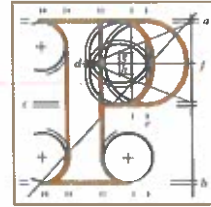


Our Case Number: ABP-312875-22



**An
Bord
Pleanála**

Galway County Council
c/o Derek Pender
Áras an Chontae
Prospect Hill
Co. Galway

Date: 25 MAY 2023

Re: N63 Liss to Abbey Realignment Scheme.
In the townlands of Culliagh South, Culliagh North, Liss, Chapelfield, Abbey, Clashard, Moyne and Newtown, County Galway.

Dear Sir / Madam,

An order has been made by An Bord Pleanála determining the above-mentioned case. A copy of the order is enclosed.

In accordance with section 146(3) of the Planning and Development Act, 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to the decision within 3 working days following its decision. In addition, the Board will also make available the Inspector's Report and the Board Direction on the decision on its website (www.pleanala.ie). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

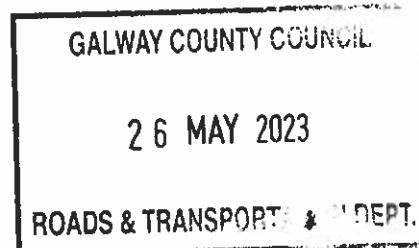
The attachment contains information in relation to challenges to the validity of a decision of An Bord Pleanála under the provisions of the Planning and Development Act, 2000, as amended.

If you have any queries in relation to the matter please contact the undersigned officer of the Board.

Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

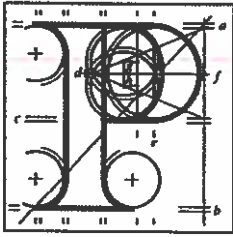
Niamh Thornton
Executive Officer
Direct Line: 01-8737247



HA16

Teil	Tel	(01) 858 8100
Glaio Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902



**An
Bord
Pleanála**

**Board Order
ABP-312875-21**

Roads Acts, 1993 to 2015

Planning and Development Acts, 2000 to 2021

Planning Authority: Galway County Council

Application by Galway County Council for approval under section 51 of the Roads Act 1993, as amended, in accordance with plans and particulars, including an Environmental Impact Assessment Report and Natura Impact Statement, lodged with An Bord Pleanála on the 25th day of February, 2022.

Proposed Development: A road development consisting of the construction of a new 2.3 kilometre of National Secondary Road and all ancillary and consequential works including the provision of a bridge over the River Abbert, structures, road pavement and road markings, access and accommodation works, at grade junctions, utility diversions and other ancillary road works, incorporating footpath and cycle path provisions.

In the townlands of Culliagh South, Culliagh North, Liss, Chapelfield, Abbey, Clashard, Moyne and Newtown in County Galway.

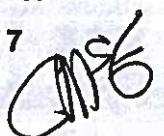
DECISION

Approve the above proposed road development based on the reasons and considerations under and subject to the conditions set out below.

REASONS AND CONSIDERATIONS

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

- (a) the relevant provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU (the EIA Directive) on the assessment of the effects of certain public and private projects on the environment,
- (b) Directive 92/43/EEC (the Habitats Directive) and Directive 79/409/EEC, as amended by 2009/147/EC (the Birds Directive), which set out the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union,
- (c) National Planning Framework Project Ireland 2040,
- (d) Climate Action Plan 2023,
- (e) Northern and Western Regional Assembly Regional Spatial and Economic Strategy 2020-2032,
- (f) Galway County Development Plan 2022-2028,
- (g) the nature, scale, and design of the proposed works as set out in the application for approval, and the pattern of development in the vicinity,
- (h) the documentation and submissions of the local authority, including the Environmental Impact Assessment Report and associated documentation submitted with the application, and the range of mitigating and monitoring measures proposed,
- (i) the likely effects and consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed road development and the likely significant effects of the proposed road development on European Sites,
- (j) the submissions received in relation to the application, and,
- (k) the report and recommendation of the Inspector.



Appropriate Assessment Stage 1:

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that Lough Corrib Special Area of Conservation (Site Code: 000297) is the only European Site for which there is a possibility of significant effects and must therefore be subject to appropriate assessment.

Appropriate Assessment Stage 2:

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for Lough Corrib Special Area of Conservation (Site Code: 000297) in view of the Site's conservation objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed road development in relation to the Site's conservation objectives using the best available scientific knowledge in the field.

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 Site.

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 Site, having regard to the Site's 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 Site, in view of the Site's conservation objectives.

Environmental Impact Assessment:

The Board completed an environmental impact assessment of the proposed road development taking account of:

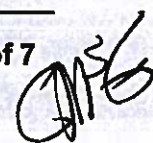
- (a) the nature, scale, location, and extent of the proposed road development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (c) the submissions received from the applicant, prescribed bodies, and observers in the course of the application, and,
- (d) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed road development, and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application.

Reasoned Conclusions on the Significant Effects

The Board considered that the main significant direct and indirect effects of the proposed road development on the environment are, and would be mitigated where relevant, as follows:

- **Traffic** – The proposed road development would separate regional and local traffic, would improve safety, and would improve the environment for sustainable modes of transport. This would result in an improved environment for both vehicles and vulnerable road users.
- **Biodiversity** – There would be habitat loss due to the construction of the proposed road and ancillary features. The proposed bridge crosses Lough Corrib Special Area of Conservation (Site Code: 000297) but no in-stream



works are proposed. Measures have been designed to mitigate potential negative effects on the Molinia meadows and petrifying springs habitats as well as qualifying interest species such as otter, and other mammals such as badger. Mitigation is set out for the construction and operational phases.

- **Climate** – Though there would be unavoidable greenhouse gas emissions from both construction and operational phases of the proposed road development, regional traffic would be removed from the area of the existing N63 where the community facilities are located, it would result in quicker journeys for regional traffic, would result in less traffic congestion around the community facilities and Liss Bridge, and would provide for and encourage an increase in more sustainable modes of transport between the two village cores. The proposed road development would redistribute existing traffic, not encourage more traffic. The proposed road development would not be unacceptable in terms of direct, indirect or cumulative impacts on climate.
- **Cultural Heritage** – The prominent landscape feature Knockmoy Abbey would be more visible to users of the proposed realigned road while remaining visible to residents and users of the existing N63. Pre-development archaeological testing would address concerns relating to loss of any archaeological material.

It is considered that, subject to the implementation of the mitigation measures referred to above and as detailed throughout the chapters of the Environmental Impact Assessment Report, including Chapter 19 (Schedule of Mitigation Measures), the effects of the proposed road development on the environment in the vicinity would be acceptable in respect of the delivery of the physical infrastructure and any associated impacts.

Overall, the Board is satisfied that the proposed road development would not have any unacceptable effects on the environment.

Proper Planning and Sustainable Development:

The Board considered that the proposed road development would be in accordance with national, regional, and local planning policy, would not have an unacceptable impact on the landscape or on biodiversity, would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would allow for greater community cohesion, would facilitate an increased modal share of sustainable modes of transport, would provide for improved safety for pedestrians, cyclists and other road users 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 Assessment Report and Natura Impact Statement, lodged with and during the course of the application to An Bord Pleanála.

Reason: In the interests of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The proposals, mitigation measures, and commitments set out in the Environmental Impact Assessment Report and the Natura Impact Statement shall be implemented in full as part of the proposed road development.

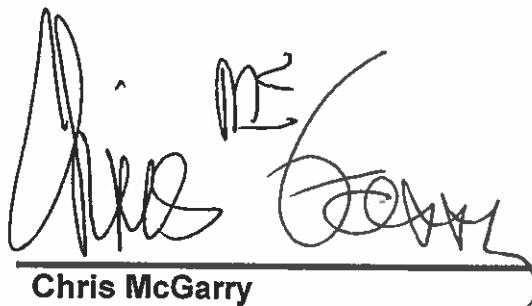
Reason: In the interest of clarity, to mitigate the environmental effects of the proposed road development, and to protect the amenities of the area, and of properties in the vicinity.

-
3. The preservation, recording, and protection of archaeological materials or features that may exist within the site shall be facilitated. In this regard, a suitably qualified archaeologist shall be retained to monitor all site investigations and other excavation works and provide arrangements for the recording and for the removal of any archaeological material considered appropriate to remove.

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.

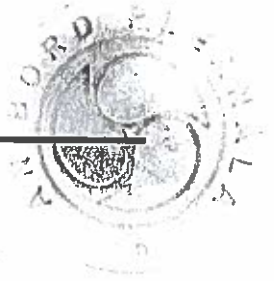
4. A single dished vehicular access/egress point shall be provided to the existing structure on the Conneely property opposite the handball alley and community centre on the N63.

Reason: In the interests of maintaining access to this structure and the proper planning and sustainable development of the area.

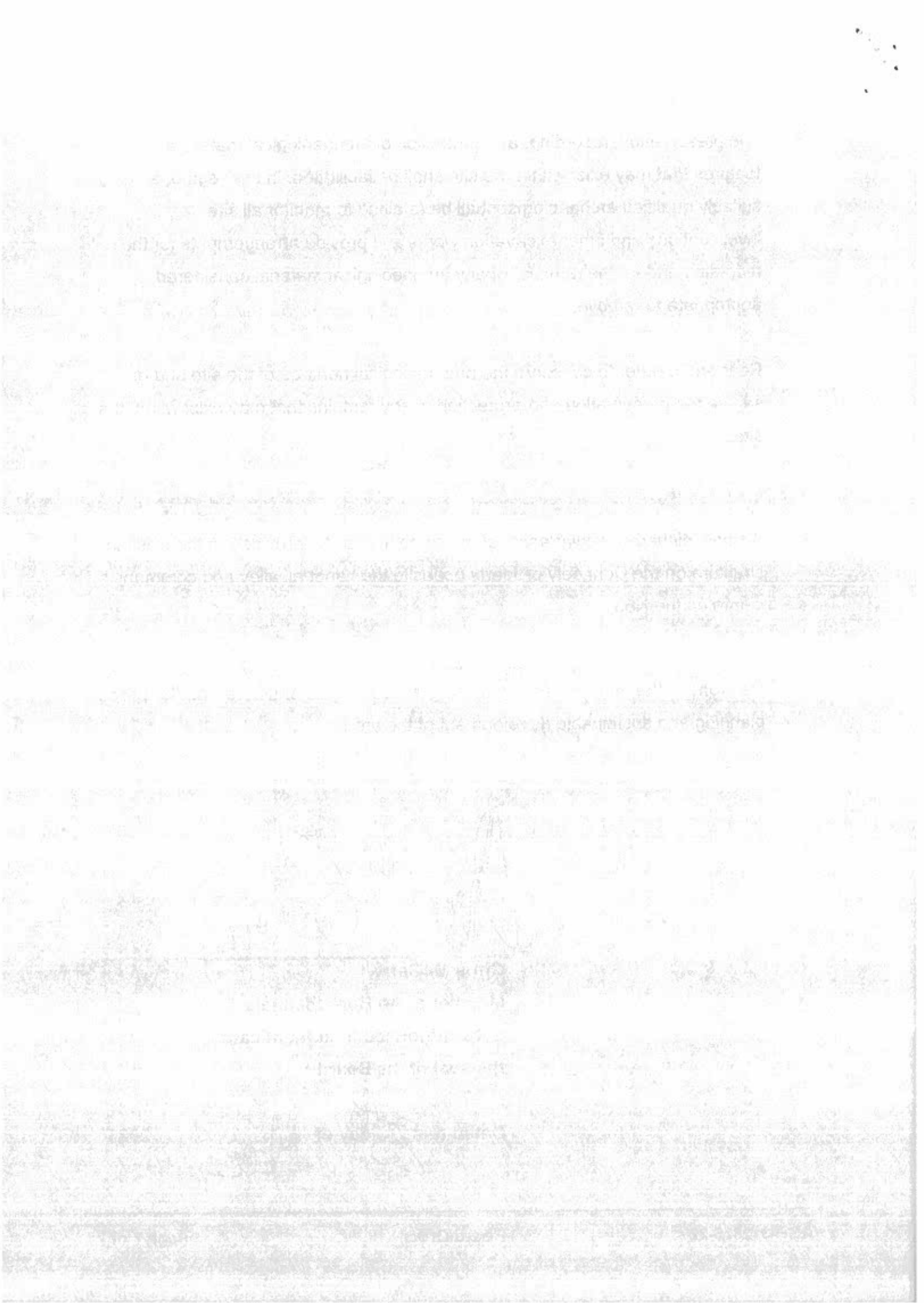


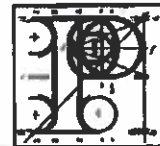
Chris McGarry

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



Dated this 25th day of May 2023





Judicial Review Notice

Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Acts (as amended).

A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000, as amended, contain provisions in relation to challenges to the validity of a decision of the Board.

The validity of a decision taken by the Board may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(6) of the Planning and Development Act 2000 requires that any application for leave to apply for judicial review must be made within 8 weeks of the date of the decision of the Board, save for decisions made pursuant to a function transferred to the Board under Part XIV of the Planning and Development Act 2000, where any application for leave to apply for judicial review must, as set out in sub-section 50(7), be made within 8 weeks beginning on the date on which notice of the decision of the Board was first sent (or as may be the requirement under the relevant enactment, functions under which are transferred to the Board, was first published). These time periods are subject to any extension which may be allowed by the High Court in accordance with sub-section 50(8).

Section 50A(3) states that leave for judicial review shall not be granted unless the Court is satisfied that (a) there are substantial grounds for contending that the decision is invalid or ought to be quashed and (b) the applicant has a sufficient interest in the matter which is the subject of the application or in cases involving environmental impact assessment is a body complying with specified criteria.

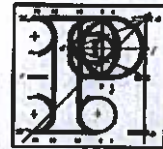
Section 50B contains provisions in relation to the costs of certain judicial review proceedings in the High Court; pursuant to Section 50B(1), Section 50B applies to the following proceedings:

- (a) proceedings in the High Court by way of judicial review, or of seeking leave to apply for judicial review, of—
- (i) any decision or purported decision made or purportedly made,
 - (ii) any action taken or purportedly taken,
 - (iii) any failure to take any action, pursuant to a statutory provision that gives effect to
 - I. a provision of the EIA Directive 85/337/EEC as amended to which Article 10a (as inserted by Directive 2003/35/EC) of that Directive applies,
 - II. the SEA Directive 2001/42/EC, or
 - III. a provision of the IPPC Directive 2008/1/EC to which Article 16 of that Directive applies, or
 - IV. Article 6(3) or 6(4) of the Habitats Directive; or
- (b) an appeal (including an appeal by way of case stated) to the Supreme Court from a decision of the High Court in a proceeding referred to in paragraph (a);
- (c) proceedings in the High Court or the Supreme Court for interim or interlocutory relief in relation to a proceeding referred to in paragraph (a) or (b).

The general provision contained in section 50B(2) is that in proceedings to which the section applies each party shall bear its own costs. The Court however may award costs against any party in specified circumstances. There is also provision for the Court to award the costs of proceedings or a portion of such costs to an applicant, to the extent that the applicant succeeds in obtaining relief, against a respondent or notice party, or both, to the extent that the action or omission of the respondent or notice party contributed to the relief being obtained.

General information on judicial review procedures is contained on www.citizeninformation.ie

Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.



Fógra faoi Athbhreithniú Breithiúnach

Athbhreithniú breithiúnach ar chinntí an Bhoird Pleanála faoi fhorálacha na nAchtanna um Pleanáil agus Forbairt (arna leasú).

Ní fhéadfaidh duine ar mian leis nó léi agóid a dhéanamh in aghaidh bhaillíocht chinneadh de chuid an Bhoird é sin a dhéanamh ach trí athbhreithniú breithiúnach. Tá forálacha in Alt 50, 50A agus 50B den Acht um Pleanáil agus Forbairt 2000, arna leasú, maidir le dúshláin i leith bhaillíocht chinneadh an Bhoird.

Ní féidir ballíocht cinnidh ama ghlacadh ag an mBord a cheistiú ach amháin trí iarratas a dhéanamh ar athbhreithniú breithiúnach faoi Ordú 84 de Rialacha na nUaschúrteanna (S.I. Uimh. 15 de 1986). Ceanglaíonn fo-alt 50(6) den Acht um Pleanáil agus Forbairt 2000 go gcaithfear aon iarratas ar chead chun iarratas a dhéanamh ar athbhreithniú breithiúnach a dhéanamh laistigh de 8 seachtaine ó dháta chinneadh an Bhoird, seachas cinní a dhéantar de bhun feidhme aistriú chuíg an mBord faoi Chuid XIV den Acht um Pleanáil agus Forbairt 2000, i gcás nach mór aon iarratas ar chead chun iarratas a dhéanamh ar athbhreithniú breithiúnach, mar atá leagtha amach i bhfo-alt 50(7), a dhéanamh laistigh de 8 seachtaine ag tosú ar an dáta ar ar tugadh fógra faoi chinneadh an Bhoird ar dtús (nó mar a cheanglófar faoin achtú ábhartha, ar aistriú feidhmeanna faoi chuíg an mBord, a foilsíodh den chéad uair). Tá na tréimhsí ama seo faoi réir aon síneadh a fhéadfaidh an Ard-Chúirt a cheadú de réir fo-alt 50(8).

Sonraítear in alt 50A(3) nach ndeonófar cead d'athbhreithniú breithiúnach mura bhfuil an Chúirt sásta (a) go bhfuil forais shubstaintiúla ann chun a áitiú go bhfuil an cinneadh neamhbhaill nó gur chóir é a chur ar neamhní agus (b) go bhfuil leas leordhóthanach ag an iarratasóir san ábhar is ábhar don iarratas nó i gcásanna a bhaineann le measúnú tionchair timpeallachta ar comhlacht é a chomhlíonann critéir shonraithe.

Tá forálacha in alt 50B maidir le costais imeachtaí athbhreithnithe bhreithiúnaigh áirithe san Ard-Chúirt; de bhun Alt 50B(1), tá feidhm ag alt 50B maidir leis na himeachtaí seo a leanas:

(a) imeachtaí san Ard-Chúirt mar athbhreithniú breithiúnach, nó trí chead a lorg chun iarratas a dhéanamh ar athbhreithniú breithiúnach, ar—

- (i) aon chinneadh nó cinneadh airbheartaithe a rinneadh nó a airbheartaítear a rinneadh,
- (ii) aon ghníomh a rinneadh nó a airbheartaítear a rinneadh,
- (iii) aon mhainneachtain aon ghníomh a dhéanamh, de bhun forála reachtúla a thugann éifeacht
 - I. d'fhoráil de Threoir EIA 85/337/CEE arna leasú lena mbaineann Airteagal 10a (arna cur isteach le Treoir 2003/35/CE) den Treoir sin,
 - II. do Threoir SEA 2001/42/CE, nó
 - III. d'fhoráil de Threoir IPPC 2008/1/CE a bhfuil feidhm ag Airteagal 16 den Treoir sin maidir léi, nó
 - IV. d'Airteagal 6(3) nó 6(4) den Treoir maidir le Gnáthóga; nó

(b) achomharc (lena n-áirítear achomharc de chás ráite) chun na Cúirte Uachtaraí i gcoinne breithe ón Ard-Chúirt in imeacht dá dtagraítear i mír (a);

(c) imeachtaí san Ard-Chúirt nó sa Chúirt Uachtarach le haghaidh faoisimh eatramhach nó idirbheitheach i ndáil le himeacht dá dtagraítear i mír (a) nó (b).

Is í an fhoráil ghinearálta atá in alt 50B(2) ná go n-íocfaidh gach páirtí in imeachtaí lena mbaineann an t-alt a chostais féin. Féadfaidh an Chúirt, áfach, costais a dhámhachtain in aghaidh aon pháirtí in imthosca sonraithe. Tá foráil ann freisin go ndéanfaidh an Chúirt costais imeachtaí nó cuid de chostais den sórt sin a dhámhachtain d'iarratasóir, a mhéid a éiríonn leis an iarratasóir faoiseamh a fháil, i gcoinne freagróra nó páirtí fógra, nó an dá cheann, a mhéid a chuir an chaingean nó an t-easnamh ar thaobh an fhreagróra nó an pháirtí fógra go páirteach leis an bhfaoiseamh atá á fháil.

Tá eolas ginearálta ar nósanna imeachta athbhreithnithe bhreithiúnaigh ar fáil anseo a leanas, www.citizensinformation.ie.

Séanadh: Mar eolas atá an méid thuas ceaptha. Ní airbheartaíonn sé a bheith ina léirmhíniú ceangailteach ó thaobh dlí ar na forálacha ábhartha agus bheadh sé inmholta do dhaoine atá ag smaoineamh ar chaingean dlí comhairle dlí a lorg.