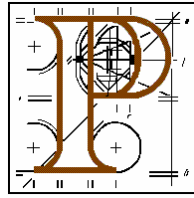


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2013

Carlow County Council

An Bord Pleanála Reference Number: 01.JP0023

APPLICATION by Carlow 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 4th day of October, 2013.

PROPOSED DEVELOPMENT: Construction of a hydrometric station on the River Slaney at Rathvilly, County Carlow.

The proposed works comprise the following:

- (i) Construction of a low level hydrometric weir on the River Slaney downstream of Rathvilly Bridge.
- (ii) Construction of side walls to facilitate the weir structure.
- (iii) Construction of a telemetry station to transmit information and data.

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) the need for a hydrometric station to be in compliance with the Court Order for Abstraction at Rathvilly;
- (b) the EU Habitats Directive (92/43/EEC);
- (c) the document entitled “Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in 2009, updated 2010;
- (d) the County Carlow Development Plan 2009-2015;
- (e) the Rathvilly Local Area Plan 2010-2016;
- (f) the presence of the existing water treatment works and water abstraction from the River Slaney 380 metres upstream;
- (g) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to site the proposed development and the likely significant effects of the proposed development on a European site;
- (h) the submissions and observations received in relation to the likely effects on the environment, and
- (i) the report of the Inspector.

The Board considered the Natura impact statement and associated documentation submitted with the application for approval and the mitigation measures contained therein, the submissions on file and the Inspector’s assessment. The Board completed an appropriate assessment of the potential impacts of the proposed development on the affected Natura 2000 site, the Slaney River Valley Special Area of Conservation (Site Code

000781). The Board was satisfied that the proposed development, in itself or in combination with other plans and projects, would not have an adverse effect on the integrity of the European site, in view of the site's conservation objectives.

Having regard to the scale and extent of the proposed development and the location of the site, the Board considered that the new installation will allow for better management of the River Slaney, will help to achieve the goals of the Water Framework Directive and will provide a means of accurately monitoring flows in the River Slaney, and, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity, would not be prejudicial to public health, would not have significant effects on the environment and would not constitute a threat of water pollution to the River Slaney. 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 further plans and particulars received by An Bord Pleanála on the 11th day of November, 2013, and on the 17th day of February 2014, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The local authority and any agent acting on its behalf shall implement in full the mitigation measures contained in the revised Natura impact statement submitted to An Bord Pleanála on the 17th day of February, 2014.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of a European site.

3. Prior to the commencement of development the specific mitigation measures regarding the Freshwater Pearl Mussel as set out in the revised Natura impact statement submitted to An Bord Pleanála on the 17th day of February, 2014 shall be carried out. Prior to seeking the required licence the local authority shall consult with the National Parks and Wildlife Service and the licence shall be obtained in accordance with the provisions of the Wildlife Acts 1976–2012.

Reason: To ensure the protection of designated species during construction.

4. A suitably qualified person shall be appointed by the local authority to oversee the site set-up and construction of the proposed development in accordance with the mitigation measures contained in the revised Natura impact statement submitted to An Bord Pleanála on the 17th day of February, 2014. The person appointed shall monitor all construction works. Upon completion of works, an audit report of the site works shall be prepared by the person appointed and submitted to the local authority to be maintained on record.

Reason: To ensure the protection of the designated sites during construction.

5. During the course of the construction works the local authority shall facilitate the preservation recording and protection of archaeological materials or features which exist within the site or adjoining the site. In this regard the local authority shall comply with the following:-

- (a) Satisfactory arrangements shall be made for the supervision by a suitably qualified archaeologist, with riverine and underwater experience, of all excavations, investigations and site development works including within the River Slaney.
- (b) All ground, riverine and underwater works on the site shall be monitored by the archaeologist who shall advise on measures as may be necessary to ensure that any damage to remaining archaeological material is avoided or minimised.
- (c) Satisfactory arrangements shall be made for post excavation research and the recording, removal and storage of any archaeological remains which may be considered appropriate to remove. In this regard a comprehensive report on the completed archaeological excavation shall be prepared within a period of six months.

Reason: In order to conserve the archaeological heritage of the area.

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

Dated this day of 2014