An Bord Pleanála

Ordú Boird
Board Order
ABP-317294-23

Na hAchtanna um Pleanáil agus Forbairt 2000 go 2022

Údarás Pleanála: Comhairle Contae Dhún na nGall

Uimhir Thagartha an Bhoird Phleanála: ABP-317294-23

Planning and Development Acts 2000 to 2022

Planning Authority: Donegal County Council

An Bord Pleanála Reference Number: ABP-317294-23

Iarratas ó Chomhairle Contae Dhún na nGall 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 thaisceadh leis an mBord Pleanála ar an 8ú lá de Mheitheamh, 2023.

Application by Donegal 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 8th day of June, 2023.

An Fhorbairt Bheartaithe:
Athsholáthar Dhroichead Eas an Fhrancáin.

Tá sé beartaithe lintéar bosca déanta de choincréit réamhtheilgthe mar aon le ballaí sciathánacha réamhtheilgthe agus uchtbhallaí cloiche a chur in ionad an droichid aon-réise atá ann faoi láthair. Beidh an droichead athsholáthair atá beartaithe ar aon dul leis an droichead atá ann faoi láthair, agus beidh leibhéal an tairr, ailíniú agus leithead an bhóthair ar aon dul leis an leagan amach reatha.

Suite laistigh de bhaile fearainn Mhachaire Rátha, Ard an Rátha, Contae Dhún na nGall.

Proposed Development:
Replacement of Assaranca Bridge.

It is proposed to replace the existing single span bridge with a precast concrete box culvert with precast wingwalls and stonewall parapets. The proposed replacement bridge will have a similar soffit level to the existing bridge, and the existing road level, alignment and width will be matched to the current layout.

Located within the townland of Maghera, Ardara, County Donegal.

An Cinneadh

An fhorbairt bheartaithe thuas a cheadú bunaithe ar na cúiseanna agus na breithnithe faoi réim 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.

Cúiseanna agus Tuisceanna

Agus cinneadh á dhéanamh aige, thug an Bord aird ar na nithe seo a leanas:

(a) Treoir an AE um Ghnáthóga (92/43/CEE)

(b) Rialacháin an Aontais Eorpaigh (Éin agus Gnáthóga Nádúrtha), 2011, arna leasú,

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

(d) na cuspóirí caomhantais, leasanna cáilitheacha agus leasanna caomhantais speisialta Limistéar faoi Chaomhnú Speisialta Shliabh Tuaidh/Oileán Thor Mhór/Gaoth Luacharois Beag (Cód an tSuímh: 000190) agus Limistéar faoi Chosaint Speisialta Chósta Thiar Dhún na nGall (Cód an Láithreáin: 004150);

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, as amended,

(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 Slieve Tooey/Tormore Island/Loughros Beg Bay Special Area of Conservation (Site Code: 000190) and West Donegal Coast Special Protection Area (Site Code: 004150),

(e) polasaithe agus cuspóirí Phlean Forbartha Chontae Dhún na nGall, 2018-2024 (Arna nAthrú),

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

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

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

Scagadh le haghaidh Measúnacht Chuí Céim 1:

D'aontaigh an Bord leis an measúnú scagtha agus leis an gconclúid a rinneadh i dtuarascáil an Chigire, agus ghlac sé leis, gur Ceantar Speisialta Caomhnaithe Shliabh Tuaidh/Oileán Thor Mhór/Gaoth Luacharois Beag (Cód an Láithreáin: 000190) agus Limistéar faoi Chosaint Speisialta Chósta Thiar Dhún na nGall (Cód an Láithreáin: 004150) Is iad sin na Láithreáin Eorpacha

(e) the policies and objectives of the County Donegal Development Plan, 2018-2024 (As Varied),

(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, and

(h) 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 agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that Slieve Tooey/Tormore Island/Loughros Beg Bay Special Area of Conservation (Site Code: 000190) and West Donegal Coast Special Protection Area (Site Code: 004150) are the only European Sites in respect of which the proposed

amháin a bhféadfadh tionchar suntasach a bheith ag an bhforbairt atá beartaithe orthu.

Scagadh le haghaidh Measúnacht Chuí Céim 2:

Bhreithnigh an Bord an Ráiteas Tionchair Natura agus na doiciméid ghaolmhara a cuireadh isteach leis an iarratas ar cheadú, na bearta maolaithe a bhí iontu, agus measúnú an Chigire. Chríochnaigh an Bord measúnú cuí ar impleachtaí na forbartha atá bheartaithe do na Láithreáin Eorpacha lena mbaineann, i.e. Sliabh Tuaidh/Oileán Thor Mhór/Gaoth Luacharois Beag (Cód an tSuímh: 000190) agus Limistéar faoi Chosaint Speisialta Chósta Thiar Dhún na nGall (Cód an Láithreáin: 004150), i bhfianaise chuspóirí caomhnaithe na Láithreán. Mheas an Bord go raibh an t-eolas a bhí faighte aige leordhóthanach chun go bhféadfaí measúnú cuí a dhéanamh. Agus an measúnú cuí á chur i gcrích aige, bhreithnigh an Bord, go háirithe, na nithe seo a leanas:

i. na tionchair dhíreacha agus indíreacha dóchúla a d'eascródh as an bhforbairt

development has the potential to have a significant effect.

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, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely Slieve Tooey/Tormore Island/Loughros Beg Bay Special Area of Conservation (Site Code: 000190) and West Donegal Coast Special Protection Area (Site Code: 004150), 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 appropriate assessment, the Board considered, in particular, the following:

i. the likely direct and indirect impacts arising from the proposed development both

bheartaithe 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. na cuspóirí caomhnaithe do na Láithreáin Eorpacha.

Agus an measúnú cuí á chur i gcrích, ghlac an Bord leis an measúnú cuí a rinneadh i dtuarascáil an Chigire agus ghlac sé leis maidir leis an tionchar a d'fhéadfadh a bheith ag an bhforbairt bheartaithe ar shláine na Láithreán Eorpach thuasluaite, ag féachaint do chuspóirí caomhnaithe na Láithreán.

Ba é conclúid an bhoird nach mbeadh drochthionchar ag an bhforbairt bheartaithe, ina haonar nó in éineacht le pleananna nó tionscadail eile, ar shláine na Limistéar Eorpach, i bhfianaise cuspóirí caomhantais na Limistéar.

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 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.

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

Proper Planning and Sustainable Development / Likely effects on the environment:

Meastar, faoi réir chomhlíonadh na gcoinníollacha atá leagtha amach

It is considered that, subject to compliance with the conditions set out

thíos, nach mbeadh drochthionchar suntasach ag an bhforbairt atá beartaithe ar an gcomhshaol ná ar an bpobal gar dó, nach mbeadh baol truaillithe ann nó nach mbeadh drochthionchar suntasach aige ar bhithéagsúlacht sa cheantar, nach ndéanfaí dochar do thaitneamhachtaí radhairc ná tírdhreacha an cheantair, nach mbeadh drochthionchar aige ar oidhreacht chultúrtha, seandálaíochta ná thógtha an cheantair, nach gcuirfeadh sé isteach ar úsáidí talún reatha an cheantair, agus go bhfeabhsódh sé caighdeán agus sábháilteacht an bhóthair phoiblí. Bheadh an fhorbairt bheartaithe, mar sin ag teacht le pleanáil chuí agus forbairt inbhuanaithe an cheantair.

Coinníollacha

1. Déanfar an fhorbairt bheartaithe agus críochnófar í de réir na bpleananna agus na sonraí a cuireadh isteach leis an iarratas, ach amháin más gá a mhalairt chun na coinníollacha seo a leanas a chomhlíonadh. Sa chás go n-éilíonn aon bhearta maolaithe atá leagtha amach sa Ráiteas Tionchair Natura nó aon choinníollacha ceadaithe go n-ullmhódh an t-údarás áitiúil sonraí breise, nó go n-ullmhófaí

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 or significantly adversely affect biodiversity in the area, 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, would not interfere with the existing land uses in the area, and would improve the standard and safety of the public road. 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, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures set out in the Natura Impact Statement or any conditions of approval require further details to be prepared by or on behalf of the local

iad thar ceann an údaráis áitiúil, cuirfear na sonraí sin ar an gcomhad agus coimeádfar iad mar chuid den taifead poiblí.

authority, these details shall be placed on the file and retained as part of the public record.

Cúis: Ar mhaithe le soiléire agus le pleanáil chuí agus le forbairt inbhuanaithe an cheantair, agus chun cosaint an chomhshaoil a chinntiú.

Reason: In the interests of clarity and the proper planning and sustainable development of the area, and to ensure the protection of the environment.

2. Cuirfear i bhfeidhm go hiomlán na bearta maolaithe atá leagtha amach sna pleananna agus sonraí a bhaineann leis an bhforbairt bheartaithe, lena n-áirítear iad siúd atá leagtha amach i gcuid 8 den Ráiteas Tionchair Natura. Maidir leis na bearta maolaithe ina luaitear 'ba cheart' léifear iad sin mar 'cuirfear i bhfeidhm' nó 'déanfar'. Sula gcuirfear tús le forbairt ullmhóidh an t-údarás áitiúil sonraí faoi sceideal ama chun bearta maolaithe a chur i bhfeidhm agus cuirfear sa chomhad iad agus coimeádfar iad mar chuid den taifead poiblí

2. The mitigation measures outlined in the plans and particulars relating to the proposed development, including those set out in section 8 of the Natura Impact Statement, shall be implemented in full. Mitigation measures stating 'should' shall be read as 'shall' or 'will'. Prior to the commencement of development details of a time schedule for implementation of mitigation measures shall be prepared by the local authority and placed on file and retained as part of the public record.

Cúis: Ar mhaithe leis an gcomhshaol agus Láithreáin Eorpacha a chosaint, agus ar mhaithe le sláinte an phobail.

Reason: In the interest of protecting the environment and European Sites, and in the interest of public health.

3. Sula gcuirfear tús leis an bhforbairt, ullmhóidh an t-údarás áitiúil, nó aon ghníomhaire a ghníomhaíonn thar a cheann, i gcomhairle leis na gníomhaireachtaí reachtúla ábhartha, Plean um Bainistiú na Timpeallachta Tógála, ina n-ionchorprófar gach beart maolaithe a shonraítear sa Ráiteas Tionchair Natura mar aon le léiriú ar mholtaí chun cloí le dea-chleachtas agus leis na prótacail.

Cúis: Ar mhaithe leis an gcomhshaol 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 environment.

4. Sula dtosófar ar an bhforbairt, leagfar amach sonraí na mbeart chun iascach agus cáilíocht uisce an chórais abhann a chosaint agus cuirfear i gcomhad iad. Tabharfar aird iomlán ar threoirlínte foilsithe ag Iascach Intíre Éireann maidir le hoibreacha tógála in aice le huiscebhealaí (Treoirlínte chun Iascaigh a Chosaint le linn Oibreacha Tógála in Uiscí agus in aice leo, 2016). Ullmhófar clár monatóireachta ar cháilíocht uisce i gcomhairle leis an gconraitheoir, leis an údarás áitiúil, agus leis na gníomhaireachtaí

4. Prior to the commencement of development, details of measures to protect fisheries and water quality of the river system shall be outlined and placed on file. Full regard shall be had 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 shall be prepared in consultation with the contractor, the local authority, and relevant statutory agencies and the

reachtúla ábhartha agus cuirfear an clár i bhfeidhm ina dhiaidh sin.

Cúis: Ar mhaithe le cáilíocht an uisce glactha, iascaigh agus gnáthóga uisceacha a chosaint.

5. Déanfar gléasra agus innealra a úsáidtear le linn na n-oibreacha a ghlanadh go críochnúil agus a ní sula seachadtar chuig an láithreán iad chun leathadh speiceas guaiseach agus pataiginí ionracha guaiseacha a chosc.

Cúis: Ar mhaithe le pleanáil chuí agus le forbairt inbhuanaithe an cheantair, agus chun láithreáin Eorpacha a chosaint.

6. Coinneoidh an t-údarás áitiúil éiceolaí a bheidh cáilithe go cuí chun maoirsiú a dhéanamh ar bhunú an tsuímh agus ar thógáil na forbartha atá bheartaithe agus chun bearta maolaithe a bhaineann le héiceolaíocht a chur i bhfeidhm. Beidh an éiceolaí i láthair le linn na n-oibreacha tógála. Nuair a bheidh na hoibreacha críochnaithe, ullmhóidh

programme shall be implemented thereafter.

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

5. Plant and machinery used during the works shall 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.

6. 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 construction works. Upon completion of works, an ecological report of the site works shall be

an t-éiceolaí ceaptha tuarascáil éiceolaíochta ar na hoibreacha suímh le coinneáil i gcomhad mar chuid den taifead poiblí.

prepared by the appointed ecologist to be kept on file as part of the public record.

Cúis: Ar mhaithe le cáilíocht an uisce glactha, iascaigh agus gnáthóga uisceacha a chosaint.

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

BORD PLEANÁLA

Una Crosse

Una Crosse
Ball den Bhord Pleanála a bhfuil Údarás aici séala an Bhord a fhíordheimhniú

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

Dátaithe ar an 25 **lá seo de** Meán Fómhair **2023**