



An
Bord
Pleanála

Board Order ABP-318178-23

Planning and Development Acts, 2000 to 2022

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 6th day of October 2023, as amended by the Further Information submitted on the 3rd day of May 2024.

Proposed Development: River maintenance works. All located at Ros an Mhíl, County Galway.

Decision

APPROVE the above proposed development based on the reasons and considerations under 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 European Union Habitats Directive (92/43/EEC),
- (b) the European Communities (Birds and Natural Habitats) Regulations 2011, as amended,
- (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 Connemara Bog Complex Special Area of Conservation (Site Code: 002034),
- (e) the policies and objectives of the Galway County Development Plan 2022-2028,
- (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 revised Natura Impact Statement,
- (h) the submissions 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: Stage 1:

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Connemara Bog Complex Special Area of Conservation (Site Code: 002034) is the European Site for which there is a likelihood of significant effects.

Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement and the revision to same and all other relevant submissions and carried out an appropriate assessment of the implications of the proposal for the Connemara Bog Complex Special Area of Conservation (Site Code: 002034), in view of the Site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the assessment, the Board considered, in particular, the:

- i. likely direct and indirect impacts arising from the proposal both individually or in combination with other plans or projects, specifically upon Connemara Bog Complex Special Area of Conservation (Site Code: 002034),
- ii. mitigation measures that are included as part of the current proposal, and,
- iii. conservation objectives for the European Site.

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 Site, having regard to its 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 Site, 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 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, archaeological and built heritage of the area, and would not interfere with the existing land uses in the area. 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, and additional plans and particulars submitted on the 3rd day of May 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 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. The mitigation measures and monitoring commitments identified in the revised Natura Impact Statement submitted to the Board on the 3rd day of May 2024, and other plans and particulars submitted with the application shall be carried out in full except as may otherwise be required in order to comply with other conditions.

Reason: In the interests of clarity and protection of the environment during

the construction and operational phases of the proposed development.

3. A suitably qualified ecologist shall be appointed by the local authority to oversee the site set-up and undertaking of the proposed works on site. Upon completion of works, an audit report of the site works shall be prepared by the appointed ecologist and submitted to the local authority to be kept on record.

Reason: In the interest of nature conservation, to prevent adverse impacts on the European Site and to ensure the protection of the Annex I habitats and Annex II species and their qualifying interests/special conservation interests for which the Site was designated.

4. 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 detailed Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement. The CEMP shall include:

- (a) all mitigation measures indicated in the Natura Impact Statement,
- (b) identification of the area within the car park where it is proposed to store the invasive species Rhododendron,
- (c) specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness, and
- (d) methods to avoid pollution of Rossaveel Stream.

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

5. The following nature conservation requirements shall be complied with:
 - (a) The works shall be carried out in compliance with the Inland Fisheries Ireland document "Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters", 2016.

- (b) No in-stream works shall be undertaken without prior consultation with Inland Fisheries Ireland, and the works shall only be undertaken between July to September (inclusive).
- (c) The free passage of fish shall be fully accommodated.
- (d) In-stream works shall take place during periods of low water flows.
- (e) No riparian vegetation removal shall take place during the period of the 1st day of March to the 31st day of August (inclusive).
- (f) Any riparian zones damaged by machinery or equipment shall be fully re-instated.
- (g) A pre-construction otter survey by a suitably qualified ecologist shall be carried out before works commence, any destruction of otter holts or relocation of otter species shall be carried out by a suitably qualified ecologist under a Derogation Licence granted by the Minister for Housing, Local Government and Heritage.
- (h) Prevention measures shall be put in place to prevent the introduction or spread of Zebra mussel in the watercourse.

Reason: In the interests of biodiversity and nature conservation.

- 6. 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 and to ensure the protection of the European Site.

- 7. The local authority and any agent acting on its behalf shall facilitate the preservation, recording, protection or removal of archaeological materials or features that may exist within the site. A suitably experienced maritime/riverine archaeologist shall be appointed by the local authority and the archaeologist

shall be present on site during the removal works. A report shall be compiled on same and shall be kept on record.

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



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

Dated this 12th day of August 2024