

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2014

Mayo County

Planning Register Reference Number: P14/77

An Bord Pleanála Reference Number: PL 16.244554

APPEAL by Michael Wade care of Lally Chartered Engineers of Udaras Business Park, Tourmakeady, County Mayo against the decision made on the 6th day of February, 2015 by Mayo County Council to refuse permission in accordance with the plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Erection of a 1.1 metre high agricultural fence within Mweelrea/Sheeffrey/Erriff Complex Special Area of Conservation (Site Code 001932) and all associated works at Glenummera, E.D. Kilgeever, County Mayo.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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 the 11th day of 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 the 27th day of 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 the 3rd day of March, 2014 and to the Board on the 9th day of October, 2015 and on the 13th day of 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 plans or projects 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 (Site code 001932).

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. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further particulars submitted on the 13th day of January, 2015, except as may otherwise be required in order to comply with the following condition.

Reason: In the interest of clarity.

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 day of January 2015.

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

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

Dated this day of 2016.