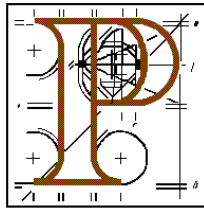


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

An Bord Pleanála Reference Number: 07.JA0035

Galway County Council

APPLICATION by Galway County Council for approval under section 175 of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including an environmental impact statement and a Natura impact statement, lodged with An Bord Pleanála on the 9th day of October, 2014.

PROPOSED DEVELOPMENT: Proposed Dunkellin River and Aggard Stream Flood Relief Scheme, County Galway.

The Scheme proposes to undertake flood relief works along the Dunkellin River, in three reaches of the river:

- (a) In the vicinity of Craughwell Village,
- (b) Locally at Rinn Bridge, and
- (c) From a location just upstream of the Dunkellin Bridge to the N18 National Road at Kilcolgan.

The works will consist of channel deepening (not widening) in Craughwell Village to the confluence of the Aggard Stream, local channel widening at Rinn Bridge, selective channel maintenance downstream of the Rahasane Turlough to Rinn Bridge and channel widening from the Dunkellin Bridge to the N18 National Road. It is also proposed to complete maintenance works and culvert replacement works along the Aggard Stream.

As referred to in the public notice dated the 31st day of July, 2015; the local authority submitted significant further information to An Bord Pleanála on the 10th day of July, 2015.

DECISION

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

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) Directive 2000/60/EC of the European Parliament and of the Council Establishing a Framework for Community Action in the Field of Water Policy, and Directive 2007/60/EC of the European Parliament and of the Council on the Assessment and Management of Flood Risks,
- (b) the European Communities (Environmental Impact Assessment) Regulations 1989, as amended, and the European Communities (Birds and Natural Habitats) Regulations, 2011,
- (c) the policies and objectives set out in the Galway County Development Plan 2015 - 2021,
- (d) the nature and frequency of the flooding that occurs in the catchment of the Dunkellin River and the Aggard Stream, and the potential impacts of climate change,
- (e) the nature, scale and design of the proposed development, and the pattern of development in the vicinity,
- (f) the documentation and submissions of the local authority, including the environmental impact statement and the Natura impact statement and associated documentation submitted with the application and further information, the submissions made at the oral hearing, and the range of mitigation measures proposed,

- (g) the submissions and observations made to An Bord Pleanála in connection with the application, further information, and at the oral hearing, and
- (h) the report of the consultant hydrogeologist appointed by the Board, and the report and recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

The Board was satisfied that the information before it was adequate to undertake an appropriate assessment and an environmental impact assessment in respect of the proposed development.

Appropriate Assessment Screening

The Board considered the nature, scale and location of the proposed development, the appropriate assessment screening documentation and associated documentation submitted with the application, further information and at the oral hearing, the submissions made to An Bord Pleanála, and the report of the Inspector. The Board undertook an appropriate assessment screening exercise in relation to the potential effects of the proposed development on European Sites. In completing the screening exercise, the Board adopted the report of the Inspector, and concluded that the proposed development, by itself or in combination with other development in the vicinity, would not be likely to have a significant effect on European sites, with the exception of the Rahasane Turlough candidate Special Area of Conservation (Site Code: 000322), the Rahasane Turlough candidate Special Protection Area (Site Code: 004089), the Galway Bay Complex candidate Special Area of Conservation (Site Code: 000268) and the Inner Galway Bay Special Protection Area (Site Code: 004031), in respect of which Stage 2 Appropriate Assessment was, therefore, required.

Appropriate Assessment

The Board considered the nature, scale and location of the proposed development, the Natura impact statement, the documentation submitted with the application and further information, the submissions made on file and at the oral hearing, including the submissions made by the Department of Arts, Heritage and the Gaeltacht, the mitigation measures proposed, and the reports of the consultant hydrogeologist and of the Inspector. The Board undertook an appropriate assessment of the effects of the proposed development on the Rahasane Turlough candidate Special Area of Conservation, the Rahasane Turlough candidate Special Protection Area, the Galway Bay Complex candidate Special Area of Conservation, and the Inner Galway Bay Special Protection Area. The Board concluded that the proposed development, by itself, or in combination with other plans or projects, would not be likely to adversely affect the integrity of these European Sites, in view of their conservation objectives, and adopted the report of the Inspector in this respect.

Environmental Impact Assessment

The Board considered the nature, scale and location of the proposed development, the environmental impact statement, the documentation submitted with the application and further information, the submissions made on file and at the oral hearing, including the submissions made by the Department of Arts, Heritage and the Gaeltacht, the mitigation measures proposed, and the reports of the consultant hydrogeologist and of the Inspector. It is considered that the environmental impact statement, supported by the documentation on file, including the further information and the submissions made at the oral hearing, identifies and describes adequately the direct and indirect effects of the proposed development on the environment. The Board completed an environmental impact assessment in relation to the proposed development, by itself and in cumulation with other development in the vicinity, and concluded generally that the proposed development would not be likely to have significant effects on the environment. In doing so, the Board adopted the report of the Inspector.

In particular, the Board had regard to the proposed works to historic bridges, namely in Craughwell (Recorded Monument GA096-185, National Inventory of Architectural Heritage Register Number 30336010), and Dunkellin Bridge (National Inventory of Architectural Heritage Register Number 30410332), both listed as Protected Structures under the Galway County Development Plan 2015 – 2021. The Board was satisfied that the interventions proposed would be acceptable in the light of the overall scheme, subject to compliance with a condition in relation to the protection of archaeology and of architectural heritage.

Conclusion

It is considered that, subject to compliance with the conditions set out below, the proposed development would not:

- have adverse consequences for hydrology or hydrogeology,
- result in significant impacts on ecology or on the aquatic environment, or on any protected species or habitat,
- give rise to a risk of pollution,
- have a significant effect on soils or geology,
- have a detrimental impact on fisheries including shellfish beds,
- give rise to significant visual or landscape impacts,
- have a detrimental impact on archaeological or architectural heritage,
- be detrimental in terms of traffic safety and convenience, and
- would not seriously injure the amenities of the area or of property in the vicinity.

It is considered that the proposed development would result in a benefit to the area by relieving serious and frequent flooding, would be in the interest of the common good, would be in accordance with the policies and objectives set out in the Galway County Development Plan 2015 – 2021 and 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, including the environmental impact statement, the Natura impact statement and other associated documentation, lodged with An Bord Pleanála on the 9th day of October, 2014, as amended by the further information lodged on the 10th day of July, 2015, and further plans and particulars submitted at the oral hearing on the 27th and 28th days of October, 2015, and on the 3rd day of November, 2015, except as may otherwise be required in order to comply with the conditions set out below.

Reason: In the interest of clarity.

2. The mitigation measures contained in the environmental impact statement, the Natura impact statement and documentation submitted with the application and further information and in the submissions made to the oral hearing, including the Schedule of Environmental Commitments, shall be implemented in full, except as may otherwise be required in order to comply with the following conditions, and in accordance with a time schedule for implementation that shall be made available for public inspection at the offices of the local authority prior to commencement of development and for a following period at least until completion of construction.

Reason: In the interest of clarity and the protection of the environment.

3. The results of all monitoring shall be published at the offices of the local authority within one month of completion and made available for public inspection for a period of at least five years following the completion of construction.

Reason: In the interest of clarity, the protection of the environment, and of orderly development.

4. For a period of five years following completion of all works, the local authority shall undertake annual monitoring at Rahasane Turlough, to include:

- (a) field assessment of swallow holes and recording of natural collapse of conduits or infilling of swallow holes,
- (b) monitoring of the water level at existing river gauges up-gradient and down-gradient of Rahasane Turlough, and
- (c) monitoring of vegetation and indicator species at Rahasane Turlough.

Reason: In the interest of the protection of the environment and to broaden scientific knowledge.

5. The commitments regarding the monitoring of a point in the estuary shall be undertaken in accordance with the submissions made at the oral hearing. The monitoring shall be undertaken following consultation with the Environmental Officer to be appointed, who shall have delegated powers to stop works and to direct the carrying out of emergency mitigation operations, if necessary.

Reason: To provide for the monitoring and protection of water quality in the river and bay.

6. While achieving the aims of the proposed development, the works proposed to the protected bridge structures at Craughwell and Dunkellin shall:
- (a) be undertaken in accordance with the requirements of the Architectural Heritage Protection Guidelines for Planning Authorities, issued by the Department of Arts, Heritage and the Gaeltacht (2011),
 - (b) respect the design, form, scale, materials, proportions and function of the original structures, and
 - (c) be supervised by a Conservation Architect qualified to at least Grade II RIAI or equivalent.

Revised plans and particulars illustrating compliance with these requirements shall be made available for public inspection at the offices of the local authority prior to commencement of development and for a following period at least until completion of construction.

Reason: In the interest of protecting architectural heritage and archaeology.

7. The local authority 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. In this regard, the local authority shall employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site prior to commencement of development and monitor all site development works. The assessment shall address the following issues:
- (i) the nature and location of archaeological material on the site,
 - (ii) the impact of the proposed development on such archaeological material.
 - (iii) details of any further archaeological requirements arising from this assessment (including, if necessary, archaeological excavation).

A report, containing the results of the assessment shall be made available for public inspection at the offices of the local authority for a period of at least five years following completion of the development.

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

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

Dated this day of 2016.