

An
Coimisiún
Pleanála

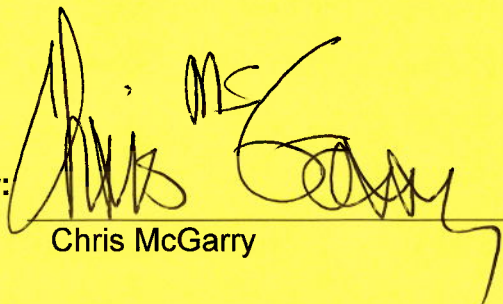
Direction
CD-020098-25
ABP-320145-24

The submissions on this file and the Inspector's report were considered at a meeting held on 30/06/2025.

The Commission 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.

Planning

Commissioner:


Chris McGarry

Date: 30/06/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

In performing its functions in relation to the making of its decision, the Commission had regard to the following:

- (a) the European Union Habitats Directive (92/43/EEC),
- (b) the European Communities (Birds and Natural Habitats) Regulations 2011, as amended,
- (c) section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, and the requirement to, in so far as practicable,

perform its functions in a manner consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State,

- (d) Directive 2000/60/EC, the Water Framework Directive and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive and which achieves or promotes compliance with the requirements of the Directive,
- (e) 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,
- (f) the conservation objectives, qualifying interests and special conservation interests for the Lough Corrib Special Area of Conservation (Site Code: 000297), the Galway Bay Complex Special Area of Conservation (Site Code: 000268), the Lough Corrib Special Protection Area (Site Code: 004042) and the Inner Galway Bay Special Protection Area (Site Code: 004031),
- (g) the policies and objectives of the Galway County Development Plan 2022-2028,
- (h) the nature and extent of the proposed works as set out in the application for approval,
- (i) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (j) the submission received in relation to the proposed development, and
- (k) the report and recommendation of the person appointed by the Commission to make a report and recommendation on the matter.

Appropriate Assessment: Stage 1:

The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Lough Corrib Special Area of Conservation (Site Code: 000297), the Galway Bay Complex Special Area of

Conservation (Site Code: 000268), the Lough Corrib Special Protection Area (Site Code: 004042) and the Inner Galway Bay Special Protection Area (Site Code: 004031) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment: Stage 2:

The Commission considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submission on file, and the Inspector's assessment. The Commission completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the Lough Corrib Special Area of Conservation (Site Code: 000297), the Galway Bay Complex Special Area of Conservation (Site Code: 000268), the Lough Corrib Special Protection Area (Site Code: 004042) and the Inner Galway Bay Special Protection Area (Site Code: 004031) in view of those Sites' conservation objectives. The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the appropriate assessment, the Commission 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 Commission 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 Commission 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.

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 amenities of the area, would not seriously injure the amenities of property in the vicinity, would not adversely impact upon cultural heritage of the area, would not interfere with the existing land uses in the area, would deliver an improved road safety performance and would be an acceptable form of development at this location. 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, except as may otherwise be required in order to comply with the following conditions. Where any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the 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 identified in the Natura Impact Statement submitted with the application shall be implemented in full.

Reason: In the interest of protecting the environment, the protection of European Sites and in the interest of public health.

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

- (a) all mitigation measures indicated in the Natura Impact Statement and the Ecological Impact Assessment,
- (b) location and extent of silt fencing to be installed on site, and
- (c) specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness.

Reason: In the interest of protecting the environment and European Sites.

4. The following nature conservation requirements shall be complied with:

No vegetation removal shall take place during the period of the 1st day of March to the 31st day of August (inclusive) without the written approval of the appointed Ecological Clerk of Works. Such approval shall be placed on the public file.

Reason: In the interests of biodiversity and nature conservation.

5. (a) All mitigation measures in relation to archaeology and cultural heritage as set out in the 'Impact Assessment Report on Cultural Heritage' prepared by Jerry O'Sullivan, Transport Infrastructure Ireland Archaeologist, and dated January 2020 shall be implemented in full, except as required by condition 5 (b) of this Order.

(b) All stone material recovered from existing stone boundary walls to be demolished shall be reused in the construction of new stone wall boundaries as much as practicable.

- (c) A project archaeologist shall be appointed to oversee and advise on all aspects of the scheme. The project archaeologist shall liaise with the Department of Housing, Local Government and Heritage to agree in advance an overall strategy for archaeological works to be carried out both in advance of and in parallel with construction of the development. This shall include the scope of all advance archaeological test excavation and archaeological monitoring as well as any additional mitigation measures that may be required to protect archaeological heritage.
- (d) If, during the course of site works, any archaeological material is discovered, the National Monuments Service, Department of Housing, Local Government and Heritage and the National Museum of Ireland shall be notified immediately.
- (e) The Construction Environment Management Plan (CEMP) shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development as set out in the 'Impact Assessment Report on Cultural Heritage' and by any subsequent archaeological investigations associated with the project. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.
- (f) The Department of Housing, Local Government and Heritage shall be furnished with a final archaeological report describing the results of all archaeological monitoring and any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. A copy of same shall be placed on the public file.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.