



An  
Bord  
Pleanála

## Inspector's Report ADDENDUM ABP-300285-17

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<b>Question</b>	Whether works at Kiltimagh Railway Line is or is not development or is or is not exempted development
<b>Location</b>	Kiltimagh, Co. Mayo.
<b>Declaration</b>	
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	P17/773
Applicant for Declaration	Brendan Quinn
Planning Authority Decision	Split Decision
<b>Referral</b>	
<b>Referred by</b>	Brendan Quinn
<b>Owner/ Occupier</b>	Irish Rail.
<b>Observer(s)</b>	John Mulligan.
<b>Date of Site Inspection</b>	25/03/19
<b>Inspector</b>	John Desmond

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## 1.0 Introduction

1.1. The Board sought further information from the applicant on 12 September 2018 to enable it to determine whether the provisions of section 4(4) of the Planning and Development Act, 2000, as amended is applicable to the subject works by reason of the potential for significant effects on European sites. The information requested was as follows:

- A description of the works involved / envisaged, with particular reference to any aspect potentially interacting with a European site; and
- A screening report for Appropriate Assessment, prepared by a suitably qualified person / company;

The applicant submitted a response on 23 October 2018 addressing the two items of the request within a document entitled Screening for Appropriate Assessment, which is an appropriate assessment screening report. The information provided by the developer about the nature, extent and location of works, and the subsequent site inspection of same, necessitates an amendment to the question being considered by the Board as set out in section 2.0 of my original report and, for clarity, I have therefore restated the question under section 2.0 of the addendum report.

## 2.0 The Question

2.1. Having regard to the contents of the appropriate assessment screening report submitted in Kiltimagh IRD's response to the Board's letter of 12 September 2018, and to the subsequent site inspection, I have further the question(s) to be considered by Board as follows:

- (i) Whether the removal of vegetation (including trees) from within a railway line, including treatment of vegetation (including Japanese Knotweed) with herbicide is or is not development and is or is not exempted development?
- (ii) Whether the works facilitating the proposed velorail use, comprising:

- reinstatement / replacement of railway sleepers and rail track at one location within the SAC (30m);
- reinstatement / replacement of railway sleepers and rail track at one location outside the SAC (c.100m-120m);
- repair of subsidence at three locations outside the SAC (totalling c.56m);
- drainage works including excavation and replacement of existing drainage channel beneath track with new drainage stone to allow flood waters drain to stream to east;
- replacement of existing gates/ gateways;
- removal of obstructions (for the purposes of rebuilding the railway at public road crossings) comprising silt deposited from road surface runoff, temporary galvanised fencing and tarmacadam on roadways;
- minor upgrade of Pollagh River railway bridge (within SAC) comprising installation of metal grating on bridge deck and safety railings (prefabricated offsite) secured by metal fixings;
- improvement of railway bridges over Yellow and Glore rivers;
- installation of 2no. prefabricated turntables at southern and northern termini of line, potentially including concrete structure,

is or is not development and is or is not exempted development?

(iii) Whether the use of a closed section of railway line as a velorail is or is not development and is or is not exempted development?

(iv) Whether the change of use of the Kiltimagh Railway Station from museum to use for a tourism and leisure attraction (velorail) is or is not development and is or is not exempted development?

## 3.0 Further responses

### 3.1. Referrer

The main additional points of the further submissions by Brendan Quinn (06/11/18, 31/10/18 and 20/03/19) may be summarised as follow:

- The Screening for Appropriate Assessment (SAA) report does not address many of the question subject of the referral.
- That MCC was requested to and submitted a SAA clearly suggests that the project falls within environmental restrictions.
- The Board's request and the SAA report submission is tantamount to admitting that planning permission is required for the proposed development on environmental grounds alone (refers to issue of EIA) to provide for public scrutiny, and the public have been denied their rightful opportunity.
- S.2.2.1 of the SAA report confirms change of use of old station buildings.
- The SAA report does nothing to show right of public to consultation or address health and safety or traffic or parking issues for an operation attracting up to 80,000 people per annum.
- A copy of the funding application made by the Kiltimagh IRD to the DECLG for the proposed recreational facility [I note it refers to projected figure of 80,000 visitors per annum for the scheme; 13km route; refers to provision of laybys, pullover areas and small food vending area along the route for refreshments.
- A further submission (20/03/19) relates to concern about the delay in the Board making a determination on the case and about possible political interference.

### 3.2. Third party

The main additional points of the further submission by John Mulligan (06/11/18) may be summarised as follow:

- The SAA report should have formed part of the original decision to proceed with the proposed development.

- Misleading description of rail line as disused or as part of the Western Rail Corridor.
- Works already carried out.
- Removal of trees / shrubs took place within the nesting season contrary to the provisions of the Wildlife (Amendment) Act, 2000, as amended.
- Through submission of SAA report, it would seem MCC concedes assessment was needed and therefore that planning permission was needed.
- The Board and MCC, through the Board's further information request and MCC's submission, have started the planning process which must now be completed.

### 3.3. Co-Developer

The main additional points of the submission by Kiltimagh IRD (2no. 16/11/18) may be summarised as follow:

- Agrees with the content of the SAA report.
- Submits that the development protects railway and associated heritage, which is a positive environmental impact.
- Provides photographs of historical rail bicycles used by personnel for carrying out maintenance, which are similar to velo-rail vehicles.
- Provides photograph of turntables, which are proposed at either end of the referral site.
- Reiterates its position that the development is not 'development' and is not a change of use.
- Raises concern about the bona fides of application as the applicant is allegedly pursuing a greenway on the route and references on the Kiltimagh Greenway Group (Facebook) to influence being placed on the Board on this case.

## 4.0 Assessment

4.1. The details provided by Kiltimagh IRD concerning the nature and extent of the *works* facilitating the proposed velorail development, set out under section 2.0, above, do not alter the assessment (under paragraphs 8.1.15 – 8.1.18 and 8.25-8.29) and conclusions made in my initial report that the facilitating works is development within the meaning of section 3(1) of the Act of 2000 and is exempted development under section 4(1)(aa) of the Act. The results of the appropriate assessment screening shall determine whether the said facilitating works fall foul of the restrictions on exempted development under section 4(4) on the basis that an Appropriate Assessment of the development, including the facilitating works, is required.

## 5.0 Appropriate Assessment Screening

### 5.1. General

5.1.1. The AA screening report indicates that the ecological survey was carried out in October by Leo Brogan (B. Env., Sc. M. Sc and Dip. Field Ecol.) and it is assumed that he has produced the screening report.

### 5.2. Development description:

5.2.1. The works, being works not directly connected with or necessary to the management of a European site, are stated in the screening report (s.2.2.2) as:

1. Reinstatement / replacement of wooden railway sleepers and metal rail track at one location;
2. Repair of subsidence of track at three locations;
3. Minor drainage works at one location (north of bridge for R320);
4. Replacement of existing gates / gateways;
5. Removal of obstructions within fenced wayleave (including vegetation and trees);
6. Treatment of vegetation along railway line with herbicide;
7. Treatment of Japanese knotweed stand to the west of bridge for R320;

8. Improvement of railway bridges over Yellow and Glone Rivers;
9. Install turntables for velo-cart at northern and southern termini.

5.2.2. Works under 1-7 were carried out in Winter 2016 / Spring 2017 and works under 8-9 are proposed to be carried out. Details of the how the works were carried out and/or are proposed to be carried out are set out in 2.2.2 of the report, however I have also taken into account further details of work as referred to under s.2.5, *Potential for Adverse Effects on Natura 2002 sites*, of the report. The key details may be summarised, below and for ease of the Board's understanding I have indicated the location of the works where relevant on a copy of the Discovery Series map attaching to the applicant's screening report.

- I. Transport was by means of wheeled excavator as the safest means of transporting materials, with access points via existing rail road crossings, travelling directly over the railway line to minimise disturbance;
- II. A 30m section of track (rail and sleepers) was laid immediately north of the bridge (crossing no.4) over the Pollagh River (Pollagh\_010) within the Moy River SAC, but no works were carried out on the bridge deck;
- III. Subsidence repair at three locations at southern end of site, comprising lengths of 45m, 7m and 4m outside the SAC. Entailed clause 804 limestone chips (containing minimal amounts of fine material) to be placed beneath the railway track and sleepers, stockpiled at the location of nearest access road (not indicated) for transport, with works supervised by a railway maintenance technician to ensure only minimum amount of stone required was used and that repairs took place only where subsidence was considered significant. Works included repair to the bridge deck (crossing no.5).
- IV. Minor drainage works at a section of track either side of R320 north of Kiltimagh, comprising excavation and replacement of existing drainage channel beneath the track, with new drainage stone to allow flood waters drain to a stream to the east, being a tributary of the Pollagh river discharging to the Moy River SAC 2.5km downstream.
- V. Trees and vegetation impeding the path of the velorail were removed manually, or with aid of the wheeled excavator in the case of larger trees/shrubs and deposited in the wayleave near the fence line. These were



the only works carried out at or adjacent crossing no.1, 2 and 3 (but do not appear to be limited thereto).

- VI. Vegetation within and adjacent the railway tracks were treated with a systematic herbicide using handheld sprayers, by personnel with the relevant training for application of herbicides under the EU Sustainable Use of Pesticides Directive 2009.
- VII. Treatment of 500m<sup>2</sup> of Japanese knotweed on the western flank of R320 railway bridge was carried out under contract by Mayo County Council as part of the countywide Japanese Knotweed Eradication Scheme.
- VIII. Removal of obstacles comprising silt deposited from road surface runoff, temporary galvanised fencing and tarmacadam on roadways to expose underlying track. It is not clear what works are complete and what works are pending.
- IX. Minor upgrade of Pollagh River railway bridge (assumed to refer to crossings no.1 and 4 within Moy River SAC) involving installation of a metal grating on bridge deck and safety railings, prefabricated offsite and secured in place using metal fixings.
- X. Install 2no. prefabricated turntables at the southern and northern termini of the line. Any concrete required (m<sup>3</sup> quantities not stated) to provide a suitable structure for turning circles will be poured into prefabricated wooden shutters; and the washout of delivery trucks will take place in the host quarry. The proposed location, design and extent of these turntables (on site and relative to the location of the existing railing line), are not provided with the application, but photographs attached to the further response from Kiltimagh IRD (16/11/18) indicate they are located within the line of the track, are minor in scale and easily removable.

5.2.3. Having inspected the site within the vicinity of the works as detailed and located by the developer (I have not inspected the entirety of the 13km length of railway), it would appear to me that additional significant facilitatory works have been carried out to the railway line. Most significant of these is a length of approximately 100m-120m where railway sleepers have been replaced with new timber sleepers and the previous sleepers cast aside the track. The previous sleepers show evidence of fire

damage, as does woodland vegetation within the vicinity (the replacement of tracks damaged by a bog fire is referred to in Brendan Quinn's submission of 27/02/18, but not by MCC, KIRD or ÍÉ). It is possible that the tracks were also replaced, however the works do not appear to have included importation of additional hardcore bedding material, or at least not significant quantities thereof. The location of the said works is outside the SAC boundary, north of 'Crossing no.3'.

- 5.2.4. I would also note reference, in the submitted copy of the application for departmental funding by the Kiltimagh IRD<sup>1</sup>, to proposed laybys, pull-in areas and a small food vending area for refreshments along the route, which are not referred to in development description. It is not clear what is meant by pull-in areas, but it would seem unlikely that this would be provided through anything as substantial as an extension of track (such as sidings), which would be an expensive, intrusive and significant undertaking and would be excessive for such light vehicles. It would seem impractical for the proposed facility to operate without pull-in areas to enable opposing velo carts to pass or velo carts to overtake one another without pull-in areas at frequent intervals, but not impossible depending on how the facility is operated (such as travelling in organised convoys). As the said works and facilities have not been included as part of the referral question and do not appear to be essential to the development concerned, I do not consider it necessary for the Board to include them in its considerations.

### 5.3. European sites

- 5.3.1. Figure 3 of the report comprises a map purporting to indicate all European sites within 15km of the subject development, comprising the Moy River SAC (site code 002298), Balla Turlough SAC (site code 000463) and Urlaur Lakes SAC (site code 001571). However, it is apparent that the 15km distance is from the approximate centre of the works, not the distance from this linear site which extends almost 12km north to south and the applicant's screening assessment does not consider all European sites within 15km of the site.
- 5.3.2. Additional European sites within 15m include Towerhill House SAC (site code 002179 c.14.8km to the southwest), Lough Conn and Lough Cullin SPA (site code

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<sup>1</sup> Attached to Brendan Quinn further submission.

004228 c.11km to the northwest); and Lough Hoe Bog SAC (site code 000633 c.14.8km to the north)<sup>2</sup>.

5.3.3. **Moy River SAC (site code 002298)** – The referral site traverses the SAC in up to two locations (three river crossings) and is adjacent and possibly encroaches on the SAC at two other locations. Works subject of the referral have taken place and / or are proposed within the SAC and with clear source-pathway-receptor routes to convey potentially harmful effects on the integrity of the European site. The Conservation Objectives for the Features of Interest for which the site has been selected are as follow:

- To restore the favourable conservation condition of: Active raised bogs (\*priority habitat). No separate conservation objectives have been set for two habitats inherently linked to active raised bog habitat: Degraded raised bogs still capable of natural regeneration; and Depressions on peat substrates of the Rhynchosporion.
- To maintain the favourable conservation condition of: Alkaline fens, Old sessile oak woods with Ilex and Blechnum in the British Isles, Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) (\*priority habitat), Austropotamobius pallipes (White-clawed Crayfish), Petromyzon marinus (Sea Lamprey), Lampetra planeri (Brook Lamprey), Salmo salar (Salmon), Lutra lutra (Otter).

5.3.4. Section 2.3.2 of the screening report notes that White Clawed Crayfish, requiring water of at least moderate status, is thought to be widespread in the upper tributaries of the River Moy, including those traversing the site, with a population identified by the NPWS c.1km downstream of the railway crossing. It assumes that Otter inhabit the aquatic habitats found within and adjacent to the railway corridor although no signs of same were identified. In addition to the SAC's importance for those two species, the Natura 2000 Standard Data Form indicates the catchment contains important populations of brook Lamprey, Sea Lamprey and is one of the more important in Ireland Salmon and is an internationally renowned fishery.

5.3.5. Section 2.3.2 of the screening report includes a classification of habitats found on site following Fossit habitat types (NPWS guidelines), comprising: reed and large

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<sup>2</sup> Carrowkeel Turlough SAC (site code 000475) is just outside 15km distance to the south.

sedge swamps (FS1); dry meadows and grassy verges (GS2 – corresponds with Annex I habitat lowland hay meadows (*Alopecurus pratensis*, *Sanguisorba officinalis*) (6510)) which is the dominant habitat reportedly found; scrub (WS1 – corresponds with Annex I habitat *Juniperus communis* formations on heaths or calcareous grasslands (5130)); and recolonising bare ground (ED3), which were found to be typical of the habitats located immediately outside the corridor. Habitats for which the European site was selected were not found within the corridor site, which is as would be expected given the nature of the site as a disused railway line retaining the majority of its original constructed infrastructure. No such habitats were reportedly found on the adjacent lands which are dominated by coniferous plantations (WD4) and wet heath (HH3), both heavily modified by drainage. It is submitted that none of the habitats found on referral site are priority Annex I habitats.

5.3.6. A review of aerial photographs (including Google Earth) for the area shows evidence of recent active harvesting of peat (domestic scale) on lands adjacent the referral site, south of Kiltimagh, inside and outside the SAC, including at Carrowreagh north of crossing no.3. This suggests the referral site traverses extensive Annex I habitats, *degraded raised bogs still capable of natural regeneration*, contradicting the submitted screening report.

5.3.7. The c.12km referral site is contained almost entirely within the Pollagh sub-catchment (SC\_010, containing, *inter alia*, the Geeeston / Gweestion / Glore and Pollagh Rivers,) with only the last c.140m (Ballinlag) and another encroachment of c.760m length (Treanfohanaun at the boundary with Treankeel) at the north end of the site within the Moy sub-catchment (SC\_050, containing, *inter alia*, the Trimoge River). Both sub-catchments are within the catchment of the Moy River system.

5.3.8. Within the Pollagh SC, the referral site route traverses the Pollagh River or its tributaries and / or runs along site the watercourse at a number of locations (from south to north, numbered as per screening report where relevant:

(5) Pollagh tributary apparently bridged at Coolaght / Cultybo outside SAC;

(other) possible culvert c.260m north of (5) outside SAC;

(4) Pollagh River bridged at Carrownageeragh / Cultybo (referred to as Geestaun / Gweestion River) within SAC;

(3) Pollagh tributary possibly bridged watercourse c.300m north of (4) within SAC;

(2) Pollagh tributary bridged at Pollronahan Beg / Cartron boundary outside SAC;

(1) Gweestion River bridged at Pollronahan More / Treanfohanaun boundary within SAC.

5.3.9. In addition, the railway line runs alongside the Pollagh at various points (e.g. for c.800m at Pollronahan Beg and Pollronahan More) and the OSI maps would suggest drainage of the line is interlinked with the Pollagh, except for minor lengths (referred to above that may drain to the Trimoge. In the case of each crossing, proximity or drain associated with the rail line south of Kiltimagh, the WFD status of the Pollagh is *High*, and north of Kiltimagh the WFD status of the Pollagh and the Gweestion is *Good*. The watercourse concerned is *Not At Risk* under the WFD.

5.3.10. The referral site does not traverse the Trimoge River but runs immediately west of the watercourse at Treankeel / Treanfohanaun and terminates within c.170m of same at its northern end. The WFD status of the watercourse is *High* and it is *Not At Risk* under the WFD.

5.3.11. **Potential adverse effects from works** - The screening report addresses potential for adverse effects on the European site under section 2.5. The potential for direct effects on the SAC at three crossing points (no.1, 3 and 4) within the European site is noted, however only tree and vegetation clearance took place at crossing no.1 and no.3, with no potential for significant effects on conservation objectives of the European site. It is submitted that works comprising the laying of 30m new track immediately north of crossing no.4 were minimal in nature and employed construction practices and techniques (see above) designed to have the least possible impact on the aquatic habitat for which the River Moy SAC was selected and entailed no instream works. I have inspected the works and am satisfied that no significant direct or indirect effects are likely to have occurred on habitats or species being features of interest within the SAC.

5.3.12. Works outside the SAC with potential for indirect effects included works to river crossings no.2 and no.5. The works to crossing no.2 works were limited to tree and vegetation clearance only, with no potential for significant effects on the SAC. The

works to crossing no.5, comprising repair of 6-7m of track subsidence repair, including the bridge deck itself, is indicated as relatively minor and was carried out without causing significant effects on the SAC's conservation objectives. I have inspected the works and am satisfied that no significant indirect effects are likely to have occurred on habitats or species being features of interest within the SAC given the scale, nature and location of the works.

- 5.3.13. It is submitted that the subsidence repair of c.45m of track at the southern end of the referral site, adjacent a lake on the Pollagh River at Cultybo / Collaght, outside the SAC, entailed the importation of coarse angular limestone gravel (clause 804) containing minimal amounts of fine material, which was stored remotely and transported via wheeled excavator to the location and placed directly. The grassy margins to the corridor acted as a buffer to intercept any potential sediment washout before filtering to the nearest surface water receptor (not indicated). I have inspected the works and am satisfied that no significant indirect effects are likely to have occurred on habitats or species being features of interest within the SAC given the scale, nature and location of the works.
- 5.3.14. Only items directly obstructing the passage of the proposed velo (small trees, metal fencing, excess tarmacadam, etc.) were removed as part of the works and vegetation growth within or on either side of the track was treated with herbicide safe to use in proximity to aquatic environment. I have inspected the works and am satisfied that no significant direct or indirect effects are likely to have occurred on habitats or species being features of interest within the SAC given the scale, nature and location of the works.
- 5.3.15. The screening report refers to the installation of turntables, including with reference to possible use of concrete in refabricated shutters to provide suitable structure for the turning circles. However the screening report provides no assessment of the potential effect of those installation works. The details and photographs submitted by Kiltimagh IRD (16/11/18), show examples of turntable structures located between the rails, being of relatively small scale and which, it is indicated, are possible to affix with bolts. Given the small scale of the structures and their location outside the SAC, even if they are to be constructed onsite with poured concrete, it can reasonably be determined that their installation would not be likely to have significant effects on the European site.

- 5.3.16. In addition, I noted from my site inspection, the works carried out appear to include the installation of at least 1 no. additional significant section (c.100m-120m) of replacement sleepers and possibly tracks to the north Crossing no.3, but outside of the SAC boundary. This has not been considered as part of the applicant's screening assessment. Given the location, nature and extent of the said works, which do not appear to have entailed the importation of any significant additional hardcore material, I am satisfied that there was no potential for direct effects and or for significant indirect effects on the SAC arising.
- 5.3.17. **Potential adverse effects from operations** – Pedal-powered velos have low noise emissions the SAC and will not cause nuisance to protected species, including Otter, a feature of interest of the SAC, without and outside the European site. It is submitted that the velos will be adapted mechanically to keep vegetation suppressed during operation and thereby eliminate the use of herbicide. The erection of signage informing velo users of the presence of protected species in the SAC will serve as a reminder to act responsibly in terms of behaviour and waste management to ensure that no negative impact is caused.
- 5.3.18. I would expect that the velo operations have the potential to have a positive impact on the local environment and on the SAC by increasing public awareness of the value of the environment and designated sites (through the proposed signage). The contextual role of the natural environment, including the SAC, to the velo rail project would also be likely to increase the perceived value of the natural environment and of the European site to the local economy, thereby encouraging its protection.
- 5.3.19. The Natura 2000 Standard Data Form for the SAC does not identify the subject activity type (transportation and service corridors) as one of the most important activities (threats / pressures) which have a high effect on the site, whether within or outside of the site. Based on the Standard Data Form and the information submitted by the applicant, it would not appear that the proposed operations are not such as to be likely to have a significant effect on the integrity of the SAC in view of its conservation objectives.
- 5.3.20. **Potential for in-combination effects** – The screening report considers there to be potential for in-combination effects with clear-felling of mature Sitka spruce plantations adjacent the southern end of the referral site. However, the works

concerned are largely completed and any effects therefrom, which are not considered likely to have been significant, will have likely dissipated by time clear-felling (under licence from the Forestry Service) takes place. I do not therefore consider there to be potential for significant in-combination effects with the clear-felling operations. The potential for in-combination effects with ongoing turf cutting (a long-term activity in this area) within and outside the SAC (risk of suspended solids and ammonia) is noted but given the *High* water status of the Pollagh River in this location the screening report concludes there has been no significant effect on the conservation objectives of the SAC from turf cutting and therefore no potential for significant in-combination effects.

5.3.21. The screening report does not address potential for significant in-combination effects with plans for the subject area. The relevant plans for the area include the Mayo County Development Plan 2014-2020 and the Kiltimagh Area Plan contained within volume 1 of same. The core strategy includes provision of increased population within the settlements along the Western Rail Corridor, encompassing the subject referral site; the economic development strategy includes protection of the Western Rail Corridor for future rail use; the Western Rail Corridor is included as a priority infrastructure project in Council's infrastructure strategy; and it is an objective (RL0-01) to support and encourage the provision of a high quality rail network and service, including the reopening of the Western Rail Corridor subject to demonstration of no significant adverse effects on the integrity of the Natura 2000 network (this is reflected in objective KTKH-09 of the Kiltimagh Area Plan); and it is an objective (RL-03) to investigate the use of the Western Rail Corridor for velo-rail as an interim use for the rail line pending its reopening for passenger and rail freight. As the velo-rail use cannot operate in tandem with the re-opening of and operation of a rail service on this line, there is no potential for significant in-combination effects. *Íarnród Éireann's 2030 Rail Strategy Review* makes no provision for the extension of the operable railway service along the Western Rail Corridor north of Claremorris, and includes no reference to any other alternative services, such as velo rail or greenway for the section railway line, to be provided north of Claremorris.

5.3.22. I would note the intention of Kiltimagh IRD to extend the velo-rail route south to Claremorris and north to Charlestown over time. Whilst NPWS *Appropriate Assessment Guidelines* advise that '*the concept of plan and project is extremely*



*broad and is not limited to development planning and development management, covered by the Planning and Development Acts 2000-2006...'*, I do not consider the stated intention of the Kiltimagh IRD in its application to be a 'plan' under Article 6(3) of the Habitats Directive as it is not a competent authority and its intention has no statutory basis and no formal standing as a plan. Rather it may be regarded as an aspiration.

5.3.23. However, within the context of the development and use subject of this referral and the nature and means of its implementation thus far, in which the Council is the body undertaking the development with assistance of the Kiltimagh IRD, the Council's objective to investigate the potential interim use of the western railway line as a velorail route must be regarded as something more tangible. Should the velorail prove a successful project on this 13km length, the demand to extend it south to Claremorris and northwards to Charlestown can be anticipated at this stage. Consideration of potential in-combination effects are therefore pertinent.

5.3.24. An extension southward would have no direct effects on the SAC as the line to Claremorris does not traverse any European site. It does traverse two watercourses connect to the SAC and therefore there is potential for indirect effects on the SAC conveyed through existing source-pathway-receptor routes. I have not inspected beyond the south of the 13km section concerned in the current project, however given the location and likely nature and extent of works necessary along this route to facilitate the development which may be assumed to be similar to those subject of the referral, it is reasonable to determine that no significant indirect effects on the SAC are likely arising from the possible extension of the velorail facility southwards.

5.3.25. A northern extension would traverse the SAC and a number of watercourses connected to the SAC and therefore the extension would have potential for direct and indirect effects on the European site. The potential to extend northwards would appear limited as it is bisected by the heavily trafficked N5 national primary route, but there would be no obvious impediment to extend northwards up to the N5, including on that section of railway within the SAC boundary. I have not inspected north of the 13km section concerned in the current project. Although there is no information on the probable nature and extent of works that would be required in a northern extension, given the nature of the proposed velorail use it can be assumed that the

nature and extent of works would be similar to those within the existing 13km section and that more substantial works would neither be likely nor financially feasible.

- 5.3.26. I am satisfied that the Board may reasonably conclude that the proposed development in itself and taken in combination with the potential extension of the facility north and south within the county would be unlikely to have any significant direct or indirect adverse effects on the SAC in view of the European site's conservation objectives.
- 5.3.27. **Urlaur Lakes SAC (site code 001571)** – The referral site and subject works are at a distance of c.13.6km from this European site which is within is located within a separate sub-catchment from the Pollagh River. As there is no source-pathway-receptor route between the works and the subject European site potential for significant effects does not have to be considered further.
- 5.3.28. **Balla Turlough SAC (site code 000463)** - The referral site and subject works are at a distance of c.6.3km from this European site which is within a separate sub-catchment from the Pollagh River. As there is no source-pathway-receptor route between the works and the subject European site potential for significant effects does not have to be considered further.
- 5.3.29. **Towerhill House SAC (site code 002179)** – The referral site and subject works are at a distance of c.14.8km from this European site which is within a separate sub-catchment from the Pollagh River. As there is no source-pathway-receptor route between the works and the subject European site potential for significant effects does not have to be considered further.
- 5.3.30. **Lough Hoe Bog SAC (site code 000633)** - The referral site and subject works are at a distance of c.14.8km south of this European site which is within a separate sub-catchment from the Pollagh River. As there is no source-pathway-receptor route between the works and the subject European site potential for significant effects does not have to be considered further.
- 5.3.31. **Lough Conn and Lough Cullin SPA (site code 004228)** - The referral site and subject works are at a distance of c.11km southeast of this European site which is within a separate sub-catchment from the Pollagh River. As there is no source-pathway-receptor route between the works and the subject European site potential

for significant effects does not have to be considered further.c.11km to the northwest);

5.3.32. **AA Screening Conclusion** - It is reasonable to conclude on the basis of the information on file, which I consider adequate in order to issue a screening determination, and the publicly available information otherwise available to me as referred to above, that the proposed development, individually and / or in combination with other plans or projects would not be likely to have a significant effect on the River Moy SAC European site 002298, or any other European site, in view of the site's conservation objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## 6.0 Conclusion

Having regard to the foregoing assessment, I am satisfied that the works facilitating the change of use of the railway line to use for velorail, as carried out by and / or on behalf of Mayo County Council under license from CÍÉ, is exempted development under section 4(1)(aa) and 4(1)(f) that does not fall foul of the restrictions on exempted development under section 4(4).

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John Desmond  
Senior Planning Inspector

29 March 2019