



Board Direction

Ref: PL16.244554

Following meetings held on 23rd July 2015 and on 1st December 2015, the documentation and submissions on file and the Inspector's report were considered at a further meeting of all available Board Members held on 18th February 2016. The Board decided by a majority of 3:2 to grant permission in accordance with the reasons, considerations and conditions set out below.

REASONS AND CONSIDERATIONS

Appropriate Assessment Screening

The Board considered the nature, scale and location of the proposed development, the revised appropriate assessment screening statement, the decision of the planning authority, the submissions made in respect of the appeal, and the report of the Inspector. The Board undertook an appropriate assessment screening exercise in relation to the potential effects of the proposed development on European Sites, and in particular, on the Mweelrea/Sheeffry/Erriff Complex Special Area of Conservation (Site Code 001932) in which the proposed development is located.

Following the planning authority report dated 11th April 2014, a detailed request for further information was issued to the applicant in respect of appropriate assessment screening. A revised appropriate assessment screening statement was submitted in response, and the Board shared the view expressed in the Environment Section report of 27th January 2015, that the revised documentation is adequate and affords protection to the European Site in question. Having considered this matter, the planning authority's decision to refuse permission did not relate to concerns about appropriate assessment.

In completing its screening exercise, the Board had regard to the planning authority's reports and, in particular, to the submissions made to the planning authority on 3rd March 2014 and to the Board on 9th October 2015 and on 13th January 2016, by the Department of Arts, Heritage and the Gaeltacht, who had granted consent for the subject development following completion of a screening for appropriate assessment.

The Board accepted the evaluation and analysis of the Department that the area in question has been heavily grazed arising from the uncontrolled trespass of sheep at this location, and that the fencing of this area would allow appropriate grazing management. The Board noted the identification by the Department of the habitat concerned as degraded dry heath/upland grassland. The Board shared the Department's view that the commitments made in respect of construction methods are acceptable. Therefore, it is considered that the proposed development will better enable the protection and conservation of the habitats and species for which

the Special Area of Conservation is designated, and the Board concurred with the conclusion of the Department in this respect.

The Board, therefore, concluded that the proposed development, by itself or in combination with other development in the vicinity, would not be likely to have a significant effect on European sites, and in particular, on the Mweelrea/Sheeffry/Erriff Complex Special Area of Conservation.

Conclusion

Having regard to its location, modest nature and scale, and its purpose, it is considered that, subject to compliance with the conditions set out below, the proposed development would not result in risk of pollution, would not seriously injure the visual amenities of the area, would not be detrimental to the character of the landscape, would not detract from a designated scenic route or from a designated highly scenic view, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board was satisfied that the construction methodology proposed and the modest nature of the works do not have the potential to result in adverse impacts, and in particular, would not be likely to result in any pollution having the potential to affect the conservation objectives of the European Site in question. Neither would such minor works be likely to adversely affect stream hydrology or to have potential to result in risk of land slippage. The Board was satisfied that the purpose of the works is to control stocking density, which would better enable the protection and conservation of the habitats and species for which the European Site is designated. The Board did not share the Inspector's view that there was any material deficiency in the documentation on file, and was satisfied that the information before it was adequate to undertake an appropriate assessment screening exercise, including the submissions made to An Bord Pleanála by the Department of Arts, Heritage and the Gaeltacht after completion of the Inspector's report. The Board also considered that the visual impact of the proposed development would be very limited, would be in keeping with the character of the existing agricultural land uses, and would be acceptable in this context.

CONDITIONS

1. PlansPartic, application and further information
2. The proposed development shall be undertaken in compliance with the mitigation measures set out in the revised appropriate assessment screening statement submitted to the planning authority on 13th January 2015.

Reason: In the interests of clarity and the protection of the environment.

Board Member: _____ Date: 10th March 2016

Fionna O' Regan