



**An
Bord
Pleanála**

**Board Direction
BD-009628-21
ABP-310203-21**

At a meeting held on 09/12/2021, the Board considered the documents and submissions on file generally, and the report of the Inspector in relation to the proposed development of a civic amenity site/recycling centre in the townland of Kinincha, Gort, County Galway.

The Board decided to approve the proposed development, based on the reasons and considerations and subject to the conditions set out below.

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, qualifying interests and special conservation interests for the Coole Garryland Complex SAC (site code: 000252) and the Coole-Garryland SPA (site code: 004107),

- (e) the policies and objectives of the Galway County Council Development Plan Development Plan 2015-2021 and the Gort Local Area Plan 2013-2023 (as extended),
- (f) the nature and extent of the proposed works as set out in the application for approval,
- (g) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (h) the submissions and observations received in relation to the proposed development, and
- (i) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter

Appropriate Assessment: Screening

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report 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 No(s) 002293, 001926, 000238, 002295, 004168, 000299, 004056, 002294, 001321, 002117, 000318, 002181, 002180, 002244, 004031, 000268, 000606, 001913 and 000242 in view of the Sites' conservation objectives, and that the Coole-Garryland Complex SAC (site code: 000252) and the Coole-Garryland SPA (site code: 004107) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment

The Board considered the Natura Impact Statement and revised Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the

affected European Sites, namely the Coole-Garryland Complex SAC (site code: 000252) and the Coole-Garryland SPA (site code: 004107), in view of the Sites' conservation objectives. The Board considered that the information before it 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 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 Sites, having regard to the Sites' 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 Sites, in view of the Sites' conservation objectives.

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 not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of flooding or pollution, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety. 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, except as amended by the further details submitted on the 18th day of October 2021, 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. All mitigation measures identified in the revised Natura Impact Statement shall be implemented in full as part of the proposed development.

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

3. The finished ground level of the proposed development shall be 19.465m OD. Relevant drawings showing this detail are to be placed on file as part of the public record.

Reason: In the interest of protection from risk of flooding.

4. All works shall have regard to Inland Fisheries Ireland's published guidelines for construction works near waterways (Guidelines on Protection of Fisheries during Construction Works in and adjacent to Waters, 2016)

Reason: In the interest of protecting water quality.

5. The perimeter of the site shall be planted with native indigenous trees and shrubs. Details of the species, variety, size, number and locations of all

species and shrubs to be planted together with a timescale for implementation shall be incorporated into a landscaping plan which shall be placed on the file as part of the public record.

Reason: In the interests of protecting the visual amenities of the area and to enhance biodiversity.

6. Artificial lighting on the site and at the entrance shall be restricted. Directional fixed lights only shall be used during operational hours. The lights shall be suitably cowled to prevent overspill outside the site. Lights with low/minimal ultra-violet spectrums shall be used.

Reason: In order to mitigate impacts on bats in the area.

7. The local authority, and any agent acting on its behalf, shall ensure that all plant and machinery used during the works is thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

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

8. Prior to commencement of development, the local authority, or any agent acting on its behalf, shall prepare a Construction Method Statement which shall be placed on the file as part of the public record. The plan shall provide details of the intended construction practice for the development including;

- (a) Proposals to contain surface water discharges within the site;
- (b) Location of the site materials compound including areas identified for the storage of construction waste;

