



An
Bord
Pleanála

Inspector's Report 308820-20

Development	Extension of existing agricultural shed and all associated site works
Location	Carrowmoney, Partry, Co. Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	20/483
Applicant(s)	Michael Staunton
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party vs. Grant
Appellant(s)	Peter Garry
Observer(s)	None
Prescribed Bodies	An Taisce
Date of Site Inspection	2 nd March 2021
Inspector	Stephen Ward

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.39 ha and is located in the rural area of Carrowmoney, approximately 1.5km south of the village of Partry and 7.5km northwest of the town of Ballinrobe. The site is located between Lough Carra (to the east) and Lough Mask (to the west) and is accessed off the N84 National Secondary Road, which runs between Castlebar and Galway.
- 1.2. The site is currently in agricultural use and contains the existing slatted shed (205 sq.m.) and adjoining hard-standing area to the north. The shed is setback c. 90 metres from the N84 road to the west, from which access is provided via a recessed entrance and laneway. The site slopes gently downwards from the road level (c.23.8m) towards the existing shed (c. 20.4m). There is a large undeveloped field to the southwest of the existing shed which is bounded by mature trees and hedging. A field drain immediately adjoins the southern and eastern site boundaries.

2.0 Proposed Development

- 2.1. The proposed development comprises a 395 sq.m. extension to the existing slatted shed. Within the extension it is proposed to provide loose housing areas either side of a central passage. Drainage channels will be installed in the central passage to connect to the existing effluent tanks serving the slatted shed.
- 2.2. The proposed extension has a length of c. 18 metres and will match the width (c. 22 metres) and height (c. 7.25 metres) of the existing shed. The existing access and hard standing arrangements will remain. Comprehensive landscaping proposals are included in the form of tree and hedge planting to the north, south and west of the proposed development.

3.0 Planning Authority Decision

3.1. Decision

By order dated 10th November 2020, Mayo County Council (MCC) issued notification of the decision to Grant Permission subject to 10 standard conditions.

3.2. **Planning Authority Reports**

- 3.2.1. On the basis of the initial planning report, further information was requested on 10th September 2020 which, having regard to the site's proximity to the Lough Carra / Mask SAC, required the submission of 'an assessment under Article 6 of the EU Habitats Directive'. Proposals for landscaping to comply with the conditions of the previous permission (Ref. No. P06/3887) were also requested.
- 3.2.2. The applicant's response on 16th October 2020 included an Appropriate Assessment Screening Report and a Landscaping Plan. The AA Screening Report concluded that Appropriate Assessment is not required.
- 3.2.3. The subsequent planning report deemed the proposed development to be acceptable subject to standard agricultural conditions. A grant of permission was recommended, which forms the basis of the MCC decision to grant permission.

3.3. **Other Technical Reports**

National Roads Office: The application does not raise any issues for National Roads.

Environment, Climate Change and Agriculture: No further flood risk assessment required.

3.4. **Prescribed Bodies**

Transport Infrastructure Ireland: No observations to make.

3.5. **Third Party Observations**

One third party observation was made on this application by Peter Garry (the appellant), of Carrowmoney, Partry, Co. Mayo. The issues raised are covered in the grounds of appeal (see section 6.0 of this report).

4.0 **Planning History**

PA Reg. Ref. 06/3887: Planning permission granted on 11th June 2007 to construct a 4-bay slatted shed and silage slab. Notable conditions include the following (in summary):

No.1: The development shall be carried out in accordance with plans, elevations and documentation submitted 22/12/06 and 19/4/07, except as amended by other conditions.

No. 3: The access shall be upgraded to provide access visibility pursuant to CDP requirements, details of which shall be agreed.

No. 18: All existing trees/hedgerows shall be retained, and additional screen planting shall take place along all site boundaries, save at the entrance where adequate sight visibility shall be retained.

5.0 Policy and Context

5.1. Mayo County Development Plan 2014-2020

- 5.1.1. The operative plan for the area is the Mayo County Development Plan 2014 - 2020, the lifetime of which has been extended in accordance with the provisions of section 11(1)(b) of the Planning and Development Act 2000 (as amended).

Agriculture

- 5.1.2. **Objective AG-01:** It is an objective of the Council to support the sustainable development of agriculture, with emphasis on local food supply and agriculture diversification (e.g. agri-business and tourism enterprises) where it can be demonstrated that the development will not have significant adverse effects on the environment, including the integrity of the Natura 2000 network, residential amenity or visual amenity.
- 5.1.3. Volume 2 of the development plan sets out planning guidance and standards for development in the county, including agricultural development. The principal aim is to support agriculture in the County subject to best environmental standards which promote maintaining good water quality and biodiversity. Farming activities shall comply with the provisions of S.I. No. 610 of 2010, European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2010 (now superseded by 2017 Regulations).

Water Quality

- 5.1.4. **Objective WQ-01:** It is an objective of the Council to implement the Western River Basin District Management Plan Water Matters 2009-2015 to ensure the protection, restoration and sustainable use of all waters in the County, including rivers, lakes, ground water, coastal and transitional waters, and to restrict development likely to lead to deterioration in water quality or quantity.

Landscape Protection

- 5.1.5. **Objectives LP-01 and LP-02** aim, through the Landscape Appraisal of County Mayo, to recognise and facilitate appropriate development in a manner that has regard to the character and sensitivity of the landscape and to ensure that development will not have a disproportionate effect on the existing or future character of a landscape in terms of location, design and visual prominence.

Traffic

- 5.1.6. **Objective RD-01:** It is an objective of the Council to protect the capacity and safety of the National Road Network and Strategically Important Regional Road network (listed in Appendix 4) in the County and ensuring compliance with the Spatial Planning and National Roads Planning Guidelines.
- 5.1.7. Section 38.1.2 states that no new non-residential accesses or development that generates increased traffic from existing accesses onto National Roads outside the 60km/hr speed limits shall be permitted in accordance with section 2.5 of *Spatial Planning and National Roads 2012* (DoECLG). A less restrictive approach may apply to development considered to be of national or regional strategic importance in accordance with Section 2.6 of these Guidelines. Exceptions are required to be identified for incorporation in to the Development Plan and the Council will undertake a survey to identify such sites and agree cases in consultation with the NRA where 'exceptional circumstances' will apply in accordance with the provisions of Section 2.6 of the Guidelines. Such exceptions may also include extensions to existing permitted developments along National Roads. In such cases the existing access may require mitigation measures and upgrading where it is found to be substandard.

5.2. National Policy / Guidance

- 5.2.1. The guidelines for planning authorities on **Spatial Planning and National Roads** (2012) set out planning policy considerations relating to development affecting national primary and secondary roads, including motorways and associated junctions, outside the 50-60 kmh speed limit zones for cities, towns and villages. The guidelines aim to facilitate a well-informed, integrated and consistent approach that affords maximum support for the goal of achieving and maintaining a safe and efficient network of national roads in the broader context of sustainable development strategies, thereby facilitating continued economic growth and development throughout the country.

5.3. Natural Heritage Designations

- 5.3.1. The eastern and southern boundaries of the site adjoin the Lough Carra/Mask Complex SAC. The Lough Carra SPA is located approximately 400 metres to the northeast and Lough Mask SPA is approximately 1.5km to the west.

6.0 The Appeal

6.1. Grounds of Appeal

The decision of MCC to grant permission has been appealed by Peter Garry, of Carrowmoney, Partry, Co. Mayo. The grounds of appeal can be summarised as follows:

- The Site Notice was not erected in a suitable position to inform the public.
- The conditions of the previous permission, which required upgraded access arrangements (condition no.3) and landscaping (condition no. 18) have not been complied with.
- The development will significantly damage the visual amenity of the area and the amenity of the appellant's house (directly across the road). The landscaping proposals are inaccurate and may not be complied with.

- The proposed extension is within 2 metres of a drain which is part of a SAC and is prone to flooding. Increased animal waste and silage will result in an increased risk of pollution of the drain and Lough Carra, which would be an unacceptable risk to water quality, adjoining boglands, and the SAC.
- The increased vehicular traffic would generate road safety concerns and would not adhere to Development Plan policy regarding national roads.
- The increased stock numbers and traffic would lead to excessive levels of noise pollution.

6.2. Applicant Response

The applicant's response to the grounds of appeal can be summarised as follows:

- The proposed extension is vital for the management and operation of this small farm holding and to mitigate potential environmental impacts.
- The development would facilitate winter housing of cattle, which would help to eliminate illness, protect ground conditions, and promote good practice.
- The appellant's concerns about visual impact and environmental issues are vexatious.
- The applicant is fully aware that compliance with the terms and conditions of the permission is a compulsory requirement.

6.3. Planning Authority Response

None.

6.4. Observations

A submission by An Taisce raises the following points:

- The site is adjacent to the Lough Carra/Mask Complex SAC and is within 400 metres of the Lough Carra SPA. There appears to be a drain adjacent to the site within the SAC and the direct, indirect and cumulative impacts of the proposal require full assessment. This includes impacts to water, air, climate

and biodiversity resulting from runoff from the site itself as well as slurry and fertiliser use.

- The EPA's latest report on Water Quality in 2019 reveals that trends continue to be problematic, particularly in relation to increased nitrate and phosphate pollution since 2015. Lough Carra has been classed as 'good status' under the EU Water Framework Directive and any deterioration of that status would be untenable.
- The Board should evaluate the cumulative impacts of the proposal in conjunction with other proposed bovine intensification in the area.
- Condition no.'s 3 and 18 of the previous permission may not have been complied with and should be addressed.

7.0 Assessment

7.1 Introduction

7.1.1. At the outset I wish to acknowledge the applicant's claim regarding vexatious elements to the appeal. However, I consider that the appeal raises valid planning issues and I do not consider that there are grounds to dismiss the appeal under section 138 of the Planning and Development Act 2000 (as amended).

7.1.2. The proposal involves the extension of an existing agricultural shed in a rural area. In accordance with Objective AG-01 of the Development Plan, I would have no objection to the proposal in principle, subject to compliance with appropriate standards and demonstration that the development will not have significant adverse effects on the environment.

7.1.3. Having regard to the documentation submitted in connection with the application and the appeal, and having inspected the site, I consider that the main issues for assessment are as follows:

- Visual amenity
- Residential amenity
- Traffic
- Water Quality

- Appropriate Assessment.

7.2 Visual Amenity

7.2.1. The CDP Landscape Appraisal of County Mayo sets out four Principal Policy Areas (shown on Map 3A Landscape Protection Policy Areas) and a Landscape Sensitivity Matrix (Figure 3), which outlines the suitability of certain classes of development within each policy area. The appeal site is located in Policy Area 4A – Lakeland Sub-area and the landscape sensitivity matrix indicates that “industrial/commercial” developments, which is considered the most relevant development category in this case, have low potential to create adverse impacts on the existing landscape character. Such development is likely to be widely conceived as normal and appropriate unless siting and design are poor. The adjoining road is not a designated ‘Scenic Route’ and the site is not affected by any views to be preserved as identified in ‘Map 4’ of the Development Plan.

7.2.2. Whilst the proposed extension is large in comparison to the existing shed, I do not consider that the cumulative scale is excessive for a structure of this nature. The proposed development is setback a distance of c. 90 metres from the public road and the finished floor level will be almost 3.5 metres lower than the road level. I consider that the proposed extension will effectively assimilate with the existing shed and the wider landscape and will not detract from the visual amenity of the area.

7.3 Residential amenity

7.3.1. The appellant raises concern about the proximity of the proposed development and the associated nuisance impacts on his property relating to noise and visibility. The appeal documentation would indicate that the appellant’s property is in excess of 90 metres from the proposed development.

7.3.2. Given the established nature of this rural agricultural development, I consider that the development is a reasonable expansion and improvement of existing facilities which should be supported in accordance with CDP policy. Given the limited scale and nature of the development, and the separation distance from the surrounding residential properties, I consider that any associated impacts such as noise and visibility are not likely to be significant and, in any case, are an inevitable

consequence of agricultural activity in a rural area. Accordingly, I would have no objection on grounds of impact on residential amenity.

7.4 Traffic

7.4.1. It is proposed to access the development via the existing entrance, which consists of a narrow road opening (c. 8 metres wide) and a gated entrance setback c. 9 metres from the edge of the road carriageway. The adjoining National Secondary road consists of a long stretch of generally straight and level carriageway. The carriageway width is quite narrow for a national road, with no 'hard-shoulder' provision, and is bounded by significant stretches of traditional stone walls.

7.4.2. I note that the previous application (P.A. Ref. 06/3778) for the construction of the shed originally proposed to use this entrance. However, concerns were raised about adequate sight distances and the matter was included in a further information request issued by the planning authority. The applicant responded to this request on 19th April 2007 and included a proposal for a new access road and site entrance c. 50 metres further north. Condition no. 1 of the subsequent permission requires the development to be carried out in accordance with those proposals submitted to the planning authority on the 19th April 2007. Whilst condition no. 3 provided for the further agreement of access details, the file records provided by MCC do not include details of any such agreement. I am satisfied that the permission is based on the construction of that new access road and entrance and I can confirm that no part of these works has been carried out.

7.4.3. Having regard to the above, I consider that the traffic-related impacts of the development warrant a broader examination than simply the extension to the existing shed. There is no current permission for the use of the existing entrance to access the shed and, accordingly, I consider it appropriate to re-examine its suitability from first principles.

7.4.4. The Development Plan reflects the national Guidelines (section 2.5) in stating that no new non-residential accesses or development that generates increased traffic from existing accesses onto National Roads outside the 60km/hr speed limits shall be permitted. I would acknowledge that there did appear to be a long-established field entrance at this location prior to the 2006 application. Notwithstanding this, and consistent with the 'first principles' approach outlined above, I consider that the use

of any such access in connection with a slatted shed would constitute a significant intensification of use and would, therefore, be contrary to local and national policy.

7.4.5. I note that the national Guidelines (section 2.6) refer to potential exceptions to policy, the details of which should be examined and outlined in the Development Plan. However, whilst the Development Plan in this case commits to the examination of potentially suitable cases, it does not specifically include any such exceptions. I acknowledge that it suggests that 'extensions to existing permitted developments' may be included as an exception, subject to mitigation measures and upgrading. However, for the reasons of non-compliance previously outlined, I do not consider that this case would benefit from any such potential exception.

7.4.6. Section 2.6 of the national Guidelines also outlines examples of such potential exceptional circumstances. Whilst again, I acknowledge that the guidance relates to policy formulation rather than the consideration of individual applications, I will nonetheless consider the guidance in the interest of completeness. One type of suggested exceptional case relates to developments of national or regional importance, which clearly does not apply in this case. The second suggestion relates to cases on lightly-trafficked sections of National Secondary Routes serving structurally weak and remote communities where a balance needs to be struck between the important transport functions of such roads and supporting the social and economic development of these areas. In any such case, the following criteria should apply:

- Traffic volumes are low and are forecast to remain below 3,000 AADT (as verified by the NRA) for the next 20 years;
- There is no suitable alternative non-national public road access available;
- The development otherwise accords with the development plan, and
- Safety issues and considerations can be adequately addressed in accordance with the NRA's Design Manual for Roads and Bridges.

7.4.7. With regard to the above criteria, I note that the TII traffic counts for the Partry - Ballinrobe section of the N84 are consistently well in excess of 3,000 AADT. The average figure for 2020 was 4,452 and the figures for all 7 previous years were above 5,000. Accordingly, I do not consider this to be a lightly-trafficked section of a National Secondary route where policy exceptions should be considered.

- 7.4.8. The above paragraphs have outlined a general policy presumption against the existing/proposed agricultural development. Ultimately however, I consider that any such policy position, whether favourable or not, is qualified by the need to demonstrate that additional turning movements will not introduce additional safety risks to road users. In this regard, I note that section 16.3 (Vol.2) of the Development Plan outlines a minimum visibility requirement of 215 metres in both directions for National Roads with a design speed of 100 kph.
- 7.4.9. Having inspected the site I note that the adjoining carriageway is consistently straight and level for a significant length. I would consider it appropriate to apply a design speed of 100 kph and this was supported by my observations of estimated traffic speeds on the day of inspection. Having inspected the site, I would have serious concerns about the suitability of the existing entrance given the severely restricted sight distances. The road opening has a limited width of c. 8 metres and there is no appreciable visibility splay or roadside boundary setback. Sight distances are obstructed by a combination of the roadside boundary (comprising a mix of stone walls, post and wire fencing and overgrowing vegetation) and other features such as a utility pole (to the north) and a road sign (to the south). The entrance level would also be marginally lower than the adjoining road. The cumulative effect is that sight distances are effectively non-existent, and I consider the entrance to be grossly inadequate for this stretch of National Secondary road.
- 7.4.10. I am conscious of the nature and limited scale of the proposed development, but I would again highlight the planning history of the site and advise the Board that the matter warrants re-examination from first principles. I have considered the potential for mitigation, but I do not consider that a suitable solution exists within the context of the current application. Whilst the extent of the applicant's landholding at this location has not been clarified, it would not appear to include adjoining lands to the south of the entrance and, therefore, the potential for sight distance improvements in this direction is not clear. In any case, I consider that any potentially suitable solution would require substantial works affecting a National road, and that any such proposal should be the subject of a new application.

7.5 Water Quality

- 7.5.1. The application includes a Fertiliser Plan for 2020 prepared by Teagasc. The plan outlines that the manures produced on the holding and storage facilities on the farm amounts to a total slurry storage requirement of 226m³ over the required 18-week period. I note that the stated capacity of the existing slatted tanks (275 m³) exceeds this requirement. The farmyard manure produced (23.3 m³) will also be accommodated in the form of 29 m³ of straw bedding.
- 7.5.2. Slurry and manure will be spread directly from the shed to land once a year and the application includes details of land availability for spreading. Proposals in this regard have been considered acceptable by the planning authority, subject to standard agricultural practice conditions.
- 7.5.3. Having regard to the above, I am satisfied that the application demonstrates adequate capacity and proposals for the storage and disposal of effluent. Ultimately, the management of effluent arising from agricultural activities and the undertaking of land-spreading is governed by the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017, and the applicant will be required to operate in accordance with the relevant DAFM specifications.
- 7.5.4. However, it must also be acknowledged that the proposed works are located in close proximity to a drain running along the southern and eastern site boundary. There is, therefore, the potential that construction works may impact on the water quality of this drain, which forms part of the wider lake water body. This matter is discussed further in section 8.0 of this report (Appropriate Assessment).

7.6 Other Issues

- 7.6.1. The appellant and An Taisce raise issues in relation to compliance with conditions of the previous permission for the existing shed. The relevant conditions relate to the provision of additional landscaping and upgraded access arrangements. Whilst the issue of compliance with the previous permission is primarily a matter for the planning authority to consider, I have had regard to the relevant issues and assessed the current case on its merits. As outlined above, I do not have any objections relating to visual amenity, but I have serious concerns about traffic safety.

7.6.2. The appellant raised concern about the erection of the site notice and contends that it did not adequately inform the public. I note that MCC planner's report confirms that the Site Notice was 'erected and legible on site' and I am satisfied that this matter did not prevent the appellant from making representations. The above assessment represents my de novo consideration of all planning issues material to the proposed development.

8.0 **Appropriate Assessment**

8.1 **Background**

8.1.1. The requirements of Article 6(3) of the Habitats Directive, as related to screening the need for Appropriate Assessment of a project under Part XAB (section 177U) of the Planning and Development Act 2000 (as amended), are considered fully in this assessment.

8.1.2. In response to a request for further information issued by the planning authority, the applicant submitted an Appropriate Assessment Screening Report for the proposed development. The Screening Report concluded that:

- Appropriate Assessment is not required as there would be no significant impacts either directly or indirectly on Natura 2000 sites either during construction or subsequent habitation.
- No specific mitigation or compensation measures are required.
- Standard environmental control measures for construction sites should be observed, but these should not be interpreted as mitigation measures.

8.1.3. The MCC planning report noted the conclusion of the applicant's AA Screening Report. However, there is no evidence on file of an AA Screening determination being completed by the planning authority.

8.1.4. Having reviewed the documents, drawings and submissions included in the appeal file, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

8.1.5. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development would have any possible interaction that would be likely to have significant effects on a European Site(s).

8.2. **Brief description of the development**

8.2.1. The development involves the extension of an existing agricultural shed by an area of 395m². Wastewater will be discharged to the existing slatted tanks and it is stated that surface water will be discharged to a soakpit. Comprehensive landscaping proposals are also included, including tree and hedge planting around the site boundaries.

8.2.2. The applicant's AA Screening Report outlines that the aim of the proposal is to provide improved facilities for calving / young bovines and not to intensify existing activity. It is stated that the main element of the structure will be the excavation of the concrete base and the in-situ casting of same. The concrete base works will take approximately 1 week and will utilise steel forms and shuttering to prevent concrete leaching from the construction area.

8.2.3. The applicant's AA Screening report makes brief references to measures such as good environmental management of construction sites, good agricultural practice and IFI guidance. Although section 2.3.2 of the report includes recommendations on construction practice, no actual Construction and Environmental Management Plan (CEMP) is included.

8.2.4. The site is comprised of agricultural grassland and artificial surfaces. However, according to Corine Land Cover mapping (2018), the land surrounding Lough Carra and bounding the eastern site boundary is classified as 'wetlands'.

8.2.5. Taking into account the characteristics of the proposed development in terms of its location and scale, the following issues should be considered for examination in terms of implications for likely significant effects on European Sites:

- Construction-related impacts
- Habitat loss / fragmentation
- Habitat disturbance (construction / operational)

- Species disturbance (construction / operational)

8.3. Submissions and observations

- 8.3.1. The appellant states that the proposed extension is within 2 metres of a drain which is part of a SAC and is prone to flooding. Concerns are raised that increased animal waste and silage will result in an increased risk of pollution of the drain and Lough Carra, which would be an unacceptable risk to water quality, adjoining boglands, and the SAC.
- 8.3.2. An Taisce has made a submission on the appeal. The submission highlights the proximity of the site to Lough Carra/Mask Complex SAC and Lough Carra SPA and the need to assess the potential direct, indirect and cumulative impacts on these sites. In particular, the submission highlights the need to protect the ‘good status’ water quality of Lough Carra.

8.4. European Sites

- 8.4.1. The European Sites that occur within the possible zone of influence of the development are presented in the table below. Having regard to the scale of the proposed development; the separation distances involved; and the absence of identified pathways; I do not consider that any other European Sites fall within the possible zone of influence.

Summary of European Sites within a possible zone of influence of the development

European Site (Code)	List of Qualifying Interests / Special conservation interest	Distance from proposed development (km)	Connections (source, pathway, receptor)	Considered further in screening (Yes/No)
Lough Carra/Mask Complex SAC (001774)	Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110] Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130] Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. [3140]	0	Development site boundary directly adjoins.	Yes

	<p>European dry heaths [4030]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Hamatocaulis vernicosus</i> (Slender Green Feather-moss) [6216]</p>			
Lough Carra SPA (004051)	Common Gull (<i>Larus canus</i>) [A182]	0.4	Drain and wetlands adjoining site boundary are potential for indirect hydrological connection	Yes
Lough Mask SPA (004062)	<p>Tufted Duck (<i>Aythya fuligula</i>) [A061]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]</p>	1.5	Drain and wetlands adjoining site boundary are potential for indirect hydrological connection	Yes

	Wetland and Waterbirds [A999]			
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8.5. Identification of likely effects

- 8.5.1. In relation to potential construction-related impacts on habitats, I note that the development site directly adjoins the SAC and that the proposed extension works would take place within c. 1.5 to 2 metres of that boundary. Whilst not specifically addressed in the applicant’s AA Screening Report, I also note that substantial tree and hedge planting is proposed along the southern site boundary and the impact of same should be considered with regard to potential siltation etc.
- 8.5.2. The submitted Screening Report contends that, due to the limited scale and duration of construction activity required, as well as the separation distances from the SPA’s, there is no potential for significant or insignificant negative impacts on the European Sites. Standard environmental measures will be adopted relating to material storage, plant / vehicle maintenance, landscaping etc., and a Construction Environmental Management Plan will be included.
- 8.5.3. I acknowledge that the size and scale of the proposed development is not significant in the context of rural development. The development site consists of grassland and artificial surfaces, which are not protected habitats, and is located c. 400 metres from the nearest of the 2 SPAs. However, the proposed extension and planting works will be in very close proximity to the eastern and southern site boundaries, the adjoining drain, and the SAC. Whilst the applicant’s Screening Report contends that the proposed development will be 540 metres from the ‘aquatic section’ of the SAC and 59 metres from any drain or stream, I do not consider that the assessment has accounted for the existence of the drain running along the southern and eastern site boundary. Neither has it acknowledged or considered the wetland nature of the adjoining lands, which would conflict with the assertion regarding the separation from the ‘aquatic section’. I note that the appellant and An Taisce have raised the issue of potential hydrological connections to European Sites.
- 8.5.4. Having regard to the presence of the drain along the southern and eastern site boundary, which is connected to the wider water regime and the adjoining wetlands, I consider that there is a potential hydrological connection with Lough Carra/Mask

Complex SAC. Inadequate construction details have been submitted to demonstrate that the proposed extension and landscaping works would be appropriately controlled to prevent any emissions or run-off to the adjoining drain and wetlands, which are part of the SAC.

- 8.5.5. The Conservation Objective for this SAC 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. With regard to habitats, this European Site includes 'Oligotrophic waters containing very few minerals', 'Oligotrophic to mesotrophic standing waters' and 'Hard Water Lakes' as Qualifying Interests. I consider that, having regard to the proximity of the works to the SAC and potential hydrological connection, likely significant effects on the water quality as a result of construction-related siltation or pollution cannot be excluded in this case.
- 8.5.6. In terms of species, I note that the Otter and Lesser Horseshoe Bat are included as Qualifying Interests for the SAC. Whilst the applicant's AA Screening contends that there will be no disturbance of any key species associated with the European Sites, I note that this is largely based on the assertions regarding the absence of hydrological connections. Having regard to the above, I am not satisfied that this is the case and, accordingly, the potential for likely significant effects on Otter, relating to water quality and disturbance, cannot be excluded. Furthermore, given the proximity of the proposed construction works to the site boundary, which forms part of an extensive area of vegetation, I am not satisfied that construction-related disturbance impacts on foraging / commuting habitat for the Lesser Horseshoe Bat have been adequately considered.
- 8.5.7. I note that both Lough Carra SPA and Lough Mask SPA are significantly distanced from the proposed works, with Lough Carra SPA being the nearest at c. 400 metres distance. Having regard to the limited scale and duration of the proposed works and the separation distances involved, I do not consider that the proposed development is likely to have any significant direct disturbance effects on the relevant species of special conservation interest. Furthermore, I do not consider that any indirect impacts on water quality would be likely to have significant effects on the species given the scale and separation distance of the proposed works.

- 8.5.8. Regarding impacts on habitats at operational stage, the Screening Report outlines that the proposed development will not result in an intensification of agricultural activity and there will be no increase in nutrient loading within the catchment area. The nutrient management plan proposes slurry spread at a rate of 25m³ per hectare, which is only 50% of the maximum permitted under the Good Agricultural Practice Regulations 2017. The Screening Report states that this will dictate the spread times and slurry quantities, as well as distances from sensitive receptors. As outlined in section 7.5 of this report, I am satisfied that the management of effluent arising from agricultural activities and the undertaking of land-spreading is governed by the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017, and the applicant will be required to operate in accordance with the relevant DAFM specifications. Subject to compliance with these requirements, I am satisfied that the proposed development would not result in significant effects on Natura 2000 sites.
- 8.5.9. In terms of operational emissions from the proposed extension itself, storm water from the development will be discharged to a soakpit, with no direct discharge to any drain, water course or stream. All soiled water will be diverted to the existing slatted tank. I am, therefore, satisfied that there will be no likely significant effects on protected habitats.
- 8.5.10. The applicant's Screening Report contends that the proposed development will not be a major source of noise, light or vibration at operational stage and there will be no disturbance of protected species. Having considered the species listed as qualifying interests for these European Sites and the application of standard operational measures to prevent pollution etc., I am satisfied that there will be no likely significant disturbance to species at operational stage.
- 8.5.11. In relation to cumulative impacts, the Screening Report states that a number of other plans and projects within 5km of the site were considered. It is stated that the planning authority was satisfied that each project would not have an adverse impact on Natura 2000 sites and therefore there can be no cumulative impact relevant to the proposed development. Having reviewed the planning register, I would concur that applications in the area are limited to small-scale domestic and agricultural developments which would separately be subject to AA consideration. I do not

consider that there is likely potential for cumulative impacts associated with other developments.

8.5.12. A summary of the outcomes of the screening process is provided in the screening matrix table below.

Screening summary matrix

European Site (Code)	Distance to proposed development (km)	Possible effect alone	In combination effects	Screening conclusion
Lough Carra/Mask Complex SAC (001774)	0	Water quality impacts on habitats as a result of construction-related pollution and siltation. Indirect impacts on Otter as a result of a deterioration of water quality and habitat. Disturbance impacts on foraging and commuting habitat for the Lesser Horseshoe Bat	None	Possible significant effects cannot be ruled out without further assessment
Lough Carra SPA (004051)	0.4	Significant effects are not likely due to the limited scale and duration of the works and the separation distance from the appeal site.	None	Screened out for need for AA
Lough Mask SPA (004062)	1.5	Significant effects are not likely due to the limited scale and duration of the works and the separation distance from the appeal site.	None	Screened out for need for AA

8.6 Mitigation measures

No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

8.7 Screening Determination

The proposed development was considered in light of the requirements of section 177U of the Planning and Development Act 2000 (as amended). Having carried out Screening for Appropriate Assessment of the project on the basis of the information provided with the application and appeal, and in the absence of a Natura Impact Statement, I conclude that the Board cannot be satisfied that the proposed development, individually, or in combination with other plans or projects, would not be likely to have significant effects on Lough Mask/Carra Complex SAC for the following reasons:

- The potential for adverse water quality impacts on habitats as a result of construction-related pollution and siltation.
- The potential for construction-related indirect impacts on Otter as a result of a deterioration of water quality and habitat disturbance.
- The potential construction-related disturbance impacts on foraging and commuting habitat for the Lesser Horseshoe Bat.

In such circumstances the Board is precluded from granting permission.

9.0 Recommendation

Having regard to the above, I recommend that permission should be refused for the reasons and considerations set out hereunder.

10.0 Reasons and Considerations

1. The existing agricultural shed is served by vehicular entrance arrangements which conflict with the terms of condition no. 1 of the relevant planning permission (P.A. Ref. P06/3887). It is considered that the continued use of this access would conflict with the provisions of the Mayo County Development Plan 2014 - 2020 and the Guidelines for Planning Authorities on Spatial Planning and National Road (Department of Environment, Community and Local Government, 2012), which seek to avoid the creation of new accesses or the intensification of existing accesses to national roads where a

speed limit greater than 60 kmh applies. Furthermore, the existing access is substandard by reason of severely restricted sight distances in both directions and the additional traffic turning movements associated with the development would endanger public safety by reason of traffic hazard and obstruction of road users. Accordingly, the proposed development would conflict with Objective RD-01 of the Development Plan, which seeks to protect the capacity and safety of the National Road network, and would be contrary to the proper planning and sustainable development of the area.

2. On the basis of the information submitted with the application and appeal, with particular regard to a potential deterioration in water quality as a result of construction-related pollution and siltation, as well as potential disturbance to protected habitats and species as a result of construction works, and in the absence of a Natura impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on the Lough Carra/Mask Complex SAC (Site Code: 001774), or any other European site, in view of the site's conservation objectives. In such circumstances, the Board is precluded from granting permission.

Stephen Ward

Senior Planning Inspector

8th March 2021