



## Board Direction

Ref: PL08.244110

The submissions on this file and the Inspector's report were considered at a Board meeting held on March 13<sup>th</sup> 2015.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons, considerations and conditions.

### Reasons and Considerations

Having regard to the existence of the factory unit on site and its 15m high stack, the slender nature and limited height of the proposed new chimney stack, the location of the site in a broad valley, the proposals to screen the factory and chimney stack using trees and shrubs, the proposal to mitigate odour nuisance through increase in height of the chimney stack, it is considered that, subject to compliance with the conditions set out below, the proposed development will not be detrimental to the visual amenities of the area and will not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### Appropriate Assessment

The Board noted the Appropriate Assessment Screening Report submitted with the application, the Habitats Directive Screening Report prepared by the planning authority, and the screening assessment carried out by the Senior Planning Inspector. The Board agreed with the Inspector's conclusion that the proposed development, which is not directly connected with or necessary to the management of a European site, would not give rise to a significant effect on a European site, having regard to the separation distance of the proposed development from the nearest European sites - the River Shannon and River Fergus Estuaries SPA (site code 004077) and the Lower River Shannon SAC (site code 002165) - the nature of the development and the lack of connection between the site and these European sites. The Board adopted the Inspector's report and

assessment in this regard and concluded, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European sites.

Determination in respect of Environmental Impact Assessment.

The Board noted that the industrial development on the site relates to an activity that is subject to IE licensing by the Environmental Protection Agency, and noted that an application for such a licence had been submitted, with an Environmental Impact Statement, to the EPA. The Board noted the stack, that is the subject of this present planning application, would be included in the EPA's Assessment. The Board noted the report by the Senior Planning Inspector in respect of the need for an Environmental Impact Statement in this planning application, and concurred with the Inspector that the submission of an Environmental Impact Statement was not warranted in the case of the planning application as the proposed development would not be likely to have a significant effect on the environment.

**Conditions**

1. Planspartic.

**Reason:** In the interest of clarity.

2. The developer shall carry out landscaping on site, as outlined in Appendix 1 of the Visual Impact Assessment Report submitted to the planning authority as part of the planning application, within one year of the date of commencement of development.

**Reason:** In the interest of visual amenity.

3. No advertising shall be applied, or advertising structures affixed, to the proposed chimney stack.

**Reason:** In the interest of visual amenity.

4. CMP1

Board Member: \_\_\_\_\_  
Philip Jones

Date: 19<sup>th</sup> March 2015