



An
Bord
Pleanála

Addendum ABP-306340-20

To: The Board
From: Colm McLoughlin
Re: Board Direction – BD-005918-20
Date: 7th October 2020

1. Introduction

A Direction from the Board dated the 9th day of June 2020 issued with respect to appeal case reference ABP-306340-20 relating to a planning appeal for a development comprising the construction of 12 semi-detached houses and one detached house at Carraig Abhainn, Knoxspark, Ballysadare, County Sligo. This Direction refers to a decision taken at a meeting on the 9th day of June 2020, deferring consideration of the case in order to request the submission of a Natura Impact Statement (NIS), specifically addressing the mitigation measures necessary for the project. The applicant submitted a NIS to the Board on the 22nd day of July 2020, and this was accompanied by a fee and public notices advertising the submission of the subject NIS.

The Board's Section 132 further information request dated the 26th day of June 2020 stated the following:

“On the basis of the information provided with the application and in response to the appeal, and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on the Unshin River SAC (Site Code: 001898), Ballysadare

Bay SPA (Site Code: 004129) and Ballysadare Bay SAC (Site Code: 000622), in view of the sites' conservation objectives. In such circumstances, the Board is precluded from granting permission.”

The Board's rationale for this conclusion stems from the following extract in the Inspector's report dated the 18th day of May 2020:

“... the provision of a fuel interceptor to specifically serve this development, which connects via direct discharge to proximate SAC waters in Ballysadare River, would be necessary to avoid or reduce the risk of pollutants in the form of hydrocarbons to surface waters within the neighbouring SACs and SPA. I am satisfied that this would be a necessary mitigation measure for the project aimed at reducing the likely significant adverse effects of the development, and such measures cannot be used to screen out a project from the requirement for Stage 2 Appropriate Assessment. Therefore, it cannot be reasonably ruled out beyond scientific doubt that there would not be significant effects, either individually or in combination with other plans or projects, on the subject European sites on the basis of the information available.”

2. Appropriate Assessment – Stage 2

2.1 Conservation Objectives

The conservation objectives and site details for Unshin River SAC, Ballysadare Bay SPA and Ballysadare Bay SAC are outlined in the aforementioned Inspector's report and the NIS subsequently submitted by the applicant in response to the Board's request.

2.2 Potential Effects

Is the Project necessary to the Management of European sites?

The initial screening exercise within the NIS submitted states that the project is not directly connected with a European site, but that there is a downstream connection with Unshin River SAC, Ballysadare Bay SPA and Ballysadare Bay SAC. The project is not necessary to the management of any European site.

Direct, Indirect or Secondary Impacts

According to the NIS, the development would not lead to direct habitat loss or fragmentation of habitat and the potential impact that could arise from the project that would be likely to affect European sites with connectivity to the project site, in light of their conservation objectives, would be an indirect impact comprising the following:

- deterioration of water quality in designated areas arising from the lateral movement of polluted groundwater downhill and downstream from the site.

In-combination Effects

Potential for in-combination effects with neighbouring projects are outlined on page 23 of the NIS, including low density housing and agricultural activity.

2.3 Mitigation Measures

To address likely effects on the conservation objectives of the aforementioned European sites, an extensive list of mitigation measures are listed in the NIS to specifically address the control of surface water run-off, the control of fuel and oil on site, site storage, the proposed groundworks, the proposed excavation works and the control of construction-related sediment, including concrete.

2.4 Test of Likely Significant Effects

Additional mitigation measures have now been proposed for the development to avoid pollutants or silt moving from the site during the construction phase, including via surface water drainage and hydrocarbons interception. The NIS submitted does not outline that the proposed development would be required to feature the provision of a fuel interceptor, despite this being specifically cited by the Board as a necessary mitigation measure for the proposed development aimed at avoiding or reducing the risk of pollutants in the form of hydrocarbons to surface waters entering the neighbouring downstream SACs and SPA. Consequently, in the event of a grant of planning permission, I am satisfied that a suitably worded condition similar to that stated below, would be necessary, requiring the provision of a fuel interceptor as part of the proposed development, in order to avoid or reduce the impacts of the project on surface water quality. The condition should be worded as follows:

“Prior to commencement of the development, a fuel interceptor trap shall be installed on site as part of the surface water drainage system serving the development. Details of this fuel interceptor trap shall be submitted to the planning authority to ensure that all surface water from the site contaminated with hydrocarbons, including stormwater, shall be discharged following passage through this fuel interceptor, which shall be provided with an inspection chamber and shall be located, constructed and maintained in accordance with the submitted details.

Reason: In order to avoid or reduce deterioration of surface water quality from the development.”

I am satisfied that with the attachment of such a condition, the proposed development would not result in a significant reduction in the quality of surface water entering waterbodies forming downstream SAC and SPA habitats, as referenced above. Furthermore, I am satisfied that likely significant in-combination effects would not arise based on the assessment above and the information available.

2.5 Appropriate Assessment – Stage 2 Conclusion

I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of the Unshin River SAC (Site Code: 001898), Ballysadare Bay SPA (Site Code: 004129) and Ballysadare Bay SAC (Site Code: 000622), or any other European site, in view of the sites’ Conservation Objectives.’

Colm McLoughlin
Planning Inspector

7th October 2020