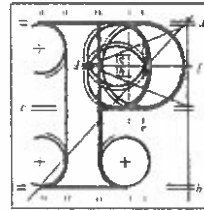
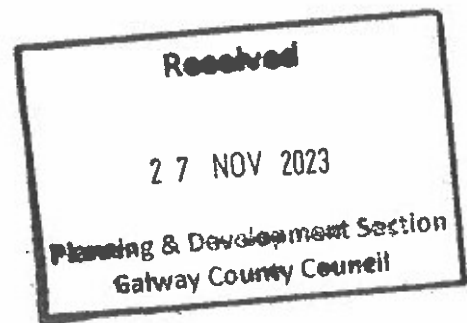


Our Case Number: ABP-318178-23



An
Bord
Pleanála

Development Applications Unit
The Manager
Government Offices
Newtown Road
Wexford
Co. Wexford
Y35 AP90



Date: 21 November 2023

Re: River maintenance works.
Ros a Mhíl, Co. Galway.

Dear Sir / Madam,

An Bord Pleanála has received your recent submission in relation to the above mentioned proposed development and will take it into consideration in its determination of the matter.

Please note that the proposed development shall not be carried out unless the Board has approved it with or without modifications.

If you have any queries in relation to the matter please contact the undersigned officer of the Board at laps@pleanala.ie

Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

Niamh Thornton
Executive Officer
Direct Line: 01-8737247

AA02

Tel	Tel	(01) 858 8100
Glaos Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

Lauren Griffin

From: LAPS
Sent: Tuesday 21 November 2023 12:15
To: Housing Manager DAU
Subject: RE: 177AE GW Ros an Mhíl Sports Grounds

A chara,

We acknowledge receipt of your email; official acknowledgement will issue in due course.

Kind Regards,

Lauren Griffin

From: Housing Manager DAU <Manager.DAU@npws.gov.ie>
Sent: Monday, November 20, 2023 3:26 PM
To: LAPS <laps@pleanala.ie>
Subject: 177AE GW Ros an Mhíl Sports Grounds

A chara

Please find attached Nature Conservation and Heritage related observations/recommendations for the above mentioned 177AW planning application.

Kindly forward a copy of your decision to manager.dau@npws.gov.ie as soon as it issues.

In addition, please acknowledge receipt of the attached letter (as required under Article 29(2) of the Planning & Development Regulations 2001).

You are requested to send any further communications to this Department's Development Applications Unit (DAU) at: manager.dau@npws.gov.ie

Kind regards,

Edel Griffin
Executive Officer

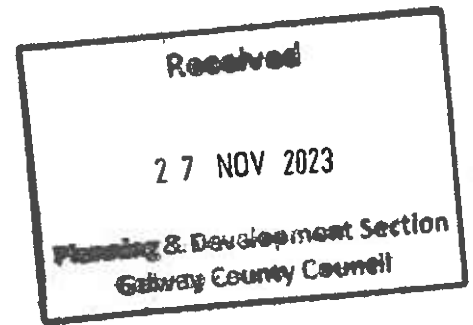
An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreachta
Department of Housing, Local Government and Heritage
Aonad na nIarratas ar Fhorbairt
Development Applications Unit
Oifigí an Rialtais
Government Offices
Bóthar an Bhaile Nua, Loch Garman, Contae Loch Garman, Y35 AP90
Newtown Road, Wexford, County Wexford, Y35 AP90



Your Ref: Ros an Mhil Sports Grounds
Our Ref: 177AE GW Ros an Mhil Sports Grounds
(Please quote in all related correspondence)

20 November 2023

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902



Via email to laps@pleanala.ie

Re: Notification under the Planning and Development Act, 2000, as amended.

Proposed Development: 177AE river maintenance works at Ros an Mhil Sports Grounds, Co. Galway.

A chara

I refer to correspondence received in connection with the above. Outlined below are heritage-related observations/recommendations co-ordinated by the Development Applications Unit under the stated headings.

Nature Conservation

These observations are intended to assist An Bord Pleanála in meeting their obligations in relation to National and EU legislation and policies for nature conservation and biodiversity, in the context of the current application.

The proposed works include the clearance of both bank and in-stream vegetation along 550m of the Rossaveal stream, approximately 300m upstream of the Connemara Bog Complex Special Area of Conservation (SAC). The Department considers that the Natura Impact Statement provided does not fully characterise the proposed works in this area and ambiguity remains in relation to the potential for indirect effects on the Connemara Bog SAC, particularly the potential for sedimentation. It is not clear from the application whether the gorse overhanging the stream will be removed by digger, by uprooting, or simply cut with chainsaws. The Department considers that if the former is the case, and the exact extent of this work remains uncertain, excessive sediment may be generated by the



proposed works. Any such impact should be considered in the context of the conservation objectives for the Connemara Bog Complex SAC, particularly, the targets set for water quality in relation to the Annex II species Salmon, for '*At least Q4 at all sites sampled by EPA*' (NPWS, 2015)¹. This target applies to all sites within the Connemara Bog SAC including any downstream of the current proposal (and which occur in a watercourse considered to be 'at risk'). Whilst undertaking their Appropriate Assessments determination An Bord Pleanála should ensure that they are confident beyond reasonable scientific doubt that the proposed works do no adversely affect the integrity of the Connemara Bog Complex SAC in view of this particular conservation objective. The Department recommends that more clarity is provided in relation to the proposed methods, and the extent of these methods, for the removal of vegetation. Furthermore, if any proposed works disturb bankside soil, clarity should be provided on what mitigation measures will be put in place to reduce the potential impacts of sediment on the adjacent stream, and the SAC downstream, and who will be responsible for overseeing these measures, and ensuring their implementation and success.

The Department takes this opportunity to remind the An Bord Pleanála of their obligations under Article 6.3 of the Habitats Directive (92/43/EEC). Competent national authorities, are to authorise an activity only if they have made certain that it will not adversely affect the integrity of a European site. That is the case when there is no reasonable scientific doubt as to the absence of such effects².

Underwater Archaeology

The proposed project entails substantive in river works and it is noted that the Wreck Inventory of Ireland Database (WIID) contains records of historic wrecking events in Galway Bay and its environs. Section 3 of the National Monuments (Amendment) Act 1987 is the primary piece of legislation for the protection of wrecks over 100 years old and archaeological objects underwater, irrespective of age. Wrecks that are less than 100 years old and archaeological objects or the potential location of such a wreck or archaeological object can also be protected under Section 3 of the 1987 (Amendment) Act. Underwater cultural heritage also encompasses, for example, weirs, historic bridges, fording points, revetment walls, historic flood defences and other riverine structures and features, many of which may be present within the proposed development area and/or are marked on historic maps.

¹ NPWS (2016) Conservation Objectives: Connemara Bog Complex SAC 002034. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

² C-418/04 Commission v Ireland ECLI:EU:C:2007:780.

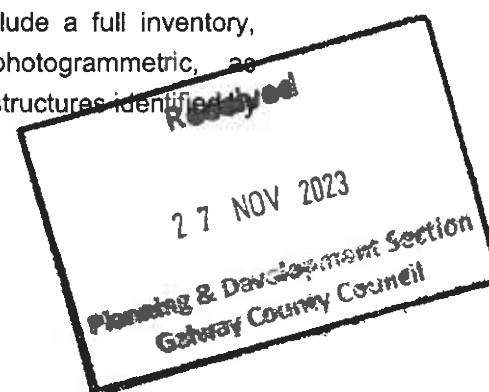


It is also noted that the proposed development area is located within an area where there are a number of recorded monuments. Recorded Monuments are afforded statutory protection in the Record of Monuments and Places (RMP) established under section 12 (Recorded Monuments) of the National Monuments (Amendment) Act 1930-2014. It should be noted, however, that the RMP is not an exhaustive list of all archaeological and cultural heritage, and it is the published policy of the National Monuments Service of this Department (*Framework and Principles for the Protection of the Archaeological Heritage* (Government of Ireland 1999) and is stated in Section 3.3.6 of the Environmental Protection Agency's *Guidelines on the Information to be Contained in Environmental Impact Assessment Reports* (EPA 2022), that archaeological assessment must include a broad range of cultural heritage assets, beyond those that are subject to statutory protection(s). Likewise, historic structures and features that are present within the proposed development area but are not included in the National Inventory of Architectural Heritage and/or Record of Protected Structures, require incorporation in any assessment.

In order for this Department to make a determination, to inform the Planning Authority, as to whether or not the likely significant effects on cultural heritage resulting from the construction and operation of the project have been identified and whether any proposed mitigation measures would adequately allow for the avoidance, reduction or offsetting of significant effects on cultural heritage, it is this Department's recommendation that a programme of pre-development underwater archaeological assessment of all in-stream works in the areas of proposed groundworks and other investigations as set out below should be undertaken. These works should be carried out at the earliest possible stage to facilitate the embedding of mitigation within the detailed design for the project, as necessary, in order to ensure the preservation in-situ of underwater cultural heritage and to develop an informed archaeological strategy to be implemented in agreement with the National Monuments Service.

Underwater Archaeological Impact Assessment

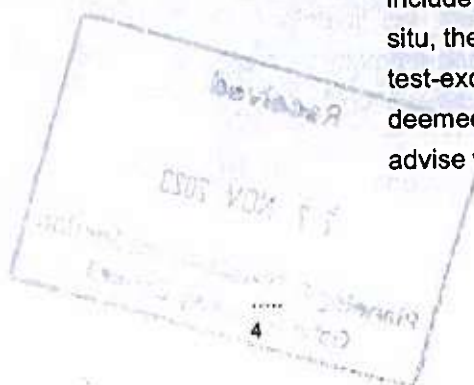
1. The developer shall commission an Underwater Archaeological Impact Assessment (UAIA) report which shall include the following:
 - a. A desktop assessment that addresses the underwater cultural heritage (including archaeological, built, vernacular, riverine, marine and industrial heritage) of the proposed development area. The assessment shall include a full inventory, mapping and survey (photographic, descriptive, photogrammetric, as appropriate) of underwater cultural heritage features and structures identified by





fieldwork, cartographic analysis, historical research and prior archaeological investigations.

- b. The UAIA shall include a licenced wade/dive assessment, accompanied by a hand-held metal detection survey, centred on (but not confined to) the area(s) where in-stream works are proposed. The wade assessment and metal detection survey shall be undertaken by a suitably licenced and experienced underwater archaeologist. All identified underwater cultural heritage shall be surveyed (photographic, descriptive, photogrammetric) in detail as part of the assessment. A Dive/Survey licence (Section 3 1987 National Monuments Act) and Detection Device consent (Section 2 1987 National Monuments Act) will be required for the wade survey and metal detection, respectively. Licenses should be applied for to the National Monuments Service of this Department and should be accompanied by a detailed method statement. Note a period of 3-4 weeks should be allowed to facilitate processing and approval of the licence applications and method statement. All archaeological wading/diving should comply with the Health and Safety Authority's Safety, Health and Welfare at Work (Diving) Regulations 2018/2019.
- c. Having completed the above-described works, the archaeologist shall submit a final report to the National Monuments Service of this Department describing the results of the UAIA. The report shall include a comprehensive Archaeological Impact Statement (AIS) that comments on the degree to which the extent, location and levels of all proposed works (ground disturbances, in water disturbances) required for the development will impact upon any underwater cultural heritage, wrecks, archaeological objects, archaeological structures, features and deposits, and/or areas of archaeological potential that have been identified. The AIS shall describe the potential impact(s) of all proposed in-stream development, access and ingress routes to the river, and shall also assess any proposed additional Site Investigation/Geotechnical impacts and potential secondary/indirect impacts such as scouring resulting from changes in hydrology. The AIS should be illustrated with appropriate plans, sections and photographs that clearly describe any adverse effect(s) of the development on the underwater cultural heritage and proposals for their mitigation. Mitigation may include recommendations for redesign to allow for full or partial preservation in situ, the institution of archaeological exclusion zones, further wade/dive surveys, test-excavations, excavations ('preservation by record') and/or monitoring, as deemed appropriate. The National Monuments Service of this Department will advise with regard to these matters. No construction works shall commence until





after the UAIA has been submitted and reviewed. All recommendations will require the agreement of the National Monuments Service of this Department.

You are requested to send any further communications to this Department's Development Applications Unit (DAU) at manager.dau@npws.gov.ie.

Is mise, le meas

A handwritten signature in black ink, reading "Cormac O'Flaherty", is positioned above the printed name.

Cormac O'Flaherty
Higher Executive Officer
Development Applications Unit
Administration

