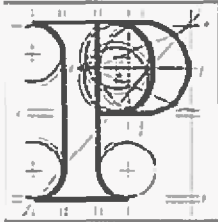


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An Bord Pleanála



To: Mr C McGrath (Senior Planning Inspector)
From: Mr P Green (Assistant Director of Planning)
CC:
Date: 20/02/12
Re: 01. JA 0032 Application for approval of proposed development by Carlow County Council under s. 175/177AE (Environmental Impact Assessment/Appropriate Assessment of certain development carried out by or on behalf of local authorities)

Please note that this is an application for approval lodged by Kildare County Council pursuant to s. 175 and 177AE of the Planning and Development Acts 2000 – 2010 (As Amended).

In regard to Appropriate Assessment I draw your attention to the provisions of s. 177AE and in particular to the provisions relating to the Board in the following sections:

- (5) in regard to the Board's powers to (i) seek further information should this be considered necessary in relation to effects on the environment, consequences for proper planning and sustainable development in the area or the likely significant effects of the proposed development on a European site or (ii) to seek proposed alterations to the proposed development where necessary and where the Board is provisionally of the view that it would be appropriate to approve the proposed

development;

- (6) Before making its decision the Board shall consider the NIS submitted and any submissions or observations made and any other information relating to effects on the environment, consequences for proper planning and sustainable development in the area or the likely significant effects of the proposed development on a European site;
- (8) The Board may approve the proposed development, make modifications to the proposed development as specified in the approval, approve in part only (with or without modifications), refuse to approve the proposed development or may attach to any approval such conditions as it sees appropriate.
- (10) Limitations on the Board's powers to impose conditions where the proposed development comprises or is for the purposes of an activity for which an IPPC licence or waste licence is required. The Board may however refuse to approve the application, notwithstanding the licensing of an activity by the EPA, where it considers the application to be unacceptable on environmental grounds, contrary to the proper planning and sustainable development of the area or is unacceptable on habitats grounds. Section 177AE(10)(c)(i) allows the Board to consult with the EPA where the proposed development comprises or is for the purposes of an 'activity'.
- (12) In considering the information provided under subsection (6) relating to likely consequences for the proper planning and sustainable development of the area the Board shall have regard to the provisions of the development plan, any special amenity area order relating to the area, if the area is a European site or area prescribed under s10 (2)(c), the policies of the Government or Minister and the provisions of the Act and regulations under the Act

Please note that there are similar provisions in regard to s. 175.

I would be grateful if you would commence preparation of your report and recommendation to the Board in respect of the case with the

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intention of reporting to the Board within four weeks of the due by date which in this case is the 7th August 2012. Please contact me immediately should there be any difficulty in achieving this requirement.

In particular the file should be reviewed at an early stage in regard to any further requirements for information or consultation and pursuant to s 177AE(5) and (10) and s. 175 (5) and (10) as appropriate. See in particular draft letter to EPA attached by administrative section on file to assist in this matter

Please also note that the attached time sheet in regard to your work on this case should be completed pursuant to s. 175/177AE(9)(a)(iii).



Philip Green
Assistant Director of Planning

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