

## Board Order 16.JP0044

Planning and Development Acts, 2000 to 2017

**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 28<sup>th</sup> day of February, 2017.

**Proposed Development:** Re-alignment of the R312 Regional Road at Muckanagh and Kilgarve, Glenisland, Castlebar, County Mayo. The proposed road development involves improvements to a series of bends on the R312 at Glenisland, is 525 metres long and includes a new culvert bridge over the Glenisland River.

## **Decision**

Refuse to Approve the above proposed development based on the reasons and considerations 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**

The Board agreed with the screening assessment carried out by the Inspector and the conclusion set out in the Inspector's report that the Newport River Special Area of Conservation (site code 002144) is the European site for which there is a likelihood of significant effects.

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposal for the Newport River Special Area of Conservation (site code 002144) in view of the site's conservation objective to maintain or restore the favourable conservation condition of the Freshwater Pearl Mussel and the Atlantic Salmon.

In completing the assessment, the Board considered, in particular,

- the likely direct and indirect impacts arising from the proposal both individually or in combination with other plans or projects, specifically upon water quality and river habitat.
- (ii) the mitigation measures which are included as part of the current proposed development,
- (iii) the conservation objective for this European Site, and
- (iv) the view of the Department of Arts, Heritage, the Gaeltacht, Regional and Rural Affairs.

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 aforementioned European Site, having regard to the site's conservation objective.

The Board is not satisfied that the local authority has demonstrated that the proposed development would not adversely affect the integrity of the European Site in view of the site's conservation objective, as this proposed development would entail a type of bridge which would necessitate the loss of existing river bed and accompanying river banks and that in its place a pre-cast culvert would be installed, which would be incapable of replicating the habitat thus removed and which would alter the hydrology/hydrodynamics of the river passing through it. It is considered that the consequences for the qualifying interests of the European Site, particularly the Atlantic Salmon, have not been sufficiently addressed. Furthermore, as the water quality of the Glenisland River, a spawning river, has deteriorated and fish numbers have been low in recent years, additional pressures upon this species may have a disproportional impact upon it.

In overall conclusion, the Board is not satisfied that the proposed development would not adversely affect the integrity of the European Site in view of the site's conservation objective.

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

Dated this day of 2017

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