

An
Bord
Pleanála

Board Direction
BD-008000-21
ABP-308280-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/04/2021.

The Board decided to approve the proposed development, generally in accordance with the Inspector's recommendation, subject to the reasons and consideration set out below and subject to the conditions requiring compliance with the submitted details and the mitigation measures set out in the Nature Impact Statement.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (c) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European site,
- (d) the conservation objectives and special conservation interests for the River Suck Callows Special Protection Area (site code: 004097),
- (e) the policies and objectives of the Flood Risk Management Guidelines for Planning Authorities and the Galway County Development Plan 2015-2021,

(f) the nature and extent of the proposed works set out in the application for approval, and

(g) The report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

Appropriate Assessment

The Board agreed with and adopted the screening assessment and conclusion reached in the Inspector's report that the River Suck Callows Special Protection Area (site code: 004097) is the only European Site in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file. The Board completed an appropriate assessment of the implications of the proposed development for the River Suck Callows Special Protection Area (site code: 004097), in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow for a complete assessment of all aspects of the proposed development and enable them reach complete, precise and definitive conclusions for appropriate assessment.

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, and
- iii. the conservation objectives for the European Sites.

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 proposed development on the integrity of the aforementioned European Site, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site, in view of the site's conservation objectives and there is no reasonable scientific doubt remaining as to the absence of such effects.

Proper Planning and Sustainable Development/Likely effects on the environment:

It is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of flood risk for the future occupants, would not contribute to downstream flooding, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area and would be acceptable in terms of traffic safety and convenience. The proposed development is in accordance with the Flood Risk Management Guidelines and with the stated objectives of the Galway County Development Plan 2015-2021. 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 further information received on the 12th day of January 2021 and the 19th day of March 2021 and the information contained in the revised Natura Impact Statement, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The external finishes of the houses shall be as shown on the plans and particulars submitted.

Reason: In the interests of visual amenity.

3. Prior to commencement of development, the local authority or any agent acting on its behalf shall prepare a final Construction Environmental Management Plan (CEMP) incorporating all measures set out in the Outline CEMP, the mitigation measures indicated in the Natura Impact Statement and demonstration of proposals to best practice and protocols. The plan shall address, inter alia, measures relating to the demolition works, waste and water quality. The plan shall be placed on the file and retained as part of the public record.

Reason: In the interests of protecting the environment and European Sites.

4. The local authority and any agent acting on its behalf shall facilitate the preservation, recording, protection or removal of archaeological materials or features that may exist within the site. In this regard, the County Council shall:

- a) employ a suitably qualified archaeologist prior to commencement of the development who shall assess the site and monitor all site investigations and other excavation works, and

- b) provide suitable arrangements acceptable to the Department of Culture, Heritage and the Gaeltacht for the recording and removal of any archaeological materials which is considered appropriate to remove.

Reason: In order to conserve the archaeological heritage of the site and secure the preservation and protection of any remains that may exist within the site.

5. All mitigation measures set out in the report, entitled Internal Inspection for Bat Roost Potential Survey Report, received by the Board on the 19th day of March 2021 shall be adhered to in full. This shall include the recommendation for further surveys as described in Section 5.1 of the Report.

Reason: To mitigate impacts on bat species which may be present on the site.

6. All areas of open space shown on the submitted drawings shall be reserved for such use and shall be levelled, contoured, soiled, seeded and landscaped. The open space shall be laid out and landscaped within six months of the occupation of the houses.

Reason: In the interests of proper development and to facilitate phased occupation of the houses.

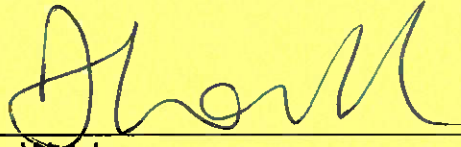
7. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

8. All car parking spaces serving the proposed development shall be provided with electrical connections, to allow for the future provision of future charging points. Details of how it is proposed to comply with these requirements, including details of the design of, and signage for, the electrical charging points (where they are not in the areas to be taken in charge) shall be placed on the file and retained as part of the public record.

Reason: In the interest of suitable transportation.

Board Member

A handwritten signature in black ink, appearing to read 'Dave Walsh', written over a horizontal line.

Date: 26/04/2021

Dave Walsh