



An
Bord
Pleanála

Board Direction
BD-004548-19
ABP-305033-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/11/2019.

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

Reasons and Considerations

Having regard to the nature of the proposed development for which retention is sought, which comprises the construction of a flow measuring weir on the River Owennafeana River, to the information within the Habitats Directive Screening for Appropriate Assessment Report submitted by the applicant, and to the Appropriate Assessment Screening exercise undertaken by Kerry County Council, the Board cannot be satisfied on the basis of the information provided and in the absence of a Natura Impact Statement that the proposed development for which retention is sought, individually, or in combination with other plans or projects would not adversely affect the integrity of Mount Brandon Special Area of Conservation (Site Code: 000375) or any other European site, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting permission to this development for which retention is sought.

In deciding not to accept the Inspector's recommendation to grant permission, the Board is not satisfied on the basis of the submissions made in connection with the planning application and the appeal, particularly in relation to the potential likely direct and indirect impacts arising from the construction phase, that the proposed

retention of the flow measuring weir, either individually or in combination with other plans or projects would not be likely to have a significant effect on the Mount Brandon Special Area of Conservation (Site Code: 000375) or any other European site, in view of the site's Conservation Objectives. Furthermore, the board noted proposed conditions to implement restoration and the removal of the weir and having regard to the absence of an Natura impact statement and of information on the proposed methodology for these activities, the Board could not be satisfied that these activities would not adversely affect the integrity of Mount Brandon Special Area of Conservation (Site Code: 000375) or any other European site, in view of the site's Conservation Objectives and that these conditioned activities. In such circumstances the Board is precluded from granting permission to this development for which retention is sought.

Board Member

Date: 19/11/2019

Maria FitzGerald