



An
Bord
Pleanála

Board Direction
BD-001141-18
ABP-300610-18

The documentation on this file and the Inspector's report were considered at Board meetings held on 13th June 2018.

In deciding to defer consideration of this case and pursuant to article 250 3(e) of the Planning and Development Regulations, 2001, as amended, the Board took a precautionary approach and requested that the planning authority provide further details/clarifications to facilitate the Board in making a determination in relation to the need for Appropriate Assessment for the proposed development.

Further details/clarifications were submitted by the planning authority on the 30th July, 2018. The documentation on file was considered at a further Board meeting held on 20th September 2018. In reviewing the further information received, the Board did not consider that the submission contained any new information which would warrant further circulation and the Board approved the following direction.

REASONS AND CONSIDERATIONS

Having regard to:

- (a) the nature and scale of the proposed development including the limited additional footprint of the proposed new development and extent of additional overall floorspace, and the fact that the development is connected to the public foul drainage network,

- (b) the location of the proposed development outside of any Natura 2000 site,
- (c) the separation distance between the proposed development and the European sites at the closest points,
- (d) The impervious concrete slab that characterises the development site and adjoining lands and the absence of any pathway to the European sites other than overland or by way of service connections,
- (e) the proposed construction management approach, including the use of best practice construction methods and the preparation of a construction and environmental management plan (CEMP) and measures to ensure that contaminated surface water and construction materials are not discharged to the River Nore during either the construction or operational phases of the project,
- (f) the lack of significant in combination effects arising from other proposed and permitted development in the vicinity,
- (g) the submissions made to the Board, and
- (h) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter,

it is considered reasonable to conclude that, on the basis of the information available which is considered adequate to issue a screening determination, the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the River Barrow and River Nore Special Area of Conservation (Site code: 002162) or the River Nore Special Protection Area (Site code: 004233), or any other European site, in view of the sites' conservation objectives and, therefore, the submission of a Natura impact statement for the proposed development is not required.

Note: Please issue a copy of the further details/clarification, received by the Board from Kilkenny County Council on 30th July 2018, to the applicant in conjunction with the Board Order.

Board Member

Date: 20/09/2018

Maria FitzGerald