



An
Coimisiún
Pleanála

Direction

CD-021978-26

ACP-323442-25

The submissions on this file and the Inspector's report were considered at a meeting held on 04/03/2026.

The Commission decided to approve application under Section 177AE of the Planning and Development Act 2000 generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Planning

Commissioner:

Emer Maughan

Date: 09/03/2026

DRAFT WORDING FOR ORDER

Reasons and Considerations

In performing its functions in relation to the making of its decision, the Commission was consistent with Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, and the requirement to, in so far as practicable, perform its functions in a manner consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State. In coming to its decision, the Commission also had regard to the following

- (a) EU Habitats Directive (92/43/EEC),
- (b) 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 River Moy SAC (Site Code: 002298),
- (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 information submitted in relation to the hydrological assessment of the proposed development which included consultation with IFI and OPW
- (i) the submissions received in relation to the proposed development, and
- (j) the report and recommendation of the person appointed by the Commission to make a report and recommendation on the matter.

Appropriate Assessment

The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the River Moy SAC (Site Code: 002298) is the only European Site in respect of which the proposed development has the potential to have a significant effect.

The Commission 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 Commission completed an Appropriate Assessment of the implications of the proposed development for the affected European Site, namely the River Moy SAC (Site Code: 002298) in view of the site's conservation objectives. The Commission considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the Appropriate Assessment, the Commission 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 Commission 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 Commission 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, 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 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, would not interfere with the existing land uses in the area and would not interfere with traffic and pedestrian

safety. 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, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures set out in the Natura Impact Statement 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 and monitoring measures identified in the Natura Impact Statement submitted with the application shall be implemented in full. 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. 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. The ecologist shall be present during the 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.

Reason: In the interest of nature conservation and biodiversity.

4. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the project ecologist and relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating proposals to adhere to best practice and protocols. The CEMP shall include:
 - (a) all mitigation measures indicated in the Natura Impact Statement,
 - (b) location and extent of silt fencing to be installed on site,
 - (c) location of the site compound and material storage area, which shall not be within the zone of notification for any archaeological sites,
 - (d) the location of any and all terrestrial or underwater archaeological or cultural heritage constraints relevant to the proposed development as set out in the Cultural Heritage Impact Assessment and by any subsequent archaeological investigations associated with the proposed development. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity,
 - (e) a Traffic Management Plan for the construction phase, and
 - (f) specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness with associated reports kept on file as part of the public record.

Reason: In the interest of protecting the environment and the European Site and to conserve the archaeological heritage of the site.

5. The following nature conservation requirements shall be complied with:
 - a) Prior to the commencement of development, details of measures to protect fisheries and water quality of the river system shall be outlined and placed on file. 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.

- b) No in-stream works shall take place outside the period 1st July to 30th September, inclusive, without the written approval of the project ecologist. Such approval shall be placed on the public file.
- c) a pre-construction otter survey by a suitability qualified ecologist shall be carried out before works commence, with ecologist's recommended mitigation measures carried out
- d) a pre-construction bat survey shall be carried out by a suitably qualified ecologist during the active bat season and 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 of Housing, Local Government and Heritage.

Reason: In the interests of biodiversity and nature conservation.

- 6. 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.

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

- 7. The local authority, or any agent acting on its behalf, shall facilitate the preservation, recording, protection or removal of terrestrial or underwater archaeological materials or features that may exist within the site. In this regard, the detailed recommendations of the Department of Housing, Local Government and Heritage, as set out in their submission to An Coimisiún Pleanála dated 29th September 2025, shall be complied with and a report on same shall be kept on record.

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.