



An
Bord
Pleanála

Board Order ABP-300610-18

Planning and Development Acts, 2000 to 2018

Planning Authority: Kilkenny County Council

Application by Christopher O’Keeffe requesting An Bord Pleanála to exercise its powers under article 250(3)(a) of the Planning and Development Regulations, 2001, as amended, whether the local authority should be directed to prepare a Natura impact statement in respect of the development of Brewhouse Building, Gardens, Kilkenny.

Decision

Direct the local authority not to prepare a Natura impact statement in respect of the said proposed development based on 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.

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,

