



Board Direction

Ref: PL10.245770

The submissions on this file and the Inspector's report were considered at a Board meeting held on 22nd March 2016.

Appropriate Assessment

Having regard to the nature, scale and extent of the proposed development, the Natura impact statement submitted with the application and the mitigation measures contained therein, the submissions on file and the Inspector's assessment, the Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment and completed an appropriate assessment of the impacts of the proposed development on nearby Natura 2000 sites, specifically the River Barrow and River Nore SAC and the River Nore SPA. In completing the appropriate assessment the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned Natura sites, having regard to the sites' conservation objectives.

The Board was satisfied that subject to the implementation of the identified mitigation measures and on the basis of the information available, the proposed development, either individually or in combination with other plans or projects, would not adversely affect the integrity of any Natura site, having regard to the conservation objectives of those sites.

Environmental Impact Assessment

The Board carried out an assessment as to whether the development would or would not be likely to have significant effects on the environment by reference to the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001 and determined, having regard to the characteristics of the proposed development, its location and the characteristics of potential impacts that the proposed development would not be likely to have significant effects on the environment and, therefore, there is no requirement for an environmental impact assessment.

Decision

The Board decided to treat this case under section 139 of the Planning and Development Act, 2000, as amended, as the Board was satisfied that the determination by it of the application as if it had been made to it in the first instance would not be warranted. The Board also decided, based on the Reasons and Considerations set out below that the planning authority be directed, as follows:

Remove condition number 12.

Amend condition number 13(k) as follows.

- (a) The total residual chlorine levels in any discharges to waters from the Grennan reservoir and associated pipe work shall not exceed 0.5mg/l and shall only discharge during periods when water levels in the River Nore exceed 75 percentile flows.
- (b) The total residual chlorine levels in any discharge to waters associated with the Inistioge reservoir and associated pipe work shall not exceed 0.5mg/l and shall only discharge during periods when water flows in the River Nore exceed 50 percentile flows.
- (c) The cleansing/scouring of the Grennan reservoir and associated pipe works and the cleansing/scouring of the Inistioge reservoir and associated pipe work should not take place within the same 24 hour period.

Reason: In the Interest of protecting the environment

REASONS AND CONSIDERATIONS

Having regard to the proposed operational arrangements to be employed for the flushing of pipes on completion of the works and during operation, including limits on chlorine discharges of 0.05 mg/l and the limiting of discharges from pipes and reservoirs to periods when the river flow is higher than the 75 percentile flow rate and 50 percentile flow rate respectively, the Board considered that condition 12 was not necessary to ensure that the quality of receiving waters was safeguarded.

Having regard to the application of these same operational arrangements in the context of condition 13(k), to the infrequency of the scouring activity and to the assimilative capacity of the receiving waters with respect to chlorine

the Board considered that the proposed amendments to the condition were appropriate and would ensure the safeguarding of the quality of the waters.

Please issue a copy of the Direction with the Order.

Board Member: _____
G.J. Dennison

Date: 23rd March 2016