



An  
Bord  
Pleanála

**Board Direction**  
**BD-000622-18**  
**ABP-300513-17**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/07/2018.

The Board decided to refuse to approve the proposed development in accordance with the following reasons, and considerations.

### **Reasons and Considerations**

1. Having regard to the conservation objectives for the River Barrow and River Nore SAC (site code 002162), to the 2014 survey of the Nore freshwater pearl mussel (*Margaritifera durrovensis*) which is a qualifying interest of the site, to the sensitivity to water quality and particularly to sedimentation, and to the poor conservation status of this critically endangered species which is only known to occur along a short stretch of the River Nore below Poorman's Bridge, and to the absence of adequate water level data and turbidity survey data in circumstances where works are proposed to commence in summer 2018, and where the County Council has confirmed that the collection of such data only commenced in February 2018, the Board is not satisfied, based on the information submitted, that the proposed development would not adversely affect the integrity of this European Site, a conservation objective of which requires that the distribution of this qualifying interest be maintained at 15.5 km, from Poorman's Bridge (S407859) to Lismaine Bridge (S442660), and that suitable habitat is to be restored, rather than maintained.

2. Having regard to the absence of an architectural heritage assessment of Poorman's Bridge and an archaeological appraisal of this river crossing point, the Board cannot be satisfied that the proposed remedial interventions to the Protected Structure are appropriate and that the proposed development will not have an unacceptable impact on archaeological heritage, and therefore considered that the proposed development is not in accordance with the proper planning and development of the area.

In deciding not to accept the Inspector's recommendation to approve the proposed development, the Board considered the NIS to be deficient, and therefore could not be satisfied that the proposed development would not adversely affect the integrity of the European Site. Furthermore, the Board was not satisfied that the proposed development would not adversely impact on the cultural, archaeological and architectural heritage of the area.

**Note:** The Board considered that the NIS should have been updated as a stand-alone document, and to also include assessment of the proposed road resurfacing but, considering the substantive reasons for refusal above, did not pursue this matter further. The Board is also required to carry out an assessment of the likely effects of the proposed development on the environment and, in this regard, noted that very little information had been provided other than in respect of Appropriate Assessment.

Enclose this Direction with the Board Order.

**Board Member**

**Date:** 04/07/2018

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John Connolly