

**An
Bord
Pleanála**

**Board Direction
BD-009448-21
ABP-308849-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15/11/2021.

The Board decided to approve the proposed development 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 regard to the following:

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (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 Mweelrea/Sheeffry/Erriff Complex SAC (site code: 00193),
- (e) the policies and objectives of the Galway County Council Development Plan, 2014-2020,
- (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, and the Further Information received by An Bord Pleanála on the 19th day of August 2021, and
- (h) 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 Mweelrea/Sheeffry/ Erriff Complex SAC (Site code: 001932) is the only European Sites in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the Mweelrea/Sheeffry/ Erriff Complex SAC (Site code: 001932) and in view of the site's 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:

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

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 site's 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 site's conservation objectives.

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 not give rise to a risk of pollution, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, 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 and the information contained in the Natura Impact Statement, as amended by the further information received by An Bord Pleanála on the 19/08/21, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures or other conditions or approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on file and retained as part of the public record.

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

2. The mitigation and monitoring measures contained in the Natura Impact Statement shall be implemented in full.

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

3. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare following consultation with the relevant statutory agencies, the Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement and demonstration of proposals to adhere to best practice and protocols. The CEMP shall include:

- a. A Method Statement for each phase of the works, including sequencing and timing,
- b. Details of the measures to minimise the suspension and transfer of sediment downstream,
- c. Specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness.
- d. Traffic management measures for the duration of the work.
- e. Details of how it is proposed to manage excavated material.
- f. Containment of all constructed related fuels and oil within a specifically constructed bund to ensure that fuel spillages are fully contained.
- g. Location of site compound including areas identified for the storage of waste, site office and staff facilities.
- h. Details of fencing/hoarding
- i. Measures to prevent the spillage of clay, rubble or other material on the public road.

A record of daily checks that the works are being undertaken in accordance with the Construction and Environmental Management Plan shall be maintained on file as part of the public record.

Reason: In the interest of protecting the environment, the amenities of the area and public health.

4. Prior to the commencement of development, details of measures to protect fisheries and water quality of the river systems shall be outlined and placed on file. In-channel works shall adhere to the timing restrictions to avoid damage

to spawning and juvenile fish. Full regard shall be had 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 shall be prepared in consultation with the contractor, the local authority and relevant statutory agencies and the programme shall be implemented thereafter.

Reason: In the interest of the protecting of receiving water quality, fisheries and aquatic habitats.

5. The works, including excavation and construction, shall only take place between mid-June and mid-September in any year.

Reason: In the interest of nature conservation and to ensure the protection of the European sites.

6. The County Council 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.

7. A suitably qualified freshwater ecologist shall be retained by the local authority to oversee the site set up and construction of the proposed development and the implementation and monitoring of the mitigation measures relating to ecology set out in the NIS. The ecologist shall be present during site construction works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

Reason: In the interest of nature conservation and the protection of terrestrial and aquatic biodiversity.

8. A suitably qualified and experienced ornithologist (with nest search experience) shall be retained by the local authority to carry out nest searches prior to any works during the bird nesting season (1st March-31st August). Should any nest be encountered appropriate mitigation measures shall be implemented in the form of an exclusions zone. No vegetation, including ground vegetation shall be removed during the nesting season. At least one Grey Wagtail nest box shall be provided under the bridge.

Reason: To protect nesting sites for birds in the vicinity of the bridge.

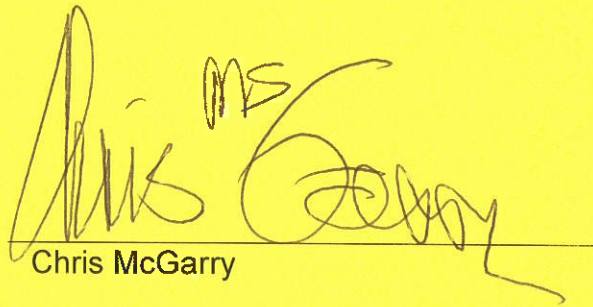
9. No trees shall be removed on the site. A suitably qualified arborist shall be retained by the local authority to prepare a tree protection and management plan for the site. The plan shall be prepared prior to any development taking place on the site and shall be in accordance with the guidance provided in 'Guidelines for the protection and preservation of trees, hedgerows and scrub prior to, during and post construction on national road scheme' published by the NRA. The plan shall include the following:

- (a) details of any pre-construction remedial works required for the protection and preservation of the trees on the site,
- (b) details of vertical barriers to be erected including heights (at least 2.3m), materials to be used, and appropriate signage regarding exclusion of construction activity, and storage of materials ,
- (c) details of ground protection measures with the root protection zones to include details of materials to be used, proposals for removal following completion of the works,
- (d) post construction monitoring.

Post construction monitoring shall take place for a period of 12 months following the completion of the development. Details of the tree protection and preservation plan shall be incorporated into the Construction and Environment Management Plan, which shall be placed on file as part of the public record.

Reason: To ensure that existing trees on site are adequately protected and preserved during construction.

Board Member



Chris McGarry

Date: 15/11/2021

