



Board Direction

Ref: 07.HA0041

At a meeting held on 26th November 2013, the Board considered

- (a) the objections made to the proposed development,
- (b) the report of the Inspector, who held the oral hearing and
- (c) the documents and submissions on file generally.

The Board decided to approve the proposed development, without modifications, in accordance with the recommendation of the Inspector and in accordance with the draft reasons, considerations and conditions set out below.

REASONS AND CONSIDERATIONS

In coming to its decision, the Board had regard to the following:

- (a) the provisions of the European Communities (Environmental Impact Assessment) Regulations 1989 – 1999 (as amended), and the European Communities (Birds and Natural Habitats Regulations, 2011,
- (b) the provisions of the National Development Plan 2007 - 2013 regarding improvements to the national road network including the improvement of the N59, the National Spatial Strategy for Ireland 2002 - 2020, “Smarter Travel A Sustainable Transport Future - A Transport Policy for Ireland 2009 - 2020”, Transport 21 (2005), which identifies the N59 as a priority for renewal and upgrade, and of the “National Secondary Roads Needs Study - Network Options Report West Region” (2011),
- (c) the provisions of the Regional Planning Guidelines for the West Region 2010-2022, including Objective I05, which seeks to upgrade and improve all national secondary roads and in particular the N59,
- (d) the policies and objectives of the Galway County Development Plan 2009-2015, including Objective RT19, which seeks to continue with the strengthening and improvements of the N59,
- (e) the sub-standard nature of the existing N59 national secondary road between Maam Cross and Oughterard in terms of width, alignment and surface quality, and the resultant improvement arising from the proposed road development in the interest of traffic safety,

- (f) the community need, public interest served and overall benefits to be achieved from the proposed road development,
- (g) the design and alignment of the proposed road improvements, constituting a design response that is proportionate to the identified need, and which minimise the environmental impact of the development,
- (h) the range of mitigation measures set out in the documentation received, and
- (i) the submissions on file, including the environmental impact statement, the Natura impact statement and associated documentation, the submissions made in connection with the application at the oral hearing, the submissions of the National Parks and Wildlife Service and of Inland Fisheries Ireland in particular, the detailed evidence presented in relation to Freshwater Pearl Mussel, and the report of the Inspector.

The Board was satisfied that the information before it was adequate for the purposes of undertaking an environmental impact assessment and an Appropriate Assessment in respect of the proposed development.

Having regard to the nature, scale and design of the proposed road development, the environmental impact statement submitted with the application, the submissions on file and received at the oral hearing, and the Inspector's assessment of environmental impacts, which is noted and adopted, the Board completed an environmental impact assessment and concluded that the proposed road development would not be likely to have significant adverse effects on the environment.

Having regard to the nature, scale and design of the proposed road development, the Natura impact statement submitted with the application, the submissions on file and received at the oral hearing and the Inspector's assessment, which is noted, the Board completed an appropriate assessment of the impacts of the proposed road development on the Maumturk Mountain candidate Special Area of Conservation (site code 002008), the Connemara Bog Complex candidate Special Area of Conservation (site code 002034), the Connemara Bog Complex Special Protection Area (site code 004181), the Lough Corrib candidate Special Area of Conservation (site code 000297) and the Lough Corrib Special Protection Area (site code 004042). The Board concluded that the proposed road development, in itself or in combination with other plans or projects, would not adversely affect the integrity of the European sites in view of the conservation objectives for those sites.

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 detrimental impact on archaeological 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. It is considered that the proposed road development, which would constitute an improvement in terms of road safety and convenience, would be in the interest of the common good and would be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The proposed development shall be carried out in accordance with the plans, drawings and documentation submitted with the application, as amended by the further information submitted to An Bord Pleanála at the oral hearing on February 18th, 19th and 20th and on August 20th and 21st, 2013, including the environmental impact statement and the Natura impact statement and supporting documentation, except as may be otherwise required in order to comply with the conditions set out below.

Reason: In the interest of clarity.

2. The proposals, mitigation measures and commitments set out in the environmental impact statement and Natura impact statement and supporting documentation, and as further clarified in the “Revised Schedule of Additional Mitigation Measures & Environmental Commitments” submitted by the road authority to the oral hearing on the 20th day of August, 2013 shall be implemented as part of the proposed road development.

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

3. The road authority shall facilitate the archaeological appraisal of the off-line sections of the road and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within or in the vicinity of the site. In this regard, the road authority shall employ a suitably qualified archaeologist prior to the commencement of development who shall monitor all site investigations and other excavation work. The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report containing the results of the assessment shall be prepared and, arising from this assessment, the road authority shall set out in writing details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. Within one month of its completion, the report shall be made available for public inspection at the offices of the road authority and on the road authority website.

Reason: In order to conserve the archaeological heritage of the site and to ensure the preservation (in-situ or by record) and protection of any remains that may exist within the site.

Note:

The Board noted in particular the Inspector's conclusions in her assessment on potential impacts and mitigation, as set out in Pages 76 – 78 of her report. Having regard to the provisions of the EIA Directive and of the Habitats Directive, the Board concurred with the Inspector's conclusion that the information submitted to the Board was comprehensive, and was adequate to enable the Board to undertake an environmental impact assessment and Appropriate Assessment, and to conclude that the development as proposed would provide appropriately for the protection of the environment and of European Sites.

Please issue a copy of this Direction with the Board Order.

Board Member: _____ Date: 18th December 2013
Fionna O' Regan