



An
Bord
Pleanála

Board Direction
BD-003738-19
ABP-303731-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/08/2019.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

In coming to its decision, the Board had particular regard to:

- a) the relevant provisions of the Roads Act 1993, as amended, and the regulations made thereunder;
- b) the relevant provisions of EU Directive 2014/52/EU, amending Directive 2011/92/EU (EIA Directive);
- c) the relevant provisions of Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives), Wildlife Acts 1976-2017 and the European Communities (Birds and Natural Habitats) Regulations 2011, as amended;
- d) European, national policies and objectives, inclusive of those set out in The Trans-European Transport Network (TEN-T) policy, National Planning Framework – Ireland 2040 (NPF) and Smarter Travel – A Sustainable Transport Future 2009-2020;
- e) the provision of regional and local policy including the provisions of the Regional Planning Guidelines for the Border Region 2010-2022, Draft

- Regional Spatial & Economic Strategy (RSES) for the Northern and Western Regional Assembly and the Sligo County Development Plan 2017-2023;
- f) the scheme constituting a key transportation element for the improvement of the N16 National Primary Road;
 - g) the interest of road safety noting the seriously substandard condition of the existing road network and the design, layout and alignment of the Proposed Road Development;
 - h) the submissions on file, including the Environmental Impact Assessment Report, Natura Impact Statement and associated documentation, and range of mitigation measures including the Schedule of Commitments and Summary of the Proposed Ameliorative Measures (Chapter 16 of Volume 2 of the EIAR) and the management and control plans (Volume 4 of the EIAR) in the documentation received, and
 - i) the submissions made in relation to the application and the report and recommendation of the Inspector.

Appropriate Assessment - Stage 1 (Screening)

The Board agreed with and adopted the screening assessment carried out and conclusions reached in the Inspector's report that Cummeen Strand/Drumcliff Bay (Sligo Bay) Special Area Conservation (Site Code: 000627), Cummeen Strand Special Protection Area (Site Code: 004035), Drumcliff Bay Special Protection Area (Site Code: 004013) and Sligo/Leitrim Uplands Special Protection Area (Site Code: 004187) are the only European Sites in respect of which the proposed road 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 road development for the affected European Sites, namely Cummeen Strand/Drumcliff Bay (Sligo Bay) Special Area Conservation (Site Code: 000627), Cummeen Strand Special Protection Area (Site Code 004035), Drumcliff Bay Special

Protection Area (Site Code: 004013) and Sligo/Leitrim Uplands Special Protection Area (Site Code: 004187) in view of those 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:

- a) the likely direct and indirect impacts arising from the proposed road development both individually or in combination with other plans or projects;
- b) the mitigation measures which are included as part of the current proposal, and
- c) the conservation objectives for the European Sites.

The Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed road development on the aforementioned European Sites, having regard to the sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed road 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.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- a) the characteristics, nature, scale and location of the proposed road development;
- b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application;
- c) the submissions received from the observer and prescribed bodies in the course of the application;
- d) the applicant's response to submissions and
- e) the Inspector's report;

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application. The Board is satisfied that the Inspector's report sets out how these were addressed in the examination and recommendation and are incorporated into the Board's decision.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the Roads Authority, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed road development on the environment, taking into account current knowledge and methods of assessment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report, is up to date and complies with the provisions of EU Directive 2014/52/EU, amending Directive 2011/92/EU.

Reasoned Conclusions on the Significant Effects

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated as follows:

- At a community level, the proposed development would have significant positive impacts (benefits) on Population and Human Health arising out of improved safety for all road users together with improved access to services and an overall enhanced journey experience. Where negative impacts have been identified as set out above including traffic delays and diversions during the course of construction, these would be avoided, managed or mitigated by measures forming part of the proposed development, proposed mitigation measures and measures within suitable conditions. For a small number of householders, journeys to the north, including to Glencar Lough would require an 800m detour during the operation phase. It is considered that this residual impact following mitigation would not justify a refusal of planning permission having regard to the nature and overall benefits of the proposed development.

- Impacts on sensitive residential receptors arising from noise and vibration would be avoided, managed or mitigated by measures forming part of the proposed development, proposed mitigation measures and measures within suitable conditions. At a localised area close to the most sensitive residential receptors, rock splitting rather than rock breaking is proposed which as a methodology is significantly quieter and has less of a vibration impact than rock breaking. The proposed development would result in positive impacts (benefits) for 11 properties who would experience a noticeable decrease in noise levels during the operation phase as a result of a low noise surface and a corresponding reduction in traffic noise generated.
- Impacts on key ecological receptors arising from release of sediment laden water runoff during construction, but which are proposed to be mitigated by design and avoidance in the first instance and thereafter by the adoption of specific measures including the development and adherence to a Construction and Environmental Management Plan which would include an Erosion and Sediment Control Plan (Outline plan provided in Volume 4 of the EIAR) and also the adherence to IFI guidelines when working on culverts and stream diversions. Consultation would continue between the developer and the IFI and NPWS and a suitably qualified and experienced ecologist would be engaged to advise on the preservation of biodiversity. During the operation phase, the proposal for the implementation of a managed drainage system, incorporating surface-water containment and treatment measures, would improve the quantity and quality of surface water being discharged to the environment, with a consequent improvement on ecological receptors.
- Impacts on the landscape and visual environment as a result of the road infrastructure development including areas of deep excavations and high embankments. Landscape planting proposed would assist in assimilating the new aligned N16 into the receiving landscape and it is acceptable and preferable, as proposed, that deep bedrock cuttings (at Castlegal) would remain visible as rock exposure. Notwithstanding the conclusion reached in respect of the inability of the proposed measures to fully mitigate the visual impact of the PRD on certain sensitive receptors, resulting in three receptors

having moderate to major negative long term visual impacts and five receptors having minor to moderate negative long term visual impacts, it is considered that the residual impacts following mitigation would not justify a refusal of planning permission having regard to the nature and overall benefits of the proposed development.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures referred to above, and other measures set out in the Schedule of Commitments and Summary of the Proposed Ameliorative Measures submitted as part of the EIAR (Chapter 16, Volume 2) and the implementation of management and control plans (Volume 4 of the EIAR) which accompanied the application and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed road development would be in accordance with relevant European, national, regional and local planning policy and objectives. It is also considered that the proposed road development has been justified in terms of its need and would result in an improvement in terms of road safety for all road users. The delivery of the proposed road development would be in the interest of the common good and would, overall, be in accordance with the proper planning and sustainable development of the area.

1.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars, lodged with the application, including the mitigation measures specified in the Environmental Impact Assessment Report and Natura Impact Statement, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to

be prepared by the Roads Authority, these details shall be placed on file prior to commencement of the development and retained as part of the public record.

Reason: In the interest of clarity.

2. (a) All mitigation measures identified in the Environmental Impact Assessment Report including the Schedule of Environmental Commitments and Summary of the Proposed Ameliorative Measures (Chapter 16, Volume 2) and the NIS submitted by the Roads Authority with the application on the 18th day of February 2019 shall be implemented in full as part of the delivery of the proposed road development.

(b) Prior to commencement of the development, the Roads Authority, or any agent acting on its behalf, shall prepare a Construction and Environmental Management Plan generally in accordance with the commitments set out in the Environmental Impact Assessment Report and the Schedule of Environmental Commitments and Summary of the Proposed Ameliorative Measures contained therein. It shall include a developed Erosion and Sediment Control Plan incorporating the avoidance and control measures set out in the outline Erosion and Sediment Control Plan which was submitted with the application (EIAR and NIS) on the 18th February 2019. The CEMP shall be on file prior to the commencement of development and retained as part of the public record.

Reason: In the interest of protecting the environment.

3. Prior to commencement of the development, the Roads Authority or any agent acting on its behalf shall appoint a person with appropriate expertise to ensure that the ecological mitigation measures, identified in the Environmental Impact Assessment Report including the Schedule of Commitments and Summary of the Proposed Ameliorative Measures (Chapter 16, Volume 2), are implemented in full.

Reason: In the interest of protecting the ecological features of the environment.

4. The Roads Authority or any agent acting on its behalf shall appoint a suitably qualified geotechnical engineer/engineering geologist to investigate exposed

surfaces and any ground within the zone of influence of the proposed road development for the presence of karst features and the appointed specialist shall advise and oversee the appropriate treatment of any karst features exposed, generally in accordance with the mitigation proposals set out in the Schedule of Commitments and Summary of the Proposed Ameliorative Measures set out in the EIAR.

Reason: In the interest of protecting any karst features.

5. (a) All mitigation measures for archaeology, cultural heritage and architectural heritage identified in Chapter 13 of the Environmental Impact Assessment Report including the Schedule of Environmental Commitments and Summary of the Proposed Ameliorative Measures (Chapter 16, Volume 2) submitted by the Roads Authority with the application on the 18th day of February 2019 shall be implemented in full as part of the delivery of the proposed road development.

(b) In particular, the Roads Authority shall ensure that CHC 01, CHC 02 and CHC 11 are preserved *in situ* and that the recorded monuments are excluded from the Lands Made Available for Construction. The monuments shall be subject to advance geophysical survey and targeted testing (where appropriate) prior to construction in order to establish the extent of the sites and to determine an appropriate buffer around each site (no less than 20m) so as to ensure that the sites are appropriately cordoned off during construction to allow for their preservation *in situ* and to avoid potential damage.

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

Board Member

Date: 08/08/2019

Maria FitzGerald