



An  
Bord  
Pleanála

**Board Direction**  
**BD-016489-24**  
**ABP-318244-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 05/06/2024.

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

### **Reasons and Considerations**

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Blackwater River (Kerry) SAC (site code 002173) and the Kenmare River SAC (site code 002158) are the only European sites in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposal for Blackwater River (Kerry) SAC (site code 002173) and Kenmare River SAC (site code 002158), in view of the sites' conservation objectives.

In completing the appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal,
- iii. the conservation objectives for the European Sites, and

- iv. the submissions of the statutory conservation agency, the National Parks and Wildlife Service.

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 proposal on the integrity of the aforementioned European Sites, having regard to the sites' conservation objectives.

Thus, the Board is not satisfied that the local authority has demonstrated that the proposal would not adversely affect the integrity of the Blackwater River (Kerry) SAC in view of the site's conservation objectives because

- i. the proposal would entail works in an area where Freshwater Pearl Mussel is known to be present and there are lacunae in the information provided as to the specific floating pontoon methodology and the installation of a scaffolding deck without impacting on that qualifying interest, and
- ii. there are lacunae in the information provided on the use of the riparian corridor in this location as part a commuting/foraging route of the Lesser Horseshoe Bat, and such information can't be deferred to a post-consent/pre-construction survey.

In overall conclusion, the Board is not satisfied that the proposed development would not adversely affect the integrity of the European Site in view of the site's conservation objectives.

**Board Member**

Eamonn James Kelly  
Eamonn James Kelly

**Date:** 06/06/2024