

An
Bord
Pleanála

Board Order ABP-310305-21

Planning and Development Acts, 2000 to 2020

Planning Authority: Kilkenny County Council

Application by Enya Kennedy of 21 Talbot Place, Lakeside, Kilkenny, County Kilkenny, and Christopher O'Keefe (on behalf of Freshford Road Residents Association) of 5 Greenfields, Freshford Road, County Kilkenny requesting An Bord Pleanála to exercise its powers under article 250(3)(b) of the Planning and Development Regulations, 2001, as amended, whether Kilkenny County Council should be directed to prepare a Natura impact statement in respect of the proposed Loughmacask Link Road Phase 1(a) from the R693 Kilkenny to Freshford Road to approximately 50 metres west of the Dunningstown Road at Lousybush, County Kilkenny.

Decision

NOT TO DIRECT the local authority to prepare a Natura impact statement in respect of the proposed development, based on the reasons and considerations set out below.

Matters Considered

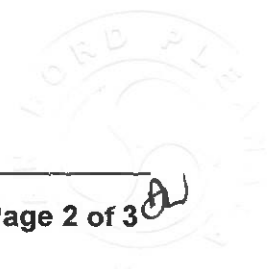
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard.

Reasons and Considerations

Having regard to:

- (a) the nature and limited scale of the proposed development which entails modifications and extension to an existing roadway,
- (b) the marginal decrease in the net discharge to the River Nore through installation of a new soakaway system as part of the detailed design of the scheme,
- (c) the separation distance between the proposed development and European Sites and the limited potential for significant impacts arising from the proposed development,
- (d) the submission made on behalf of the local authority, including the Appropriate Assessment Screening Report dated January 2020, and the additional documentation received in response to the request for additional information, and
- (e) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter,

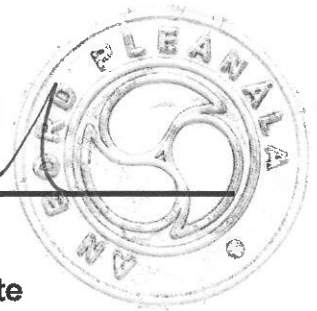
it is considered reasonable to conclude that, on the basis of the information available which is considered adequate to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the River Barrow and River Nore Special Area of Conservation (Site Code: 002162) or the River Nore Special Protection Area (Site Code: 004233), in view of the conservation objectives of these sites and that a stage 2 appropriate assessment and the submission of a Natura impact statement for the proposed development is, therefore, not required.



In not accepting the Inspector's recommendation, the Board considered that the additional information provided by the local authority, including the technical note and ecological survey report, provided sufficient clarity in relation to the management of surface water run-off during construction, to the details and location of the proposed soakaways and to the ecological survey report to conclude that the proposed development would not be likely to have a significant effect on those European Sites.



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



Dated this 8th day of October 2021