



An
Bord
Pleanála

Inspector's Report

ABP-317300-23

Development

Proposed alterations to the previously permitted Morell River Flood Management Scheme (JA0042)

Location

along the River Morell, north of Naas, and in the townlands of Ballyhays, Turnings, Killenmore and Baronrath, Sherlockstown and Killeenmore, Kill East and Tuckmilltown, County Kildare

Applicant(s)

Kildare County Council

Type of Application

Section 146B - Request to alter development approved under Section 175 of the Planning and Development Act, 2000, as amended.

Date of Site Inspection

N/A

Inspector

Alaine Clarke

1.0 Introduction

- 1.1. Kildare County Council was granted approval (ABP ref. no. 09.JA0042) under section 175 of the Planning and Development Act 2000, as amended, for flood relief works, known as the Morell River Flood Management Scheme (MRFMS) on 26th April 2018 subject to 8 conditions.
- 1.2. RPS Group Limited submitted this request on behalf of Kildare County Council pursuant to section 146B of the Planning & Development Act 2000, as amended, for alterations to that permission.

2.0 Site Location and Description

- 2.1. The proposed alterations to the permitted scheme are limited to a small area within Killeen Golf Club, located north of the village of Kill in Co Kildare. The golf club is in use and the proposed alterations are located on the course, south and east of the existing club house. A large pond is located to the south of the club house.

3.0 Planning History

- 3.1. ABP ref. no. 09.JA0042 – approval granted in April 2018 for the Morell River Flood Management Scheme which was designed to alleviate flooding to properties for up to 1% annual exceedance probability (AEP). The permitted scheme is located along the River Morell, north of Naas in the townlands of Ballyhays, Turnings, Killenmore and Baronrath, Sherlockstown and Killeenmore, Kill East and Tuckmilltown, all in County Kildare. Construction on the scheme commenced in August 2020, and is scheduled for completion in 2025.
- 3.2. The works permitted consist of a combination of a number of different flood risk management methods – 32 in total. These would primarily include the use of retaining walls and embankments to hold the flood waters within the river channel or within controlled floodplains and storage areas. In addition, specific localised measures are proposed including the use of hard defences to protect properties at risk of flooding during a 1% AEP flood event. The aim of such defences is to divert flow paths away from these properties.
- 3.3. In summary, the MRFMS approved by the Board in 2018 comprises:

- construction or restoration of over 9,000 metres of sloped embankments;
- construction of up to 480 metres of flood walls to direct the flood water away from high-risk areas;
- two localised stream realignments;
- and up to 11 culvert alterations/upgrades.

4.0 Requested Alterations

4.1. The request was accompanied by a number of documents including:

- Planning Report prepared by RPS;
- Technical and Environmental Report (T&ER) prepared by RPS which includes Envirico Survey Report (Ecological Assessment);
- Appropriate Assessment Screening Report prepared by RPS; and
- The following planning and engineering drawings prepared by RPS
 - Killeen Golf Club – Proposed Works Overall Layout Plan, 1:1000
 - Killeen Golf Club – Proposed Works Overall Layout Plan, 1:500
 - Killeen Golf Club – Proposed Works Cross Sectional Details, 1:50.

4.2. The T&ER states that an improved flood management solution was identified during the detailed design process, affecting 4 of the 32 permitted flood defences. This improvement would locally alter the design of the flood defences at Killeen Golf Club. The flood defence redesign would lower and reconfigure the consented defences within the Killeen Golf Club area.

4.3. The design rationale in the area is to intercept and store overland flow from the River Morell in a 1% AEP1 flood event to prevent damage to 5 private dwellings and the golf clubhouse. To achieve this the following flood defences were proposed within the Killeen Golf Course:

- Morr 20 (embankment + culvert)
- Morr 21 (embankment)
- Morr 22 (wall)

- Morr 23 (embankment)

- 4.4. The design heights of these flood defences were relatively high at 1.7-2m. According to the T&ER, these defences were positioned out on the course where they could be blended into the features of the terrain.
- 4.5. Following planning approval under 09.JA0042, a topographic survey within the golf course identified a drainage channel, the extent of which was previously unknown to the scheme. According to the T&ER, this drainage channel has the potential to safely convey a proportion of the floodwater north, towards the Painestown River and would reduce the volume of flood water being stored behind the proposed defences, and in turn reduce their required height. The hydraulic model was updated to include this drainage channel, and it was confirmed that the flood extents and depths were lower compared to those modelled at the preliminary design stage meaning the permitted defences could be lowered. The proposed design change represents an overall reduction in defence footprint and height, resulting in moving the defences away from the playable golf area.
- 4.6. The total length of the proposed defences is reduced from 979m to 852m. The overall heights are approximately halved on average to 0.7., 0.8m, 0.5m and 0.8m from 1.73m, 1.73m, 1.8m and 1.5m respectively. Table 2-1 of the T&ER provides a useful comparison of consented and proposed design. The reduced height is stated to greatly reduce the visual and operational impact to the golf course.

5.0 Legislative Basis

- 5.1. Section 146B (1) of the Planning and Development Acts allows a person who intends to carry out a strategic infrastructure development to request the board to alter the terms of that approved development. Under sub-section 2 the board must then decide, as soon as is practicable, whether to do so would constitute a material alteration in the terms of the development. If the Board decides that it would not be material, then under section 146B (3)(a) it must alter the approval accordingly.
- 5.2. If the board decides that it would constitute a material alteration of the terms of the development, then under 146B(3) it shall require the requester to submit the information specified in Schedule 7A of the Regulations and any further information

relevant to the characteristics of the proposed alteration and its likely effects on the environment.

- 5.3. Under 146B(4A) the Board is obliged to make a decision within 8 weeks of the receipt of the above information (Schedule 7A) as to whether the proposed alteration should be made, whether a different alteration from that sought should be made or whether to refuse to make the alteration. Under 146B(5) the Board can make the above determination where it first determines that the proposed alteration is not likely to have significant effects on the environment. In the event that the Board determines that the alteration would be likely to have significant effects on the environment then section 146C applies.
- 5.4. Where section 146C applies the board must require the person making the request to prepare an environmental impact statement and submit it to the board and the local authority, and to publish a notice stating that this statement has been submitted and that the submissions or observations upon it may be made to the board within a specified period of not less than 4 weeks. After that period that board may determine the matter under section 146B(3)(b) having regard to various matters set out in section 146C(6).

6.0 Board Correspondence

- 6.1. In accordance with section 146B(2)(b) it was considered appropriate to invite a submission from Kileen Golf Course in respect of the proposed alterations to the permitted flood management scheme. A response on behalf of Kileen Golf Club was received on 23rd August 2023 wherein it was advised that the revised plan would lead to much less disruption to the facility during the period of construction. The original plan would impact 6 holes on the course; the revised option impacts 3 holes and reduces the business and environmental impact. The response further advises that they are in agreement with the revised design.

7.0 Assessment

- 7.1. The first consideration in relation to this request to alter the development approved under ABP 09.JA0042 is to determine if the making of the alteration would constitute the making of a material alteration of the terms of the flood management scheme.

7.2. Physical Works/Alterations to Scheme

- 7.2.1. As stated above, the scheme comprises 32 flood defence assets, designed to manage flooding over a large area of the Morell River catchment. Following detailed site investigations, the required storage volume at this location has been reduced resulting in a reduction of the flood defence heights and reconfiguration of the defence layout at the Golf Course.
- 7.2.2. The specific alterations to the scheme are set out in section 4.6 above and represent an overall reduction in defence footprint and height of 4 of the 32 permitted flood defences. Having reviewed the drawings submitted with the application and considered the Technical and Environmental Report, I am satisfied the proposed alterations are relatively minor in nature and reduce the scale of the works proposed at this location as part of the overall flood management scheme.

7.3. Environmental Considerations:

- 7.3.1. The Technical and Environmental Report (T&ER) submitted with the application considers the effect of the proposed alterations following the sequence of the EIAR submitted with the original flood scheme development, ABP 09.JA0042. I consider (below) the materiality of alterations having regard to the environmental sensitivities and potential effects of the proposed alternations.

7.3.2. Population and Human Health

The proposed alterations will have a reduced negative impact on the users of Kileen Golf Club as the flood defences will now avoid the playing area of the course completely thereby reducing disruption. No new population and human health issues therefore arise.

7.3.3. Traffic, Transport and Built Services

Overall, there will be a reduction in the volume of embankment material required to be delivered to the site and thus a reduction in HGV movements.

7.3.4. Air Quality and Climate

Overall, there will be a reduction in emissions and dust resulting from a reduction in HGV movements.

7.3.5. Noise and Vibration

Overall, there will be a reduction in noise and vibration resulting from a reduction in HGV movements.

7.3.6. Landscape and Visual

Overall, there will be a reduced visual impact due to the reduction in the required defence heights.

7.3.7. Terrestrial Biodiversity

A habitat survey was undertaken by Envirico Ltd in September 2022, included as Appendix B to the T&ER. This survey found no new habitats or invasive species in the proposed works area, however non-breeding adult mute swans were present on the ponds on the golf course, along with mallard ducks, which were not previously recorded in the EIAR associated with the permitted scheme. I am, however, satisfied having reviewed the mitigation measures in section 10.5 of the EIAR, dealing with 'biodiversity – terrestrial ecology' that they are sufficient to remove risk from the proposed alteration. I further note that there is no change to the permitted physical modifications of the riparian zone as a result of the proposed alteration.

7.3.8. Aquatic Biodiversity

The increased overall length of wall (76m to 179m) increases the risk of concrete runoff entering watercourses, while the overall reduction in embankment length (892m to 681m) reduces the risk of silt runoff entering watercourses.

I have reviewed the mitigation measures set out in the EIAR and am satisfied that, if implemented, they are sufficient to remove the risk.

7.3.9. Hydrology and Drainage

Following a topographic study of the golf course, post consent of the flood management scheme, ABP 09.JA0042, the hydraulic model was updated to include the drainage channel which runs through the golf course. It was confirmed that the flood extents and depths were lower compared to those modelled at the preliminary design stage and that the drainage channel has the potential to safely convey a proportion of the floodwater north, towards the Painestown River. This would reduce the volume of flood water being stored behind the proposed defences, and in turn reduce their required height. The T&ER advises that the reconfiguration of the

defences now incorporates the large pond, located to the south of the club house, into the flood storage area. This pond, a natural low point in the topography, will be utilised as a drainage route to disperse the floodwater in a controlled manner. I am satisfied that the proposed alterations will not have an adverse effect on hydrology and drainage regime in the immediate area.

7.3.10. Soils, Geology and Hydrogeology

I am satisfied that the changes proposed in this application are not of a scale that could have an impact on the project as assessed in ABP 09.JA0042.

7.3.11. Cultural Heritage

There is no impact to any identified sites of cultural heritage arising from the proposed alterations.

7.4. **Conclusion**

7.5. I consider that the alterations sought do not constitute the making of a material alteration of the permitted development and would not give rise to significant environmental effects beyond those already considered in the original EIAR and the Board's previously completed EIA.

8.0 **Environmental Impact Assessment**

8.1. The Board undertook an EIA of that permitted development under ABP 09.JA0042 and concluded the Environmental Impact Assessment Report was reasonable to allow a reasoned conclusion on the significant effects of the proposed development and that, having regard to mitigation measures, the proposed development would be acceptable.

8.2. As outlined above, I consider that the proposed alterations do not constitute the making of a material alteration of the development concerned and in this regard the provisions of Section 146B(3)(a) apply.

8.3. However, in the event that the Board are of the opinion that the proposed alterations would constitute a material alteration the provisions of Section 146B(b) apply and there is a requirement that the requester submit to the Board the information specified in Schedule 7A of the Planning and Development Regulations 2001 as

amended unless the information has already been provided. That information shall be accompanied by any further information on the characteristics of the alteration under consideration and its likely significant effects on the environment, prior to the Board making an EIA screening determination.

9.0 Appropriate Assessment

9.1. Compliance with Article 6(3) of the Habitats Directive

- 9.1.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

9.2. Background on the Application

- 9.2.1. Under ABP 09.J0042 the Board completed an Appropriate Assessment Screening exercise in relation to 21 Natura 2000 sites, within a 34 km radius of the application site. The Board concluded that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on European Sites, in view of the sites' conservation objectives, and a Stage 2 Appropriate Assessment (and submission of a Natura Impact Statement) was not required.
- 9.2.2. The application for amendments is accompanied by an AA Screening Report, prepared by RPS. The AA Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. The applicant's screening report concluded that the proposed development is not directly connected with or necessary for the management of a site as a European Site and it can be excluded on the basis of objective scientific information that the proposed development, individually or in combination with other plans or projects, will have a significant effect on a European Site.
- 9.2.3. Having reviewed the documents submitted with this application and those associated with 09.JA0042, I am satisfied that the information allows for a complete examination

and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

9.3. Screening for Appropriate Assessment- Test of likely significant effects

- 9.3.1. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).
- 9.3.2. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

9.4. Brief description of the development

- 9.4.1. The applicant provides a description of the project on pages 5 and 6 of the AA screening report and elsewhere e.g., Section 2 and the Technical and Environmental Report. In summary, the development comprises a design change to the permitted flood management scheme permitted under ABP 09.JA0042. The scheme comprises 32 flood defence assets, designed to manage flooding over a large area of the Morell River catchment. An improved flood management solution was identified during the detailed design process, affecting 4 of the proposed flood defences. This improvement would locally alter the design of the flood defences at Killeen Golf Club. The flood defence redesign would lower and reconfigure the consented defences within the Killeen Golf Club area. The total length of the proposed defences is reduced from 979m to 852m. The overall heights are approximately halved on average to 0.7., 0.8m, 0.5m and 0.8m from 1.73m, 1.73m, 1.8m and 1.5m respectively. The proposed alteration works will involve the construction of concrete walls and clay embankments.
- 9.4.2. An Ecological Assessment of the site was undertaken in 2022 (see Appendix B of the Technical and Environmental Report) to assess the impact of the proposed alterations on terrestrial biodiversity. The site comprises habitats of grassland, treelines, hedgerows, artificial lakes and ponds, drainage ditches, canals and

shrubbery. Non-breeding adult Mute Swans, adult Mallard Ducks and buzzards were present.

9.5. European Sites

9.5.1. The development site is not located in or immediately adjacent to a European site. Applying a source-pathway-receptor model, a summary of European Sites that occur within a possible zone of influence of the proposed development are set out below and in Table 9.1:

- Poulaphouca Reservoir SPA
- North-West Irish Sea cSPA
- Howth Head Coast SPA
- South Dublin Bay and River Tolka SPA
- North Bull Island SPA
- Rockabill to Dalkey Island SAC
- South Dublin Bay SAC
- North Dublin Bay SAC
- Howth Head SAC

Table 9.1 Summary Table of European Sites within a possible zone of influence of the proposed development

European Site (SAC/SPA)	Conservation Objectives and Qualifying Interests	Distance to European Site	Connectivity
Howth Head SAC (000202)	<p>Conservation Objectives Version 1.0 (06/12/16)</p> <p>Qualifying Interests:</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>European dry heaths [4030]</p>	c.37km	Yes, there is a hydrological pathway via the Morell River and the River Liffey and via the Grand Canal and the Liffey Estuary. Given the distance to the SAC, risks can be excluded by virtue of dilution effect.
North Dublin Bay SAC (000206)	<p>Conservation Objectives Version 1.0 (06/11/13)</p> <p>Qualifying Interests:</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p>	c. 31km	Yes, there is a hydrological pathway via the Morell River and the River Liffey and via the Grand Canal and the Liffey Estuary. Given the distance to the SAC, risks can be excluded by virtue of dilution effect.

	<p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dune [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190] Annex II Species</p> <p>Petalwort (<i>Petalophyllum ralfsii</i>) [1395]</p>		
<p>South Dublin Bay SAC (000210)</p>	<p>Conservation Objectives Version 1.0 (22/08/13)</p> <p>Qualifying Interests:</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>	c.28 km	<p>Yes, there is a hydrological pathway via the Morell River and River Liffey and via the Grand Canal and the Liffey Estuary. Given the distance to the SAC, risks can be excluded by virtue of dilution effect.</p>

<p>Rockabill to Dalkey Island SAC (003000)</p>	<p>Conservation Objectives Version 1.0 (07/05/13)</p> <p>Qualifying Interests:</p> <p>Reefs [1170]</p> <p>Harbour porpoise (<i>Phocoena phocoena</i>) [1351]</p>	<p>c. 35km</p>	<p>Yes. There is a hydrological pathway as the Morell River drains into the River Liffey which drains into Dublin Bay, within which this European site is located.</p>
<p>North Bull Island SPA (004006)</p>	<p>Conservation Objectives Version 1.0 (09/03/15)</p> <p>Qualifying Interests:</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p>	<p>c. 31km</p>	<p>Yes, there is a hydrological pathway via the Morell River and the River Liffey and via the Grand Canal and the Liffey Estuary. Given the distance to the SPA, risks can be excluded by virtue of dilution effect.</p>

	<p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetlands [A999]</p>		
<p>South Dublin Bay and River Tolka SPA (004024)</p>	<p>Conservation Objectives Version 1.0 (09/03/15)</p> <p>Qualifying Interests:</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p>	c. 28km	<p>Yes, there is a hydrological pathway via the Morell River and the River Liffey and via the Grand Canal and the Liffey Estuary. Given the distance to the SPA, risks can be excluded by virtue of dilution effect.</p>

	<p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>		
<p>Howth Head Coast SPA (004113)</p>	<p>Conservation Objectives (12/10/22)</p> <p>Qualifying Interests:</p> <p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p>	c. 33km	<p>Yes, there is a hydrological pathway via the Morell River and the River Liffey and via the Grand Canal and the Liffey Estuary. Given the distance to the SPA, risks can be excluded by virtue of dilution effect.</p>
<p>North-West Irish Sea cSPA [004236]</p>	<p>Qualifying Interests</p> <p>Common Scoter (<i>Melanitta nigra</i>) [A065]</p> <p>Red-throated Diver (<i>Gavia stellata</i>) [A001]</p> <p>Great Northern Diver (<i>Gavia immer</i>) [A003]</p> <p>Fulmar (<i>Fulmarus glacialis</i>) [A009]</p> <p>Manx Shearwater (<i>Puffinus puffinus</i>) [A013]</p>	c.33km	<p>Yes, there is a hydrological pathway via the Morell River and the River Liffey and via the Grand Canal and the Liffey Estuary. Given the distance to the cSPA, risks can be excluded by virtue of dilution effect.</p>

	<p>Shag (<i>Phalacrocorax aristotelis</i>) [A018]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Little Gull (<i>Larus minutus</i>) [A177]</p> <p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Great Black-backed Gull (<i>Larus marinus</i>) [A187]</p> <p>Little Tern (<i>Sterna albifrons</i>) [A195]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Puffin (<i>Fratercula arctica</i>) [A204]</p> <p>Razorbill (<i>Alca torda</i>) [A200]</p> <p>Guillemot (<i>Uria aalge</i>) [A199]</p>		
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Poulaphouca Reservoir SPA (004063)	Conservation Objectives (12/10/22) Qualifying Interests: Greylag Goose [A043] Lesser Black-backed Gull [A183]	c.11.7km	The proposed development site is potentially within the foraging range of the SCI species listed for this SPA, however having regard to the nature of the local environment, absence of large lakes and surrounding agricultural land it is unlikely that the development site is of significance for the Greylag Goose or the Lesser Black-backed Gull.
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9.6. Identification of likely effects

- 9.6.1. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, and in-combination with the permitted works of the 'parent' scheme, the following issues are considered for examination in terms of implications for likely significant effects on European sites:
- Construction related disturbance including noise and vibration;
 - Uncontrolled surface water/silt/concrete construction related pollution;
 - Hydro-morphological impacts.
- 9.6.2. The proposed modifications are minor in nature and do not introduce any new risks nor require any new environmental controls. The existing commitments provided in relation to environmental controls that will be applied during construction and in operation of the approved development will continue to apply at the site, regardless of the proposed modifications.
- 9.6.3. Of the 9 no. of sites considered for the purposes of initial screening, 8 no. have a hydrological connection via the Morrell River, while the Poulaphouca Reservoir SPA was considered further in the screening process because the development site is within the foraging range of the Lesser Black-backed Gull and the Greylag Goose, both a QI of the SPA. It is important to note at this juncture that all the above sites are significantly removed from the proposed development site.

A summary of the outcomes of the screening process is provided in the screening matrix Table 9.1.

9.7. In-combination Effects

In combination effects are addressed in Section 5.4 of the screening report for AA. No potential for significant cumulative effects have been identified.

Having regard to the proposed alterations having no direct or in-direct effects on the conservation objectives of any European site, it is reasonable to conclude that there are no potential in-combination effects.

9.8. Mitigation measures

No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

9.9. Screening Determination - Finding of no likely significant effect

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on the following:

- the Board's screening determination on Appropriate Assessment on ABP 09.JA0042 and section 12.8 of the Inspector's Report on ABP 09.JA0042
- the minor nature, scale and extent of the alterations relative to the development, and
- the distance of the proposed development from the European Sites, and
- the AA screening report prepared by RPS and submitted with the alteration application.

10.0 Recommendation

I recommend that the Board decides that the making of the alterations subject of this request do not constitute the making of a material alteration to the terms of the development as granted permission under ABP 09.JA0042 and that the permitted development shall be altered in accordance with the plans and particulars received by An Bord Pleanála on 7th June 2012, as updated on 21st June 2023.

DRAFT ORDER

REQUEST received by An Bord Pleanála on the 7th day of June, 2023 from RPS Group Limited of West Pier Business Campus, Dun Laoghaire, Co. Dublin on behalf of Kildare County Council under section 146B of the Planning and Development Act, 2000, as amended, to make alterations to the permitted Morell River Flood Management Scheme, a strategic infrastructure development the subject of a permission granted under An Bord Pleanála reference number 09.JA0042.

WHEREAS the Board made a decision to grant permission, subject to conditions, for the above-mentioned development by order dated 26th April 2018, AND WHEREAS the Board has received a request to alter the terms of the development, the subject of the permission,

AND WHEREAS the proposed alteration is described as follows:

- Minor alterations affecting 4 of the permitted flood defences at Killeen Golf Club, known as Morr 21a, Morr21b, Morr 22 and Morr 23,
- The alterations involve:
 - At Morr 21a and Morr21b, part of embankment converted to wall, with a lower height and slight increase in length.
 - At Morr 22, shorter length and lower height of wall,
 - At Morr 23, shorter length and lower height of embankment.

AND WHEREAS the Board decided, in accordance with section 146B(2)(b) of the Planning and Development Act 2000, as amended, to invite submissions from Killeen Golf Club in relation to whether the proposed alteration would constitute the making of a material alteration to the terms of the development concerned,

AND WHEREAS the Board decided, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, that the proposed alteration would not result in a material alteration to the terms of the development, the subject of the permission,

AND WHEREAS having considered all of the documents on file and the Inspector's report, the Board considered that the making of the proposed alteration would not be likely to have significant effects on the environment or on any European Site,

NOW THEREFORE in accordance with section 146B(3)(a) of the Planning and Development Act, 2000, as amended, the Board hereby alters the above-mentioned decision so that the permitted development shall be altered in accordance with the plans and particulars received by An Bord Pleanála on the 7th day of June, 2023.

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:

- (i) the nature and scale of the Strategic Infrastructure Development permitted under An Bord Pleanála Reference Number ABP 09.JA0042 for this site,
- (ii) the screening for appropriate assessment and environmental impact assessment carried out in the course of that application,
- (iii) the limited nature and scale of the alterations,
- (iv) the absence of any significant new or additional environmental effects (including those in relation to Natura 2000 sites) arising as a result of the proposed alterations,
- (v) the absence of any new or significant issues relating to the proper planning and sustainable development of the area arising from the proposed alterations,
- (vi) the submission received from Killeen Gold Club, and
- (vii) the report of the Board's Inspector it is considered that the proposed alterations would not be material. In accordance with section 146B(3)(a) of the Planning & Development Act, as amended, the Board hereby makes the said alterations.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Alaine Clarke
Senior Planning Inspector

30th August 2023