



An
Bord
Pleanála

Board Direction
BD-018591-25
ABP-320869-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/01/2025.

The Board decided to approve the development 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:

- (a) EU Directive on the Assessment and Management of Flood Risks (2007/60/EC)
- (b) EU Habitats Directive (92/43/EEC),
- (c) EU Water Framework Directive (2000/60/EC), as amended,
- (d) European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (e) National Biodiversity Action Plan 2023-2020,
- (f) The Climate Action Plan 2024
- (g) 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,
- (h) the conservation objectives, qualifying interests for the Lough Funshinagh SAC (site code:000611), the Lough Ree SAC (site code: 000440), River

Shannon Callows SAC (site code: 000216) and the Lower River Shannon SAC (site code: 002165),

- (i) the policies and objectives of the Roscommon County Development Plan, 2022-2028,
- (j) the nature and extent of the proposed works as set out in the application for approval,
- (k) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (l) the submissions and observations received in relation to the proposed development, and
- (m) the report and recommendation of the inspector 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 carried out in the Inspector's report that Lough Funshinagh SAC (site code: 000611), Lough Ree SAC (site code: 000440), River Shannon Callows SAC (site code: 000216) and Lower River Shannon SAC (site code: 002165) are the only European Sites 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, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely Lough Funshinagh SAC (site code: 000611), Lough Ree SAC (site code: 000440), River Shannon Callows SAC (site code: 000216) and Lower River Shannon SAC (site code: 002165) in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an 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 Sites, 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 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 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, would not adversely impact on the cultural and archaeological heritage, would not interfere with the existing land uses in the area and would be acceptable in terms of traffic safety and convenience. 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 details received by An Bord Pleanála on the 10th day of December 2024, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures set out in the Natura Impact Statement and Water Framework Directive Compliance Report 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. This approval is for a period of 24 months from the date of the commissioning of the proposed development after which time the use shall cease and the structures shall be removed from the site, unless a separate grant of approval has first been made for the continuation of the use and maintenance of the associated structures.

Reason: To define the terms of the permission and to cater for orderly development of the area. To permit the Board to re-assess the situation in light of the circumstances at this time.

3. The mitigation and monitoring measures identified in the Natura Impact Statement and Water Framework Directive Compliance Report submitted with the application and in the applicant's submission received by An Bord Pleanála on the 10th day of December 2024, shall be implemented in full. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.

Reason: In the interest of protecting the environment, the protection of European Sites and in the interest of public health.

4. A suitably qualified ecologist and fluvial geomorphologist shall be retained by the local authority to oversee the site set up and construction, operation and decommissioning of the proposed development and implementation of mitigation measures. The ecologist and fluvial geomorphologist shall be present during the enabling works. Upon completion of works, an ecological and fluvial geomorphology report of the site works shall be prepared by the appointed ecologist and fluvial geomorphologist and be kept on file as part of the public record.

Reason: In the interest of nature conservation and biodiversity.

5. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the project ecologist and relevant statutory agencies, a finalised Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement, Ecological Impact Assessment Report, Water Framework Directive Compliance Report and the applicant's submission received by An Bord Pleanála on the 10th day of December, 2024 and demonstration of proposals to adhere to best practice and protocols. The CEMP shall include:
 - a. location and extent of silt fencing to be installed on site,
 - b. specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness,
 - c. location of the site and materials compounds including areas identified for storage of construction waste,
 - d. location of areas for construction site offices and staff facilities,
 - e. details of appropriate mitigation measures for noise, dust and vibration and monitoring of such levels.

A record of daily checks that the works are being undertaken in accordance with the CEMP shall be maintained on file as part of the public record.

Reason: In the interest of protecting the environment and the European Site.

6. Prior to commencement of operation of the interim flood relief scheme the following details shall be maintained on file as part of the public record:
- (i) the results of the 3D noise model and predicted operational noise levels at the nearest sensitive receptor,
 - (ii) details of the proposed rehousing of residents, if necessary, during the operational phase of the development.

Reason: In order to protect adjoining residential amenity.

7. The following nature conservation requirements shall be complied with:
- a. Prior to the commencement of development, details of measures to protect fisheries and water quality of Cross River shall be outlined and placed on file. Full regard shall be had 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). A programme of water quality monitoring shall be prepared in consultation with the contractor, the local authority and relevant statutory agencies and the programme shall be implemented thereafter.
 - b. No instream works shall be undertaken without prior consultation with Inland Fisheries Ireland.
 - c. A programme of water quality monitoring of Lough Funshinagh and the Cross River shall be prepared in consultation with the contractor, the local authority and relevant statutory agencies and the programme shall be implemented thereafter.

- d. A Hedgerow Restoration Plan shall be prepared prior to the decommissioning phase.

Reason: In the interests of biodiversity and nature conservation.

8. (a) The finalised Construction Environment Management Plan (CEMP) shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development as set out in 'Lough Funshinagh Interim Flood Relief Scheme Archaeological Impact Assessment' and by any subsequent archaeological investigations associated with the project. The finalised CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.
- (b) A Project Archaeologist shall be appointed to oversee and advise on all aspects of the scheme from detailed, post-consent, design, through inception to completion

Reason: To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.

9. The Local Authority and any agent acting on its behalf shall ensure that all plant and machinery used during the works should be 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, to prevent the spread of hazardous invasive species and pathogens and to ensure the protection of the European sites.

Board Member


Paul Caprani

Date: 08/01/2025