



An  
Bord  
Pleanála

**Board Direction**  
**BD-018468-24**  
**ABP-319463-24**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 13/12/2024.

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

#### **Reasons and Considerations**

Having regard to the information on file in relation to the proposed development to be retained, the nature and quantity of the material deposited at the site, which includes the disposal of construction and demolition waste, the proximity of the site to the Caherlesk Stream\_010 which is a tributary of the Kings River which forms part of the River Nore SPA (004233) and the River Barrow and River Nore SAC (002162) and the location of the site in an area identified as a flood risk, the Board cannot be satisfied beyond reasonable scientific doubt that the development for which retention is sought, either individually or in combination with other plans or projects, would not adversely affect the River Nore SPA and the River Barrow and River Nore SAC in view of these sites' conservation objectives. In such circumstances the Board is not satisfied to grant permission for the development proposed to be retained.

In deciding not to accept the Inspector's recommendation to grant permission, the Board had regard to the Appropriate Assessment Screening Determination set out in the Inspector's Report. The Board noted the site is in an area prone to flooding and lies immediately adjacent to the Caherlesk Stream which is hydrologically connected to the River Nore SPA and the River Barrow and River Nore SAC. The Board further noted the site-specific conservation objectives, measures and targets for these two

European sites including, inter alia, the requirement to achieve good to high status water quality. The Board considered that, having regard to the hydrological connectivity between the site and the Kings river via the Caherlesk stream, the works proposed for retention which have by their nature already been undertaken, could have potentially affected these European sites indirectly through siltation arising from vegetation clearance, topsoil removal and deposition works in an area prone to flooding. The Board was not satisfied based on the totality of the information on file, including the Inspector's Appropriate Assessment Screening Determination, that it has been satisfactorily demonstrated that the development proposed to be retained is unlikely to have had a significant effect and did not adversely affect these two European sites.

**Board Member**

  
Mary Gurré

**Date:** 08/01/2025