



Board Direction

Ref: 03.HD0037

The documentation on this file and the Inspector's report were considered at a Board meeting held on September 21st, 2016.

The file was considered in conjunction with JN0013 – an application from the road authority as to whether the subject development requires appropriate assessment (and the submission of an NIS).

The Board decided, by a 4:1 majority, to direct the Road Authority that no Environmental Impact Assessment (or submission of EIS) is required in respect of the proposed development for the draft reasons, considerations and conditions set out below.

At a further meeting on September 27th, 2016 the Board approved the following direction.

REASONS AND CONSIDERATIONS

Having regard to:

- (i) the European Communities (Environmental Impact Assessment) Regulations 1989, as amended, and Section 50(1) of the Roads Act 1993 (as amended);
- (ii) Schedules 5 and 7 of the Planning and Development Regulations, 2001, as amended;
- (iii) the guidance contained in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development” issued by the Department of the Environment, Heritage and Local Government (2003);
- (iv) the modest nature, scale and town centre location of the proposed road development;

- (v) the local authority's previous proposal to address the matter under ABP planning reference no. HD0027 and the decision of ABP on that case;
- (vi) the separation distance between the subject development site and a European site, namely Inagh River Estuary Special Area of Conservation (site code 000036) and the coastal nature of the qualifying interests in the Inagh River SAC (Site Code 000036);
- (vii) the clear span design of the bridge which avoids the need for construction works in the main river channel;
- (viii) the proposed construction management approach, including the measures to ensure that surface water run-off and construction materials are not discharged to the River Inagh during either the construction or operational phases of the scheme,
- (ix) the character of the buildings proposed to be demolished and the site's location within an Architectural Conservation Area in proximity to a number of protected structures;
- (x) the submission made to An Bord Pleanála by the road authority including the submissions made to the road authority at project consultation stage (Ref. Appendix D, Environmental Impact Report) by Inland Fisheries Ireland and the Department of Arts, Heritage and Gaeltacht (Development Applications Unit), and
- (xi) the report and recommendation of the Inspector,

it is considered that the proposed road development would not be likely to have significant effects on the environment and that an environmental impact assessment (and the submission of an environmental impact statement) is not, therefore, required.

In deciding not to accept the Inspector's recommendation to direct the road authority to prepare an environmental impact statement, the Board noted the

Inspector's comments regarding potential impacts on cultural heritage including:

- the loss of two buildings within the Architectural Conservation Area,
- the alterations to the existing streetscape and urban form of the village, and
- the potential impacts on Protected Structures at Church of Our Lady and Saint Michael (RPS No. 364) and the setting of Michael Conway Bridge (RPS No. 373),

but the Board did not consider that these impacts, either individually or in cumulation, would be significant having regard to the nature and quality of

the buildings to be removed and the minor impacts that the proposed development would have on the streetscape. The Board also did not consider that the proposed development would materially affect the character of the protected structures in question and considered that the proposed development would avoid the core of the Architectural Conservation Area within the town centre.

The Board did not consider that the proposed development would have a significant impact on the town as a tourism destination as a result of any potential adverse impact on town's heritage and visual amenity significance and considered that the loss of community services/uses arising from the demolition of Social Welfare office and florist would not give rise to a significant impact on the town or environs.

Furthermore, the Board noted the potential impacts of the development on the landscape along the River Inagh including the impacts on the riverside amenities and access to the river by the fishing community but the Board was satisfied, based on the description of the proposed construction works and operational phase of development, that any potential impacts would not be significant and would not conflict with any future initiatives to enhance the riverside amenities that might arise.

In respect of possible impacts on ecology and potential impacts on spawning habitats the Board took account of the measures set out in Inland Fisheries Ireland correspondence to the Road Authority and the clear span nature of the bridge design which avoids the need for construction works in the main river channel. Allied to the proposed construction management approach, including the measures to ensure that surface water run-off and construction materials are not discharged to the River Inagh during either the construction or operational phases of the scheme, the Board considered that the risk to fisheries, and ecology in general, would not be significant.

In conclusion, having regard to the characteristics of the proposed development, the location of the proposed development and the characteristics of the potential impacts the Board determined that the proposed development would not be likely to have significant effects on the environment.

Board Member: _____ Date: September 27th, 2016
Nicholas Mulcahy