



An
Bord
Pleanála

Board Order 16.JP0046

Planning and Development Acts, 2000 to 2017

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 11th day of May, 2017.

Proposed Development: Pier enhancement works comprising of a floating pontoon and pedestrian gangway, the widening of the existing slipway from 3 metres to 6 metres along its entire length, levelling and surfacing works to the turning/parking area and all ancillary works at Mulranny, County Mayo.

Decision

Approve the above proposed development based on the reasons and considerations 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

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 Clew Bay Complex SAC (Site Code 200110), the West Connacht SAC (Site Code 002998), the Owenduff/Nephin Complex SPA (Site Code 004098), the Clare Island SPA (Site Code 004136) and the Owenduff/Nephin Complex SAC (Site code 199701),
- (e) the policies and objectives of the Mayo County Development Plan,
- (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 and NIS addendum reports,
- (h) the submissions and observations received in relation to the likely effects on the environment, and on the likely significant effects of the proposed development on European Site(s),
- (i) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

Appropriate Assessment

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the, Clew Bay Complex SAC (Site Code 200110) West Connacht SAC (Site Code 002998), Owenduff/Nephin Complex SPA (Site Code 004098), Clare Island SPA (Site Code 004136) and Owenduff/Nephin Complex SAC (Site code 199701) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

The Board 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 Board completed an appropriate assessment of the implications of the proposed development on the aforementioned European Sites, 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 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 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 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 and 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 community in the vicinity, would provide an improved pier, 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 and would not interfere with the existing land uses in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 11th day of May 2017 and further information submitted on the 23rd day of June 2017 and on the 17th day of October 2017, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The Local Authority and any agent acting on its behalf shall implement in full the mitigation measures contained in the Natura Impact Statement and Natura Impact Statement addendum reports submitted with the application.

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

3. 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 and on completion of the works before removal from the site to prevent the spread of hazardous invasive species.

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

4. A suitably qualified ecologist shall be appointed by the Local Authority to oversee the site set-up and construction of the proposed development and the ecologist shall be present on site during construction works. Upon completion of works, an audit report of the site works shall be prepared by the appointed ecologist and submitted to the Local Authority to be kept on record.

Reason: In the interest of nature conservation, to prevent adverse impacts on the European sites and to ensure the protection of the Annex I habitats and Annex II species and their Qualifying Interests for which the sites were designated.

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

Dated this day of 2018