An Coimisiún Pleanála

Ordú ón gCoimisiún
Commission Order
ACP-323024-25

An tAcht um Pleanáil agus Forbairt, 2000, arna leasú

Planning and Development Act, 2000, as amended

Údarás Pleanála: Comhairle Contae na Gaillimhe

Planning Authority: Galway County Council

Iarratas ó Chomhairle Contae na Gaillimhe ar cheadú faoi alt 177AE den Acht um Pleanáil agus Forbairt, 2000, arna leasú, i gcomhréir le pleananna agus sonraí, lena n-áirítear Ráiteas Tionchair Natura, a taisceadh leis an gCoimisiún Pleanála an 11ú lá de mhí Iúil 2025, mar a leasaíodh leis an bhfaisnéis bhreise a fuarthas an 23ú lá de mhí an Mhárta 2026.

Forbairt Bheartaithe: Tá sé beartaithe feabhsú bóithre agus maolú tuilte cósta a thógáil. Tá sé beartaithe airde an bhóthair threasaigh áitiúil (L-52214) a ardú. Tá an chuid den bhóthar atá le hardú thart ar 200 méadar ar fad. Is é 1.0 méadar os cionn an leibhéil láithrigh bóthair a bheidh sa mhéadú uasta ar airde an bhóthair, agus beidh claífort armúir carraige nádúrtha agus uchtbhallaí cloiche nádúrtha ann ar an dá thaobh, mar aon le draenáil ghaolmhar, seirbhísí uisce, fálta, agus uasghráduithe comharthaíochta, agus iad go léir i gcomhréir leis na pleananna a taisceadh.

Beidh an méid sin ar fad suite ag Cuan na Loinge, Ceantar na nOileán, Conamara, Contae na Gaillimhe.

Cinneadh

An fhorbairt bheartaithe thuas a CHEADÚ bunaithe ar na cúiseanna agus na cúinsí faoi bhun agus faoi réir na gcoinníollacha atá leagtha amach thíos.

Cúiseanna agus Cúinsí

Agus a fheidhmeanna á gcomhlíonadh aige i ndáil leis an gcinneadh uaidh a dhéanamh, ghníomhaigh an Coimisiún i gcomhréir le halt 15(1) den Acht um Ghníomhú Aeráide agus um Fhorbairt Ísealcharbóin, 2015, arna leasú le halt 17 den Acht um Ghníomhú Aeráide agus um Fhorbairt Ísealcharbóin (Leasú), 2021, agus leis an gceanglas atá ann a fheidhmeanna a chomhlíonadh, a mhéid is féidir, ar mhodh atá ag teacht leis an bPlean Gníomhaithe ar son na hAeráide 2024 agus leis an bPlean Gníomhaithe ar son na hAeráide 2025, agus leis an straitéis fhadtéarmach náisiúnta um ghníomhú ar son na haeráide, leis an gcreat náisiúnta oiriúnaithe agus leis na pleananna ceadaithe oiriúnaithe earnála atá leagtha amach sna pleananna sin, agus ar mhodh atá ceaptha chun an cuspóir a chur chun cinn arb éard é astaíochtaí gás ceaptha teasa a mhaolú agus oiriúnú d'éifeachtaí an athraithe aeráide sa Stát.

Ina theannta sin, agus é ag teacht ar an gcinneadh uaidh, bhí aird ag an gCoimisiún ar na nithe seo a leanas.

(a) Ina theannta sin, agus é ag teacht ar an gcinneadh uaidh, bhí aird ag an gCoimisiún ar na nithe seo a leanas,
(b) Rialacháin an Choimisiúin Eorpaigh (Éin agus Gnáthóga Nádúrtha), 2011, arna leasú,
(c) na hiarmhairtí is dóigh a bheidh ann don chomhshaol agus do phleanáil chuí agus forbairt inchothaithe an limistéir ina mbeartaítear an fhorbairt bheartaithe a dhéanamh, agus na héifeachtaí suntasacha is dóigh a bheidh ag an bhforbairt bheartaithe ar Láithreán Eorpach,
(d) na cuspóirí caomhantais, na leasanna cáilitheacha agus na leasanna caomhantais speisialta do Limistéar Caomhantais Speisialta Chuan agus Oileáin Chill Chiaráin (Cód Láithreáin: 002111),
(e) forálacha agus cuspóirí an Chreata Náisiúnta Pleanála dar teideal Tionscadal Éireann 2040,

(f) beartais agus cuspóirí Straitéis Spáis agus Eacnamaíochta Réigiúnach Thionól Réigiúnach an Tuaiscirt agus an Iarthair 2020-2032,

(g) na beartais agus na cuspóirí atá i bPlean Forbartha Contae na Gaillimhe 2022-2028,

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

(i) an fhaisnéis a cuireadh isteach i ndáil leis na tionchair a d'fhéadfadh a bheith ann ar ghnáthóga agus ar flora agus fauna, lena n-áirítear an Ráiteas Tionchair Natura agus an Mheasúnacht Tionchair Éiceolaíoch,

(j) na haighneachtaí agus na tuairimí a fuarthas i ndáil leis an bhforbairt bheartaithe, agus,

(k) an tuarascáil agus an moladh ón duine a cheap an Coimisiún chun tuarascáil agus moladh a dhéanamh maidir leis an ní.

Measúnacht Chuí: Céim 1:

Chomhaontaigh an Coimisiún leis an measúnacht scagtha agus leis an gconclúid a rinneadh sa tuarascáil ón gCigire á rá gurb é Limistéar Caomhantais Speisialta Chuan agus Oileáin Chill Chiaráin (Cód Láithreáin: 002111) an t-aon Láithreán Eorpach amháin a bhféadfadh an fhorbairt bheartaithe éifeacht shuntasach a bheith aici air, agus ghlac sé an mheasúnacht agus an chonclúid sin.

Measúnacht Chuí: Céim 2:

Rinne an Coimisiún breithniú ar an Ráiteas Tionchair Natura agus ar dhoiciméid ghaolmhara a cuireadh isteach in éineacht leis an iarratas ar cheadú, ar na bearta maolaithe atá iontu, ar na haighneachtaí agus na tuairimí atá ar comhad, agus ar an measúnacht ón gCigire. Chuir an Coimisiún measúnacht chuí i gcrích ar impleachtaí na forbartha beartaithe don Láithreán Eorpach lena mbaineann, eadhon Limistéar Caomhantais Speisialta Chuan agus Oileáin Chill Chiaráin (Cód láithreáin: 002111), i bhfianaise chuspóirí caomhantais an Láithreáin. Mheas an Coimisiún gur leor an fhaisnéis a bhí os a chomhair chun measúnacht chuí a dhéanamh. Agus an mheasúnacht chuí á cur i gcrích aige, rinne an Coimisiún breithniú ar leith ar na nithe seo a leanas:

i. na tionchair dhíreacha agus indíreacha ar dóigh dóibh teacht as an bhforbairt bheartaithe, aisti féin nó in éineacht le pleananna nó tionscadail eile,
ii. na bearta maolaithe atá ar áireamh sa togra reatha, agus,
iii. na cuspóirí caomhantais don Láithreán Eorpach.

Agus an mheasúnacht chuí á cur i gcrích aige, ghlac an Coimisiún leis an measúnacht chuí a rinneadh sa tuarascáil ón gCigire maidir leis na héifeachtaí a d'fhéadfadh a bheith ag an bhforbairt bheartaithe ar shláine an Láithreáin Eorpaigh réamhluaite, agus ghlac sé an mheasúnacht sin, agus aird á tabhairt ar chuspóirí caomhantais an Láithreáin.

Sa chonclúid fhoriomlán uaidh, ba dheimhin leis an gCoimisiún nach ndéanfadh an fhorbairt bheartaithe, aisti féin nó in éineacht le pleananna nó tionscadail eile, dochar do shláine an Láithreáin Eorpaigh, i bhfianaise chuspóirí caomhantais an Láithreáin.

Scagadh Measúnachta Tionchair Timpeallachta:

Chuir an Coimisiún scagadh measúnachta tionchair timpeallachta i gcrích ar an bhforbairt bheartaithe, agus mheas sé go sainaithnítear go himleor sa Tuarascáil maidir le Scagadh Measúnachta Tionchair Timpeallachta agus sna doiciméid agus líníochtaí eile a chuir an t-údarás áitiúil isteach na héifeachtaí díreacha, indíreacha, tánaisteacha agus carnacha a bheadh ag an bhforbairt bheartaithe ar an gcomhshaol agus go dtugtar tuairisc imleor ar na héifeachtaí sin iontu.

Ag féachaint do na nithe seo a leanas:

(a) cineál agus scála na forbartha beartaithe, nach bhfuil liostaithe i gCuid 1 ná i gCuid 2 de Sceideal 5 a ghabhann leis na Rialacháin um Pleanáil agus Forbairt, 2001, arna leasú,
(b) na critéir atá leagtha amach i Sceideal 7 a ghabhann leis na Rialacháin um Pleanáil agus Forbairt, 2001, arna leasú, agus,
(c) na gnéithe agus na bearta atá beartaithe ag an údarás áitiúil chun éifeachtaí ar an gcomhshaol a d'fhéadfadh a bheith suntasach ar shlí eile a sheachaint nó a chosc, lena n-áirítear na bearta atá sainaitheanta sa Mheasúnacht Tionchair Éiceolaíoch, sa Ráiteas Tionchair Natura agus sa Phlean Bainistíochta Comhshaoil Tógála,

mheas an Coimisiún nach dócha go mbeadh éifeachtaí suntasacha ag an bhforbairt bheartaithe ar an gcomhshaol. Mar sin, measann sé nach gá Tuarascáil ar Mheasúnacht Tionchair Timpeallachta a ullmhú ná a chur isteach.

Pleanáil Chuí agus Forbairt Inchothaithe/Na héifeachtaí ar dóigh dóibh a bheith ann ar an gcomhshaol:

Meastar, faoi réir na coinníollacha atá leagtha amach thíos a chomhlíonadh, nach mbeadh éifeachtaí suntasacha diúltacha ag an bhforbairt bheartaithe ar an gcomhshaol ná ar an bpobal sa chomharsanacht, nach dtiocfadh riosca truaillithe aisti, nach mbeadh sí díobhálach do thaitneamhachtaí amhairc ná taitneamhachtaí tírdhreacha an limistéir, nach ndéanfadh sí díobháil thromchúiseach do thaitneamhachtaí maoine sa chomharsanacht, nach mbeadh drochthionchar aici ar oidhreacht chultúrtha, oidhreacht seandálaíochta ná oidhreacht thógtha an limistéir, nach gcuirfeadh sí isteach ar na húsáidí talún láithreacha sa limistéar agus nach gcuirfeadh sí isteach ar shábháilteacht tráchta ná ar shábháilteacht coisithe.

Chuirfeadh an fhorbairt bheartaithe feabhas ar inrochtaineacht agus ar shábháilteacht ar bhóithre ar an gcuid seo de bhóthar áitiúil an L-52214 agus chruthódh sí timpeallacht níos fearr do na cónaitheoirí mórthimpeall. Dá bhrí sin, bheadh an fhorbairt bheartaithe i gcomhréir le pleanáil chuí agus forbairt inchothaithe an limistéir.

Scagadh faoin gCreat-treoir Uisce:

Rinneadh measúnacht ar an bhforbairt bheartaithe i gcomhréir le hAirteagal 4 den Chreat-treoir Uisce ón Aontas Eorpach (Treoir 2000/60/CE), arna trasuí le Rialacháin na gComhphobal Eorpach (Beartas Uisce), 2003, arna leasú, agus aird á tabhairt ar an bPlean Gníomhaíochta Uisce 2024: Plean Bainistíochta Abhantraí d'Éirinn.

Ag féachaint do chineál, scála agus suíomh na forbartha beartaithe, agus do na bearta beartaithe maolaithe, tagtar ar an gconclúid, maidir leis an bhforbairt bheartaithe:

(a) nach mbeidh aon mheath ann ar stádas éiceolaíoch, stádas ceimiceach ná stádas cainníochtúil aon dobharlaigh uisce dromchla ábhartha ná aon dobharlaigh screamhuisce ábhartha mar thoradh uirthi.

(b) nach méadóidh sí ualú truailleán agus nach n-athróidh sí córas hidreolaíoch aon sruthchúrsa glactha.

(c) nach gcuirfidh sí cosc ná bac ar chuspóirí comhshaoil a bhaint amach faoin bPlean Bainistíochta Abhantraí is infheidhme,

(d) gur féidir aghaidh a thabhairt ar aon rioscaí iarmharacha trí na bearta beartaithe maolaithe, trí na coinníollacha maolaithe agus trí Phlean Bainistíochta Comhshaoil Tógála a chur chun feidhme ina iomláine.

Meastar an fhorbairt bheartaithe a bheith i gcomhréir le ceanglais Airteagal 4 den Chreat-treoir Uisce.

Coinníollacha

1. Déanfar an fhorbairt bheartaithe a sheoladh agus a chur i gcrích i gcomhréir leis na pleananna agus na sonraí a taisceadh i dteannta an iarratais agus ar mhodh faisnéise breise, seachas de réir mar is gá ar shlí eile chun na coinníollacha seo a leanas a chomhlíonadh. I gcás go gceanglaítear le haon choinníollacha ceadaithe go n-ullmhódh an t-údarás áitiúil mionsonraí breise nó go n-ullmhófaí mionsonraí breise thar a cheann, cuirfear na mionsonraí sin ar an gcomhad agus coinneofar iad mar chuid den taifead poiblí.

   Cúis: Ar mhaithe le soiléire agus le pleanáil chuí agus forbairt inchothaithe an limistéir agus chun cosaint an chomhshaoil a chinntiú.

2. Cuirfear chun feidhme ina n-iomláine na bearta maolaithe agus faireacháin atá sainaitheanta sa Ráiteas Tionchair Natura a cuireadh isteach i dteannta an

iarratais, agus cuirfear ar comhad iad agus coinneofar iad mar chuid den taifead poiblí.

Cúis: Ar mhaithe leis an gcomhshaol agus Láithreáin Eorpacha a chosaint agus ar mhaithe leis an tsláinte phoiblí.

3. Maidir leis na bearta maolaithe agus faireacháin atá sainaitheanta agus na ceangaltais agus na moltaí atá leagtha amach sa Mheasúnacht Tionchair Éiceolaíoch a cuireadh isteach i dteannta an iarratais, cuirfear iad chun feidhme ina n-iomláine mar chuid den fhorbairt bheartaithe bóithre, agus cuirfear ar comhad iad agus coinneofar iad mar chuid den taifead poiblí.

Cúis: Ar mhaithe leis an gcomhshaol a chosaint agus ar mhaithe leis an tsláinte phoiblí.

4. Coinneoidh an t-údarás áitiúil éiceolaí atá cáilithe go cuí ar áirithíocht chun formhaoirseacht a dhéanamh ar shocrú an láithreáin, ar thógáil na forbartha beartaithe agus ar chur chun feidhme na mbeart maolaithe a bhaineann leis an éiceolaíocht. Beidh an t-éiceolaí i láthair le linn na n-oibreacha. Ar chríochnú na n-oibreacha, ullmhóidh an t-éiceolaí ceaptha tuarascáil éiceolaíoch ar na hoibreacha láithreáin lena gcoinneáil ar comhad mar chuid den taifead poiblí.

Cúis: Ar mhaithe le caomhantas dúlra agus leis an mbithéagsúlacht.

5. Sula dtosófar an fhorbairt, agus i gcomhairle le héiceolaí an tionscadail agus le gníomhaireachtaí reachtúla iomchuí, ullmhóidh an t-údarás áitiúil, nó aon ghníomhaire a bheidh ag gníomhú thar a cheann, Plean Bainistíochta Comhshaoil Tógála ina gcuimseofar na bearta maolaithe uile atá léirithe sa Ráiteas Tionchair Natura agus sa Tuarascáil ar Mheasúnacht Tionchair Timpeallachta agus ina léireofar tograí atá ceaptha chun cloí leis an dea-

chleachtas agus le prótacail. Áireofar na nithe seo a leanas leis an bPlean Bainistíochta Comhshaoil Tógála.

(a) na bearta maolaithe uile atá léirithe sa Ráiteas Tionchair Natura agus sa Mheasúnacht Tionchair Éiceolaíoch.

(b) láthair agus méid an fhálaithe siolta atá le suiteáil ar an láithreán.

(c) mionsonraí faoi shocruithe sealadacha cófradhamba atá le suiteáil ar an láithreán (más gá), lena n-éascófar an suaitheadh is lú is féidir ar ghrinneall an mhurlaigh agus lena n-éascófar an riosca truaillithe is ísle le linn imscartha agus bainte, agus,

(d) tograí sonracha maidir le conas a thomhaisfear éifeachtacht an Phlean Bainistíochta Comhshaoil Tógála agus conas a dhéanfar faireachán ar an éifeachtacht sin.

Cúis: Ar mhaithe leis an gcomhshaol agus an Láithreán Eorpach a chosaint.

6. Comhlíonfar na ceanglais caomhantais dúlra seo a leanas:

(a) Sula dtosófar an fhorbairt, leagfar amach mionsonraí faoi bhearta atá ceaptha chun iascaigh agus cáilíocht uisce an chórais dobharlach murlaigh a chosaint, agus cuirfear ar comhad iad. Tabharfar aird iomlán ar na treoirlínte foilsithe ó Iascach Intíre Éireann le haghaidh oibreacha tógála in aice le huiscebhealaí (Treoirlínte maidir le hIascach a Chosaint le linn Oibreacha Tógála in Uiscí agus in aice leo, 2016). Ullmhófar clár um fhaireachán ar cháilíocht uisce i gcomhairle leis an gconraitheoir, leis an údarás áitiúil agus le gníomhaireachtaí reachtúla iomchuí, agus cuirfear an clár chun feidhme ina dhiaidh sin.

(b) Ní bhainfear aon fhásra idir an 1ú lá de mhí an Mhárta agus an 31ú lá de mhí Lúnasa (agus an dá lá sin san áireamh), gan ceadú i scríbhinn a fháil ón gCléireach Éiceolaíoch Oibreacha. Cuirfear an ceadú sin ar an gcomhad poiblí.

(c) Déanfaidh éiceolaí atá cáilithe go cuí suirbhé réamhthógála ar mhadraí uisce sula dtosófar na hoibreacha, agus coinneofar an suirbhé sin ar comhad mar chuid den taifead poiblí.

(d) Déanfaidh éiceolaí atá cáilithe go cuí suirbhé réamhthógála ar speicis ionracha sula dtosófar na hoibreacha, agus coinneofar an suirbhé sin ar comhad mar chuid den taifead poiblí.

(e) Cuirfear clár um fhaireachán éiceolaíoch iarthógála i bhfeidhm chun a fhíorú an mbíonn torthaí réamh-mheasta na measúnachta éiceolaíche á mbaint amach sa chleachtas.

Cúis: Ar mhaithe leis an mbithéagsúlacht agus le caomhantas dúlra.

7. Cinnteoidh an t-údarás áitiúil agus aon ghníomhaire a bheidh ag gníomhú thar a cheann gur cheart an gléasra agus an t-innealra ar fad a úsáidfear le linn na n-oibreacha a ghlanadh agus a ní go críochnúil sula seachadfar ar an láithreán iad ar mhaithe le leathadh speiceas ionrach guaiseach agus pataiginí a chosc.

Cúis: Ar mhaithe le pleanáil chuí agus forbairt inchothaithe an limistéir agus chun cosaint an Láithreáin Eorpaigh a chinntiú.

8. Cuirfear an fhorbairt ar fad i gcrích i gcomhréir le Mionsonraí Caighdeánacha agus Cóid Chleachtais Uisce Éireann. Tabhair faoi deara nach dtugann Uisce Éireann aon chead chun tógáil os cionn a shócmhainní. I gcás go mbeartóidh an t-údarás áitiúil oibreacha nó tógáil a ghabháil de láimh os cionn seirbhísí láithreacha uisce nó fuíolluisce, beidh Deimhniú i scríbhinn maidir le hIndéantacht an Atreoraithe/na nAtreoruithe faighte ag an údarás áitiúil ó Uisce Éireann sula dtosófar aon oibreacha.

Cúis: Chun na saoráidí uisce agus fuíolluisce poiblí a chosaint

An Coimisiún Pleanála

Commission Order

ACP-323024-25

Planning and Development Act, 2000, as amended

Planning Authority: Galway County Council

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 Coimisiún Pleanála on the 11th day of July 2025, as amended by the further information received on the 23rd day of March 2026.

Proposed Development: Proposed construction of a road improvement and coastal flood mitigation. It is proposed to raise the elevation of the local tertiary road (L-52214). The length of road to be raised is approximately 200 metres. The maximum increase of road elevation will be 1.0 metre above the existing road level, with natural rock armour embankment and natural stone parapet walls on each sides together with associated drainage, water services, fencing and signage upgrades all in accordance with plans lodged.

All located at Cuan na Loinge, Ceantar na nOileán, Conamara, County Galway.

Decision

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

Reasons and Considerations

In performing its functions in relation to the making of its decision, the Commission was consistent with Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, and the requirement to, in so far as practicable, perform its functions in a manner consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

And in coming to its decision, the Commission had regard to the following:

(a) the European Union Directive Habitats Directive (92/43/EEC),

(b) the European Commission (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 the Kilkieran Bay and Islands Special Area of Conservation (Site Code: 002111),

(e) the policies and objectives of Project Ireland 2040 National Planning Framework,

(f) the policies and objectives of the Northern and Western Regional Assembly Regional Spatial and Economic Strategy 2020-2032,

(g) the policies and objectives of the Galway County Development Plan 2022-2028,

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

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

(j) the submissions and observations received in relation to the proposed development, and

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

Appropriate Assessment: Stage 1:

The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Kilkieran Bay and Islands Special Area of Conservation (Site Code: 002111) 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 Commission 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 Commission completed an appropriate assessment of the implications of the proposed development for the affected European Site, namely the Kilkieran Bay and Islands Special Area of Conservation (Site Code: 002111), in view of the Site's conservation objectives. The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Commission 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 Commission 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, having regard to the Site's conservation objectives.

In overall conclusion, the Commission 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.

Environmental Impact Assessment Screening:

The Commission completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report and other documents and drawings submitted by the local authority identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to:

(a) the nature and scale of the proposed development, which is not listed in Part 1 or 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,

(b) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, and

(c) the features and measures proposed by the local authority envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Ecological Impact Assessment, Natura Impact Statement and Construction Environmental Management Plan,

the Commission considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report is not required.

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, would not interfere with the existing land uses in the area and would not interfere with traffic and pedestrian safety.

The proposed development would improve accessibility and road safety on this section of the L-52214 local road and would result in an improved environment for the surrounding residents. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

Water Framework Directive Screening

An assessment of the proposed development has been undertaken in accordance with Article 4 of the European Union Water Framework Directive (2000/60/EC), as transposed by the European Communities (Water Policy) Regulations, 2003, as amended, and with regard to The Water Action Plan 2024: A River Basin Management Plan for Ireland.

Having regard to the nature, scale, and location of the proposed development, and the proposed mitigation measures, it is concluded that the proposed development will not:

(a) Result in deterioration of the ecological, chemical, or quantitative status of any relevant surface water or groundwater body;

(b) Increase pollutant loading or alter the hydrological regime of any receiving watercourse;

(c) Prevent or impede achievement of environmental objectives under the applicable River Basin Management Plan;

(d) Any residual risks are capable of being addressed through the proposed mitigation measures, mitigation conditions and full implementation of a Construction Environmental Management Plan.

The proposed development is considered to be in compliance with the requirements of Article 4 of the Water Framework Directive.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application and by way of further information except as may otherwise be required in order to comply with the following conditions. Where any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

   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. The mitigation and monitoring measures identified in the Natura Impact Statement submitted with the application shall be implemented in full and placed on file and retained as part of the public record.

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

3. The mitigation and monitoring measures identified, commitments and recommendations set out in the Ecological Impact Assessment submitted with the application shall be implemented in full as part of the proposed roads development and placed on file and retained as part of the public record.

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

4. 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 the 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 biodiversity.

5. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the project ecologist and relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement and Ecological Impact Assessment and demonstration of proposals to adhere to best practice and protocols. The CEMP shall include:
   (a) all mitigation measures indicated in the Natura Impact Statement and Ecological Impact Assessment,
   (b) location and extent of silt fencing to be installed on site,

(c) details of a temporary cofferdam arrangements to be installed on site (if required) that will facilitate minimal disturbance to the lagoon bed and risk of pollution during deployment and removal, and

(d) specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness.

Reason: In the interest of protecting the environment and the European Site.

6. The following nature conservation requirements shall be complied with:

(a) Prior to the commencement of development, details of measures to protect fisheries and water quality of the lagoon waterbody 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 programme shall be implemented thereafter.

(b) No vegetation removal shall take place during the period of the 1st day of March to the 31st day of August (inclusive) without the written approval of the Ecological Clerk of Works. Such approval shall be placed on the public file.

(c) A pre-construction otter survey by a suitably qualified ecologist shall be carried out before works commence and be kept on file as part of the public record.

(d) A pre-construction invasive species survey by a suitably qualified ecologist shall be carried out before works commence and be kept on file as part of the public record.

(e) A post-construction ecological monitoring programme shall be put in place to verify that the predicted outcomes of the ecological assessment are realised in practice.

Reason: In the interests of biodiversity and nature conservation.

7. 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 Site.

8. All development shall be carried out in compliance with Uisce Éireann's Standard Details and Codes of Practice. Note that Uisce Éireann does not permit Build Over of its assets. Where the local authority proposes works or build over existing water or wastewater services, the local authority shall have received a written Confirmation of Feasibility of Diversion(s) from Uisce Éireann prior to any works commencing.

   Reason: To protect the public water and waste water facilities.

Mick Long
Coimisinéir Pleanála den Choimisiún Pleanála atá údaraithe go cuí chun séala an Choimisiúin a fhíordheimhniú.
Planning Commissioner of An Coimisiún Pleanála duly authorised to authenticate the seal of the Commission.
Arna dhátú an 29 **lá seo de** Bealtaine **2026**
Dated this 29 **day of** May **2026**