



An
Bord
Pleanála

Inspector's Report PL 21.246608

Appeal Reference No:

PL 21.246608

Development:

Development consisting of the erection of 2300 metres of wire fencing to a height of 1.2 metres consisting of one strand of barbed wire over 800mm high sheep wire using tantalised 100mm diameter round timber posts at five metre intervals, and 200mm diameter tantalised timber strainer posts as required (a Natura Impact Statement has been prepared with respect to the development, since the land is within The Lough Nabrickkeagh Bog, Special Protection Area (SAC)) at Gortersluin, Tubbercurry, Co. Sligo.

Planning Application

Planning Authority:
Planning Authority Reg. Ref.:
Applicant:
Planning Authority Decision:

Sligo Co. Co.
16/72
David Sheerin
Grant Permission with Conditions

Planning Appeal

Appellant(s):
Type of Appeal:
Date of Site Inspection:

An Taisce
Third Party – V - Grant
18th July 2016

Inspector:

Tom Rabbette

1.0 SITE LOCATION AND DESCRIPTION

The fencing is proposed in an upland bog area at Gortersluin which is approximately 14 km north-west of Tubbercurry in Co. Sligo and approximately 16 km east of Ballina in Co. Mayo. The area where the fence is proposed forms part of the low hills of the Ox Mountains range. The site is located above the regional road the R294 that connects Boyle in Co. Roscommon with Ballina via Tubbercurry. The regional road skirts along the northern side of Lough Talt. The fence is proposed on lands to the north of Lough Talt. The public road is located between Lough Talt and the site of the proposed fencing. There is a separation distance of some 170 metres between the site and the lake. It is located in a scenic area, there are impressive views of the lake from the public road, however, the site where the fencing is proposed is not visible from this public road.

2.0 PROPOSED DEVELOPMENT

The application relates to the erection of timber post and wire fencing. The fencing is to enclose an area of c. 30 ha within a designated SAC. It is proposed to graze sheep and cattle on the land. The entire length of the fencing is given as c. 2300 metres. The fence will have a height of 1.2 m consisting of one strand of barbed wire over .8 m high sheep wire. The supporting timber posts will be at 5 metre intervals. Timber strainers will also be used as required. The application was accompanied by an NIS.

3.0 PLANNING HISTORY

I am not aware of any directly relevant planning history pertaining to the subject lands.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

Planner's Report dated 18/04/16:

- Permission recommended subject to conditions.

Sligo County Council Environmental Services Report dated 31/03/16:

- Development in a designated site.
- Also located within the source catchment of Lough Talt Public Water Supply Scheme.
- Located within a sub-catchment that is currently classified as high status under the provisions of the Water Framework Directive and Western River Basin District Management.

- Environment Section have no objection in principle subject to conditions.

Sligo County Council Area Engineer Report dated 04/04/16:

- Permission recommended subject to condition.

Inland Fisheries Ireland Report dated 21/03/16:

- No objection subject to conditions.

Department of Arts, Heritage and the Gaeltacht Report dated 06/04/16:

- It is recommended that the mitigation measures described in the NIS be included as a condition of permission.

An Taisce Report dated 22/03/16:

- A number of recommendations and concerns raised.

4.2 Planning Authority Decision

By Order dated 20/04/16 the planning authority decided to grant permission for the proposed development subject to 4 no. conditions.

5.0 GROUNDS OF APPEAL

An Taisce

The contents of the third party grounds of appeal from the above can be summarised as follows:

- The appellant is applying for the expense of the appeal.
- The Board is asked to overturn the decision of the p.a.
- Contravenes the Sligo County Development Plan 2011-2017.
- The subject site has been identified as a Sensitive Rural Landscape in the CDP.
- S 7.4.3 of the CDP is applicable.
- Having regard to the excessive scale and design of the fencing, it is considered that the development would constitute a visually intrusive and unsympathetic element in the landscape.
- It would detract significantly from the visual amenities and character of the Sensitive Rural Landscape.
- It is contrary to P-LCAP-1, P-LCAP-11 and P-LCAP-12 of the CDP.
- The proposal undermines the status of this traditionally open/unfenced landscape.
- The appellant does not consider the proposed development to be essential to the viability of the farm and conforms to best agricultural practice.

- The proposed development may impact on the Visually Vulnerable Area to the south-east of the site.
- Sheep have traditionally grazed unfenced commonage and generally follow their flock.
- No justification has been given by the applicant for the requirement of the fencing.
- It contravenes P-LCAP-4 of the CDP.
- It would set an undesirable precedent for other similar developments in the area.
- In the context of tourism, the appellant states that the development is located on a scenic landscape in proximity to Lough Talt.
- The appellant cites P-LCAP-2 of the CDP.
- The site is a SAC.
- Blanket bog is an increasingly rare habitat, it receives priority status on Annex 1 of the Habitats Directive.
- Lough Nabrickkeagh is a good example of an intact highland blanket bog and is of considerable conservation value.
- The bog provides valuable habitat for Red Grouse.
- Development contravenes P-TOU-4 of the CDP.
- The p.a. has entirely failed to support access to heritage sites and features of natural heritage, geological and archaeological interest, mountains, rivers, lakes and other natural features, the appellant cites P-TOU-7.
- The appellant cites P-SRO-9 of the CDP.
- The development would seriously injure tourist amenities of the area.
- There is no agricultural or livestock justification for fencing at this location.
- The proposal will hive off part of the bogland and inappropriately compromise the landscape.
- It would result in the serious injury to the visual amenity of the area and would impact upon the bogland to its detriment.
- The appellant quotes the site synopsis for the subject SAC.
- Hiving off this area may result in overgrazing of the site resulting in vegetation loss and peatland degradation.
- The p.a. did not competently assess whether the proposal is essential to the viability of the farm and conforms to best agricultural practice, the appellant, in that regard, cites P-LCAP-11 of the CDP.
- The appellant does not consider there to be sufficient information contained within the AA in relation to the cumulative impact as a result of the proliferation of fencing in this area to conclude that the integrity of the Natura 2000 site would not be significantly impacted upon.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority response

In a letter dated 09/06/16 the planning authority refers the Board to the Planner's Report already on file and indicate that they have no further comment on the appeal other than a request that their decision be upheld.

6.2 First party response

The contents of the first party's response to the grounds of appeal can be summarised as follows:

- The appellant's request for the return of the appeal fee should be refused.
- The development is proposed on private property, it is not commonage.
- The NHA/SAC designation was carried out without informing the landowner of the future implications of this designation on the economic value of the site.
- If this was an undesignated site the applicant would not have been required to bear the costs of employing a consultant to prepare an EIS, seek permission or purchase maps.
- The applicant had to research a method of transporting materials onto the site causing minimal damage to the peatland surface by using a specialised low ground pressure machine.
- This also requires the employment of a specialised fencing contractor.
- The applicant recognises the importance of the environmental status of the site and accepts the need to bear all the additional costs so that the work can be carried out in an environmentally sensitive manner.
- In relation to the appellant's reference to the open character of the landscape, the site is surrounded by large scale forestry developments on its northern and eastern sides.
- It is enclosed by agricultural land on its southern border.
- It is not a large scale open landscape.
- The proposed development is not excessive in scale and design (unlike a windfarm granted on the open landscape at 'The Gap' on the road from Lough Talt to Bunniconlon), it is the absolute minimum that the applicant requires to farm the site safely.
- The applicant questions the relevance of P-LCAP-12.
- The open character of this hill land will be preserved as much as possible.
- The undulating nature of the land within and around the site means that there is no clear line of sight where all the fence is visible unless the viewer is on the brow of this hill within the site.
- There is no public access to the property.
- As the applicant has been farming the lands for over 20 years he is in a better position than the appellant to decide what impacts on the viability of his own farm.

- This part of Sligo is definitely agriculturally disadvantaged, anything that helps support farming in this area helps farm viability.
- The applicant requires the fence to establish a small sheep enterprise, to maintain vegetation on this hillside site in good agricultural condition as required under GLAS.
- The site will be impacted minimally by the erection of the fence.
- There is no access by the public onto the site.
- The site is not visible from the main Tubbercurry to Ballina Road along which most tourists travel.
- It is not visible from the loop walk around Lough Talt.
- The applicant is well aware that the site is located within Lough Nabrickkeagh Bog SAC.
- The proposed development will have absolutely no impact on the tourist amenities of the area.
- There are no tourist amenities within the area.
- To suggest that it is possible to farm safely in this day and age without fences is beyond belief.
- To suggest that a fence is not required for the control of livestock to make the farm viable is ridiculous.
- There are very few other privately owned uplands left unfenced in this area.
- In describing this site, the SAC description refers to the remarkably well developed heather vegetation that is present within the site, this was true at that time, however, almost the entire site was destroyed by fire during Easter of 2015.
- The enclosing of this site with a stock proof fence would allow the applicant to reduce the risk of fire at this site by carefully controlled grazing.
- Proper and sustainable development in an agricultural area requires grazing of agricultural animals within areas demarcated by good fences.

7.0 POLICY CONTEXT

The statutory development plan for the area is the Sligo County Development Plan 2011-2017

The following sections are of relevance:

Chapter 4 – Economic Development

Tourism development policies:

P-TOU-2

P-TOU-4

P-TOU-6

P-TOU-7

P-TOU-8

P-TOU-9

Chapter 6 – Community facilities

Sports, recreation and open space policies:

P-SRO-9

Chapter 7 – Heritage

European and national designated natural heritage sites – objective:

O-NH-1

(Nature conservation outside designated sites – policies

P-NH-6

P-NH-7

P-NH-8)

S.7.4 protecting landscape character

Figure 7.D – Landscape Characterisation Map

The site is located within a designated ‘Sensitive Rural Landscape’ and adjacent an area designated as ‘visually vulnerable’.

Landscape character assessment and protection policies:

P-LCAP-1

P-LCAP-2

P-LCAP-3

P-LCAP-4

P-LCAP-11

PLCAP-12

Landscape character assessment and protection objectives:

O-LCAP-3

O-LCAP-4

O-LCAP-5

O-LCAP-7

Copies of the above extracts are in the attached appendix for ease of reference for the Board.

Appendix G:

Scenic Views to be preserved:

No. 19 – R294 from The Gap (Mayo County boundary) Views of Lough Talt and Ox Mountains.

Sensitive Rural Landscapes – Includes the Ox Mountains.

8.0 ASSESSMENT

I have examined all the plans, particulars and documentation on file. I have carried out a site inspection. I have had regard to relevant provisions of the statutory plan for the area. In my opinion the main issues arising are:

- Landscape Character
- Visual Impact
- Public Access
- Appropriate Assessment

Landscape Character

- 8.1 The appellant has raised concerns about the impact the proposed development will have on the open/unfenced landscape. The appellant states that the fencing will undermine the status of this traditionally open/unfenced landscape. The appellant is of the opinion that the fencing is not essential to the viability of the farm. The appellant cites the CDP in relation to a number of landscape designations, policies and objectives in opposing the development. It is held that the fencing would intrude significantly on, and materially alter, the open landscape character of the surrounding environment.
- 8.2 The site is located within a designated 'Sensitive Rural Landscape' and adjacent an area designated as 'visually vulnerable'.
- 8.3 The applicant holds that the undulating nature of the land within and around the site means that there is no clear line of sight where all the fence is visible unless the viewer is on the brow of this hill within the site. Based on the site inspection I would concur with this assessment. The land is undulating, there are very few vantage points from which the entire fencing will be visible. Sections will be visible from various viewing points but, for the most part, the entire proposed development will not be immediately visible from one vantage point. As one moves through the site some sections will become visible while others will disappear from view. There is a high point on the lands, this is located towards the centre of the site, fencing is not proposed across this hilltop, the fencing is proposed on lower ground below this local hilltop, I agree again with the applicant where he states that the presence of the hill within the site effectively ensures limited visibility of the fence from various viewpoints. The sense of openness that currently exists will be maintained. I do not believe that there will be any greater sense of enclosure created by the development in visual terms than that already existing. There is commercial forestry to the east and north of the subject lands and existing agricultural fencing to the south and south-west. The longest section of proposed fencing is along the north-western side of the subject lands, this is a c. 885 m of a straight run of fencing. This side is the most open in the sense that there is no forestry immediately to the north-west of the site. However, there is already a post and wire fence along some c. 350 m of this north-western boundary. And this existing fencing has little visual impact on the openness of the landscape, in my opinion, at various points in the site one has to visually seek it out from a distance, it is not immediately obvious or noticeable. The fence is proposed around a large tract of land so that further maintains the sense of openness of the area, it is not subdividing the land in smaller plots as such. I roughly estimate that the area of land to be enclosed by the proposed and existing fencing is in the region of 30 hectares. In terms of the wider landscape, the site is located on the lower hills of the Ox Mountains range. The Ox Mountains are classified as a 'Sensitive Rural Landscape' as per

Figure 7.D of chapter 7 and appendix G of the CDP. The subject lands are also close to a designated 'visually vulnerable' area. Given the scale and nature of the development proposed I do not consider that the proposal adversely impacts on this designated sensitive rural landscape, it does not undermine that classification. I do not consider that the proposed development conflicts with any of the CDP policies or objectives relating to landscape character assessment and protection. The applicant's reasoning for the fencing, coupled with the nature and scale of the fencing, complies with, *inter alia*, policy P-LCAP-11, in my opinion.

Visual Impact

- 8.4 The appellant holds that the fencing would constitute a visually intrusive and unsympathetic element in the landscape. The appellant describes the development as being of excessive scale. The appellant also states that the proposal would seriously injure the visual amenities of the area and would set an undesirable precedent for other similar developments in the area
- 8.5 I do not consider that the proposed fence is a wholly alien feature in this landscape. There are examples of such fencing to the south and south-west of the site and in the wider area. The applicant, in that regard, is not introducing a new or unfamiliar element into this landscape. I cannot find therefore that the proposal would set an undesirable precedent. The wire fencing is visually transparent and both the wire and timber posts, through the natural weathering process given the climate of the area, will be visually integrated in a relatively short period of time. As stated previously, only sections of the fence will be visible from within the site and from adjacent lands. The fence will not be visible from the public domain. Under Appendix G View No. 19, views from the nearby R294 are protected, specifically, views of Lough Talt and the Ox Mountains. I concur with the Planner's Report on file where it states that the area between the public road, the R294, and the subject site rises quite steeply, the proposed fencing will not be visible from the public road on lower ground along Lough Talt due to the topography of the landscape. I agree with the Planner's Report where it indicates that from the public road it is Lough Talt that, in visual amenity terms, is the focus of the viewer's attention, nevertheless, even if the viewer's focus was to be redirected to the northern side of the public road, neither the site nor the fencing would be visible. The development has no impact on views of the Ox Mountains. Given the distances involved, changes in ground levels and the small-scale nature of the fencing, the fence would not be visible from Lough Talt to the south-west of the site. In the circumstances I cannot find that the proposed fencing would adversely impact on the visual amenities of the area.

Public Access

- 8.6 The appellant raises concerns over impact on public access to lands and impact on tourism arising. Policies from the CDP pertaining to tourism and open space access are cited by the appellant (ref: P-TOU-2, P-TOU-4, P-TOU-7 and P-SRO-9).
- 8.7 In relation to providing access to the landscape, I did not see any evidence of trekking across the subject lands, I am not aware of any right-of-way, wayleave, access routes or any other such provision on the subject lands. The applicant has stated in response to the grounds of appeal that there is no public access to the subject lands. The appellant has not provided any evidence of any such route or access. I would note that the condition of the subject land is such that it may not easily lend itself to use as a hill walking route, it is very soft under foot and the surface is uneven (the site inspection was carried out during the summer season and during a dry period, however the ground was still very soft under foot). Nevertheless, I don't accept that the proposed development in itself would necessarily prohibit such access should it be proposed at some stage in the future. In that regard I am not convinced that the proposed development conflicts with any of the tourism development policies listed in section 4.4 or open space policy P-SRO-9 of the CDP. Agricultural use in rural areas, as well as tourism and recreational uses, is supported by the CDP.

Appropriate Assessment

- 8.8 The fence is proposed within Lough Nabrickkeagh Bog SAC. The application was accompanied by a Natura Impact Statement.
- 8.9 The '*Conservation Plan for Lough Nabrickkeagh Bog cSAC — Site Code 634*' as prepared by the NPWS (dated July 2005) states, *inter alia*, that Lough Nabrickkeagh Bog cSAC has been designated as a candidate Special Area of Conservation under the EU Habitats Directive due to the presence of active blanket bog, a priority habitat listed under Annex I of the EU Habitats Directive. The bog overlays a substratum of metamorphic schist and gneiss, which is typical of blanket bogs in the Ox Mountains. A large expanse of forestry divides the site into two separate areas, one area in and around Lough Nabrickkeagh, and a smaller area west of this main block. The fencing subject of this application is located within the latter area. The areas of active blanket bog support a good diversity of vegetation communities and microtopographic features typical of this habitat, including interconnecting pool systems, Atlantic blanket bog pools, wet flats, peat moss lawns, well developed hummocks and flushes. White Beak Sedge is often dominant in these areas and is found in association with Cranberry and other important Bog Moss species. The higher ground supports a different community to that found on the lower ground, including Ling Heather, Bog Cotton and Cranberry and a carpet of Bog Moss species. There are areas of old cutover blanket bog,

which have regenerated, and some old drainage channels flow into small streams that dissect the bog. Other habitats found on this site include lowland wet grassland, cutover blanket bog, lake, exposed rock and streams. Notable animal species found on the site include Otter, a species listed in Annex II of the EU Habitats Directive. Merlin, Peregrine Falcon and Greenland White-fronted Geese, which are listed in Annex I of the EU Birds Directive, have been recorded on the site. Both raptor species use this site as a hunting ground. Other notable bird species include Curlew, Common Gull, Common Sandpiper and Red Grouse. There are some areas within the eastern section around Lough Nabrickkeagh, where peat extraction by machine has recently occurred (during the past five years). However, peat cutting on the site has now ceased. Drainage channels were cut in an area to the north of Lough Nabrickkeagh. Old tracks are present throughout the main block of the site, which were used in the past for transporting peat. Sheep graze the majority of the site. Burning has been carried out within the site in the past. The local Tubbercurry and District Gun Club currently control shooting in the area.

8.10 The NPWS Conservation Plan list the main conservation objectives for the SAC as follows:

- To maintain the Annex I habitats for which the cSAC has been selected at favourable conservation status; active blanket bog (88% area of the site)
- To maintain other habitats at favourable conservation status, cutover blanket bog (6%), lowland wet grassland (2%), lakes and ponds (2%), exposed rock (1%) and streams (<1%)
- To maintain the populations of notable species on the site at favourable conservation status, including Recurved Bog Moss, *Sphagnum imbricatum*, *Peltigera membranaceae*, Reindeer Moss, Cranberry, Common Frog, Greenland White-fronted Goose, Peregrine Falcon and Merlin
- To establish effective liaison and co-operation with landowners, legal users and relevant authorities

The Conservation Plan goes onto identify the main management issues as:

- Burning
- Dumping
- Grazing
- Peat cutting and drainage on the active blanket bog and sensitive cutover blanket bog areas
- Water extraction

It identifies the main strategies to achieve the objectives as:

- Maintain grazing at sustainable levels
- Continue the control of peat cutting
- Block active drains

- Increase control of other damaging activities such as dumping and burning
- Monitor potential damaging activities to all the habitats and the status of notable plant and animal species
- Liaise with various organisations and groups regarding the management of the site

8.11 It should be noted that the above mentioned 'Conservation Plan for Lough Nabrickkeagh Bog cSAC – Site Code 634' is dated 2005. The 'Conservation objectives for Lough Nabrickkeagh Bog SAC [000634]' as issued by the Department of Arts, Heritage and the Gaeltacht in 2015 lists the one following conservation objective:

“Objective: To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected:

Code description
7130 Blanket Bogs”

8.12 The Site Synopsis is dated 2013 and also identifies the major threats to the site as peat exploitation, drainage, afforestation, over-stocking with grazing animals and burning.

8.13 Located some 170 metres to the south-west of the application site there is another designated SAC. It is the Lough Hoe Bog SAC. The applicant's Natura Impact Statement also considers this SAC in addition to Lough Nabrickkeagh Bog SAC.

8.14 The NPWS site synopsis indicates that Lough Hoe Bog SAC was selected for the following habitats and species listed on Annex I / II of the E.U. Habitats Directive (* = priority; numbers in brackets are Natura 2000 codes):

- [3110] Oligotrophic Waters containing very few minerals
- [7130] Blanket Bogs (Active)*
- [1013] Geyer's Whorl Snail (*Vertigo geyeri*)
- [1092] White-clawed Crayfish (*Austropotamobius pallipes*)

8.15 The conservation objective for the Lough Hoe Bog SAC site is: “To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.”

8.16 Noting all the Natura 2000 sites that lie within 15 km radius of the subject lands (see s.3.1 of the NIS), I consider that the Lough Nabrickkeagh Bog SAC, within which the development is proposed, is the only such site that

could be potentially affected given the specific nature of the proposed development i.e. fencing to create an enclosed area for livestock (cattle and sheep) grazing. I have outlined the conservation objective of this Natura 2000 site above. I consider that the potential likely and significant effect of the fencing on this SAC given the conservation objectives, arises from livestock grazing on the land. With regards to the other identified management issues/threats, the application does not relate to burning, dumping, peat cutting or water extraction.

- 8.17 The Natura Impact Statement outlines the justification for the project. The NIS states that the land is undergrazed and the heather needs an opportunity to recover from recent burning. It is proposed to use the subject land for both sheep and cattle grazing. Quoting McGurn (2011) the NIS states that mixed grazing by sheep and cattle appears successful at reducing the dominance and possibly also the cover of *Molina* on moorland areas where it has up to 60-80% cover. The cattle eat long rough grass that sheep find unpalatable. They tend to graze in patches as the herd constantly moves. Sheep then eat the young green shoots that ensue, leaving a mosaic of long and short grass. Cattle and sheep are not in competition, they are complementary grazers. So a combination of both cattle and sheep are desirable in this location from a conservation perspective in conjunction with the recommended NPWS stocking rate of 1 ewe per hectare. The NIS goes on to state that a very particular grazing regime to improve the land for conservation is proposed and that such land management requires secure boundaries, hence, fencing in this case is recommended. The fencing will also protect the water course that is located to the north-east of the subject land, the NIS notes that bovines tend to pollute rivers through trampling bank edges and defecating in the rivers. The NIS takes cognisance of the applicant's application, which has been accepted, under the GLAS Scheme (Green Low-Carbon Agri-Environment Scheme). There is a copy of the GLAS application summary on file. It contains a sustainable management plan listing certain practices that must not be carried out on the subject lands. The NIS states that the NPWS maps this area in the conservation plan and classifies it as blanket bog requiring a sustainable management plan. The GLAS plan, it is stated, specifies particular aspects of sustainable management and specific to the applicant's farm. The NIS incorporates a sustainable management grazing plan which is specific to the land where the fencing is proposed. This grazing management plan, and other mitigation measures, are listed in section 8 of the NIS. The NIS concludes that the fencing with mitigation measures proposed will not have significant impact on the Lough Nabrickkeagh Bog SAC. The NPWS Conservation statement specifically identifies this area as needing a grazing management plan. Securing boundaries will protect the river from bovine trampling and pollution. The fence will enable a sustainable stocking rate on the land which is currently undergrazed. The NIS states that the project, complete with all the mitigation measures, will not be significant in terms of the site's conservation objectives and is in compliance with the Habitats Directive.

- 8.18 Having considered the mitigation measures proposed, including the grazing management plan as contained in s.8.1 of the NIS, which I consider to be reasonable and enforceable, I consider that the conservation objective of the SAC will not be adversely affected. The grazing management plan will mitigate the potential adverse effects arising from both under-grazing and over-grazing. The letter on file from Teagasc (dated 15/02/16) holds that the under-grazing of the lands to date was a contributory factor in the accidental burning last year. I note also the contents of the method statement for the proposed fence construction as prepared for the applicant. It addresses: the protection of water quality; method of transport of fencing materials; the access route; site geography; material storage, fence erection; machinery refuelling and avoidance of contamination of Lough Talt Public Water Supply. In the event of permission being granted, I would recommend that this method statement, along with the mitigation measures contained in the NIS, be subject of conditions in the interests of clarity and to protect the integrity of the Lough Nabrickkeagh Bog SAC (site code 000634).
- 8.19 The Department of Arts, Heritage and the Gaeltacht were notified of the application. The Department, in a report dated 06/04/16, recommends that the mitigation measures described in the NIS be included as a condition of permission.
- 8.20 I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the Lough Nabrickkeagh Bog SAC (site code 000634), or any other European site, in view of the site's Conservation Objectives.

9.0 CONCLUSIONS AND RECOMMENDATION

I recommend that the board uphold the planning authority's decision and grant permission for the proposed development subject to conditions as indicated below.

REASONS AND CONSIDERATIONS

Having regard to the scale and nature of the proposed development, the established agricultural land-use in this rural area, the stated need for the fencing, that being to facilitate livestock grazing on the subject lands, and also having regard to the nature of the receiving environment, it is considered that, subject to compliance with the conditions below, the proposed development would not adversely impact the landscape character of the receiving environment, would not detract from the visual amenities of the area, and would not adversely affect the integrity of the Lough Nabrickkeagh Bog SAC (site code 000634), or any other European site, in view of the sites' Conservation Objectives. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Lough Nabrickkeagh Bog SAC (site code 000634) is the European site for which there is a likelihood of significant effects.

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for the European Site in view of the Conservation Objective for Lough Nabrickkeagh Bog SAC (site code 000634) – "To maintain or restore the favourable conservation condition of the Annex I habitat, blanket bog, for which the SAC has been selected."

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, the

- ii) mitigation measures which are included as part of the current proposal,
- iii) the Conservation Objective for this European Site,
- iv) the views of the Department of Arts, Heritage and the Gaeltacht, and
- v) the statement in the Site Synopsis for Lough Nabrickkeagh Bog SAC (site code 000634) that the major threats to blanket bogs stem from peat exploitation, drainage, afforestation, over-stocking with grazing animals and burning.

In completing the AA, 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 Site, having regard to the site's Conservation Objective.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of European site in view of the site's Conservation Objective.

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 such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All mitigation measures as listed in section 8.1 of the Natura Impact Statement (as prepared by Aster Environmental Consultants Ltd.) received by the planning authority on the 29th day of February 2016 shall be implemented in full to the satisfaction of the planning authority.

Reason: To protect the integrity of the Lough Nabrickkeagh Bog SAC (site code 000634).

3. The fence shall be constructed in accordance with the 'Method statement for proposed fence construction for David Sheerin' submitted to the planning department on the 29th day of February 2016.

Reason: In the interests of clarity and to protect the integrity of the Lough Nabrickkeagh Bog SAC (site code 000634).

Tom Rabbette
Senior Planning Inspector
23rd August 2016