

An
Bord
Pleanála

Board Order ABP-310203-21

Planning and Development Acts, 2000 to 2020

Planning Authority: Galway County Council

Application by Galway County Council for approval under section 177AE of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including a Natura Impact Statement, lodged with An Bord Pleanála on the 7th day of May, 2021 and further information lodged on the 18th day of October, 2021.

Proposed Development: The proposed development is a Civic Amenity Site/ Recycling Centre for mixed household municipal waste streams and will comprise the following elements: a mobile pay station office/welfare unit, car parking, internal concrete paved roads and lay down areas, surface water collection system, service connections, transportable waste skips, mobile bunded containers, public lighting and landscaping works. The proposed development will be located in the townland of Kinincha, Gort, County Galway.

Decision

APPROVE the proposed development based on the reasons and considerations under and subject to the conditions set out below.

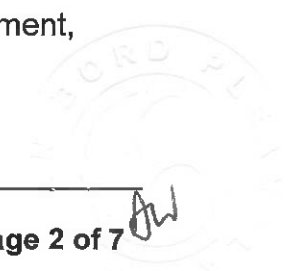
Matters Considered

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.

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 Special Area of Conservation (Site Code: 000252) and the Coole-Garryland Special Protection Area (Site Code: 004107),
- (e) the policies and objectives of the Galway County 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, and the response to the further information request, including the revised 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 Carrowbaun, Newhall and Ballylee Turloughs Special Area of Conservation (Site Code: 002293), East Burren Complex Special Area of Conservation (Site Code: 001926), Caherglassaun Turlough Special Area of Conservation (Site Code: 000238), Ballinduff Turlough Special Area of Conservation (Site Code: 002295), Slieve Aughty Mountains Special Protection Area (Site Code: 004168), Lough Cutra Special Area of Conservation (Site Code: 000299), Lough Cutra Special Protection Area (Site Code: 004056), Cahermore Turlough Special Area of Conservation (Site Code: 002294), Termon Lough Special Area of Conservation (Site Code: 001321), Lough Coy Special Area of Conservation (Site Code: 002117), Peterswell Turlough Special Area of Conservation (Site Code: 000318), Drummin Wood Special Area Conservation (Site Code: 002181), Gortacarnaun Wood Special Area of Conservation (Site Code: 002180), Ardahan Grassland Special Area of Conservation (Site Code: 002244), Inner Galway Bay Special Area of Conservation (Site Code: 004031), Galway Bay Complex Special Area of Conservation (Site Code: 000268), Lough Fingall Complex Special Area of Conservation (Site Code: 000606), Sonnagh Bog Special Area of Conservation (Site Code: 001913) and Castletaylor Complex Special Area of Conservation (Site Code: 000242) in view of the Sites' conservation objectives, and that the Coole-Garryland Complex Special Area of Conservation (Site Code: 000252) and the Coole-Garryland Special Protection Area (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 Special Area of Conservation (Site Code: 000252) and the Coole-Garryland Special Protection Area (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 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 Site's 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.

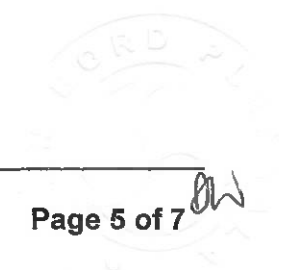
CONDITIONS

1. The proposed 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 interests 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 interests 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 19.465 metres Ordnance Datum. Relevant drawings showing this detail shall 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 interest 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 cowed 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.


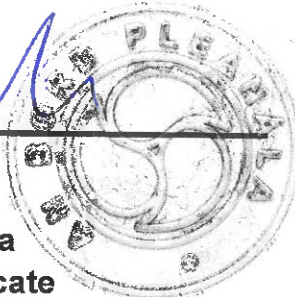
7. The local authority, and any agent acting on its behalf, shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

Reason: In the interests 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 proposed 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;
 - (c) Location of area for construction site office and staff facilities;
 - (d) Measures to prevent the spillage or deposit of material on the public road network;
 - (e) Traffic management measures;
 - (f) Details of appropriate mitigation measures for noise, dust, vibration and monitoring of such levels and
 - (g) Details of how it is proposed to manage excavated materials

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

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

Dave Walsh

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

Dated this 17th day of December 2021