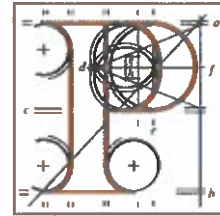
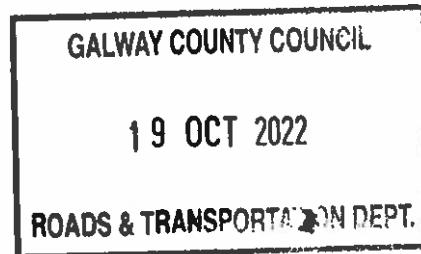


Our Case Number: ABP-312379-22



An
Bord
Pleanála

Galway County Council
Áras an Chontae
Prospect Hill
Galway
Co. Galway



Date: 18 OCT 2022

Re: N17 Milltown to Gortnagunned Realignment Scheme
Within the townlands of Milltown, Cartron, Gortnaloura, Clonacross, Drum, Curragherry and Gortnagunned, 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.

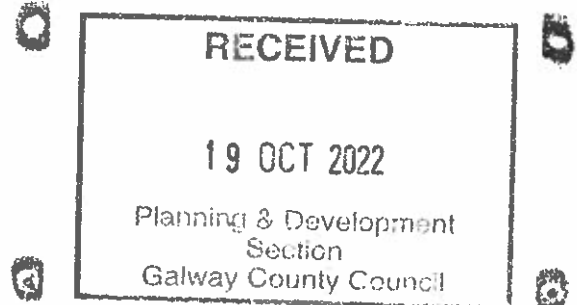
If you have any queries in relation to the matter please contact the undersigned officer of the Board.

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

AA14



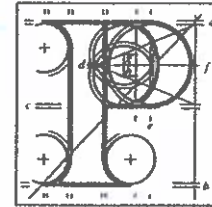
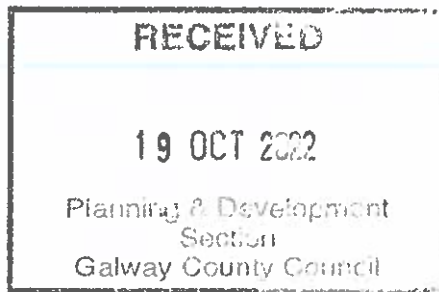
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**An
Bord
Pleanála**

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 substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006, as amended/substituted by sections 32 and 33 of the Planning and Development (Amendment) Act 2010 and as amended by sections 20 and 21 of the Environment (Miscellaneous Provisions) Act 2011) 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 subject to any extension to the time period which may be allowed by the High Court in accordance with subsection 50(8), any application for judicial review must be made within 8 weeks of the decision of the Board. It should be noted that any challenge taken under section 50 may question only the validity of the decision and the Courts do not adjudicate on the merits of the development from the perspectives of the proper planning and sustainable development of the area and/or effects on the environment. Section 50A states that leave for judicial review shall not be granted unless the Court is satisfied that there are substantial grounds for contending that the decision is invalid or ought to be quashed and that 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.

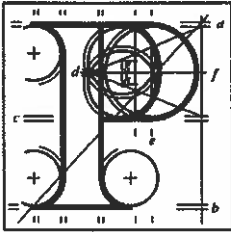
Section 50B contains provisions in relation to the cost of judicial review proceedings in the High Court relating to specified types of development (including proceedings relating to decisions or actions pursuant to a law of the state that gives effect to the public participation and access to justice provisions of Council Directive 85/337/EEC i.e. the EIA Directive and to the provisions of Directive 2001/12/EC i.e. Directive on the assessment of the effects on the environment of certain plans and programmes). The general provision contained in section 50B is that in such cases 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 against a respondent or notice party where relief is obtained 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 the following website, www.citizensinformation.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.

Last updated: 31/05/2012





An
Bord
Pleanála

Board Order
ABP-312379-22

Planning and Development Acts, 2000 to 2021

Planning Authority: Galway County Council

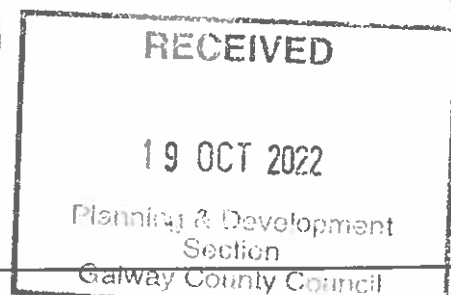
Application by Galway County Council for approval under section 177AE of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including a Natura Impact Statement, lodged with An Bord Pleanála on the 31st day of December, 2021.

Proposed Development: The proposed development will consist of the realignment of a 3 kilometre section of the N17 northwest of Milltown, County Galway. The works will consist of online and offline realignment works, with associated drainage, including attenuation ponds, fencing, safety barriers, kerb line, signage and all site development and landscaping works.

All in the townlands of Milltown, Cartron, Gortnaloura, Cloonacross, Drum, Curraghderry, and Gortnagunned in County Galway.

Decision

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



Paul

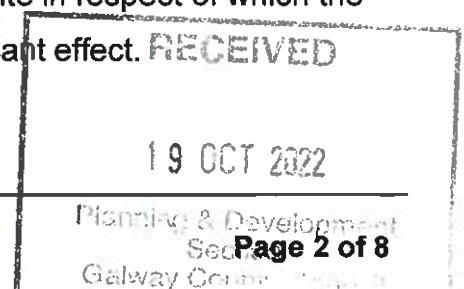
Reasons and Considerations

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

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011, as amended,
- (c) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- (d) the conservation objectives, qualifying interests and special conservation interests for the Lough Corrib Special Area of Conservation (Site Code: 000297),
- (e) the policies and objectives of the Galway County Development Plan, 2022-2028,
- (f) the nature and extent of the proposed works as set out in the application for approval,
- (g) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (h) the submissions and observations received in relation to the proposed development, and
- (i) the report of the Planning Inspector.

Appropriate Assessment: Stage: 1:

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Lough Corrib Special Area of Conservation (Site Code: 000297) is the only European Site in respect of which the proposed development has the potential to have a significant effect.



Appropriate Assessment: Stage 2:

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 implications of the proposed development for the affected European Site, namely the 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 adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

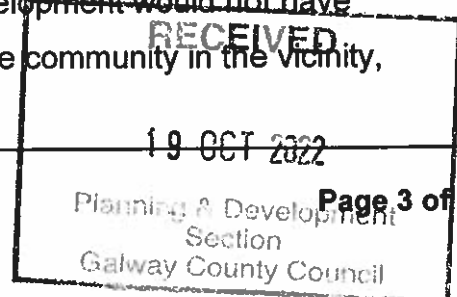
- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Site.

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 development on the integrity of the aforementioned European Site, having regard to the site's 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 Site, in view of the site's conservation objectives.

Proper Planning and Sustainable Development/Likely effects on the environment:

It is considered that, the proposed development would constitute a significant improvement in the management of traffic and provide enhanced pedestrian and cyclist facilities along this stretch of national primary route and subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity,



would not pose a risk to water quality, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area and would be acceptable in terms of traffic safety and convenience and 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 and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The mitigation measures and monitoring commitments identified in the Natura Impact Statement and other related plans and particulars submitted to An Bord Pleanála, shall be implemented in full by the local authority. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.

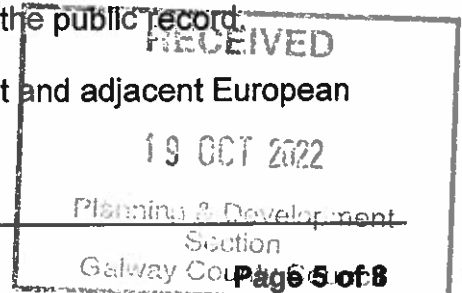
Reason: In the interest of protecting the environment, the protection of European Sites and in the interest of public health.



3. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement and in the Ecological Impact Assessment and demonstration of proposals to adhere to best practice and protocols. The CEMP shall include:
- (a) The location of the site and materials compounds including areas identified for the storage of construction waste.
 - (b) The location of areas for construction site offices and staff facilities,
 - (c) Intended construction practice for the development, including hours of working.
 - (d) The means to ensure that surface water run-off is controlled in line with the finalised Erosion & Sediment Control Plan, such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses.
 - (e) Containment of all construction related fuel and oil within specifically constructed bunds to ensure that fuel spillages are fully contained.
 - (f) The management of construction traffic and off-site disposal of construction waste.
 - (g) Traffic management measures including any alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of the public road during the course of site development works.
 - (h) Specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness.
 - (i) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
 - (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.

A record of daily checks that the works are being undertaken in accordance with the CEMP shall be maintained on file as part of the public record.

Reason: In the interest of protecting the environment and adjacent European Sites and in the interest of public health and safety.



4. The local authority and any agent acting on its behalf shall engage a suitably qualified and experienced ecologist to carry out a survey of the works area to identify the presence of any invasive species and to prepare an Invasive Species Management Plan, if required. Details shall be maintained on the file as part of the public record.

The local authority and any agent acting on its behalf shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens. Specific measures to include hot water washing, as well as those measures detailed in the Natura Impact Statement in relation to the prevention of crayfish plague shall be implemented.

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

5. The following nature conservation requirements shall be complied with:

- (a) A suitably qualified ecologist shall be retained by the local authority to oversee the site set up and construction of the proposed development and implementation of mitigation measures relating to ecology set out in the submitted Natura Impact Statement, Ecological Impact Assessment, Outline Erosion and Sediment Control Plan and any other relevant measures included within the submitted documents. The ecologist shall be present during site construction works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.
- (b) No vegetation removal shall take place during the period the 1st of March to the 31st of August (inclusive).
- (c) Pre-construction otter and badger surveys shall be carried out within the optimal survey period before works commence and a review of

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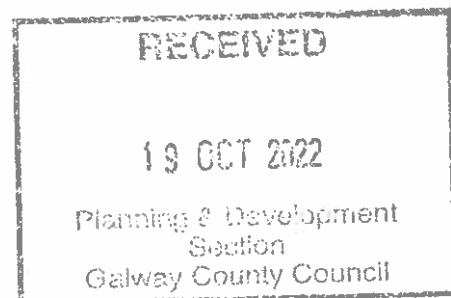
mammal crossing points will be conducted and revisions made to the final design where necessary.

- (d) A pre-construction bat survey shall be carried out before works commence. Any destruction of bat roosting sites or relocation of bat species shall be carried out by a suitably qualified ecologist under a Derogation Licence granted by the Minister for Housing, Local Government and Heritage.
- (e) The finalised lighting design shall be cognisant of any existing or proposed planting that may be used for commuting bats and new planting should not be illuminated. Any proposed lighting should also be directional and should avoid LED light. Sealed kerb and gully drainage system in compliance with Transport Infrastructure Ireland standards (Drainage Systems for National Roads, 2015) will be used in the high and extreme vulnerability sections of the Road (i.e. Ch 2450 to Ch 2950) to ensure the avoidance of any potential for infiltration from road drainage carrier drains to the underlying karstified regionally important bedrock aquifer.

Reason: In the interests of biodiversity, water quality and nature conservation.

- 6. The roles of the environmental manager, environmental clerk of works and project ecologist should be clearly outlined, with a hierarchy of responsibility included and submitted as part of the finalised CEMP. In addition, the role of the local authority appointed independent Site Environmental Manager should also be outlined and all monitoring reports should be placed on file and retained as part of the public record.

Reason: In the interest of clarity, nature conservation and the protection of terrestrial and aquatic biodiversity.



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

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.

Dr. Maria FitzGerald

Maria FitzGerald

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



Dated this 17th day of October 2022

