



An
Bord
Pleanála

Board Direction
BD-011634-23
ABP-309981-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 11/01/2023.

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.

Reasons and Considerations

Having regard to the provisions of the Galway County Development Plan 2022-2028, to the location of the site and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development not seriously injure the visual amenities of the area and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

Stage 1 Appropriate Assessment Screening.

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives. The Board was satisfied that the proposed development, either

individually or in combination with other plans or projects, would not be likely to have a significant effect on any other European sites, in view of the site's Conservation Objectives other than the Twelve Bens / Garraun Complex SAC (Site Code 002031) and Illaunnanoon SPA (Site Code 004221) which is the European site for which there is a likelihood of significant effects.

Stage 2 Appropriate Assessment

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Twelve Bens / Garraun Complex SAC (Site Code 002031) and Illaunnanoon SPA (Site Code 004221) are the European sites 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 European Sites in view of the sites' Conservation Objectives Twelve Bens / Garraun Complex SAC (Site Code 002031) and Illaunnanoon SPA (Site Code 004221). The Board considered that the information before it, including the additional clarifications, was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' conservation objectives using the best available scientific knowledge in the field

In completing the assessment, the Board considered, in particular, 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 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 aforementioned European Sites, 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 European sites in view of the sites' Conservation Objectives and there is no reasonable scientific doubt as to the absence of such effects.

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 plans and particulars submitted on the 26th day of February 2021, 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. All of the mitigation measures set out in the Natura Impact Statement shall be implemented in full.

Reason: In the interest of the natural heritage of the area and protecting the environment.

3. All of the environmental, construction and ecological mitigation measures, as set out in the Planning and Environmental Report and associated documentation submitted with the application, shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this order.

Reason: In the interest of clarity and of the protection of the environment during the construction and operational phases of the development.

4. a) All vehicular parking spaces and circulation aisles on site to serve the proposed development shall be clearly demarcated.
- b) Prior to commencement of work on site a landscape plan for the car park shall be prepared and submitted to the Planning Authority for written agreement.

Reason: In the interest of visual amenity and traffic safety

5. The construction of the development shall be managed in accordance with the Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall incorporate all mitigation measures indicated in the Natura Impact Statement and shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of nature conservation, public safety and residential amenity.

6. Prior to commencement, a suitably qualified ecologist shall be appointed by the developer to oversee the site set-up, construction of the proposed development and implementation of all mitigation and monitoring measures as set out in the Natura Impact Statement. Details to be submitted to and agreed in writing with the planning authority.

Upon completion of works, an audit report of the site works shall be prepared by the appointed ecologist and submitted to the planning authority to be kept on the public record.

Reason: In the interest of nature conservation

7. The developer shall facilitate the planning authority in preserving, recording or otherwise protecting archaeological materials or features that may exist within the site. 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,
- b) employ a licensed archaeologist who shall monitor all site investigations and other excavation works, and
- c) provide satisfactory arrangements for the recording and removal of any archaeological material which may be considered appropriate to remove.

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

- 8. Details of the collection of waste water by a license waste collector according to the manufacturers guidelines shall be submitted to and agreed in writing with the planning authority prior to the opening of this development.

Reason: In the interest of public health

Board Member


Michelle Fagan

Date: 12/01/2023

