An Bord Pleanála

Ordú Boird
Board Order
ABP-315772-23

Na hAchtanna um Pleanáil agus Forbairt 2000 go 2022

Údarás Pleanála: Comhairle Contae na Gaillimhe

Planning and Development Acts 2000 to 2022

Planning Authority: Galway County Council

Iarratas ó Chomhairle Chontae na Gaillimhe ar cheadú faoi alt 177AE den Acht um Pleanáil agus Forbairt 2000, arna leasú, de réir pleananna agus sonraí, lena n-áirítear Ráiteas Tionchair Natura, arna dtaisceadh leis an mBord Pleanála an 13ú lá Feabhra, 2023.

Application by Galway 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 13th day of February, 2023.

An amendment to this Board Order has been made

Dated 17/06/2024

Signed: Secretary

An Fhorbairt Bheartaithe:

Forbairt ag Droichead na nArd-doiriú, lena n-áirítear:

- glanadh fásra,
- deic an droichid atá ann cheana a athsholáthar,
- uchtbhallaí obair chloiche a chur in ionad na n-uchtbhallaí coincréite atá ann cheana,
- deisiúcháin choincréite,
- armúr carraige a shuiteáil, agus,
- oibreacha athdhromchlaithe.

Gach ceann acu ag L-12010 Droichead Fhormaoil, Seanadh Phéistín, Contae na Gaillimhe.

Proposed Development:

Development at Formaoil Bridge including:

- vegetation clearance,
- replacement of existing bridge deck,
- replacement of existing concrete parapets with stonework parapets,
- concrete repairs,
- installation of rock armour, and,
- resurfacing works

All at L-12010 Formaoil Bridge, Seanadh Phéistín, County Galway.

An Cinneadh

An fhorbairt thuas atá beartaithe a cheadú, bunaithe ar na cúiseanna agus na cúrsaí thíos agus faoi réir na gcoinníollacha atá leagtha amach thíos.

Decision

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

An amendment to this Board Order has been made

Dated 17/06/2024

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Cúiseanna agus Tuisceanna

Agus a chinneadh á dhéanamh aige, d'fhéach an Bord don mhéid seo a leanas:

(a) Treoir AE maidir le Gnáthóga (92/43/CEE),

(b) Rialacháin an Aontais Eorpaigh (Éin agus Gnáthóga Nádúrtha), 2011-2015,

(c) Plean Gníomhaíochta Rialtas na hÉireann ar son na hAeráide, 2023,

(d) an Straitéis Réigiúnach Eacnamaíoch agus Spáis, 2020 - 2032,

(e) na hiarmhairtí dóchúla don chomhshaol agus do phleanáil chuí agus d'fhorbairt inbhuanaithe an limistéir ina bhfuil sé beartaithe an fhorbairt bheartaithe a dhéanamh agus na héifeachtaí suntasacha dóchúla a bheidh ag an bhforbairt a bheartaítear ar Láithreán Eorpach,

(f) na cuspóirí caomhantais, leasanna cáilitheacha agus leasanna speisialta caomhaontais do Limistéar Caomhantais Speisialta Choimpléasc Portach Chonamara (Cód an Láithreáin: 002034): Límistéar Choimpléacs

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 Government of Ireland Climate Action Plan, 2023,

(d) the Regional Economic & Spatial Strategy, 2020-2032,

(e) 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 Sites,

(f) the conservation objectives, qualifying interests and special conservation interests for the Connemara Bog Complex Special Area of Conservation (Site Code: 002034) and Connemara Bog Complex Special Protection Area (Site Code: 004181),

(g) the policies and objectives of the Galway County Development

An amendment to this Board Order has been made

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Phortach Chonamara faoi Chosaint Speisialta (Cód Láithreáin: 004181),

(g) beartais agus cuspóirí Phlean Forbartha Chontae na Gaillimhe 2022 - 2028,

(h) cineál agus méid na n-oibreacha beartaithe mar atá leagtha amach san iarratas ar cheadú,

(i) na haighneachtaí a fuarthas maidir leis an bhforbairt bheartaithe,

(j) faisnéis a cuireadh isteach maidir leis an tionchar féideartha ar ghnáthóga, flóra agus fána, lena n-áirítear Ráiteas Tionchair Natura, agus,

(k) tuarascáil agus moladh an té a cheap an Bord chun tuarascáil agus moladh a dhéanamh ar an ábhar.

Measúnacht Oiriúnachta: Céim: 1:

D'aontaigh an Bord leis an measúnú scagtha agus leis an gconclúid a rinneadh i dtuarascáil an Chigire gurb é Ceantar Speisialta Caomhnaithe Chuan agus Oileáin Chill Chiaráin (cód an láithreáin: 002034); Límistéar Choimpléacs Phortach Chonamara faoi Chosaint Speisialta (Cód Láithreáin: 004181) an t-aon láithreán

Plan 2022 - 2028,

(h) the nature and extent of the proposed works as set out in the application for approval,

(i) the submissions received in relation to the proposed development,

(j) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement, and,

(k) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

Appropriate Assessment: Stage: 1:

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Connemara Bog Complex Special Area of Conservation (Site Code: 002034) and Connemara Bog Complex Special Protection Area (Site Code: 004181) are the only European Sites in respect

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Eorpach a bhféadfadh tionchar suntasach a bheith ag an bhforbairt atá beartaithe air.

of which the proposed development has the potential to have a significant effect.

Measúnacht Oiriúnachta: Céim 2:

Bhreithnigh an Bord an Ráiteas Tionchair Natura agus na doiciméid ghaolmhara a cuireadh isteach leis an iarratas ar cheadú, na bearta maolaithe atá ann, na haighneachtaí agus na tuairimí atá ar comhad, agus measúnú an Chigire. Chríochnaigh an Bord measúnú cuí ar impleachtaí na forbartha a bheartaítear don Láithreán Eorpach lena mbaineann, is é sin Limistéar Caomhantais Speisialta Choimpléasc Portach Chonamara (Cód an Láithreáin: 002034) agus Límistéar Choimpléacs Portach Chonamara faoi Chosaint Speisialta (Cód Láithreáin: 004181), i bhfianaise chuspóirí caomhantais na Láithreán. Mheas an Bord gur leor an t-eolas a bhí ann roimhe chun go bhféadfaí measúnacht chuí a dhéanamh. Agus an measúnacht chuí á cur i gcrích aige, bhreithnigh an Bord, go háirithe, na nithe seo a leanas:

Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, 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 Sites, namely the Connemara Bog Complex Special Area of Conservation (Site Code: 002034) and Connemara Bog Complex Special Protection Area (Site Code: 004181), 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:

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i. na tionchair dhíreacha agus indíreacha dóchúla a d'eascródh as an bhforbairt atá beartaithe, ina n-aonar nó i gcomhcheangal le pleananna nó tionscadail eile,
ii. na bearta maolaithe, atá san áireamh mar chuid den togra reatha, agus
iii. cuspóirí caomhantais na Láithreán Eorpach.

Agus an Measúnacht Chuí á tabhairt chun críche aige, ghlac an Bord leis an mheasúnacht chuí a rinneadh i dtuarascáil an Chigire ar éifeachtaí féideartha na forbartha atá beartaithe ar iomláine an láithreáin Eorpaigh thuasluaite, ag féachaint do chuspóirí caomhantais na Láithreán.

Mar chonclúid iomlán, bhí an Bord sásta nach ndéanfadh an fhorbairt atá beartaithe, inti féin nó i gcomhcheangal le pleananna nó tionscadail eile, dochar do shláine an láithreáin Eorpaigh, i bhfianaise chuspóirí caomhantais an láithreáin.

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 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 Site's, having regard to the Site's 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 Site's conservation objectives.

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Pleanáil Chuí agus Forbairt Inbhuanaithe/Tionchar dóchúil ar an gcomhshaol:

Meastar, faoi réir chomhlíonadh na gcoinníollacha atá leagtha amach thíos, nach mbeadh drochthionchar suntasach ag an bhforbairt bheartaithe ar an gcomhshaol ná ar an bpobal sa chomharsanacht, nach mbeadh baol truaillithe ann, nach ndéanfaí dochar do thaitneamhachtaí radhairc ná tírdhreacha an cheantair, nach ndéanfaí díobháil thromchúiseach do thaitneamhachtaí na réadmhaoine sa chomharsanacht, nach mbeadh drochthionchar aige ar oidhreacht chultúrtha, seandálaíochta agus tógtha an cheantair agus nach gcuirfeadh sé isteach ar úsáidí talún reatha an cheantair. Bheadh an fhorbairt bheartaithe, mar sin, ag teacht le pleanáil chuí agus le forbairt inbhuanaithe an cheantair agus ní bheadh aon tionchar dóchúil aici ar an gcomhshaol.

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 not give rise to a risk of pollution, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area, or give rise to a traffic hazard, 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 and it would not give rise to likely effects on the environment.

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Coinníollacha

1. Déanfar agus críochnófar an fhorbairt bóthair de réir na bpleananna agus na sonraí a taisceadh leis an iarratas, ach amháin nuair is gá a mhalairt chun na coinníollacha seo a leanas a chomhlíonadh.
   An chúis: Ar mhaithe le soiléire.

2. Cuirfear i bhfeidhm na bearta maolaithe atá leagtha amach sna pleananna agus sna sonraí a bhaineann leis an bhforbairt atá beartaithe nó a d'fhéadfadh a bheith ag teastáil chun na coinníollacha seo a leanas a chomhlíonadh. Sula gcuirfear tús leis an bhforbairt, ullmhóidh an t-údarás áitiúil sonraí an sceidil ama chun bearta maolaithe agus monatóireacht ghaolmhar a chur i bhfeidhm agus cuirfear ar comhad iad agus coimeádfar iad mar chuid den taifead poiblí.
   An chúis: Ar mhaith leis an gcomhshaol agus Láithreáin Eorpacha a chosaint.

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 interest of clarity.

2. The mitigation measures outlined in the Natura Impact Statement and plans and particulars relating to the proposed development or as may be required in order to comply with the following conditions shall be implemented. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.
   Reason: In the interest of protecting the environment and European Sites

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3. Sula gcuirfear tús leis an bhforbairt, ullmhóidh an forbróir, agus/nó aon ghníomhaire a ghníomhaíonn ar a shon, i gcomhairle leis na gníomhaireachtaí reachtúla ábhartha, Plean Bainistíochta Tógála Comhshaoil (CEMP) nuashonraithe, ina n-ionchorprófar na bearta maolaithe go léir a shonraítear sa Ráiteas Tionchair Natura agus sa Tuarascáil ar Mheasúnú Tionchair Timpeallachta agus léiriú ar mholtaí chun cloí le sárchleachtas agus prótacail.

   An chúis: Ar mhaith leis an gcomhshaol agus Láithreáin Eorpacha a chosaint.

3. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement, and demonstration of proposals to adhere to best practice and protocols.

   Reason: In the interest of protecting the European Sites and biodiversity.

4. Comhlíonfar na riachtanais caomhnithe dúlra seo a leanas:
   (a) Déanfar na hoibreacha de réir dhoiciméad Iascach Intíre Éireann "Treoirlínte maidir le hiascach a chosaint le linn oibreacha tógála in uiscí agus in aice leo "
   (b) Ní dhéanfar aon oibreacha insrutha gan dul i gcomhairle roimh ré le hIascach Intíre Éireann, agus ní dhéanfar na hoibreacha ach idir Deireadh Fómhair agus Meitheamh (an

4. The following nature conservation requirements shall be complied with:
   (a) The works shall be carried out in compliance with the Inland Fisheries Ireland document "Guidelines on protection of fisheries during construction works in and adjacent to waters" (2016)."
   (b) No in-stream works shall be undertaken without prior consultation with Inland Fisheries Ireland, and the

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dá cheann san áireamh).

(c) Déanfar freastal iomlán ar shaorghluaiseacht éisc, agus úsáidfidh an t-atreorú sealadach bóthair struchtúr droichid bábhún in ionad an phíobáin atá beartaithe don sruthchúrsa.

(d) Déanfar oibreacha insrutha le linn tréimhsí sreafaí ísle uisce.

(e) Déanfaidh éiceolaí cuícháilithe suirbhé réamhthógála ar na madraí uisce sula dtosófar ar na hoibreacha, is éiceolaí cuícháilithe a dhéanfaidh aon scrios ar phoill madraí uisce nó aon athlonnú speiceas madraí uisce faoi Cheadúnas Maolaithe arna dheonú ag Aire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

(f) Ní dhéanfar aon fhásra bruachánach a bhaint le linn na tréimhse ó 1 Márta go 31 Lúnasa (an dá dháta san áireamh).

(g) Déanfar aon chriosanna bruachánacha a ndéanann innealra nó trealamh damáiste dóibh a athchóiriú go hiomlán.

(h) Cuirfear bearta coisctheí bhfeidhm chun tabhairt isteach nó scaipeadh diúilicíní

works shall only be undertaken between October and June (inclusive).

(c) The free passage of fish shall be fully accommodated, and the temporary road diversion shall utilise a bailey bridge structure instead of the proposed piping of the watercourse.

(d) In-stream works shall take place during periods of low water flows.

(e) A pre-construction otter survey by a suitably qualified ecologist shall be carried out before works commence, any destruction of otter holts or relocation of otter species shall be carried out by a suitably qualified ecologist under a Derogation Licence granted by the Minister for Housing, Local Government and Heritage).

(f) Any riparian vegetation removal shall take place during the period 1st day of March to 31st day of August (inclusive).

(g) Any riparian zones damaged by machinery or

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riabhacha san uiscechúrsa.

An chúis: Ar mhaithe le bithéagsúlacht agus le caomhnú an dúlra .

equipment shall be fully re-instated.

(h) Prevention measures shall be put in place to prevent the introduction or spread of Zebra mussel in the watercourse

Reason: In the interests of biodiversity and nature conservation.

5. Coinneoidh an t-údarás áitiúil éiceolaí cuícháilithe chun maoirseacht a dhéanamh ar bhunú an tsuímh agus ar thógáil na forbartha atá beartaithe agus ar bhearta maolaithe a bhaineann leis an éiceolaíocht a chur i bhfeidhm. Beidh an t-éiceolaí i láthair le linn na n-oibreacha deisithe agus leasúcháin. Ar chríochnú na n-oibreacha, ullmhóidh an t-éiceolaí ceaptha tuarascáil éiceolaíochta ar na hoibreacha suímh lena choimeád ar comhad mar chuid den taifead poiblí.

An chúis: Ar mhaithe le caomhnú an dúlra agus cosaint na bithéagsúlachta.

5. 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 mitigation measures relating to ecology. The ecologist shall be present during repair and remediation works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

Reason: In the interests of nature conservation and the protection of biodiversity.

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6. Cinnteoidh an t-údarás áitiúil agus aon ghníomhaire a ghníomhaíonn thar a cheann go ndéanfar gach gléasra agus innealra a úsáidtear le linn na n-oibreacha a ghlanadh agus a ní go críochnúil sula seachadtar chuig an láithreán iad chun leathadh speiceas agus pataiginí ionracha guaiseacha a chosc.
An chúis: Ar mhaithe le pleanáil cheart agus forbairt inbhuanaithe an cheantair agus chun cosaint do Láithreán Eorpach a chinntiú.

6. 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 interest of the proper planning and sustainable development of the area and to ensure the protection of the European Sites.

7. Éascóidh an t-údarás áitiúil agus aon ghníomhaire a ghníomhaíonn thar a cheann caomhnú, taifeadadh, cosaint nó baint ábhar nó gnéithe seandálaíochta a d'fhéadfadh a bheith ann laistigh den láithreán. Ceapfaidh an t-údarás áitiúil seandálaí cuícháilithe chun maoirseacht a dhéanamh ar leagan amach an tsuímh agus ar thógáil na forbartha atá beartaithe agus beidh an seandálaí i láthair ar an láthair le linn na n-oibreacha tógála.
An chúis: Chun oidhreacht

7. The local authority, and any agent acting on its behalf, shall facilitate the preservation, recording, protection or removal of archaeological materials or features that may exist within the site. A suitably qualified archaeologist shall be appointed by the local authority to oversee the site set-up and construction of the proposed development and the archaeologist shall be present on-site during construction works.
Reason: In order to conserve the archaeological heritage of

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Dated 17/06/2024
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seandálaíochta an tsuímh a chaomhnú agus chun caomhnú agus cosaint aon iarsmaí a d'fhéadfadh a bheith laistigh den láithreán a chinntiú .

the site and to secure the preservation and protection of any remains that may exist within the site.

Stephen Bohan

Ball den Bhord Pleanála a bhfuil Údarás aige séala an Bhord a fhíordheimhniú

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

Dátaithe ar an 9/6 **lá seo de** April **2024**
Dated this **day of** **2024**

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Dated 17/06/2024

Signed: Secretary Ellen Moore