

An
Bord
Pleanála

Board Order ABP-320869-24

Planning and Development Acts, 2000 to 2022

Planning Authority: Roscommon County Council

Application by Roscommon 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 20th day of September 2024.

Proposed Development: The proposed development of an interim flood relief scheme to pump water from Lough Funshinagh and to discharge the water to the Cross River.

The proposed scheme will consist of the following:

- A floating unit located within Lough Funshinagh, 25 metres from the shore, that will house two hydraulically driven submersible pumps and incorporating a series of removable fish screens.
- A floating pontoon to provide access from the shore to the pump unit.
- A compound adjacent to the shores of the lough which will accommodate two hydraulic power units to provide power for the submersible pumps, and four diesel fuel tanks.
- An overground pipe system from the floating pontoon to the outfall at the Cross River over a distance of 2,450 metres. This will consist of two parallel 300 millimetre diameter flexible hoses, 2,135 metres long, joined with a manifold to 315 metres of 500 millimetre diameter rigid pipe.

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- Road crossings to duct the flexible pipes under a private access road, on the R362 regional road, and L2013 local road. The crossings will each consist of two parallel 600 millimetre diameter pipes.
- An outfall system to control the flow into the Cross River consisting of a flow diffuser and rock armour.

The aim of the interim measures is to extract a sufficient volume of water from Lough Funshinagh that will mitigate the possible increase in level prior to developing a permanent scheme and to limit the peak water level to a level that will allow the flood risk to the properties around the lough to be successfully managed. The interim flood relief scheme will be in place for a period of up to 24 months and during this period there will be ongoing monitoring of water levels in Lough Funshinagh and in the Cross River.

All located in the townland of Carrick, County Roscommon.

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 Directive on the Assessment and Management of Flood Risks (2007/60/EC),
- (b) the European Union Habitats Directive (92/43/EEC),
- (c) the European Union Water Framework Directive (2000/60/EC), as amended,

- (d) the European Communities (Birds and Natural Habitats) Regulations 2011, as amended,
- (e) Ireland's 4th National Biodiversity Action Plan 2023-2030,
- (f) 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 and qualifying interests for the Lough Funshinagh Special Area of Conservation (Site Code: 000611), the Lough Ree Special Area of Conservation (Site Code: 000440), the River Shannon Callows Special Area of Conservation (Site Code: 000216) and the Lower River Shannon Special Area of Conservation (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 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 Lough Funshinagh Special Area of Conservation (Site Code: 000611), Lough Ree Special Area of Conservation (Site Code: 000440), River Shannon Callows Special Area of Conservation (Site Code:

000216) and Lower River Shannon Special Area of Conservation (Site Code: 0002165) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment Stage 2:

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 Special Area of Conservation (Site Code: 000611), Lough Ree Special Area of Conservation (Site Code: 000440), River Shannon Callows Special Area of Conservation (Site Code: 000216) and Lower River Shannon Special Area of Conservation (Site Code: 0002165) 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 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 and 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 proposed 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 9th 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 local authority's submission received by An Bord Pleanála on the 9th 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 interests 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 local authority's submission received by An Bord Pleanála on the 9th 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 Sites.

6. Prior to commencement of operation the following details shall be maintained on file as part of the public record:

- (a) the results of the three-dimensional (3D) noise model and predicted operational noise levels at the nearest sensitive receptor, and,
- (b) 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, and
 - (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.

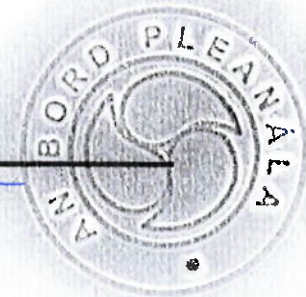
Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

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.



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



Dated this 09th day of January 2025