



An  
Bord  
Pleanála

## Board Order 25.HA0051

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**Roads Acts, 1993 to 2015**

**Planning and Development Acts, 2000 to 2017**

**Planning Authority: Westmeath County Council**

**Application** by Westmeath County Council for approval under section 51 of the Roads Act 1993, as amended, in accordance with plans and particulars, including an environmental impact statement, lodged with An Bord Pleanála on the 9<sup>th</sup> day of May, 2017.

**Proposed Road Development:**

The construction of a pedestrian and cycleway bridge approximately 104 metres long with a central pier, crossing the River Shannon and all associated ancillary and consequential works, all at Athlone, County Westmeath.

### **Decision**

**Approve the above proposed road 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 national, regional and local strategic road policies and objectives, including those set out in the National Spatial Strategy, the Regional Planning Guidelines for the Midland Region 2010-2022, the Westmeath County Development Plan 2014-2020, and the Athlone Town Development Plan 2014-2020,
- (b) Smarter Travel – A Sustainable Transport Future 2009-2020,
- (c) the National Cycle Policy Framework 2009,
- (d) the scheme constituting a key element of the National Greenway Network and, in particular, the Mullingar to Athlone part of that network,
- (e) the design and layout of the proposed road development and the impact of the development on the River Shannon,
- (f) the range of proposed mitigation measures set out in the submitted environmental impact statement and the Natura impact statement,
- (g) the provisions of the Roads Acts 1993 to 2015,

- (h) the provisions of the European Communities (Environmental Impact Assessment) Regulations 1989–1999 (as amended), and the European Communities (Birds and Natural Habitats) Regulations, 2011,
- (i) the Regional Planning Guidelines for the Midland Region 2010–2022,
- (j) the policies and objectives of the Westmeath County Development Plan 2014-2020, in particular, P-WC6 which seeks to bring support to and facilitate the provision of a cycleway and walkway between Mullingar and Athlone as part of the National Cycleway Corridor,
- (k) the congestion in Athlone Town Centre and the desirability of providing a separated cycle and pedestrian crossing of the River Shannon,
- (l) the submissions on file, including the environmental impact statement, the Natura impact statement and associated documentation, and the submissions made in connection with the application at the oral hearing, and the range of mitigation measures set out in the documentation received, and
- (m) the report and recommendation of the Inspector.

**Appropriate Assessment:**

The Board agreed with the screening assessment and conclusion carried out in the Inspector’s report that the River Shannon Callows Special Area of Conservation (site code: 000216) and the Middle Shannon Callows Special Protection Area (site code: 004096) are the only European Sites in respect of which the proposed road development has the potential to have a significant effect.

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 road development for the affected European Sites, namely the River Shannon Callows Special Area of Conservation (site code: 000216) and the Middle Shannon Callows Special Protection Area (site code: 004096), 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 road 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 road development on the aforementioned European Sites, having regard to the sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed road 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.

### **Environmental Impact Assessment:**

The Board considered that the environmental impact statement submitted with the application, the report, assessment and conclusions of the Inspector with regard to this file and other submissions on file, were adequate in identifying and describing the direct and indirect effects of the proposed road development. The Board completed an environmental impact assessment, and agreed with the Inspector's assessment of the likely significant effects of the proposed road development, and generally agreed with the Inspector's conclusions on the acceptability of the mitigation measures proposed and residual effects and concluded that the proposed road development would not be likely to have significant adverse effects on the environment. The Board generally adopted the report of the Inspector and considered that the effects of the proposed development on the environment would be acceptable.

### **Proper Planning and Sustainable Development:**

It is considered that, subject to compliance with the conditions set out below, the proposed road development would not have significant negative effects on the community in the vicinity, would not give rise to a risk of pollution, would not have a significant effect on the environment of any designated Natura 2000 site or site of ecological interest, would not have a significant impact on any protected species, would not have a detrimental impact on archaeological and architectural heritage, would not give rise to detrimental visual or landscape impacts, and would not seriously injure the amenities of the area or of property in the vicinity. The proposed road development, which would constitute an improvement in terms of cyclist and pedestrian safety and convenience, would advance the creation of a network of designated rural cycle in support of the Smarter Travel – A Sustainable Transport Future 2009-2020 and the National Cycle Policy Framework and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The proposed road development shall be carried out and completed in accordance with the plans and particulars, including the environmental impact statement and the Natura impact statement, lodged with the application and by the further plans and particulars received by An Bord Pleanála at the oral hearing held on the 24<sup>th</sup> day of August, 2017, except as may otherwise be required in order to comply with the following condition.

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

2. The proposals, mitigation measures and commitments set out in the environmental impact statement and the Natura impact statement shall be implemented as part of the proposed road development.

**Reason:** In the interest of clarity, to mitigate the environmental effects of the proposed road development and to protect the amenities of the area and of property in the vicinity.

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

**Dated this          day of                                  2017**