



**An
Bord
Pleanála**

**Board Direction
BD-008888-21
ABP-308783-20**

At a meeting held on 12/08/2021, the Board considered the objections made to the proposed development of the construction of the pedestrian and cycle bridge over the lower River Corrib downstream of the existing Salmon Weir Bridge from Gaol Road to Newtownsmith and ancillary works, the report of the Inspector and the documents and submissions on file generally.

The Board decided to approve the proposed development, having regard to the reasons and considerations 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 EU Habitats Directive (92/43/EEC),
- b) the Water Framework Directive (2000/60/EC)
- c) 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,
- d) the conservation objectives, qualifying interests and special conservation interests for the Inner Galway Bay Special Protection Area (site code: 004031), Galway Bay Complex Special Area of Conservation (site code: 000268) and the Lough Corrib Special Area of Conservation (site code: 000297),

e) the relevant policies and objectives of the National Planning Framework, the Regional Spatial and Economic Strategy for the Northern and Western Region, Galway City Development Plan 2017-2023, and the Galway Transport Strategy (2016),

f) the nature and extent of the proposed works as set out in the application for approval,

g) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,

h) the submissions and observations received in relation to the proposed development, and

i) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

Appropriate Assessment:

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Inner Galway Bay Special Protection Area (site code: 004031), Galway Bay Complex Special Area of Conservation (site code: 000268) and the Lough Corrib Special Area of Conservation (site code: 000297) are the European sites for which there is a likelihood of significant effects.

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposal for the Inner Galway Bay Special Protection Area (site code: 004031), Galway Bay Complex Special Area of Conservation (site code: 000268) and the Lough Corrib Special Area of Conservation (site code: 000297), 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 assessment, the Board considered, in particular, the

- i. Likely direct and indirect impacts arising from the proposal both individually or in combination with other plans or projects, specifically upon the Inner Galway Bay Special Protection Area (site code: 004031), Galway Bay Complex Special Area of Conservation (site code: 000268) and the Lough Corrib Special Area of Conservation (site code: 000297),
- ii. Mitigation measures which are included as part of the current proposal,
- iii. Conservation Objectives for these European Sites, and
- iv. Views of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media, (DAU) and all other submissions received.

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, and there is no reasonable scientific doubt remaining as to the absence of such effects.

Proper Planning and Sustainable Development/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 provide for safer movements of pedestrians and cyclists in the area, would not give rise to a risk of pollution, would not be detrimental to the visual or landscape amenities of the area, would not adversely impact on the cultural, archaeological and built heritage of the area and

would not interfere with the existing land uses in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except where otherwise may be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. All mitigation and environmental commitments identified in the Natura Impact Statement shall be implemented in full as part of the proposed development.

Reason: In the interest of development control, public information and clarity.

3. The mitigation measures identified in the Environmental Report and other plans and particulars submitted with the planning application, shall be implemented in full by the local authority, except as may otherwise be required in order to comply with the conditions of this permission.

Reason: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.

4. The local authority shall manage the construction of the development in accordance with a Construction and Environmental Management Plan, which shall be placed on the file and retained as part of the public record. This plan shall provide details of intended construction practice for the development, including, inter alia, hours of working, off-site disposal of

construction/demolition waste, and the use of geotextile nets at locations where works will be carried out at existing quay walls to prevent material from entering watercourses

Reason: In the interests of public safety, residential amenity and water quality.

5. Trees to be felled shall be examined prior to felling and demolition to determine the presence of bat roosts. Any works shall be in accordance with the TII Guidelines for the Treatment of Bats during the construction of National Road Schemes.

Reason: In the interest of wildlife protection.

6. A pre-construction survey shall be carried out to determine the presence of any invasive plant species. In the event that invasive plant species are found prior to or during works at the development site, the applicant shall submit an Invasive Management Species Action Plan to be put on the file of the planning authority which shall include full details of the eradication of such invasive species from the development site as soon as is practicably possible.

Reason: In the interest of nature conservation and mitigating ecological damage associated with the development.

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 developer shall:

a) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess and monitor all preparatory works and all site development works,

b) investigate areas of archaeological potential and depending on the findings, carry out test excavations, if deemed necessary, following consultation with the National Monuments Services Section of the Department of Housing, Local Government and Heritage, and

c) submit a report to the local authority to be held on file, containing the results of the archaeological investigations and assessment. This report shall be placed on the file and retained as part of the public record.

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.

8. 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 and to ensure the protection of the European sites.

9. All works shall have regard 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 and timing of works shall be prepared in consultation

