



An
Bord
Pleanála

Board Order 16.JP0041

Planning and Development Acts, 2000 to 2018

Planning Authority: Mayo County Council

Application by Mayo 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 4th day of November, 2016.

Proposed Development: Improvements to the N26 National Primary Route consisting of:

- Construction of approximately 1.8 kilometres of Type 2 single carriageway road
- Construction of a new 83-metre long clear span bridge crossing the River Moy and culvert structures over two tributaries of the Moy
- Construction of at-grade junctions and local road realignments providing connectivity to the existing road network
- Construction of accommodation works ancillary to the proposed road
- Construction of a drainage system in accordance with sustainable drainage design principles and guidance
- Diversion of existing services and utilities
- Provisions for treatment and recovery of unsuitable material
- Provision of landscape planting, signage, lighting and other works ancillary to the construction and operation of the proposed road development

All at Pollsharvoge Townland in the District Electoral Division of Cuildoo and the County of Mayo and at Cloongullaun Townland in the District Electoral Division of Swinford and the County of Mayo.

Decision

Approve the above proposed 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:

- (a) the EU Habitats Directive (92/43/EEC) and the Water Framework Directive (2000/60/EC),
- (b) the European Communities (Birds and Natural Habitats) Regulations, 2011-2015,
- (c) the conservation objectives, the qualifying interests and the special conservation interests of the River Moy Special Area of Conservation (site code: 002298),
- (d) the provisions of the National Planning Framework – Project Ireland 2040, and Smarter Travel – A Sustainable Transport Future – A New Transport Policy for Ireland 2009 – 2020,

- (e) the related policies and objectives of the Mayo County Development Plan 2014-2020,
- (f) the nature and extent of the proposed road improvement works, as set out in the application for approval, to provide for road improvements to the N26 National Road,
- (g) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement and revised Natura Impact Statement of July 2018,
- (h) the submissions and observations received in relation to the likely effects on the environment, and on the likely significant effects of the proposed development on European Sites,
- (i) the report of the oral hearing of 8th March, 2017, and
- (j) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

Appropriate Assessment:

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on designated European Sites. The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. The Board considered,

- the nature, scale and location of the proposed development,
- the Natura Impact Statements submitted with the application,
- the submissions on file and the report of the Inspector.

Stage 1:

The Board agreed with and adopted the screening assessment carried out and conclusions reached in the Inspector's report that the River Moy Special Area of Conservation (site code: 002298) is the only European Site in respect of which the proposed development has the potential to have a significant effect.

Stage 2:

The Board considered the Natura Impact Statement and revised Natura Impact Statement (submitted on the 26th July, 2018) 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 proposed development for the affected European Site, namely the River Moy Special Area of Conservation (site code: 002298) 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 assessment, the Board considered, in particular, the following:

- (1) the likely direct and indirect impact arising from the proposed development both individually or in combination with other plans or projects,
- (2) the mitigation measures which are included as part of the current proposal, and
- (3) the conservation objectives for the European Site.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's Addendum Report (12th December, 2018) of the potential effects of the proposed development on the aforementioned European Site having regard to the site's conservation objectives.

Conclusion:

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 Site in view of the site's conservation objectives.

Effects on the Environment:

Having regard to the nature and scale of the proposed development and, subject to the implementation in full of all mitigation measures outlined in the application and supporting documentation and the conditions set out below, the Board is satisfied that the proposed development would not give rise to pollution and is unlikely to give rise to unacceptable negative environmental effects.

Proper Planning and Sustainable Development:

It is considered that, subject to compliance with the conditions set out below, the proposed development aligns with the objectives of the Mayo County Development Plan 2014-2020, would provide an improved and safer National Road for all road users, would not have a significant negative impact on the environment, 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, 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.

CONDITIONS

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, including the revised Natura Impact Statement (submitted on the 26th July, 2018) and other associated documentation submitted with the application, except as may otherwise be required in order to comply with the conditions set out below. Where any mitigation measures set out in the revised Natura Impact Statement or any conditions of this 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 interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The local authority, and any agent acting on its behalf, shall comply with the mitigation measures contained in the revised Natura impact statement. All mitigation, including monitoring and enforcement, prescribed in the revised Natura Impact Statement shall be binding during the construction phase and the operational phase.

Reason: In the interest of clarity and the proper planning and sustainable development and to ensure the protection of European Sites during construction.

3. Prior to commencement of development, and following consultation with the National Parks and Wildlife Service and Inland Fisheries Ireland, the local authority shall prepare a Construction Management Plan, a Construction Environmental Management Plan and an Environmental Operating Plan incorporating all mitigation measures indicated in the revised Natura Impact Statement.

Reason: In the interest of clarity and the proper planning and sustainable development and to ensure the protection of European Sites during construction.

4. The local authority, and any agent acting on its behalf, shall ensure that all plant and machinery used during the works shall be thoroughly cleaned and washed before delivery to, and departure from, the site to prevent the spread of invasive species.

Reason: In the interest of clarity and the proper planning and sustainable development and to ensure the protection of European Sites during construction.

5. A suitably qualified ecologist shall be appointed by the local authority to oversee the site set-up and construction of the proposed development in accordance with the mitigation measures set out in the revised Natura Impact Statement. Upon completion of the construction stage, an audit report of the site works shall be prepared by the appointed ecologist and submitted to the local authority to be maintained on record.

Reason: To ensure the protection of the designated sites during construction.

