



An  
Bord  
Pleanála

## Board Order 21.JP0048

### Planning and Development Acts, 2000 to 2017

#### Planning Authority: Sligo County Council

**Application** by Sligo 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 3<sup>rd</sup> July, 2017.

**Proposed Development:** Online improvement works comprising of the following:

- Upgrading the existing dual-carriageway for a distance of 670 metres from a point just north of Hughes Bridge to a point just north of the N15/R291 Rosses Point road junction.
- Increased right-turning provision and improved facilities for pedestrians and cyclists at the three signalised junctions within the proposed development.
- The proposed development includes the following elements of infrastructure:
  - Carriageway improvements
  - Junction improvements
  - Pedestrian and cyclist facilities improvements
  - Structures including new retaining walls
  - Existing river bridge replacement
  - A new drainage system
  - Environmental mitigation works

- The diversion of services and utilities
- Other consequential construction works necessary in order to complete the project.

The proposed development occurs wholly through the townlands of Rathquarter and Cartron, County Sligo.

## **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 the following:

- (a) the EU Habitats Directive (92/43/EEC),
- (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 Cummeen Strand/Drumcliff Bay Special Area of Conservation (site code 000627) and the Cummeen Strand Special Protection Area (site code 004035),
- (d) the provisions of the National Planning Framework – Project Ireland 2040, Smarter Travel – A Sustainable Transport Future – A New Transport Policy for Ireland 2009 – 2020, and the related policies and objectives of the Sligo County Development Plan 2017-2023,

- (e) 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 N4-N15 National Road,
- (f) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura impact statement,
- (g) 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, and
- (h) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

#### **Appropriate Assessment:**

The Board agreed with the screening assessment carried out and conclusions reached in the Inspector's report that the Cummeen Strand/Drumcliff Bay Special Area of Conservation (site code 000627) and the Cummeen Strand Special Protection Area (site code 004035), are the only European Sites in respect of which the proposed 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 proposed development for the affected European Sites namely the Cummeen Strand/Drumcliff Bay Special Area of Conservation (site code 000627) and the Cummeen Strand Special Protection Area (site code 004035), 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 assessment, the Board considered, in particular, the following:

- (i) the likely direct and indirect impact 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 objective for the European Sites.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report of the potential effects of the proposed development on the aforementioned European Sites having regard to the sites' conservation objectives.

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 Sites in view of the sites' conservation objectives.

### **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 a significant negative impact on the environment, would provide an improved and safer National Road for all road users, 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, except as may otherwise be required in order to comply with the following conditions.

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

2. The local authority, and any agent acting on its behalf, shall comply with the mitigation measures contained in the Natura impact statement which was submitted with the application.

**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 the commencement of development, and following consultation with the National Parks and Wildlife Service and Inland Fisheries Ireland, the local authority shall prepare a Construction Environmental Management Plan incorporating all mitigation measures indicated in the 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 employed by the local authority to oversee the site set-up and construction of the proposed development and adherence to the Construction Environmental Management Plan.

**Reason:** In the interest of nature conservation, to prevent adverse impacts on the European Sites and to ensure the protection of the Annex I Habitats and Annex II Species and their qualifying interest for which the sites were designated.

6. The local authority, and any agent acting on its behalf, shall facilitate the preservation, recording, protection or removal of archaeological materials features that may be existing within the site. A suitably qualified archaeologist shall be appointed by the local authority to monitor the site set-up and the construction of the proposed development.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

---

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

**Dated this          day of                                  2018**