

An  
Bord  
Pleanála

**Board Direction**  
**BD-019236-25**  
**ABP-319136-24**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/03/2025.

The Board decided to refuse permission for the following reasons and considerations.

**Reasons and Considerations**

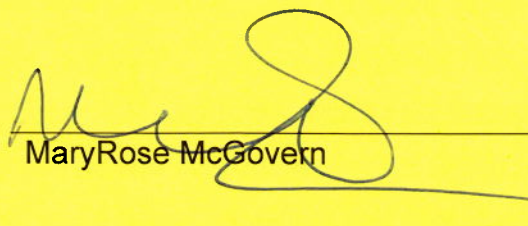
Having regard to the contents of the Natura Impact Statement (NIS) submitted by the Applicant, which addressed impact prediction only for the construction phase of the development, and did not address the predicted impacts of the operational phase of the proposed development, including the impact of staff, visitors and car washing operations from two no. 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 and Middle Shannon Special Protection Area, European sites. Therefore, the proposed development would be contrary to proper planning and sustainable development 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 component from the two no. 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.

**Board Member**



MaryRose McGovern

**Date:** 20/03/2025