

**An
Bord
Pleanála**

**Board Direction
BD-014486-23
ABP-311637-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 07/11/2023.

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

Reasons and Considerations

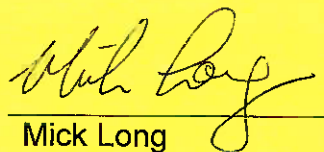
1. On the basis of the information submitted with the application and appeal, and having regard to the characteristics of the proposal, the Board is not satisfied that the proposed development would not have a significant adverse impact on the residential amenities of the area and on the surrounding and receiving environment and biodiversity. It is considered that insufficient information has been submitted to enable the Board to comprehensively evaluate the likely impact of the proposed development on the locality and the wider environment and would be contrary to the proper planning and sustainable development of the area.
2. On the basis of information provided the applicant has not adequately demonstrated that the proposed development including the effectiveness of the treatment process would be in accordance with Objective 10G of the Kilkenny City and County Development Plan 2021-2027 "To implement the Southern Region Waste Management Plan". Policy G3 of the Southern Region Waste Management Plan 2015-2021 aims to "ensure there is a consistent approach to the protection of the environment and communities through the authorisation of

locations for the treatment of wastes” and Section 16.5 of that plan sets out a number of Environmental Protection Criteria for waste related activities for the General Environment and European Sites. The development would therefore be contrary to the proper planning and sustainable development of the area.

3. The Board is not satisfied, on the basis of the information provided with the application and appeal that the proposed development individually, or in combination with other plans or projects, would not adversely affect the integrity of the River Barrow and River Nore Special Area of Conservation (Site Code:002162) and the River Nore Special Protection Area (Site Code: 004233), in view of the sites' Conservation Objectives. In such circumstances the Board is precluded from granting permission.

4. Having regard to the scale and characteristics of the proposal, to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 as amended, to the advice in paragraphs [5.36 to 5.37] of the Guidance for Consent Authorities regarding Sub-threshold Development issued by the Department of the Environment, Heritage and Local Government in August, 2003, relating to the magnitude and complexity of impact it is considered that the proposed development would be likely to have significant effects on the environment and should be subject to an environmental impact assessment within the meaning of Part X of the Planning and Development Act, 2000, as amended. The proposed development would, therefore, require an Environmental Impact Assessment Report which should contain the information set out in Schedule 6 of the said Regulations.

Board Member


Mick Long

Date: 07/11/2023