragh also proposed the use of an existing access road onto the N56 national road serving the applicant's family home. Following an initial grant of permission for this development by the planning authority, the Board subsequently refused planning permission;
- the improvement of the visibility sightlines at the entrance onto the N56 does not outweigh the shortcomings of the proposals and is not a material consideration in the assessment of the application, given that intensification of an access onto the N56 would arise.

6.3. Observations

6.3.1. None

7.0 Assessment

7.1. Introduction

7.1.1. The subject proposals comprise a similar development to that decided by the Board in March 2019 under ABP Ref. 302899-18. Consequently, I am satisfied that this assessment can be confined to consideration of whether or not the Board's previous reasons for refusal have been addressed in this new application and appeal. Arising from this, I consider the substantive planning issues in the assessment of the application and appeal, relate to the following:

- Access and Traffic Safety;
- Wastewater Treatment;
- Appropriate Assessment.

7.2. Access & Traffic Safety

7.2.1. The previous reason for refusal of the entrance arrangements to serve the proposed house was as a consequence of the proposed development endangering public safety by reason of traffic hazard and being contrary to policy outlined in Section 2.5 of the Spatial Planning and National Roads Guidelines for Planning Authorities. In

order to attempt to overcome this the appellant undertook various works at the entrance area to improve the sight visibility, including the removal of vegetation and land-levelling works within the family landholding, as well as upgrading of the existing access road turning radii and entrance width. A Site Access Appraisal report was also provided with the planning application to support the assertion that visibility below the Development Plan standards would be acceptable based on the actual subject road design speeds.

- 7.2.2. As part of their proposals, the appellant intends connecting with the existing private access serving their family home off the N56, a national secondary road that has a speed-limit restriction of 100km/hr and featuring a single unbroken white line at the subject access. Policy T-P-4 of the Plan sets out that permission will not be given for 'developments requiring new accesses or which would result in the adverse intensification of existing access points onto National Roads'. Standards relating to vision lines at accesses onto roads are set out in Appendix 3 to Part B of the Development Plan, which outlines that a visibility splay of 215m would be required from a position setback 3m from the back edge of the national road where multiple access is proposed and a stop sign is erected in a 100km/hr speed-limit zone. For a single access a 2.4m setback would be required. The Spatial Planning and National Roads Guidelines outline the planning policy considerations relating to development affecting national primary and secondary roads, including motorways and associated junctions outside the 50-60kph speed limit zones for cities, towns and villages. Section 2.5 of these Guidelines set out policy to avoid the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60km/hr apply. National Strategic Outcome 2 of the National Planning Framework includes the objective to maintain the strategic capacity and safety of the national roads network.
- 7.2.3. Within their Site Access Appraisal report, the appellant's engineering consultants assert that the use of a minimum 215m vision line for the entrance arrangements is flawed, as this standard is based on a 100km/hr speed limit, as opposed to the actual design speed of the road. Based on automatic traffic counter surveys identifying average daily traffic flows and the use of a design speed reflective of typical weather conditions, it is calculated that the design speed of the N56 fronting the site would be 87 to 88km/hr and that based on the Design Manual for Roads and

Bridges (DRMB), as well as other technical guidance, vision lines of 167m to the north and 171m to the south would be sufficient from the entrance to the N56.

- 7.2.4. The Executive Engineer (Roads) for the planning authority did not object to the development, subject to the attachment of standard planning conditions. The planning authority concluded that the proposals would result in an intensification of traffic movements onto the N56 national road, which would endanger public safety, as well as restrict the free flow of traffic, compromise road capacity, undermine national road investment and set a precedent for similar development.
- 7.2.5. While images are included in the Site Access Appraisal report to illustrate visibility at the access, a drawing showing the proposed visibility sightlines has not been provided, therefore, the precise visibility splay achievable based on the revised works and upgrade is not entirely clear. The appellant has not shown that the minimum 215m vision lines required under the provisions of the Development Plan can be achieved at the shared entrance. I acknowledge that extensive technical guidance has been presented by the appellant in asserting that visibility splays below those outlined in the Development Plan would be warranted. However, having visited the site and reviewed the data submitted, which reveals that a minimum of 10% to 13% of actual traffic speeds along the subject road currently exceed the design speeds asserted by the appellant, this highlights the necessity for the visibility splays to comprehensively address the risks to traffic safety based on the 100km/hr speed limit and the full range of achievable speeds on the immediate stretch of road. Consequently, it is imperative that the vision lines required under the Development Plan are achieved, as to disregard same would be to the detriment and endangerment of traffic safety.
- 7.2.6. The provision of an additional house would result in additional vehicular movements and an intensification in use of an access onto a national road that has not been shown to achieve the relevant traffic safety standards. While the intensification in use of the existing access would be relatively minor, as opposed to adverse, it would nonetheless be contrary to policy outlined in Section 2.5 of the 'Spatial Planning and National Roads Guidelines for Planning Authorities', which aim to avoid the generation of increased traffic from existing accesses to national roads where speed limits of greater than 60 km/h apply. The proposed development would give rise to a traffic hazard and outline permission should be refused for this reason.

7.3. Wastewater Treatment

- 7.3.1. In considering the previous appeal (ABP ref. 302899-18) for a house on this site to be served by a packaged wastewater treatment system, which would be supplemented, if required, by a soil polishing filter that would not consist of peat, the Board decided to refuse outline planning permission due to concerns that this wastewater system would be prejudicial to public health. Prior to this, outline planning permission on this site was refused by the planning authority (under DCC Ref. 18/50480) in May 2018 for a house to be served by a conventional septic tank and percolation area, due to concerns regarding surface and wastewater treatment. The planning authority relied on the report of the Environmental Health Officer (HSE) in deciding not to refuse the subject proposed development based on the details of the proposed wastewater treatment system and the site capacity for the safe disposal of effluent.
- 7.3.2. The site is situated on a poor aquifer (PI) with low vulnerability, a bedrock category that is generally unproductive except for local zones, and the EPA Code of Practice states that this is an area requiring an 'R1' response, where an on-site wastewater treatment system would be acceptable in principle, subject to normal good practice, including system selection, construction, operation and maintenance. The Site Suitability report submitted relies on the testing of the trial hole that was examined initially in February 2017 (under DCC Ref. 18/50480) with gravel and sand subsoil encountered at 0.5m depth below a peat topsoil, while bedrock was encountered at 1.78m depth and the water table was not encountered. This report states that the the sand and gravel in the trial hole consists of a medium-compacted, single-grain structure.
- 7.3.3. Percolation tests undertaken for the proposed development revealed an average T-value of 12. The Code of Practice states that where the T-value is between 3 and 50, the site is suitable for the development of a septic tank system or a secondary treatment system discharging to groundwater. Following discussion with the Environmental Health Officer a packaged wastewater treatment system with polishing filter was proposed. When assessing the proposals under ABP ref. 302899-18, the soil classification description in the trial hole log was not considered to tie in with the evidence on the ground, particularly given the compacted structure

of the gravel, sands and silts evident at 0.5m depth and the water ponding noted, which indicate the presence of low permeability soils. Furthermore, it was not established if the polishing filter to be used would provide sufficient percolation medium above groundwater level to attenuate the effluent prior to discharge to ground.

- 7.3.4. To address the concerns raised in the previous reason for refusal, the appellant's site assessment report highlights that a geotextile covering would be laid to cover the slight presence of silt in the topsoil. To address the water ponding evident on site, peat would be removed in the area of the polishing filter and a surface water drainage system installed to address hydraulic issues. Additional specifications for the wastewater treatment system are outlined, including a polishing filter measuring 90sq.m in area, maintenance and construction details.
- 7.3.5. Conditions on site remain the same as those when the previous applications were refused permission for reasons relating to wastewater treatment. The peat topsoil layer (0.5m depth) would be stripped from the ground and the sand / gravel subsoil base would be used to percolate the wastewater. Photographs of the trial hole, including the excavated sands and gravels are not omitted from the application. Having regard to the ongoing surface water ponding on site, including in the area of the proposed percolation area, as well as rocky outcrops on the site, considerable uncertainty as to the capacity of the subsoil to adequately allow for the treatment of wastewater in line with EPA standards has not been provided as part of this revised planning application and appeal. The subject sand and gravel subsoil layer show significant compaction indicative of a very low permeability subsoil and I am satisfied that it has not been established that this percolation medium would adequately attenuate the effluent prior to discharge to ground.
- 7.3.6. In conclusion, having regard to the subsoil conditions that occur on this site, including the shallow peat cover over a compacted sand and gravel subsoil layer, and given the extent of water ponding evident on site, I have concerns that the wastewater can be satisfactorily treated in accordance with the EPA Code of Practice, notwithstanding the proposed surface water drainage and the use of a packaged treatment system and soil-polishing filter. I consider that the proposed development would pose an unacceptable risk to ground water, including those that flow to the Clady River, as discussed under Section 8.0 below, and would be

prejudicial to public health. Accordingly, outline permission should be refused on these grounds.

8.0 Appropriate Assessment – Stage 1 Screening

8.1. Introduction

- 8.1.1. The proposed development is described in section 2 of this report. The planning authority decided to refuse permission on the basis of a lack of clarity regarding the likely significant effect on Fawnboy Bog/Lough Nacung SAC. Neither an Appropriate Assessment (AA) Screening Report nor a Natura Impact Statement (NIS) were submitted with the application or appeal. The appellant states that this would be provided if other matters were resolved.
- 8.1.2. There are open drains running along the side and rear boundaries of the site. These drains flow northwards into a tributary of the Clady River, a river which is noted as having a good ecological status in the River Basin Management Plan.

8.2. Description of European Sites

- 8.2.1. Neighbouring European sites are listed in table 1 of Section 5.3 to this report. With the exception of the Fawnboy Bog/Lough Nacung SAC (Site Code: 000140), I am satisfied that the other neighbouring European sites can be screened out on the basis that significant effects on these European sites from the proposed development can be ruled out as a result of the separation distance from the appeal site to these European sites or the location of these European sites upstream of the appeal site.
- 8.2.2. The Fawnboy Bog/Lough Nacung SAC includes almost the entire freshwater element of the Clady River and Lough Nacung.

Table 2. Qualifying Interests & Conservation Objectives for Fawnboy Bog/Lough Nacung SAC

Qualifying Interests	Conservation Objectives
4010 – Northern Atlantic wet heaths with Erica tetralix	To restore the favourable conservation condition of Northern Atlantic wet heaths with Erica tetralix.

7130 - Blanket bogs (if active)	To restore the favourable conservation condition of Blanket bogs
7150 - Depressions on peat substrates of the Rhynchosporion	To restore the favourable conservation condition of Depressions on peat substrates of the Rhynchosporion
1029 - Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>)	To restore the favourable conservation condition of Freshwater Pearl Mussel

8.2.3. Map 3 accompanying the National Parks and Wildlife Service (NPWS) Site Conservation Objectives for the Fawnboy Bog/Lough Nacung SAC identifies the appeal site as being upstream and within the catchment for Freshwater Pearl Mussel (*Margaritifera margaritifera*).

8.3. Is the project necessary to the management of European sites?

8.3.1. The proposed development is not necessary to the management of Fawnboy Bog/Lough Nacung SAC or any other European site.

8.4. Direct, Indirect or Secondary impacts

8.4.1. There is hydrological connectivity via surface water drains between the proposed works site and the Fawnboy Bog/Lough Nacung SAC. Arising from this, the likely significant impacts, with reference to the Fawnboy Bog/Lough Nacung SAC site conservation objectives, would be solely through:

- pollutants or sedimentation to ground or surface water (e.g. run-off silt, fuel oils, wastewater effluent) at construction and operational phases of the proposed development.

8.4.2. I note the concerns raised in my assessment above regarding the suitability of the development to be operated using a proposed packaged wastewater treatment system with soil polishing filter. While I recognise that the qualifying features of the European site predominantly consists of heath, bog and peatland habitats, it also supports the restoration of Freshwater Pearl Mussel to favourable conservation condition. Organic matter, such as human waste, can contribute significantly to the degradation of Freshwater Pearl Mussel habitat. Having regard to the proximate

downstream hydraulic connectivity between the appeal site and the Clady River, there is potential for interdependence and interconnectivity between the Freshwater Pearl Mussel habitat and surface water running along the appeal site. There are concerns that the proposed development would pose an unacceptable risk to groundwater feeding into the local surface water catchment. Therefore, it cannot be reasonably ruled out beyond scientific doubt that there would not be significant effects, either individually or in combination with other plans or projects, on this European site on the basis of the information available.

8.5. Cumulative and In-Combination Effects

- 8.5.1. I do not consider that there are any specific in-combination effects that arise from the development when taken in conjunction with other plans or projects.

8.6. Appropriate Assessment Screening Conclusion

- 8.6.1. On the basis of the information provided with the application and the appeal 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 be likely to have a significant effect on Fawnboy Bog/Lough Nacung SAC (Site Code: 000140), in view of the site's Conservation Objectives. In such circumstances, the Board is precluded from granting approval/permission.

9.0 Recommendation

- 9.1. I recommend that outline permission be refused for the reasons and considerations set out below.

10.0 Reasons and Considerations

1. It is a requirement of the planning authority, as set out in the Donegal County Development Plan 2018-2024 that entrance arrangements be in accordance with the standards set out in Appendix 3 to Part B of the Development Plan. Having regard to the additional use of an existing access in a shared arrangement and the location of the proposed vehicular entrance/egress to

serve the house at an existing substandard access onto the national road, it is considered that, given the restricted sightlines, where traffic turning movements generated by the development would interfere with the safety and free flow of traffic along the public road, the proposed development would endanger public safety by reason of traffic hazard and would be contrary to policy outlined in Section 2.5 of the “Spatial Planning and National Roads Guidelines for Planning Authorities” issued by the Department of the Environment, Community and Local Government in January, 2012, which aims to avoid the generation of increased traffic from existing accesses to national roads where speed limits of greater than 60 km/h apply. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the ground, soil and subsoil conditions observed on the site with shallow peat cover over compacted sands and gravels and extensive water ponding evident on site, the Board is not satisfied that the site is suitable for the treatment and disposal of domestic foul effluent in accordance with the ‘Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)’, 2009 and subsequent clarifications issued by the Environmental Protection Agency. The proposed development would, therefore, be prejudicial to public health.
3. On the basis of the submissions made in connection with the planning application and the appeal 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 be likely to have a significant effect on Fawnboy Bog/Lough Nacung Special Area of Conservation (Site Code: 000140), or any other European site, in view of the site’s conservation objectives. In such circumstances, the Board is precluded from granting outline permission.

Colm McLoughlin
Planning Inspector

8th December 2020