

An
Bord
Pleanála

Board Order ABP-318244-23

Planning and Development Acts, 2000 to 2022

Planning Authority: Kerry County Council

Application by Kerry County Council for approval under section 177AE of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including a Natura Impact Statement, lodged with An Bord Pleanála on the 16th day of October, 2023 and the further information received by An Bord Pleanála on the 19th day of January, 2024.

Proposed Development: Proposed refurbishment works at Boston Bridge to consist of the following:

- vegetation clearance,
- tree removal,
- masonry repointing,
- removal of soft verges,
- installation of kerbs on road edge,
- resurfacing works,
- concrete foundation works, and
- installation of eight number stainless steel tie-bars.

All located at Boston Bridge, Gearha South, Blackwater, Killarney, County Kerry.

Decision

REFUSE TO APPROVE the above proposed development based on the reasons and considerations under.

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) Special Area of Conservation (Site Code: 002173) and Kenmare River Special Area of Conservation (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) Special Area of Conservation (Site Code: 002173) and Kenmare River Special Area of Conservation (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 Department of Housing, Local Government and Heritage, Development Applications Unit.


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) Special Area of Conservation (Site Code: 002173) in view of the Site's conservation objective due to the following reasons;

- 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.


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



Dated this 12th day of June, 2024