



Board Direction

Ref: 07.HA0049

At a further meeting held on May 3rd, 2016, the Board considered

- (a) the objections made to the proposed development,
- (b) the report of the Inspector, who held the oral hearing and
- (c) the documents and submissions on file generally.

The Board decided by a 3:1 majority vote to refuse to approve the proposed development generally in accordance with the Inspector's recommendation, subject to the amendments set out below.

REASONS AND CONSIDERATIONS

The route of the proposed road development directly impacts on four European Sites, namely, the Twelve Bens/Garraun Complex Special Area of Conservation (site code 002031); the Maumturk Mountains Special Area of Conservation (site code 002008); the Connemara Bog Complex Special Area of Conservation (site code 002034); and the Connemara Bog Complex Special Protection Area (site code 004181). The qualifying interests for the referenced Special Areas of Conservation indicate habitats and species for which the sites have been selected, including, and in particular, Blanket bog (Active), an Annex I Priority habitat, and Northern Atlantic wet heath with *Erica tetralix*, an Annex I habitat. It is an objective to maintain or restore the favourable conservation status of habitats and species of community interest. Information presented within the Natura impact statement and subsequent submissions to the Board (both in writing and at the oral hearing), indicate the presence of Annex I habitat 'Northern Atlantic Wet heath with *Erica tetralix*' [4010] and, possibly, Annex I Priority habitat 'Blanket bog (active)' [7130], within lands which are to be included in the proposed road development and which lie within European Sites. It is considered that, in the absence of clear information in relation to the habitats which are within and adjacent to the proposed road development, it

is not possible to conclude that the proposed road development would not result in the loss of such habitats, for which it is a stated conservation objective to maintain or restore the favourable conservation status. It is not, therefore, possible to conclude that the proposed road development, alone 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. The proposed road development would, therefore, be contrary to the proper planning and sustainable development of the area.

Notes:

1. Notwithstanding the decision to refuse to approve the proposed road development on the grounds set out above the Board was generally favourably disposed to the road improvement proposed in terms of the proper planning and sustainable development of the area having regard, inter alia, to the positive planning policy support for the project as set out in a suite of national, regional and local planning and transport policy documents; the sub-standard nature of the existing N59 national secondary road between Clifden and Maam Cross in terms of width, alignment and surface quality; the on-line approach to the road improvement proposed which seeks to minimise environmental impacts; the resultant improvement that would arise from the proposed road development in the interest of traffic safety; and the community need, public interest served and overall benefits to be achieved from the proposed road development.

2. The Board considered approving the discrete sections of the road improvement proposed referred to in Section 12.2 of the Inspector's report but shared the Inspector's concerns regarding the implications that such a fragmented proposal would have on drainage, the location of wetland treatment areas for surface water run-off, continuity of cycleways/footpaths and the diversion of services. The Board further considered that such an amended proposal would be significantly different from the one proposed for consideration and, therefore, did not pursue this option.

Board Member: _____
Nicholas Mulcahy

Date: May 10th, 2016

Please issue a copy of this Direction with the Order.