

An
Coimisiún
Pleanála

Direction
CD-021790-26
ACP-322952-25

The Commission decided to approve the proposed development in accordance with the inspectors recommendation based on the reasons and considerations set out below:

Reasons and Considerations

In performing its functions in relation to the making of its decision, the Commission had regard to 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 the Climate Action Plan 2024, the Climate Action Plan 2025, the relevant provisions of Ireland's Long-term Strategy on Greenhouse Gas Emissions Reductions, 2024, the National Adaptation Framework Planning for a Climate Resilient Ireland, 2024, including the relevant sectoral adaptation plans as they relate to biodiversity, and in the furtherance of the objective of mitigating greenhouse-gas emissions and adapting to the effects of climate change in the State.

And coming to its decision, the Commission also had regard to the following:

- the European Union Habitats Directive (92/43/EEC),
- the European Communities (Birds and Natural Habitats) Regulations, 2011, as amended,
- 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 European Sites,

- the conservation objectives and qualifying interests for Lough Corrib Special Area of Conservation (Site Code: 000297) and Lough Corrib Special Protection Area (Site Code: 004042),
- the policies and objectives of the Galway County Development Plan 2022-2028,
- the provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of Housing, Planning and Local Government in 2019,
- the provisions of The Planning System and Flood Risk Management - Guidelines for Planning Authorities issued by the Department of Environment, Heritage and Local Government in 2009,
- the nature and extent of the proposed works, as set out in the application for approval,
- the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Ecological Impact Assessment and the Natura Impact Statement,
- the submissions received in relation to the proposed development, and,
- the report and recommendation of the person appointed by the Commission to make a report and a recommendation on this matter.

Appropriate Assessment: Stage 1:

The Commission agreed with and adopted the screening assessment and conclusion arrived at in the Inspector's report that the Lough Corrib Special Area of Conservation (Site Code: 000297) and Lough Corrib Special Protection Area (Site Code: 004042) 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 the associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions on file, and the Inspector's assessment and carried out an appropriate assessment of the implications of the proposed development for Lough Corrib Special Area of Conservation (Site Code: 000297) and Lough Corrib Special Protection Area (Site Code: 004042), in view of the 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 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 provide a direct and safe and attractive pedestrian route within the village of Oughterard and would provide an alternative to the N59 which is currently without segregated pedestrian facilities particularly over and in the

vicinity of the N59 road bridge over the Owenriff River. The proposal would enhance the recreational facilities within the village and furthermore would not be likely to have significant effects on the environment, or seriously injure the visual amenities of the area or the amenities of property in the area. The proposal would not adversely affect the cultural heritage of the area or exacerbate the risk of flooding nor would the proposal with the incorporation of appropriate mitigation measures pose a risk in terms of pollution. It is therefore considered that the proposed development would constitute an appropriate form of development at this location and would be in accordance with the relevant provisions of the Galway County Development Plan 2022-2028. 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.

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

2. Details of the proposed service access gate along the boundary wall to Carrowmanagh Park amenity space, as well as the materials, colours and textures of all the external finishes to the proposed footbridge shall be placed on the file and retained as part of the public record prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

3. The mitigation and monitoring measures outlined in the Natura Impact Statement submitted with the application, shall be carried out and implemented in full. Prior to the commencement of the development, details of a time schedule for implementation of the mitigation measures and associated monitoring shall be prepared by the local authority, placed on file and retained as part of the public record.

Reason: In the interests of protecting the environment and the protection of European Sites.

4. A suitably qualified ecologist shall be retained by the local authority to oversee the site set up and construction of the proposed development and implementation of the mitigation measures relating to ecology. The ecologist shall be present during the works. Within two months of the completion of works, an ecological report of the site works shall be prepared by the appointed ecologist, placed on file and retained as part of the public record.

Reason: In the interests of nature conservation and biodiversity.

5. 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, an updated Construction Environmental Management Plan for the development, demonstrating the proposals adhere to best practice and protocols. This Construction Environmental Management Plan shall be placed on file, retained as part of the public record and shall include:
 - (a) all mitigation and monitoring measures to be implemented under Condition 3,
 - (b) the locations and extent of silt-control measures to be installed on the site,

- (c) specific proposals as to how the measures outlined in the Construction Environmental Management Plan will be measured and monitored for effectiveness, and,
- (d) a Construction Traffic Management Plan.

Reason: In the interests of road safety, and the protection of the environment, European Sites and public health.

6. The following nature conservation requirements shall be complied with:
- (a) Prior to the commencement of development, details of measures to protect fisheries and water quality of the river system shall be outlined and placed on file. Full regard shall be given to Inland Fisheries Ireland '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 appointed project ecologist and relevant statutory agencies, and the programme shall be implemented in full thereafter, placed on file and retained as part of the public record.
 - (b) Prior to the commencement of the replacement underground services excavation works along the proposed footbridge north landing area at Riverside, advance notification shall be issued to Inland Fisheries Ireland,
 - (c) Vegetation removal shall not take place during the period between the 1st day of March and the 31st day of August, inclusive, without the written approval of the project ecologist. Any approval arising shall be placed on file and retained as part of the public record.
 - (d) The results of pre-construction surveys for otters, badgers and invasive species, which shall be carried out by a suitably qualified ecologist, shall be placed on file and retained as part of the public record.

Reason: In the interests of biodiversity and nature conservation.

7. The landscaping scheme shown on the submitted site plan drawing number 24055-CO-LP-0-01-REV-3 shall be carried out within the first planting season unless otherwise recommended by the project ecologist following substantial

completion of the construction works. Details of any revised timeframe for planting agreed shall be placed on the public file. In addition to the proposals in the submitted scheme, within the first planting season following substantial completion of the construction works the local authority shall reestablish a hedgerow with indigenous species along the access to the temporary construction compound on Station Road. Only indigenous tree species should be planted as part of the overall landscaping scheme, including the compensatory tree planting.

Reason: In the interest of visual amenity.

8. A quality audit (which shall include a road safety audit, access audit, cycle audit and a walking audit) shall be carried out at Stage 2 for the detailed design stage and at Stage 3 for the post-construction stage. All audits shall be carried out at the local authority's expense in accordance with the Design Manual for Urban Roads and Streets guidance and Transport Infrastructure Ireland standards. Details of the independent audit team(s) shall be prepared, placed on the file and retained as part of the public record and all measures recommended by the auditor(s) shall be implemented unless there are exceptional circumstances allowing for deviation. The Stage 2 audit reports shall be prepared, placed on the file and retained as part of the public record prior to the commencement of development.

Reason: In the interests of traffic safety and the proper planning and sustainable development of the area.

9. The local authority shall engage a suitably qualified (licence-eligible) archaeologist to carry out an archaeological impact assessment following consultation with the National Monument Service in advance of any site

preparation works and groundworks, including site investigation works, topsoil stripping, site clearance and excavation works.

The archaeological impact assessment shall involve an examination of all development layout/design drawings, completion of documentary/cartographic/photographic research and fieldwork, the latter to include, where applicable metal detection survey and archaeological testing (consented/licensed as required under the National Monuments Acts). The archaeologist shall prepare a comprehensive report, including an archaeological impact statement and mitigation strategy, to be placed on the file and retained as part of the public record in advance of any site preparation works, groundworks and/or construction works.

Where archaeological remains are shown to be present, preservation in-situ, establishment of 'buffer zones', preservation by record (archaeological excavation) or archaeological monitoring may be required and mitigatory measures to ensure the preservation and/or recording of archaeological remains shall be included in the archaeological impact assessment. Any further archaeological mitigation requirements specified following consultation with the National Monuments Service, shall be complied with by the local authority.

The National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the local authority.

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

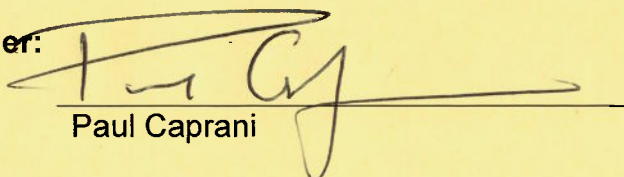
10. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1300

hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances.

Reason: In the interest of clarity and in order to safeguard the residential amenities of property in the vicinity.

Planning

Commissioner:


Paul Caprani

Date: 22/01/2026