

An  
Bord  
Pleanála

## Board Order ABP-308783-20

### Planning and Development Acts, 2000 to 2020

### Planning Authority: Galway City Council

**Application** by Galway City 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 27<sup>th</sup> day of November, 2020.

**Proposed Development:** Salmon Weir Pedestrian and Cycle Bridge, over the Lower River Corrib downstream of the existing Salmon Weir Bridge from Gaol Road to Newtownsmith, Galway City.

The proposed development will comprise of the following:

- Construction of a three-span pedestrian and cycle bridge over the lower River Corrib downstream of the existing Salmon Weir Bridge from Gaol Road to Newtownsmith in Galway City.
- Alterations to existing stone masonry walls to facilitate the footpaths and approach spans to the proposed bridge.
- Upgrading of existing footpaths at the tie in points at Gaol Road and Newtownsmith and a tie-in to the public amenity area on Friar's River embankment.

The proposed new pedestrian and cycle bridge will be located circa .24 metres from the existing Salmon Weir Bridge (downstream) and is comprised of a low level three-span bridge, which will cross three separate watercourses. The span arrangement over Persse' Distillery River, Lower River Corrib and Friar's River are approximately 13 metres, 54 metres and 18 metres respectively.

## **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 Water Framework Directive (2000/60/EC)
- (c) 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,

- (d) the conservation objectives, qualifying interests and special conservation interests for the Inner Galway Bay Special Protection Area (Site Code: 004031), Galway Bay Complex Special Area of Conservation (Site Code: 000268) and the Lough Corrib Special Area of Conservation (Site Code: 000297),
- (e) the relevant policies and objectives of the National Planning Framework, the Regional Spatial and Economic Strategy for the Northern and Western Region, Galway City Development Plan 2017-2023, and the Galway Transport Strategy (2016),
- (f) the nature and extent of the proposed works as set out in the application for approval,
- (g) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura impact statement,
- (h) the submissions and observations received in relation to the proposed development, and
- (i) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter

**Appropriate Assessment:**

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Inner Galway Bay Special Protection Area (Site Code: 004031), Galway Bay Complex Special Area of Conservation (Site Code: 000268) and the Lough Corrib Special Area of Conservation (Site Code: 000297), are the European sites for which there is a likelihood of significant effects.

The Board considered the Natura impact statement and all other relevant submissions and carried out an appropriate assessment of the implications of the

proposal for the Inner Galway Bay Special Protection Area (Site Code: 004031), Galway Bay Complex Special Area of Conservation (Site Code: 000268) and the Lough Corrib Special Area of Conservation (Site Code: 000297), in view of the Sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the assessment, the Board considered, in particular, the

- (j) likely direct and indirect impacts arising from the proposal both individually or in combination with other plans or projects, specifically upon the Inner Galway Bay Special Protection Area (Site Code: 004031), Galway Bay Complex Special Area of Conservation (Site Code: 000268) or the Lough Corrib Special Area of Conservation (Site Code: 000297),
- (ii) mitigation measures which are included as part of the current proposal,
- (iii) conservation objectives for these European Sites, and
- (iv) the views of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media, (DAU) and all other submissions received.

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 integrity of the aforementioned European Sites, having regard to the Sites' conservation objectives.

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 Sites, in view of the Sites' conservation objectives, and there is no reasonable scientific doubt remaining as to the absence of such effects.

## **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 provide for safer movements of pedestrians and cyclists in the area, would not give rise to a risk of pollution, would not be detrimental to the visual or landscape amenities of the area, would not adversely impact on the cultural, archaeological and built heritage of the area and would not interfere with the existing land uses in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **CONDITIONS**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except where otherwise may be required in order to comply with the following conditions.

**Reason:** In the interest of clarity.

2. All mitigation and environmental commitments identified in the Natura impact statement shall be implemented in full as part of the proposed development.

**Reason:** In the interests of development control, public information and clarity.

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3. The mitigation measures identified in the Environmental Report and other plans and particulars submitted with the planning application, shall be implemented in full by the local authority, except as may otherwise be required in order to comply with the conditions of this approval.

**Reason:** In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.

4. The local authority shall manage the construction of the development in accordance with a Construction and Environmental Management Plan, which shall be placed on the file and retained as part of the public record. This plan shall provide details of intended construction practice for the development, including, hours of working, off-site disposal of construction/ demolition waste, and the use of geotextile nets at locations where works will be carried out at existing quay walls to prevent material from entering watercourses

**Reason:** In the interests of public safety, residential amenity and water quality.

5. Trees to be felled shall be examined prior to felling and demolition to determine the presence of bat roosts. Any works shall be in accordance with the Transport Infrastructure Ireland Guidelines for the Treatment of Bats during the construction of National Road Schemes.

**Reason:** In the interest of wildlife protection.

6. A pre-construction survey shall be carried out to determine the presence of any invasive plant species. In the event that invasive plant species are found prior to or during works at the development site, the local authority or any agent acting on its behalf shall prepare an Invasive Management Species Action Plan, which shall include full details of the eradication of such invasive species from the

development site as soon as is practicable. This plan shall be placed on the public file and retained as part of the public record.

**Reason:** In the interests of nature conservation and mitigating ecological damage associated with the development.

7. The local authority shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the local authority shall:

(a) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess and monitor all preparatory works and all site development works.

(b) investigate areas of archaeological potential and depending on the findings, carry out test excavations, if deemed necessary, following consultation with the National Monuments Services Section of the Department of Housing, Local Government and Heritage, and

(c) prepare a report to be held on file as a public record, containing the results of the archaeological investigations and assessment.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation in-situ or by record and protection of any archaeological remains that may exist within the site.

8. The local authority and any agent acting on its behalf shall ensure that all plant and machinery used during the works should be thoroughly cleaned and

washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

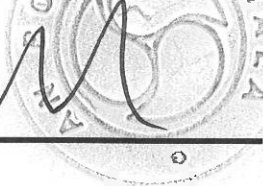
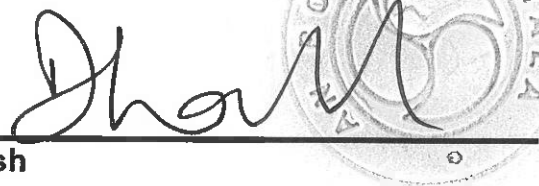
**Reason:** In the interests of the proper planning and sustainable development of the area and to ensure the protection of the European Sites.

9. All works shall have regard to Inland Fisheries Ireland's published guidelines for construction works near waterways - Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters, 2016. A programme of water quality monitoring and timing of works shall be prepared in consultation with the contractor, and relevant statutory agencies and the programme shall be implemented thereafter.

**Reason:** In the interests of the protecting of receiving water quality, fisheries and aquatic habitats.

10. All new surface water outfalls shall be constructed in a manner which protects riparian habitat and does not result in excessive erosion of such habitat.

**Reason:** In the interest of habitat protection



**Dave Walsh**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this 16<sup>th</sup> day of August 2021