



An
Bord
Pleanála

Inspector's Report ABP-308223-20

Development	Importation of inert fill, new vehicular access and associated development
Location	Creeragh townland, Castlebar, County Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	P19/623
Applicant(s)	Michael Kelly
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-Party
Appellant(s)	Ronan Kennelly
Observer(s)	None
Date of Site Inspection	30 th November 2020
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1.** The appeal site is located in the rural townland of Creeragh, approximately 3.5km south west of Castlebar town centre in County Mayo. It is stated to measure 0.88ha and comprises an agricultural field, flanked to the north by a local road (L-5755) connecting with the N84 national road, 80m to the west of the site. The site is situated between two residential properties and is enclosed by mature hedgerows with an agricultural access gate in the northeast corner. There are open drains on the northern and southern site boundaries connecting with a watercourse running along the western boundary, which flows north towards lower-lying ground.
- 1.2.** The proposed route for the N5 national road project, which is currently under construction and will connect Westport with the existing N5 route east of Castlebar, including a south side bypass of Castlebar, is situated 800m to the north of the site. Three planning appeals for development comprising extraction and fill proposals associated with the N5 road project were recently refused by the Board and I note that other similar proposals and permissions in the wider area (see section 4 below).
- 1.3.** The surrounding area is characterised by a patchwork pattern of agricultural fields on undulating ground interspersed with low-lying wetland, commercial forestry and one-off housing setback and fronting onto local roads. Ground levels on site initially rise gradually eastwards from the western watercourse, before rising steeply along the eastern boundary.

2.0 Proposed Development

- 2.1.** The proposed development comprises the following:

 - importation of inert material from local infrastructural projects and agricultural improvement works;
 - temporary vehicular access to the site off the L5755 local road with an associated hardstanding area;
 - provision of a temporary security fence along the northern boundary.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority decided to grant permission for the proposed development, subject to 13 conditions, including the following:

- condition 4 – works to be carried out in accordance with the Environmental Impact Assessment (EIA) report, the Natura Impact Statement (NIS), the Environmental Operating Plan, project management plans, risk assessments and method statements for the N5 road project;
- condition 5 – works to be carried out in accordance with the Environmental Operating Plan for the N5 road project, including the undertaking of any associated mitigation measures;
- condition 6 – works to cease following opening of the new N5 road;
- condition 9 – a water bowser/sprayer unit and a spill kit shall be provided on site;
- condition 13 – €3,000 contribution.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning authority requested the following further information in their initial report (September 2019):

- sight visibility lines at the new entrance to be provided in compliance with Development Plan standards;
- provide a wheel-wash facility on site;
- the estimated fill volume is required;
- details of proposed surface water mitigation measures;
- provide a 5m setback from the western boundary watercourse and open drains;
- outline dust and noise control measures.

The recommendation within the final planning authority report (July 2020) reflects the decision of the planning authority and noted the following:

- the applicant's response to further information is acceptable;
- uncontaminated soil and stones should only be deposited on the site;
- the proposed development would not be likely to have a significant effect on a European site;
- development contributions shall apply in accordance with set precedent.

3.2.2. Other Technical Reports

- Area Engineer – no response;
- Environment, Climate Change and Agriculture Section – further information initially requested and subsequently advised that conditions should be attached;
- Environment – no response;
- Water Services – no response;
- Mayo National Roads Office – no issues raised;
- Road Design Section – further information initially requested and subsequently advised that conditions should be attached.

3.3. Prescribed Bodies

- Transport Infrastructure Ireland (TII) – response states no observations.

3.4. Third-Party Observations

- 3.4.1. During consideration of the application by the planning authority observations were initially received from an adjoining landowner, a resident of Creeragh townland and a resident of the adjacent house to the west of the site. Following re-advertising of the significant further information, a further observation was received from the adjoining landowner. The issues raised in the observations are similar to those raised in the

grounds of appeal and they are collectively summarised within the grounds of appeal below.

4.0 Planning History

4.1. Appeal Site

4.1.1. I am not aware of any other planning applications relating to the appeal site.

4.2. Similar Developments on Surrounding Sites

4.2.1. The following recent planning application relates to the N5 Westport to Turlough Road project, which the proposed development would serve:

- ABP ref. PL16.HA0042 – development approved by An Bord Pleanála in July 2014 for a 26.4km-long dual carriageway road project with a 2.1km single carriageway tie-in. The project included the excavation of peat, rock and other materials and the disposal and recovery of unacceptable material, as well as drainage works, landscaping and diversion of services and ancillary works.

4.2.2. The following planning appeals were refused by the Board in November 2020 due to concerns regarding uncertainty with respect to the impacts on receiving waters, as well as the absence of both an EIAR and NIS that were required to be prepared for the proposed developments:

- ABP-307765-20 (MCC Ref. P20/160) – extraction and processing of materials and replacing with inert fill associated with the N5 road infrastructure project on a 2.9ha site at Liscromwell townland, Castlebar, County Mayo, located 5.1km to the northeast of the appeal site;
- ABP-307780-20 (MCC Ref. P20/180) – extraction and processing of materials and replacing with inert fill associated with the N5 road infrastructure project on a 4.95ha site at Claggernagh East townland, Islandeady, Castlebar, County Mayo, located 4.5km to the west of the appeal site;
- ABP-307777-20 (MCC Ref. P20/152) – extraction and processing of materials and replacing with inert fill associated with the N5 road infrastructure project

on a 4.5ha site at Aughadrinagh townland, Islandeady, Castlebar, County Mayo, located 0.8km to the north of the appeal site.

4.2.3. The following planning applications were recently granted by the planning authority:

- MCC Ref. P20/126 – permission granted by the planning authority in August 2020 for the deposition of surplus fill material not exceeding 122,468 tonnes associated with the N5 road infrastructure project on a 2.9ha site at Claggernagh East townland, Castlebar, County Mayo, located 4.2km to the west of the appeal site;
- MCC Ref. P20/299 – permission granted by the planning authority in September 2020 for the extraction and processing of road construction material for the N5 road infrastructure project and replacement with inert fill material on a 2.2ha site at Cogaula townland, Clogher, Westport, County Mayo, located 8.8km to the west of the appeal site;

4.2.4. The following planning application was recently granted by the planning authority and is currently on appeal with the Board:

- ABP ref. 318618-20 (MCC Ref. P20/53) – ongoing appeal of a financial contribution condition attached to a permission (October 2020) for the extraction and processing of road construction material for the N5 road infrastructure project and replacement with inert fill material on a 3.1 ha site at Ballymacraha townland, Castlebar, County Mayo, located 1.6km to the northwest of the appeal site.

5.0 Policy & Context

5.1. Mayo County Development Plan 2014-2020

5.1.1. Within table 3 of the Development Plan, the N5 Westport to Turlough Road project is identified as a priority infrastructure project for the county. In relation to roads the following objective is relevant to this appeal:

- RD-02 - It is an objective of the Council to support improvements to the existing National Road and Regional Road network including road schemes and by-passes outlined in Table 3, where it can be demonstrated that the

development will not have significant adverse effects on the environment, the integrity of the Natura 2000 network or visual amenity.

5.1.2. The economic development strategy for the county includes two objectives with respect to extractive industries:

- EI-01 - It is an objective of the Council to ensure that the development of aggregate resources (stone and sand/gravel deposits) is carried out in a manner which minimises effects on the environment, including the Natura 2000 network, amenities, infrastructure and the community, and has full regard to the principles of sustainability;
- EI-02 - It is an objective of the Council to ensure compliance with the Quarry and Ancillary Activities Planning Guidelines for Planning Authorities (DoEHLG, 2004) or any new or subsequent quarry guidance.

5.1.3. Section 4 of Volume 1 to the Development Plan addressing the environment, heritage and amenity strategy for the county, includes objectives relating to flooding, water quality, landscape protection, natural heritage and archaeological heritage.

5.2. National Guidelines

5.2.1. The following planning guidance documents are relevant:

- Project Ireland 2040 – National Planning Framework;
- River Basin Management Plan 2018-2021;
- Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters (Inland Fisheries Ireland, 2016);
- Connacht-Ulster Waste Management Plan 2015-2021;
- Spatial Planning and National Roads Guidelines (2012);
- The Planning System and Flood Risk Management: Guidelines for Planning Authorities (including the associated Technical Appendices) (2009).

5.3. Natural Heritage Designations

5.3.1. The nearest designated European sites to the appeal site, including Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), are listed in table 1 below.

Table 1. Natural Heritage Designations

Site Code	Site Name	Distance	Direction
002298	River Moy SAC	6.1km	northeast
001774	Lough Carra / Mask Complex SAC	7.7km	south
004051	Lough Carra SPA	7.8km	south
002081	Ballinafad SAC	9.3km	southeast
002144	Newport River SAC	10.5km	northwest
000463	Balla Turlough SAC	12.4km	east
002179	Towerhill House SAC	12.4km	southeast
000527	Moore Hall (Lough Carra) SAC	13.1km	southeast
004062	Lough Mask SPA	13.9km	south

5.4. Environmental Impact Assessment – Preliminary Examination

5.4.1. It is proposed to import a maximum of 25,000 tonnes of inert material to the site. Class 11(b) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2020 requires an EIA of any installations for the disposal of waste with an annual intake greater than 25,000 tonnes. While the annual intake tonnage has not been established based on the total intake, the rate of intake would be under the threshold for EIAR, as set out in the aforementioned Regulations.

5.4.2. Having regard to the limited nature and scale of the proposed development, and the absence of any significant environmental sensitivity in the vicinity, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A third-party appeal, including photographs of the site, has been lodged by a resident of the adjacent house to the west of the appeal site, and, in conjunction with the third-party observations, the grounds of appeal can be collectively summarised as follows:

Access & Traffic Safety

- traffic hazard would arise at the proposed new vehicular entrance along the local road, which is used as a walking route, and at the local road junction with the N84. Traffic studies or haulage route details have not been provided with the application;
- the local road serving the site is in poor condition and of restricted width. Its capacity to absorb the additional traffic loading, including 40 truckloads per day, would be limited;
- planning ref. P16/721 relating to a neighbouring site 500m to the east of the appeal site, permitted the retention of land fill works, which have undermined local environmental conditions and the condition of the local road;

Local Amenities

- given the proximity of the works area to residential properties, the site is unsuitable for the proposed development and there may be more suitable lands elsewhere within in the applicant's landholding;
- proposals would have undue impacts on the local landscape and create an eyesore;
- details relating to neighbouring housing context, the proposed boundary treatments and the future use of the land have been omitted;

Environment

- the site is regularly flooded and would present a greater risk of flooding to neighbouring properties;
- proposals would be likely to require a waste licence;

- the works would not be for a limited duration and the fill volume would be exceeded;
- sufficient details relating to impacts on watercourses, including potential for leachate and flood risk, existing and proposed fill levels and materials, fill tonnage, wheel-wash facilities and settlement ponds were not provided with the application;
- neither an EIA report nor a screening report have been submitted.

6.2. Applicant's Response

6.2.1. The applicant did not respond to the grounds of appeal.

6.3. Planning Authority Response

6.3.1. The planning authority did not respond to the grounds of appeal.

6.4. Observations

6.4.1. None received.

7.0 Assessment

7.1. Introduction

7.1.1. As part of their further information response, the applicant advised that the proposals are intend to avail of excess materials from the N5 Westport to Turlough Road project, which was approved by the Board in July 2014 (ABP ref. PL16.HA0042). Construction works for this road project are understood to have commenced in January 2020 with the overall project estimated to take two years. Following a request for further information and additional time to respond to this, the applicant advised that the inert materials to be imported would amount to 25,000 tonnes or 11,400m³ with an average depth of 2.25m over an area of 5,040sq.m. The existing lands are of marginal agricultural use based on their low-lying characteristics and vegetative cover. I consider the substantive planning issues arising from the

grounds of appeal and in the assessment of the application and appeal to relate to the following:

- Access & Traffic Safety;
- Local Amenities;
- Drainage & Flood Risk;
- Waste;
- Contributions.

7.2. Access & Traffic Safety

7.2.1. Access to the site from the N5 road infrastructure project, would be taken from the N84 and along a 140m stretch of a local road (L-5755). Based on the land registry documentation submitted with the planning application identifying the applicant's stated neighbouring landholding, the subject part of the landholding would appear well positioned in terms of convenience and proximity to serve the N5 road infrastructure project. The total fill amount of 25,000 tonnes over a year would require a maximum of 833 loads or an average of 16 loads per week based on the capacity of a standard 4-axle 30 tonne rigid heavy goods vehicle (HGV). While the frequency of visits over the duration of the project would be unlikely to be consistent, the proposed development would not substantially increase traffic movements in the surrounding road network and along the subject local road (L-5755). TII did not have any specific comments to make with regards to traffic safety arising from the proposed development and I am satisfied that sufficient visibility and stopping distances are available in both directions at the junction of the L-5755 local road with the N84 national road.

7.2.2. There is an existing gated access to the subject field on the northeast corner of the site. The roads engineers within the planning authority initially sought repositioning of the proposed new access to the site and the applicant subsequently moved this 32m further to the west. Traffic speeds along this single lane country road are limited and the revised entrance arrangements allow for greater than 70m visibility in both directions, in line with the roads engineers' requirements and the Development Plan standards. Consequently, I am satisfied that an increased risk to traffic safety

along the public roads would not arise from the proposed development and permission should not be withheld for this reason.

7.3. Local Amenities

- 7.3.1. The proposed temporary use of the site for filling would not appear to conflict with the adjoining agricultural land use to the south. The proposed works would be adjacent to two residential properties. The grounds of appeal assert that the proposed works would have undue impacts on neighbouring residential amenities, including via dust and noise emissions. The proposed development was revised in response to a further information request to incorporate a hardstanding with a wheel-wash facility that would be positioned centrally within the site. Details of the wheel-wash facility are provided on drawing no.4, including a rattle feature. The applicant asserts that the nature of the works would not be expected to create nuisance from dust and noise and it is proposed that dust monitoring would be undertaken and that should a period of exceptionally dry weather arise, spraying would be undertaken. While I recognise the positioning of the two nearest houses relative to the fill area, I am satisfied that the nature of these works, which would be for a limited time period, would not be expected to result in excess noise and dust emissions given the expected frequency of HGV trips and when compared with standard agricultural activities that would be typical for this area. Furthermore, the dust control proposals put forward by the applicant with all HGV traffic exiting the site via a wheel wash, alongside a condition to seed the fill areas and keep the public roadway clean at all stages of the development, would also adequately address the potential for excess dust emissions from the development. A standard condition can also be applied to restrict the hours of operation for the fill works.
- 7.3.2. Objectives LP-01, LP-02 and LP-03 of the Mayo County Development Plan 2014-2020 seek to preserve and protect the scenic amenity of the county. The Development Plan outlines that the visual impact of developments should be assessed with respect to the Landscape Appraisal for County Mayo, which categorises the appeal site and immediate area as being within the East-Central Drumlin Spine, featuring undulating topography. The appeal site is not situated in an area with conservation status and the Development Plan does not identify protected views in the vicinity of the site.

7.3.3. It is intended that the raised ground would be reseeded and I am satisfied that a condition can be attached to ensure that the use of the land reverts to agricultural use following the fill works. A 5m-high sloped embankment would be assembled along the lower ground parallel with the watercourse and open drains (see drawing no.5) and the raised ground would be partially screened by the existing mature hedgerow cover along the site boundaries. The boundary would only alter along the northern boundary, where it is proposed to remove the existing boundary planting to facilitate a security fence, sight visibility and a new access. In the event of a permission, a condition should be attached to require reinstatement of the hedgerow when the fill works have ceased. I am satisfied that the proposed development of a temporary duration, would not substantially interfere with the landscape and the proposed development would not be incongruous or out-of-character with the surrounding area. Accordingly, permission for the proposed development should not be refused for reasons relating to impacts on the residential or visual amenities of the area.

7.4. Drainage & Flood Risk

7.4.1. Given the nature and scale of the proposed development, an assessment of the potential impact of the development on neighbouring surface water bodies and the resultant impacts is required. While the proposed development is intended to solely serve a neighbouring permitted road project, it is a standalone application and the individual merits of the proposals must be assessed with respect to current planning provisions and the nature of the existing receiving environment. There are existing open drains situated along the northern and southern boundaries of the site draining west into a watercourse on the western boundary, which in turn flows north to the Milebush stream. The Milebush stream flows east to Saleen Lough, prior to entering Lough Lannagh and the Castlebar river, which is located approximately 3.7km to the north of the appeal site. The Castlebar river is a tributary of the river Moy. The Water Framework Directive (WFD) risk classification for the section of the Castlebar river downstream of the site is assigned as 'at risk' and with a 'poor' water quality status. Maps for this area, do not identify the site as being at risk of flooding (www.floodinfo.ie), although a downstream flood risk area has been identified along the Milebush stream, 2km to the north of the site. The planning authority assert that

flood risk is not an issue, as there is no evidence of the lands being prone to flooding. I note the photos submitted with the grounds of appeal, which appear to show surface water ponding in areas along the western fringes of the site.

- 7.4.2. The existing and proposed site levels are identified on the drawings submitted. A plan for the staged filling and reseeded of the fill material to account for the positioning of the entrance and wheel wash facility should be submitted prior to the commencement of the development. A 10m riparian buffer would be maintained from the watercourse in line with the standard requirements outlined within the Inland Fisheries Ireland 'Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters' and a 6m buffer would be provided from the land drains, as illustrated in drawing no.5. It is also proposed to pipe the land drain at the new entrance and to install a geotextile silt retaining fence off the northern, southern and western boundaries with a 1m-high earthen bund constructed inside this and on the outside of the fill embankment. The nature of the proposed works offering increased infiltration are such that a substantial increase in surface water runoff rates and impacts on the local water table would not be likely to arise and I am satisfied that the project incorporates suitable and sufficient proposals to address potential impacts to receiving waters, including via sediment control. I am also satisfied that the proposed development would not lead to an increased risk of flooding of other lands or a deterioration in the ecological status of the receiving river waterbody and the achievement of the relevant target ecological status, based upon the assessment and findings set out above.

7.5. Waste

- 7.5.1. The nature of the development will require the applicant to seek some form of authorisation under section 39 of the Waste Management Act 1996 (as amended). The type of authorisation required is dependent on the class of waste activity proposed, the waste types and the quantity. The type of waste, inert materials, and the quantity, 25,000 tonnes (11,400m³), would appear to be a class 5 waste recovery activity, subject to the Waste Management (Facility Permit and Registration) Regulations 2007. The activity must have planning permission or be planning exempt before a permit or certificate of registration is issued. Such permits are issued by the relevant Local Authority.

7.6. Contributions

- 7.6.1. The planning authority decided to request €3,000 contribution towards the provision of environmental improvements, recreation or community amenities in the locality that are not covered by the Mayo County Council Development Contribution Scheme 2004. The contribution is not a general or supplementary contribution and would appear to be a special contribution (under section 48(2)(c) of the Act). The amount is based on set precedent according to the planning authority report, although this precedent has not been provided. The planning authority has not specified the particular works to be carried out, or proposed to be carried out. I am satisfied that the particular works have not been specified in the condition and it is unclear whether or how the proposed development would specifically benefit from the stated provision of environmental improvements, recreation or community amenities in the locality. Consequently, it would not be reasonable for the proposed development to be liable to pay the requested contribution and in the event of a grant of permission, the condition would not be necessary.

8.0 Appropriate Assessment

8.1. Stage 1 - Screening

- 8.1.1. The site location is described in section 1 of this report and expanded upon in section 7.4 with respect to surface water drainage. A description of the proposed development is provided in section 2 of this report and expanded upon in section 7 above. A screening report for appropriate assessment report was not submitted with the application.

8.2. Is the Project necessary to the Management of European sites?

- 8.2.1. Relevant European sites proximate to the appeal site and in the wider area are listed in section 5.3 above. The project is not necessary to the management of a European site.

8.3. Direct, Indirect or Secondary Impacts

8.3.1. The potential direct, indirect and secondary impacts that could arise as a result of the proposed works and which could have a negative effect on the qualifying interests of European sites, include the following:

- alterations to water quality, for example, through accidental spills or the release of suspended solids to ground and/or surface water;
- alterations to the hydrological regime and hydromorphology;
- loss, disturbance or fragmentation of habitat and/or species.

8.4. Description of European Sites

8.4.1. The watercourse along the western boundary of the site flows into a tributary of the River Moy, as outlined in section 7.4 above. With the exception of the River Moy SAC, I am satisfied that the other neighbouring European sites can be initially screened out on the basis that significant impacts on these European sites could be ruled out as a result of the nature of the proposed development, the separation distance from the appeal site and given the absence of a pathway to the appeal site.

8.4.2. The River Moy SAC comprises a substantial area of the freshwater element of the river Moy and its tributaries. Qualifying interests and conservation objectives for this SAC are set out in table 2 below.

Table 2. River Moy SAC

Qualifying Interests	Conservation Objectives
7110 – Active raised bogs	To restore the favourable conservation condition of active raised bogs
7120 - Degraded raised bogs still capable of natural regeneration	The long-term aim for Degraded raised bogs still capable of natural regeneration is that its peat-forming capability is re-established; therefore, the conservation objective for this habitat is inherently linked to that of Active raised bogs (7110) and a separate conservation objective has not been set in River Moy SAC

7150 - Depressions on peat substrates of the Rhynchosporion	Depressions on peat substrates of the Rhynchosporion is an integral part of good quality Active raised bogs (7110) and thus a separate conservation objective has not been set for the habitat in River Moy SAC
7230 - Alkaline fens	To maintain the favourable conservation condition of Alkaline fens
91A0 - Old sessile oak woods with Ilex and Blechnum in the British Isles	To maintain the favourable conservation condition of Old sessile oak woods with Ilex and Blechnum in the British Isles
91E0 - Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)	To maintain the favourable conservation condition of Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)
1092 - White-clawed Crayfish (Austropotamobius pallipes)	To maintain the favourable conservation condition of White-clawed Crayfish
1095 - Sea Lamprey (Petromyzon marinus)	To maintain the favourable conservation condition of Sea Lamprey
1096 Brook Lamprey (Lampetra planeri)	To maintain the favourable conservation condition of Brook Lamprey
1106 - Salmon (Salmo salar)	To maintain the favourable conservation condition of Salmon
1355 - Otter (Lutra lutra)	To maintain the favourable conservation condition of Otter

8.4.3. The Site Synopsis for the River Moy SAC identifies agriculture, including spreading of slurry and fertiliser, fishing, tourism, afforestation, forestry and dredging, as posing the greatest threats to the SAC rivers and lakes. Alterations in water quality may have implications for the qualifying interest species; White-clawed crayfish, Sea lamprey, Brook Lamprey, Salmon and Otter.

8.4.4. There is theoretically a direct hydrological pathway between the appeal site and downstream waters in the river Moy catchment, including those forming part of the River Moy SAC (Site Code: 002298) located 6km to the northeast of the appeal site. However, based on the source-pathway-receptor model, I am satisfied that the project does not include works or activities that would have a direct effect on this European site, based on the incorporation of a riparian buffer as part of the

development with no filling works within 10m of the watercourse on the western boundary. Features such as a piped drain at the entrance, an earthen bund and a silt retaining fence are all part of the proposed development and alongside the riparian buffer, these features would suitably address the potential for excess sedimentation or pollution of the neighbouring watercourse and land drains. Proposals would not interfere with the water table or substantially alter run-off rates. I also recognise the distance from the adjacent watercourse to the SAC, which further negates the potential for the project to effect the downstream SAC riverine habitat. Consequently, I am satisfied that the River Moy SAC (Site Code: 002298) can be screened out on the basis that significant impacts on this European sites could be ruled out as a result of the nature of the proposed development, the separation distance from the appeal site and given the absence of a direct pathway from the works area of the appeal site.

8.5. In-combination Impacts

- 8.5.1. Given my assessment above and findings of no significant effects from the proposed development, I am satisfied that likely significant in-combination impacts would not arise.

8.6. Stage 1 – Screening Conclusion

- 8.6.1. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the River Moy SAC (Site Code: 002298), Lough Carra / Mask Complex SAC (Site Code: 001774), Lough Carra SPA (Site Code: 004051), Ballinacorney SAC (Site Code: 002081), Newport River SAC (Site Code: 002144), Balla Turlough (Site Code: SAC 000463), Towerhill House (Site Code: SAC 002179), Moore Hall (Lough Carra) (Site Code: SAC 000527) and, Lough Mask SPA (Site Code: 004062), or any other European sites, in light of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement is not therefore required.

- 8.6.2. In reaching this conclusion, I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites. Should the Board come to an alternative conclusion that a Stage 2 Appropriate Assessment is required, a Natura Impact Statement can be requested.

9.0 Recommendation

- 9.1. Following the assessments above, I am satisfied that there is sufficient information on the file to allow me to make a recommendation to the Board. I recommend that planning permission for the proposed development should be granted, subject to conditions, for the reasons and considerations set out below.

10.0 Reasons and Considerations

- 10.1. Having regard to the existing characteristics of the site and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed temporary importation of inert materials to fill the ground would be in accordance with the provisions of the Mayo County Development Plan 2014-2020, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety, would not be prejudicial to the ecological status of receiving waters and would not result in an increase in flood risk. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 25th day of June, 2020, 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. A plan for the staged filling and seeding of the fill material shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of clarity and the amenities of the area.

3. The inert materials shall only comprise soil and stone and the fill works on site shall cease on or before the opening of the associated N5 Westport to Turlough Road project to traffic, unless before the end of that period, permission for the continuance of the works beyond that date shall have been granted.

Reason: In the interest of clarity.

4. The final use of the lands after the completion of the in-filling or importation of materials shall be for agricultural purposes only.

Reason: In the interest of clarity.

5. (a) The public roadway shall be kept clean and tidy at all stages of the development.

(b) The new vehicular access onto the local road shall be removed following completion of the fill works and the northern boundary with the local road shall be replanted with a native hedgerow species.

Reason: In the interest of traffic safety and the visual amenities of the area.

6. The hours of operation shall be limited to between 0800 hours and 1700 hours Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays. No works shall take place on Sundays or public holidays.

Reason: In the interest of residential amenity.

Colm McLoughlin
Planning Inspector

8th December 2020