



An  
Bord  
Pleanála

**Board Direction  
PL07.248891**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 22<sup>nd</sup> June 2018.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Appropriate Assessment**

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Kilkieran Bay and Islands SAC (site code 002111) is the only European site for which there is a likelihood of significant effects.

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for this European Site in view of the site's Conservation Objectives.

The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the assessment the Board considered the:-

- i) likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii) mitigation measures which are included as part of the current proposal,
- iii) Conservation Objectives for these European Site,

iv) view of the Department of Arts, Heritage and the Gaeltacht, and  
v) the statement in the Site Synopsis for Kilkieran Bay and Islands SAC (site code 002111) that the most important threats and pressures relate to intensive cattle and sheep grazing and to intensive fish farming.

In completing the AA, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of this European site in view of the site's Conservation Objectives.

### **Reasons and Considerations**

Having regard to the nature and scale of the proposed development, and the policies of the current Galway County Development Plan, it is considered that, subject to compliance with the conditions below, the proposed development would facilitate the operations of the existing fish farming enterprise, would not seriously injure the visual amenity of the area, would not have a negative impact on ecology and would not be prejudice to public health or water resources of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the plans and particulars submitted on the 16<sup>th</sup> day of June 2017, and as amended by the further plans and particulars received by An Bord Pleanála on the 17<sup>th</sup> day of July 2017 and on the 9<sup>th</sup> February 2018, except as may otherwise be required in order to comply with the following conditions.

Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. (a) Water abstraction shall be:-

- limited to a maximum of 1,170m<sup>3</sup> per day,
- limited to a maximum of 4,680m<sup>3</sup> per week,
- limited to a period between the 1<sup>st</sup> day of May and the 30<sup>th</sup> day of September each year.

Any deviation from this abstraction regime shall be the subject of a separate application for planning permission.

The quantity of water being abstracted shall be monitored on an ongoing basis and the results of this monitoring shall be submitted to the planning authority and Inland Fisheries Ireland annually before the 1<sup>st</sup> October each year.

(b) No Water abstraction shall take place should the water level of the lake fall below 2.34m OD. Furthermore, should the water level fall below this level, no further abstraction shall take place until the water level returns to at least 2.44m OD.

(c) Prior the commencement of development. The developer shall erect a gauge board in the vicinity of the intake displaying lake levels incorporating the levels mentioned in (b). The precise siting and details of the proposed water level gauge(s) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. These details

shall provide for the real-time availability of the information obtained to both the planning authority and Inland Fisheries Ireland.

(d) Lake water levels and abstraction rates shall be submitted to the planning authority every three months over the first two years of the operation of the scheme and then at intervals to be agreed with the planning authority.

**Reason:** To protect the environment.

3. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
  - (a) details of site security fencing and hoardings,
  - (b) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
  - (c) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
  - (d) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
  - (e) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained; such bunds shall be roofed to exclude rainwater,
  - (f) details of on-site re-fuelling arrangements, including use of drip trays,
  - (g) details of how it is proposed to manage excavated soil, and
  - (h) means to ensure that surface water run-off is controlled such that no deleterious levels of silt or other pollutants enter local surface water drains, watercourses or the sea.

A record of daily checks that the works are being undertaken in accordance

with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interest of environmental protection, amenities, public health and safety.

4. No external artificial lighting shall be installed or operated on site, unless otherwise authorised by a prior grant of planning permission.

**Reason:** In the interest of visual and residential amenity.

5. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site (including proposed access road). In this regard, the developer shall:
  - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
  - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the area and

to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

**Board Member**

**Date:** 29<sup>th</sup> June 2018

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Eugene Nixon