An Bord Pleanála

ACHTANNA NA mBÓITHRE 1993 go 2015
ROADS ACTS 1993 to 2015

NA hACHTANNA UM PLEANÁIL AGUS FORBAIRT 2000 go 2015
PLANNING AND DEVELOPMENT ACTS 2000 to 2015

Comhairle Contae na Gaillimhe
Galway County Council

Uimhir Thagartha an Bhoird Pleanála: 07.HA0049

IARRATAS ó Chomhairle Contae Gaillimh chun ceadú a fháil faoi alt 51 d'Acht na mBóithre 1993, arna leasú, de réir cáipéisí, san áireamh ráiteas tionchair timpeallachta agus ráiteas tionchair Natura taiscthe leis an mBord Pleanála ar an 5 Lúnasa, 2014, mar a bhí leasaithe de réir an eolais a fuair An Bord Pleanála ar an 31 Iúil, 2015.

APPLICATION by Galway County Council for approval under section 51 of the Roads Act, 1993, as amended, in accordance with documentation, including an environmental impact statement and Natura impact statement, lodged with An Bord Pleanála on the 5th day of August, 2014, as amended by the further information received by An Bord Pleanála on the 31st of July, 2015.

AN FHORBAIRT BÓTHAIR BHEARTAITHE: Cuid ionaid den Bhóthar Náisiúnta den Dara Grád N59 agus na rudaí seo a leanas a thógáil:

- 29.4 ciliméadar de Charrbhealach singil caighdeánach a thógáil in dhá chuid, 2.8 km ar an taobh thiar de chuid an bhóthair N59 i nDoire Liath agus 26.6 km ar an taobh thoir, bóthar atá uasghrádaithe le déanaí.

- Dhá chiliméadar a dhéanamh mar gheall ar fheabhsúcháin áitiúla/réigiúnacha, athailíniú bóithre agus ceangail a dhéanamh.

- Feabhsú ar leagan amach 24 acomhal bóthar poiblí.

- 11.9 km de shaoráidí cosáin/rothar, trí stad bus, ocht limistéar taitneamhachta and seacht n-áit leataoibh.

- San áireamh méadú a dhéanamh ar shé droichead, dhá dhroichead ionaid a thógáil agus dhá cheann nua a thógáil agus 760 meadar de bhallaí coinneála a thógáil.

- Oibreacha créfoirt a bhaineann le tógáil bóithre, san áireamh móin agus ábhair eile a thochailt, carraigeacha a thochailt, áiteanna a

sholáthar le haghaidh ábhar a thaisceadh agus le haghaidh ábhar a stóráil.

- Pábháil bhóthair, comharthaíocht bóithre, líneáil agus oibreacha a ghabhann leis.

- Oibreacha fálaithe agus agus oibreacha fálaithe sábháilteachta, oibreacha draenála, oibreacha tírdhreachaithe, bearta maolaitheacha maidir leis an timpeallacht.

- Atreorú na bhfóntas agus seirbhísí; rianta agus íosbhealaí a thógáil agus oibreacha a bhaineann leo dhéanamh chomh maith.

- Na oibreacha gaolmhara a bhaineann leis an bhforbairt.

Ag dul tríd na bailte fearainn seo a leanas:

Tulaigh Bhoithín, Corr an Bhachaill, Coill Uí Mhongáin, An Gabhlán Thiar, Doire Liath, Leitir Seithe, Baile na hInse, Imleach Dhá Rú, Leitrí, Doire na bhFlann, Gleann Chóchan, Béal an Átha Fada, Atraí, An Gharmain, Lios Uachtair, An Chathair, Doire Fhinín, Ceapach Chuais, Both Íseal, Seanadh Chaola, Bun Scainimh, An Lorgain, Sindile agus Ard-doire na gCléireach, Contae na Gaillimhe.

PROPOSED ROAD DEVELOPMENT: Construction of a replacement section of the N59 National Secondary Road comprising of:

- 29.4 kilometres of Standard single Carriageway in two sections measuring 2.8 kilometres and 26.6 kilometres respectively on both west and east sides of the Derrylea section of the N59 road which has been recently upgraded.

- Two kilometres of local/regional road improvements/re-alignments/tie-ins.

- 24 all movement at grade junctions.

- Provision of 11.9 kilometres of cyclist and pedestrian facilities, three bus stops, eight amenity areas and seven pull-in areas.

- Structures including widening of six existing bridges, provision of two replacement bridges and two new bridges, and 760 metres of retaining walls.

- Roads associated earthworks, including the excavation of peat and other unacceptable material, excavation of rock, provision of material deposit and claim areas.

- Provision of road pavement, signing, lining and ancillary works.

- Provision of fencing and safety fencing works, drainage works, landscaping works, environmental mitigation measures.

- Diversion of utilities and services, construction of accommodation tracks, accommodation underpasses and ancillary accommodation works.

- All other ancillary works.

passing through the townlands of Tullyvoheen, Couravoughil, Killymongaun, Gowlan West, Derrylea, Lettershea, Emlaghmore, Ballynahinch, Emlaghdauroe, Lettery, Derrynavglaun, Glencoaghan, Ballinafad, Athry, Garroman, Lissoughter, Caher, Derryneen, Cappagoosh, Boheeshal, Shannakeela, Bunscanniff, Lurgan or Shindilla, and Ardderrynagleragh, County Galway.

CINNEADH/DECISION

CEADÚ A DHIÚLTÚ don fhorbairt bóthair bheartaithe thuasluaite mar gheall ar na cúiseanna agus tuisceanna atá ráite thíos.

REFUSE TO APPROVE the above proposed road development based on the reasons and considerations set out below.

NA hÁBHAIR CURTHA SAN ÁIREAMH/MATTERS CONSIDERED

Ag déanamh a chinnidh, thug an Bord aird do na nithe áirithe atá dualgas air, de bhua na n-Achtanna um Pleanáil agus Forbairt agus na Rialachán arna ndéanamh fúthu, aird a thabhairt dóibh. San áireamh bhí aon aighneacht agus tuairim a fuair an Bord faoi réir forálacha reachtúla.

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.

CÚISEANNA AGUS TUISCEANNA/REASONS AND CONSIDERATIONS

Tá tionchar go díreach ann ag an bhforbairt bhóthair bheartaithe ar láithreáin Eorpacha, go háirithe, Limistéar faoi Chaomhnú Speisialta Mhórláthair Bheanna Beola agus An Gharráin (cód láithreáin 002031), Limistéar faoi Chaomhnú Speisialta Shléibhte Mhám Toirc (cód láithreáin 002008), Limistéar faoi Chaomhnú Speisialta Mhórláthair Phortaigh Chonamara ((cód láithreáin 002034) agus an Limistéar faoi Chosaint Speisialta Mhórláthair Phortaigh Chonamara ((cód láithreáin 004181). Is léir go bhfuil leasanna cáilitheacha ag baint leis na Ceantair thagartha seo atá faoi Chaomhnú Speisialta a bhaineann le gnáthóga agus speicis atá roghnaithe maidir le suíomhanna áirithe, san áireamh agus go háirithe, Bratphortach (gníomhach), gnáthóg Tosaíochta atá luaite in Iarscríbhinn I, agus fraochmhánna fliucha an Atlantaigh Thuaidh agus *Erica tetralix* iontu, gnáthóg Tosaíochta atá luaite in Iarscríbhinn I chomh maith. Tá sé mar sprioc an stádas caomhantais fabhrach a bhaineann le gnáthóga nádúrtha nó le pobail speiceas agus iad a chothabháil nó a aisiriú go stádas caomhantais fabhrach. De réir an eolais a cuireadh leis an ráiteas tionchair Natura agus de réir na n-aighneachtaí a fuair an Bord ina dhiaidh (i scríbhinn agus a bhí déanta ag an éisteacht) is léir go

bhfuil fraochmhánna fliucha an Atlantaigh Thuaidh agus *Erica tetralix* le fáil ar an suíomh [4010] agus b'fhéidir go bhfuil Bratphortach (gníomhach) [7130] ann chomh maith, iad go léir ar thailte atá mar chuid den bhforbairt bhóthair bheartaithe agus iad le fáil chomh maith ar láithreáin Eorpacha. Meastar, cheal fianaise shoiléir ar a mhalairt mar gheall ar na gnáthóga atá ar an bhforbairt bhóthair bheartaithe agus atá in aice leis an suíomh, ní féidir a rá de thoradh na forbartha atá beartaithe nach mbeadh cailliúint i gceist maidir leis na gnáthóga seo, gnáthóga ina bhfuil sé mar chuspóir sonraithe caomhnaithe, an stádas caomhantais fabhrach a bhaineann leo a chothabháil agus a aisiriú. Dá bhrí sin, ní féidir a rá nach mbeach drochthionchar ag an bhforbairt leis féin nó i gcomhar le pleananna nó le tionscadail eile ar shláine an láithreáin Eorpaigh i bhfianaise na gcuspóirí caomhnaithe lena mbaineann. Dá bhrí sin, bheadh an fhorbairt bheartaithe in aghaidh pleanáil chuí agus forbairt inchothaithe an limistéir.

The route of the proposed road development directly impacts on four European Sites, namely, the Twelve Bens/Garraun Complex Special Area of Conservation (site code 002031); the Maumturk Mountains Special Area of Conservation (site code 002008); the Connemara Bog Complex Special Area of Conservation (site code 002034); and the Connemara Bog Complex Special Protection Area (site code 004181). The qualifying interests for the referenced Special Areas of Conservation indicate habitats and species for which the sites have been selected, including, and in particular, Blanket bog (Active), an Annex I Priority habitat, and Northern Atlantic wet heath with *Erica tetralix*, an Annex I habitat. It is an objective to maintain or restore the favourable conservation status of habitats and species of community interest. Information presented within the Natura impact statement and subsequent submissions to the Board (both in writing and at the oral hearing), indicate the presence of Annex I habitat 'Northern Atlantic Wet heath with *Erica tetralix'* [4010] and, possibly, Annex I Priority habitat 'Blanket bog (active)' [7130], within lands which are to be included in the proposed road development and which lie within European Sites. It is considered that, in the absence of clear information in relation to the habitats which are within and adjacent to the proposed road development, it is not possible to conclude that the proposed road development would not result in the loss of such habitats, for which it is a stated conservation objective to maintain or restore the favourable conservation status. It is not, therefore, possible to conclude that the proposed road development, alone 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. The proposed road development would, therefore, be contrary to the proper planning and sustainable development of the area.

Ball den Bhord Pleanála a bhfuil údarás aige/aici séala an Bhoird a fhíordheimhniú.

Dátaithe ar an lá seo de 2016.