



An
Bord
Pleanála

Board Order ABP-302267-18

Planning and Development Acts, 2000 to 2018

Planning Authority: Mayo County Council

Application by Mayo County Council for approval under section 177AE of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including a Natura Impact Statement, lodged with An Bord Pleanála on the 2nd day of August, 2018.

Proposed Development: Realignment of the R312 Regional Road at Muckanagh and Kilgarve, Glenisland, Castlebar, County Mayo, as amended by the further information received by the Board on the 17th day of April, 2019.

Decision

Approve the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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 conservation interests and Conservation Objectives of the Newport River Special Area of Conservation (site code: 002144),
- (d) the policies and objectives of the Mayo County Development Plan 2014-2020, as varied,
- (e) the nature and extent of the proposed R312 road realignment scheme as set out in the application for approval,
- (f) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement, the addendum to the Natura Impact Statement, the Ecological Impact Assessment Report, the Surface Water Management Plan, the updated Surface Water Management Plan, the Planning Report and the Further Information Response Report,
- (g) 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,
- (h) the submissions and observations received in relation to the likely effects on the environment, and on the likely significant effects of the proposed development on a European Site, and
- (i) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

Appropriate Assessment Screening: Stage 1:

The Board completed a Stage 1 Screening for Appropriate Assessment in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application and the Inspector's report and submissions on file. In completing the Stage 1 Screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report that the Newport River Special Area of Conservation (site code: 002144) is the only European Site in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement and Addendum to the Natura Impact Statement and associated documentation and drawings submitted with the application for approval, as amended by the further information received by the Board on the 17th day of April, 2019, the mitigation measures contained therein, the submissions and observations on file and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Site, namely the Newport River Special Area of Conservation (site code: 002144) 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 Site.

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 aforementioned European Site, having regard to the site's Conservation Objectives.

Conclusion:

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 Site, in view of the site's Conservation Objectives.

Proper Planning and Sustainable Development:

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the community in the vicinity, would provide an improved road realignment to a strategically important regional route, would not seriously injure the amenities of property in the vicinity or adversely affect the local population, including human health, would not give rise to a significant risk of pollution to air or water and would not be detrimental to soil, landscape, or to the cultural heritage of the area. 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, as amended by the further information received by the Board on the 17th day of April, 2019, except where otherwise may be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The proposed development shall be carried out as follows:
 - (a) The clear-span bridge shall have a minimum span of 19 metres as measured along and parallel to the centre line of the carriageway.
 - (b) The southern abutment shall be set back at least 4 metres perpendicular distance from the edge of the Glenisland River watercourse.
 - (c) The northern abutment shall be setback at least 4.5 metres perpendicular distance from the edge of the Glenisland River watercourse.

Reason: In the interest of clarity.

3. The mitigation measures identified in the Natura Impact Statement, the Addendum to the Natura Impact Statement, the Planning Report, the Ecological Impact Assessment Report, the Surface Water Management Plan and the Updated Surface Water Management Plan, and the associated documentation, reports and drawings submitted with the application shall be implemented in full by the local authority.

Reason: To minimise the impact of construction and operational activities on species of conservation interest, and associated habitats, in the interest of the proper planning and sustainable development of the area.

4. The proposed regraded area at the northern surface water outfall (as proposed in the further information response), which falls partly outside (west of) the indicated land acquisition area boundary, shall be revised easterly so that is wholly contained within the application site boundary.

Reason: In the interest of clarity.

5. Prior to commencement of development, the developer shall have agreed in writing with the National Parks and Wildlife Service:
 - (i) The location of pre-construction weekly baseline water quality parameter monitoring and the duration period of that monitoring.
 - (ii) The location of the two proposed turbidity monitoring locations.

Reason: To ensure the adequate protection of water quality for the duration of the construction works.

6. Any removal of trees that support bat populations, as advised by the on-site ecologist employed by the developer, shall be carried out only under licence from the National Parks and Wildlife Service.

Reason: In the interest of wildlife protection.

7. Stockpiling of topsoil shall be located no closer than 25 metres from the Glenisland River.

Reason: To ensure the adequate protection of water quality for the duration of the construction works.

Stephen Bohan

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019