

An
Bord
Pleanála

Board Order
ABP-309603-21

Planning and Development Acts, 2000 to 2020

Planning Authority: Mayo County Council

Application by Mayo County Council for approval under section 177AE of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including a Natura impact statement, lodged with An Bord Pleanála on the 3rd day of March, 2021.

Proposed Development: The creation of a public space in the centre of Cong Village, County Mayo. The proposal includes seating areas, surface paving and kerbing, planting, and a courtesy pedestrian crossing along with all other associated site development services.

Decision

Approve the above proposed development based on the reasons and considerations under and subject to the conditions set out below.



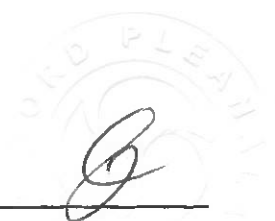
Matters Considered

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.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the EU Habitats Directive (92/43/EEC) and Part XAB of the Planning and Development Act 2000, as amended, including section 177(AE) and 177(V),
- (b) 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 European Sites,
- (c) the conservation objectives, qualifying interests, and special conservation interests for Lough Corrib Special Area of Conservation (Site Code: 000297) and Lough Corrib Special Protection Area (Site Code: 004042),
- (d) the policies and objectives of the Mayo County Development Plan, 2014-2020 (as extended) and of the Draft Mayo County Development Plan, 2021-2027,
- (e) the nature and extent of the proposed works as set out in the application for approval,
- (f) the drawings and documents received by the Board, including the Natura impact statement, and
- (g) the report and recommendation of the Inspector.



Appropriate Assessment

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that Lough Corrib Special Area of Conservation (Site Code: 000297) and Lough Corrib Special Protection Area (Site Code: 004042) are the only European Sites for which there is a possibility for significant effects to arise.

The Board considered the Natura impact statement and all other relevant details that formed part of the application and carried out an appropriate assessment of the implications of the proposal for the Lough Corrib Special Area of Conservation (Site Code: 000297) and Lough Corrib Special Protection Area (Site Code: 004042) in view of the Sites' conservation objectives.

The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the assessment, the Board considered, in particular,

- (i) the likely direct and indirect impacts arising from the proposal both individually or in combination with other plans or projects, specifically upon Lough Corrib Special Area of Conservation (Site Code: 000297) and Lough Corrib Special Protection Area (Site Code: 004042);
- (ii) the mitigation measures which are included as part of the current proposal; and
- (iii) the conservation objectives for the two relevant European Sites.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out and recorded in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites.



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 Sites' conservation objectives.

Proper Planning and Sustainable Development and Likely effects on the environment

Taking account of the mitigation measures proposed to protect water quality during the construction phase, it is considered that the proposed development would not give rise to significant negative effects on the water environment, and having regard to the limited nature and scale of the proposed development and the absence of any other significant environmental sensitivities in the vicinity, there is no real likelihood of significant effects on the environment arising from the proposed development. The issues arising from the proximity/connectivity to European Sites are dealt with under the heading 'Appropriate Assessment' above. No adverse effects on the environment would arise during the use of the public space (post-construction).

It is also considered that the proposed development would make a positive contribution to the village and its retail and service function, would enhance the visual amenities of the area and would provide a focal point for the community in a unique waterfront setting. The proposed development would be consistent with the relevant Objectives and Policies as set out in the Mayo County Development Plan 2014-2020 (as extended) and the Draft Mayo County Development Plan, 2021-2027, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

A handwritten signature in black ink is written over a faint circular stamp. The stamp contains the text 'MAYO COUNTY COUNCIL' around the perimeter and 'PLANNING' in the center. The signature is a stylized, cursive name.

CONDITIONS

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except where otherwise may be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. All mitigation and environmental commitments identified in the Natura impact statement shall be implemented in full as part of the proposed development.

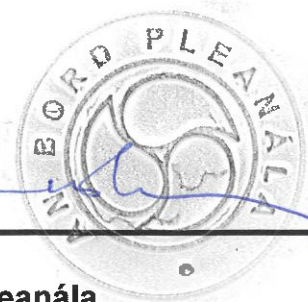
Reason: In the interest of protecting receiving water quality, the wider environment, and the integrity of the European Sites.

3. All works shall have regard 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).

Reason: In the interest of protecting receiving water quality, the wider environment, and the integrity of the European Sites.

4. The local authority, or any agent acting on its behalf, shall ensure that all plant and machinery used during the works shall 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 protecting receiving water quality, the wider environment, and the integrity of the European Sites.



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

Dated this 12th day of AUGUST 2021