



An
Bord
Pleanála

Ordú Boird
Board Order
PL 07.248891

**Na hAchtanna um Pleanáil agus
Forbairt 2000 go 2017**

**Planning and Development Acts
2000 to 2017**

**Údarás Pleanála: Comhairle
Contae na Gaillimhe**

**Planning Authority: Galway County
Council**

**Uimhir Thagartha i gClár Pleanála:
17/49**

**Planning Register Reference
Number: 17/49**

**Uimhir Thagartha an Bhoird
Phleanála: PL 07.248891**

**An Bord Pleanála Reference
Number: PL 07.248891**

Achomharc ó Bhradán Beo Teo faoi chúram McCarthy Keville O'Sullivan Teo, Bloc 1, GFSC, Bóthar Mhóinín na gCiseach, Gaillimh, i gcoinne cinnidh a rinneadh ar an 19 Meitheamh 2017 ag Comhairle Contae na Gaillimhe cead a dhiúltú do Bhradán Beo Teo mar a luaitear don fhorbairt bheartaithe.

Appeal by Bradán Beo Teo care of McCarthy Keville O'Sullivan Limited of Block 1, G.F.S.C., Moneenageisha Road, Galway against the decision made on the 19th day of June, 2017 by Galway County Council to refuse permission to the said Bradán Beo Teo for the proposed development.

An Fhorbairt Bheartaithe:

Uasghrádú ar rian rochtana atá ann agus síneadh a chur leis tríd na garraithe chomh fada le Loch an Mhuilinn, Píobán, 250mm ar trastomhas, 215 m ar fhad sna garraithe, Píobán, 250mm ar trastomhas, faoi thalamh faoi bhóthar an chósta, Saoráidí sealadacha stáisiúin caidéalúcháin, Tógáil balla coinneála, Astarraingt fionnuisce ó Loch an Mhuilinn (Loch na gCeann) chun é a chur ar fáil do feirm éisc amach ón gcósta. Tá Ráiteas Tionchair Natura ag gabháil leis an iarratas, ag Loch an Mhuilinn (Loch na gCeann) i mBaile Fearainn An Caolach, Garmna, Ceantar na nOileán, Contae na Gaillimhe.

An Cinneadh

DEONÚ cead pleanála don fhorbairt bheartaithe thuasluaite de réir na bpleananna agus na sonraí atá luaite, maidir leis na cúiseanna agus na tuisceana atá leagtha amach thíos.

Proposed Development:

Upgrading of existing access route and addition of extension through the fields as far as Loch an Mhuilinn, Piping, 250mm in diameter, 215 metres in length in the fields, Piping, 250mm in diameter, underground beneath the coastal road, Temporary pumping station facilities, Construction of a retaining wall, Freshwater abstraction from Loch an Mhuilinn (Loch na gCeann) to make it available for a fish farm out from the coast. The application includes a Natura Impact Statement, ag Loch an Mhuilinn (Loch na gCeann) in the townland of Creelagh, Gorumna, Ceantar na nOileán, County Galway.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Na hÁbhair a bhí Curtha san Áireamh

Ag déanamh a chinnidh, thug an Bord aird ar na nithe áirithe atá dualgas air, de bhua na n-Achtanna um Pleanáil agus Forbairt agus na Rialachán arna ndéanamh fúthu, aird a thabhairt dóibh. San áireamh bhí aon aighneacht agus tuairim a fuair an Bord faoi réir forálacha reachtúla.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Measúnú Oiriúnach

Ghlac an Bord leis an tástáil i leith measúnú oiriúnachta agus cinneadh a rinneadh i dtuairisc an chigire ina dheirtear go bhfuil an Limistéar faoi Chaomhnú Speisialta atá ann sa Chuan agus sna hOileáin Chill Chiaráin (uimhir suíomh 002111) an t-aon láithreán Eorpach dá bhfuil baol ann maidir le tionchair suntasach.

Appropriate Assessment

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

Thóg an Bord an Ráiteas Tionchair Natura agus na haighneachtaí oiriúnacha eile ar fad san áireamh agus rinneadh measúnú oiriúnach ar tionchair na forbartha beartaithe don Láithreán Eorpach seo i bhfianaise Chuspóirí Caomhnaithe an Láithreáin.

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.

Mheas an Bord go raibh an t-eolas a bhí roimhe sásúil le Measúnú Oiriúnach a fheidhmiú.

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

Le linn an mheasúnaithe a dhéanamh, seo a leanas a thóg an Bord san áireamh: -

In completing the assessment, the Board considered: -

(i) Na tionchair féideartha díreacha agus indíreacha a thiocfadh as an bhforbairt bheartaithe amháin no chomh maith le pleananna agus tionscadail eile,

(i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,

(ii) Na bearta maolaithe atá san áireamh mar chuid den togra reatha,

(ii) the mitigation measures which are included as part of the current proposal,

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| (iii) Cuspóirí Caomhnaithe an Láithreáin Eorpaigh seo, | (iii) the conservation objectives for this European Site, |
| (iv) Dearcadh na Roinne Ealaíon, Oidhreachta agus Gaeltachta, agus | (iv) the view of the Department of Arts, Heritage and the Gaeltacht, and |
| (v) An ráiteas atá san Achoimre ar Láithreán maidir le Limistéar faoi Chaomhnú Speisialta atá ann sa Chuan agus sna hOileáin Chill Chiaráin a dheir go bhaineann an baol is mó le dianinnilt eallaigh agus caorach agus le dianfheirmeoireacht éisc. | (v) the statement in the Site Synopsis for Kilkieran Bay and Islands Special Area of Conservation (site code 002111) that the most important threats and pressures relate to intensive cattle and sheep grazing and to intensive fish farming. |

Le linn an Mheasúnaithe Oiriúnaigh a dhéanamh, ghlac an Bord leis an Measúnú Oiriúnach a rinneadh i dtuairisc an Chigire maidir le tionchair féideartha na forbartha beartaithe ar an Láithreán Eorpach thuasluaite, de réir Chuspóirí Caomhnaithe an Láithreáin.

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 Site, having regard to the site's Conservation Objectives.

San iomlán, bhí an Bord sásta nach mbeadh tionchar diúltach ag an bhforbairt bheartaithe ar shláine an Láithreáin Eorpaigh seo de réir Chuspóirí Caomhnaithe an Láithreáin.

Cúiseanna agus Tuisceana

Maidir le nádúr agus réim na forbartha beartaithe seo, agus polasaithe Phlean Forbartha Chontae na Gaillimhe atá ann faoi láthair, meastar, agus í curtha i gcríoch de réir na gcoinníolacha atá leagtha amach thíos, go bhfeidhmeodh an fhorbairt bheartaithe, oibríochtaí na tionscnaíochta feirmeoireachta éisc atá ann faoi láthair, nach gcuirfeadh sí isteach go diúltach ar thaitneamhacht amhairc na háite, nach mbeadh tionchar diúltach aici ar éiceolaíocht agus nach mbeadh sí chun dochair don sláinte phoiblí nó do hacmhainní uisce na háite. Mar sin, bheadh an fhorbairt bheartaithe ag cloí le pleanáil chúí agus forbairt inbhuanaithe na háite.

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 set out 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 prejudicial to the 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.

Coinníollacha

1. Críochnófar an fhorbairt de réir na bpleananna agus sonraí a chuireadh isteach leis an iarratas, arna leasú ag na pleananna agus sonraí a chuireadh isteach ar an 16 Meitheamh 2017, arna leasú ag na pleananna agus sonraí eile a fuarthas ag an mBord Pleanála ar an 9 Feabhra 2018, seachas mar a bheadh ag teastáil chun cloí leis na coinníollacha seo a leanas. Sa chás gur gá na sonraí a chomhaontú leis an údarás pleanála, comhaontóidh an forbróir na sonraí i scríbhinn leis an údarás pleanála roimh tús a chur leis an bhforbairt agus déanfar agus críochnófar an fhorbairt de réir na sonraí réamhaontaithe.

Cúis: Ar mhaith na soiléire.

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 16th day of June 2017, and as amended by the further plans and particulars received by An Bord Pleanála on the 9th day of 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) Beidh an astarraingt uisce:-
- (i) faoi theorainn 1,170 méadar ciúbach in aghaidh an lae ar uasmhéid,
- (ii) faoi theorainn 4,680 méadar ciúbach in aghaidh na seachtaine ar uasmhéid,
- (iii) faoi theorainn tréimhse idir 1 Bealtaine agus 30 Meán Fómhair gach bliain.

Beidh iarratas ar leith ar chead pleanála i gceist má thagann aon athrú ar an gcóras astarraingthe seo.

2. (a) Water abstraction shall be: -
- (i) limited to a maximum of 1,170 cubic metres per day,
- (ii) limited to a maximum of 4,680 cubic metres per week,
- (iii) limited to a period between the 1st day of May and the 30th day of September each year.

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

Déanfar monatóireacht go leanúnach ar an méid uisce atá á tharraingt amach agus cuirfear torthaí na monatóireachta seo chuig an údarás pleanála agus chuig Iascach Intíre Éireann go bliantúil roimh an 1 Deireadh Fómhair gach bliain.

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 1st day of October each year.

(b) Ní cheadófar astarraingt uisce má thiteann leibhéal uisce an locha faoi 2.34 meadar OD. Chomh maith leis sin, má thiteann leibhéal an uisce faoin leibhéal seo, ní chóir go dtarlódh aon astarraingthe go dtí go ardaíonn leibhéal an uisce go 2.44 méadar OD ar a laghad.

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

(c) Roimh tús na forbartha, tógfaidh an forbróir tomhaschlár i gcomharsanacht na hiontógála ina mbeidh na leibhéil atá thuasluaite i (b) san áireamh. Cuirfear

(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) above.

láithreán agus sonraí áirithe an tomhaschláir uisce chuig an údarás pleanála agus aontófar leo i scríbhinn sula gcuirfear tús leis an bhforbairt. Feidhmeoidh na sonraí seo don fáil ar eolas i bhfíor-am don údarás pleanála agus d'Iascach Intíre Éireann.

The precise siting and details of the proposed water level gauges 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) Cuirfear leibhéal uisce na locha agus rátaí astarraingthe chuig an údarás pleanála gach trí mhí thar an céad dá bhliain d'oibríocht na scéime agus ansin ar eatraimh a aontófar leis an údarás pleanála.

(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.

Cúis: chun an comhshaol a chosaint.

Reason: To protect the environment.

3. Déanfar bainistíocht ar thógáil na forbartha de réir Plean Bainistíochta Tógála, a chuirfear chuig an údarás pleanála agus aontófar leo i scríbhinn sula gcuirfear tús leis an bhforbairt. Tabharfaidh an plean seo sonraí ar chleachtadh tógála na forbartha, a bhfuil a leanas san áireamh:

(a) sonraí ar fhálú agus ar bhallaí clár shábháilteacht an láithreáin,

(b) sonraí ar am agus bhealaí tráchta tógála chuig agus ón láithreán agus treochoimharthaí a bhaineann leo, le tograí san áireamh a fheidhmíonn seachadadh ualaí neamhghnácha don láithreán,

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,

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| (c) bearta ar dhoirteadh nó dheascán cré, spallaí nó smionagair ar ghréasáin bóthair poiblí a chosc. | (c) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network, |
| (d) sonraí ar mhaolú oiriúnacha d'fhuaim, do dhusta agus do chreathadh, agus ar mhonatóireacht ar a leithéid de leibhéil, | (d) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels, |
| (e) coimeád breosla agus ola a bhaineann leis an tógáil laistigh de bhundaí áirithe a thógtar le cinntiú go gcoimeádtar smacht ar dhoirteadh breosla; cuirfear díon ar na bundaí seo le huisce báistí a choimeád amach, | (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) sonraí ar socraithe athbhreoslaithe an láithreáin, úsáid tráidirí silte san áireamh, | (f) details of on-site re-fuelling arrangements, including use of drip trays, |

(g) sonraí ar an bplean atá i gceist leis an gcré tochailte a bhainistiú, agus

(g) details of how it is proposed to manage excavated soil, and

(h) modhanna le cinntiú go bhfuil smacht ar rith an uisce dromchla sa chaoi nach ritheann leibhéil dochracha siolta nó truailleán eile isteach i ndraenacha áitiúla uisce dromchla, i sruthchúrsaí nó san fharraige.

(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.

Coimeádfar taifead ar sheiceálacha laethúla go bhfuil na hoibríochtaí ar siúl de réir Plean Bainistíochta Tógála ionas gur féidir leis an údarás pleanála iad a scrúdú.

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.

Cúis: Ar mhaithe cosanta comhshaoil, áiseanna, sláinte poiblí agus sábháilteachta.

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

4. Ní chuirfear nó úsáidfear aon solas saorga seachtrach ar an láithreán, ach má cheadaítear é trí cead pleanála a fhuarthas roimh ré.

Cúis: Ar mhaithe thaitneamhacht amhairc agus cónaithe.

5. Feidhmeoidh an forbróir breithmheas seandálaíochta an láithreáin agus buanchoimeád, taifead agus cosaint ábhar nó gnéithe seandálaíochta a mbeadh ar an láithreán (rian rochtana beartaithe san áireamh). Maidir leis seo, seo a leanas a dhéanfaidh an forbróir:

(a) Scéal a chur chuig an údarás pleanála i scríbhinn ar a laghad ceithre seachtaine roimh tús oibríochta láithreáin ar bith (fiosruithe hidreolaíochta agus geoiteicniúla san áireamh) a bhaineann leis an bhforbairt bheartaithe, agus

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 interests 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) Seandálaí a bhfuil cáilithe go hoiriúnach a fhostú roimh tús na forbartha. Déanfar an seandálaí measúnú ar an láithreán agus monatóireacht ar oibríochtaí forbartha an láithreáin ar fad.

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

Déanfar plé ar na ceisteanna seo a leanas sa mheasúnú:

The assessment shall address the following issues:

- (i) Nádúr agus suíomh ábhar seandálaíochta atá ar an láithreán, agus
- (ii) tionchar na forbartha beartaithe ar na hábhair seandálaíochta sin.

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

Cuirfear tuarascáil, ina mbeidh torthaí an mheasúnaithe, chuig an údarás pleanála agus, as an measúnú sin, aontóidh an forbróir i scríbhinn le sonraí an údaráis pleanála maidir le riachtanais seandálaíochta eile (tochailt seandálaíochta san áireamh, más gá) roimh tús na hoibríochtaí tógála.

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.

Má loicfead ar aon de na riachtanais seo, cuirfead an t-ábhar ar aghaidh chuig An Bord Pleanála le cinneadh a dhéanamh air.

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

Cúis: Chun oidhreacht seandálaíochta na háite a chosaint agus chun caomhnú (ar an suíomh nó trí thaifead) agus cosaint a chinntiú maidir le haon ábhar seandálaíochta a bheadh sa láithreán.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection to any archaeological remains that may exist within the site.

Ball den Bhord Pleanála a bhfuil Údarás aige séala an Bhord a fhíordheimhniú

Member of An Bord Pleanála duly authorised to authenticate the seal of the Board.

Dátaithe ar an

lá seo de

2018

Dated this the

day of

2018