

Board Order **PL 08.248070**

Planning and Development Acts 2000 to 2017

Planning Authority: Kerry County Council

Planning Register Reference Number: 16/1165

Appeal by Rainpower Limited care of OES Consulting of Anfield House, Baldonnell Business Park, Naas Road, Dublin against the decision made on the 27th day of January, 2017 by Kerry County Council to refuse permission for the proposed development.

Proposed Development: Development consisting of a small hydroelectric scheme on the Owbeg River. Water is to be abstracted upstream of Meelick Bridge at Meelick Falls and diverted through 1.2 kilometres of pipe to the proposed turbine house from where the water will gradually be reintroduced into the river at Slaght, Kilgarvan, County Kerry.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

It is considered that the information submitted during the consideration of the application including the Ecological Impact Assessment report (EIA), lacks clarity in relation to baseline information on flow, rate of extraction and impact upon the river channel hydrology and hydrography, in particular whether there would be a 30 per cent change in the maximum, minimum or mean flows in the main river channel. The Board is therefore not satisfied, on the basis of the information provided that the proposed development would not be likely to have significant adverse impacts on the environment, and that the potential environmental impact is such that an Environmental Impact Assessment is warranted. The Board requested an Environment Impact Statement and no Environmental Impact Statement was submitted to address the concerns of the Board in this regard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Given the qualifying interests and conservation objectives, as well as the separation distances and proposed construction methodology, the Board did not share the Inspector's concerns that the proposed development individually, or in combination with other plans or projects could adversely affect the integrity of the European site Kenmare River Special Area of Conservation (Site Code 002158), or any other European site.

Member of An Bord Pleanála duly authorised to authenticate the seal of the Board.

Dated this day of 2018

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