

An
Bord
Pleanála

Board Direction
BD-013515-23
ABP-313067-22

The submissions on this file and the Inspector's report were considered at Board meetings held on 19/06/23 and 01/09/2023.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

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 2011-2015,
- (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 SAC (Site code 000297),
- (e) the policies and objectives of the Mayo 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 observation received in relation to the proposed development,

- (i) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter,
- (j) the further information submitted on the 24th July 2023 including a Revised Natura Impact Statement Report, foul and surface water design, Bat Survey, Japanese Knotweed Management plan.

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 SAC (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 further information submitted on the 24th July 2023, including the Revised Natura Impact Statement (dated July 2023), 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 SAC (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,
- ii. both individually or in combination with other plans or projects,
- iii. the mitigation measures which are included as part of the current proposal, and the conservation objectives for the European Sites.

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 Sites, 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 Sites, in view of the site's conservation objectives.

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

It is considered that, 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 give rise to a risk of pollution, 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 not interfere with the existing land uses in the area. The proposed development would be acceptable in terms of traffic safety and convenience and would contribute positively to the visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and the further information submitted on 24th July 2023, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

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 contained in the Revised Natura Impact Statement (dated July 2023) submitted as further information shall be implemented in full.

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 Inland Fisheries Ireland a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement and demonstration of proposals to adhere to best practice and protocols. The CEMP shall include:
 - a. a Method Statement for each phase of the works
 - b. details of the location of the sediment features/barriers required to protect river water quality during each phase of the development,
 - c. location of the site materials compound including the area identified for the storage of waste,
 - d. Containment of all construction related fuel and oil within a specifically constructed bund to ensure that fuel spillages are fully contained.
 - e. details of how it is proposed to manage any excavated material.
 - f. Specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness.

Reason: In the interest of protecting the environment and European Sites

4. Prior to the commencement of development, details of measures to protect fisheries and water quality of the river systems shall be outlined and placed on file as part of the public record. Full regard shall be had to Inland Fisheries Ireland's published guidelines for construction works near waterways (Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters, 2016). A programme of water quality monitoring shall be prepared in consultation with the contractor, the local authority and relevant statutory agencies and the programme shall be implemented thereafter.

Reason: In the interest of the protecting of receiving water quality, fisheries and aquatic habitats.

5. The local authority, or any agent acting on its behalf shall retain the services of a suitably qualified and experienced bat specialist to survey the building for the presence of bat roosts, prior to commencement of development. In the event that any roosts are identified, the National Parks and Wildlife Service shall be consulted regarding how best to deal with such roosts. The removal of any roosts identified shall be carried out only under licence from the National Parks and Wildlife Service.

Reason: In the interests of protecting ecology and wildlife in the area.

6. The County Council 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 and before removal from the site to prevent the spread of hazardous invasive species and pathogens.

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

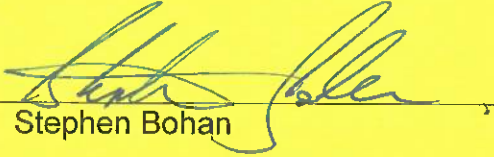
7. A comprehensive boundary treatment and landscaping scheme shall be prepared and placed on file as part of the public record prior to any development taking place on the site. The scheme shall include the following:

- (a) details of all proposed hard surface finishes,
- (b) proposed locations of trees, which shall be native deciduous species and other planting on the site development, including details of proposed species which shall be pollinator friendly , together with details of settings and a timescale for implementation;
- (c) details of proposed street furniture, lighting fixtures and seating;
- (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes;

The boundary treatment and landscaping shall be carried out in accordance with the scheme.

Reason: In the interests of visual amenity.

Board Member



Stephen Bohan

Date: 01/09/2023

