



An  
Bord  
Pleanála

## Inspector's Report

### ABP-309603-21

#### Development

The creation of a public space in the centre of Cong Village in County Mayo. The proposal includes seating areas, surface paving and kerbing, planting, and a courtesy pedestrian crossing along with all other associated site development services.

#### Location

Cong Village, Co. Mayo.

#### Applicant

Mayo County Council.

#### Type of Application

Approval (177AE application).

#### Observer(s)

none

#### Date of Site Inspection

01 July 2021.

#### Inspector

Patricia Calleary

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## 1.0 Introduction

- 1.1. Mayo County Council is seeking approval from An Bord Pleanála to undertake the creation of a public space in the centre of Cong Village in County Mayo. The proposed development site is approximately 833m from Lough Corrib Special Protection Area (SPA) protected under the Birds Directive (2009/147/EC) and 837m from Lough Corrib Special Conservation Area (SAC) protected under the Habitats Directive (92/43/EC).
- 1.2. The application is made under Section 177AE of the Planning and Development Act 2000, as amended (hereafter referred to as 'the Act') which sets out that where an appropriate assessment (AA) is required in respect of development proposed by a local authority, the authority shall prepare a Natura Impact Statement (NIS) and the development shall not be carried out unless the Board has approved the development with or without modifications. Section 177V of the Act requires that the AA shall include a determination by the Board as to whether or not the proposed development would adversely affect the integrity of a European site and the AA shall be carried out by the Board before consent is given for the proposed development.

## 2.0 Site Location and Description

- 2.1. The application site is located at the junction of Circular Road and Main Street, both along the R345 in Cong, Co. Mayo. It is flat and is roughly triangular in shape with a stated area of 0.033 hectares. It is currently laid out in gravel with a gravel mound placed along the roadside boundaries and the site has become partly recolonised. The R345 form the east and south boundaries. Adjoining to the west is a house and to the north is a low wall, c.400mm in height, marking the boundary with an arm of the adjoining river that forms a small pool. Water enters this pool under a private bridge/driveway leading to a house. The water exits the pool via ducts/low bridge eyes under a private building. The water then re-enters the river behind Circular Road and the river is directly linked to Cong Canal.
- 2.2. Cong Canal connects Lough Mask (c.4km to the north/north west) and Lough Corrib (c.1km to the south). The pool is accessible from the public footpath via a small part-concrete and part-gravel slipway.

- 2.3. The site is known as the 'Rising of the Water'. A small wooden shed for Corrib Cruises is currently located on the site and there is also a tourism information sign erected on the site. There are no footpaths along Circular Road in the vicinity of the site.
- 2.4. Cong lies c.60m south of the County border with Galway. Ashford castle comprising an 800-year-old castle and hotel destination together with its expansive grounds, lie c.340m to the north east of the site.

### **3.0 Proposed Development**

- 3.1. The proposed development is for the creation of a public space in the centre of the village comprising:
- Surface areas and paving using two types of paving
  - Five stone benches
  - Bollards
  - Planting of additional trees
  - Pedestrian crossing from the site to the shops and car parking on the other side of the road
- 3.2. In order to lay the paving, it is proposed to excavate to a depth of c.250mm below existing ground level and the paving will be laid on a new build-up of compacted sand, hardcore and geotextile membrane. The construction period is not stated but having regard to the nature and extent of the development proposed, it is likely to be of short-term duration.
- 3.3. The application is accompanied by drawings which describe the development, an Environmental Impact Assessment (EIA) Screening-Stage 1 (preliminary examination form) and an NIS.

### **4.0 Consultees**

- 4.1. A number of prescribed bodies were notified of the application, as listed below. No responses were received.

- Western Regional Fisheries Board
- Department of Housing, Local Government & Heritage
- An Taisce
- The Heritage Council
- Claremorris-Swinford Municipal District (Mayo County Council)

#### 4.2. Third Party Observations

- None received

### 5.0 Planning History

5.1. There is no recent planning history associated with the application site, apart from a referral made under **16.RL.3461** in which the Board decided in 2016 that the placing of concrete planters beside the carriageway at Cong, County Mayo was development and was not exempted development.

5.2. The NIS lists summary details of 11 planning applications that have been lodged or decided based on the applicant's access of 'myplan.ie' on 3<sup>rd</sup> of February 2021. The majority of these are well removed from the application site.

### 6.0 Legislative and Policy Context

#### 6.1. Legislation

6.1.1. The **EU Habitats Directive (92/43/EEC)** deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Articles 6(3) and 6(4) require an AA of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site (SAC or SPA). The competent authority must be satisfied that the proposal would not adversely affect the integrity of a European site.

6.1.2. The **European Communities (Birds and Natural Habitats) Regulations 2011** consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational

Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgements.

6.1.3. **Part XAB of the Act** sets out the requirements for the AA of developments which could have an effect on a European site or its conservation objectives.

- 177(AE) sets out the requirements for the AA of developments carried out by or on behalf of local authorities.
- Section 177(AE) (1) requires a local authority to prepare, or cause to be prepared, an NIS in respect of the proposed development.
- Section 177(AE) (2) states that a proposed development in respect of which an AA is required shall not be carried out unless the Board has approved it with or without modifications.
- Section 177(AE) (3) states that where an NIS has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the AA.
- Section 177(V) (3) states that a competent authority shall give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site.
- Section 177AE (6) (a) states that before making a decision in respect of a proposed development the Board shall consider the NIS, any submissions or observations received and any other information relating to:
  - The likely effects on the environment;
  - The likely consequences for the proper planning and sustainable development of the area;
  - The likely significant effects on a European site.

## 6.2. **Policy / Development Plans**

The **Mayo County Development Plan 2014-2020** is the relevant statutory Plan for the area. The lifetime of the development plan has been extended in accordance with the provisions of section 11(1)(b) of the Act. Within the current plan, Cong falls within 'other towns and villages' in the settlement hierarchy. 'Other towns and

villages' are considered those that provide 'basic convenience shopping and everyday comparison appropriate to the scale of settlement'.

The following provisions are of relevance:

- **RT-07:** It is an objective of the Council to support any proposed action initiatives, to further enhance the vitality and vibrancy of town centres, particularly at evening/night. Such action initiatives may include mobility management plans to improve access to retail areas for all, particularly pedestrians and cyclists. Such initiatives may also include **improvements to the public realm**, such as street furniture, planting and street cleaning;
- **Landscape Protection Policy areas:** The site is located in Policy Area 4 – Drumlins and Inland Lowland;
- **Map 4 (Views and Prospects):** The road leading into Cong (R345) from the west is a scenic road, though it does not appear to extend to the application site and there are no scenic views at or close to the application site;
- **Natural Heritage**

**NH-01:** It is an objective of the Council to protect, enhance, conserve and, where appropriate restore relevant European sites, natural habitats, features of natural interest;

**NH-03:** It is an objective of the Council to implement Article 6(3) and 6(4) of the EU Habitats Directive;
- **Natural Recreation, Amenities & Open Space**

**NR-01 (c):** It is an objective of the Council, 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 to: Manage to the highest standard all public parks, open spaces and amenities under the control of the Council and to avoid loss of any open space in the County unless an alternative superior open space can be provided.
- **Road Safety**

**RD-04** – Encourage the promotion of road safety.

The **Draft Mayo County Council Development Plan 2021-2027** is at public consultation phase. Within the Draft Plan, Cong is located within a Rural Settlement

(Tier 4), a category containing serviced rural towns and villages with populations of greater than 50, but less than 500, which function as local service and employment providers. A single category mixed-use zoning applies to the rural settlement plans i.e., 'Rural Settlement Consolidation' zoning.

The following provisions are relevant:

- **SO 11:** Continue to enhance the towns and villages of County Mayo, through renewal and regeneration, improvements to public realm infrastructure, healthy place-making and by improving the visual amenity, urban design, viability, vibrancy of these area (etc.);
- **EDO 45:** To continue to implement and facilitate environmental, amenity and recreational improvements to the public realm, in existing towns and village core retail areas;
- **BEP 20:** To provide for a high-quality public realm and public spaces by promoting quality urban design that accommodates creative patterns of use, having regard to the physical, cultural, and social identities of individual settlements;
- **BEP 23:** To encourage and facilitate improvements to the physical fabric and environment of town and village centres, including streetscape, street furniture, landscaping (hard and soft), signage and wirescape, while recognising that both private and public developments can contribute to effective public realm;
- **MTO 26:** To promote and facilitate road safety measures throughout the County, including traffic calming, road signage and parking.

## 7.0 The Natura Impact Statement

7.1. Mayo County Council's application for the proposed development was accompanied by an NIS which was prepared by Giorria Environmental Services, dated February 2021. A total of 18 sites located within a 15km radius were examined by the applicant. Of the 18 sites, 16 were screened out on the basis of there being no complete Source-Pathway-Receptor chain and due to the small-scale nature of the project. Two additional sites, Galway Bay Complex SAC (000268) and Inner Galway



Bay SPA (004031) located c.42km from the application site were also examined as they were considered to lie within the zone of influence of the development, but these were screened out because of the small-scale nature of the project and the large hydrological separation distance.

- 7.2. Following examination by the applicant, the potential for significant effects on two European sites could not be excluded Lough Corrib SAC (Site Code: 000297) and Lough Corrib SPA (Site Code: 004042) and the project was therefore considered to require AA. The NIS outlines the methodology, describes the project, outlines the receiving environment in respect of the two sites, undertakes an impact assessment, outlines mitigation required and addresses the implications for the conservation objectives of the relevant European sites. The NIS objectively examines the proposed development and the European sites likely to be affected in view of the best scientific information available. The NIS identifies and characterises the possible implications of the proposed development on the European sites, in view of the sites' conservation objectives, and provides information to enable the Board to carry out an AA of the proposed works. It addresses in-combination effects. A Screening for Appropriate Assessment Matrix is attached as Appendix 1 to the NIS.

## **8.0 Assessment**

### **8.1. Introduction**

- 8.1.1. In making a decision in respect of this approval application under Section 177AE of the Act, the Board is required to consider the following:
- The likely effects on the environment,
  - The likely consequences for the proper planning and sustainable development in the area, and
  - The likely significant effects of the proposed development upon a European Site.
- 8.1.2. I address each in turn as set out below:

## 8.2. The likely effects on the environment

- 8.2.1. The applicant screened out the need for EIA at a preliminary examination stage on the basis that while it was sub-threshold development for the purpose of EIA (under Schedule 5 Class development for the purposes of Part 10 of the Planning and Development Regulations 2001, as amended), there would be no real likelihood of significant effects on the environment. I note that there is no specific provision under Section 177AE of the Act to require EIA or to carry out a formal EIA Screening Determination for a local authority project submitted under this section of the Act. Nonetheless, the Board, in making its decision, is required to consider the likely effects on the environment in respect of the proposed development.
- 8.2.2. I have dealt with potential impacts on European sites under the heading of 'The likely significant effects of the proposed development upon a European Site/Appropriate Assessment' below.
- 8.2.3. The development would result in a positive impact/benefit on the visual amenities of the area. Having inspected the historic environmental viewer (archaeology.ie) there are no records of sites and monuments (SMR) or records of Monuments and Places (RMP) on or proximate to the site that could be impacted by the small-scale works proposed, particularly given the nature of the work which would require minimal intervention to the receiving environment. Similarly, there are no 'Protected Structures' in the area that could in any way be harmed as a result of the development, having regard to its nature and scale.
- 8.2.4. Based on a review of Environmental Protection Agency (EPA) online mapping resources (<https://gis.epa.ie/EPAMaps/Water>), Cong Canal has a 'good' water status under the Water Framework Directive (WFD) and is 'not at risk' of failing to meet the WFD objectives by 2027 under the third cycle River Basin Management Plan (RBMP) 2022-2027. The proposed development is small scale. I note the applicant's proposal to install a silt fence at the slipway to prevent any silt running entering adjacent water and from there into the Cong Canal. Other measures are set out in the applicant's NIS and include good construction practice methodologies and environmental controls. In addition to the measures proposed, I recommend that should the Board decide to approve the development, a condition requiring all works to have regard to Inland Fisheries Ireland's published guidelines for construction

works near waterways (Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters, 2016) should attach.

- 8.2.5. While no invasive species have been identified, to prevent any inadvertent importing of invasive species and pathogens, I also recommend that the Board attach a condition requiring all plant and machinery used during the works are thoroughly cleaned and washed before delivery to the site.
- 8.2.6. I am satisfied that with the measures proposed and recommended conditions set out above, these are adequate to eliminate any adverse environmental effects of the development and to ensure the protection of water quality and the wider environment. Following completion of the construction works, no adverse effects on water quality would arise and no mitigation is required post-construction. The proposal is one by its nature that is long-term/permanent and decommissioning of the proposed development is not an issue to be considered.
- 8.2.7. Overall, there is no likelihood of significant environmental effects arising, largely on the basis of the small scale of the development and the measures proposed by the applicant to protect water quality during construction together with the recommended conditions outlined.

### 8.3. **Likely consequences for proper planning and sustainable development**

- 8.3.1. The site lies within the centre of Cong, a settlement included within 'other towns and villages' within the current development plan. The improvement of the public realm at this unique location, adjacent to an area of water that connects with Cong Canal, would make a positive contribution to the village and its retail and service function.
- 8.3.2. The design would acknowledge and enhance the presence of the water and Cong Canal to its west and would provide a safer road crossing for pedestrians to the east, thus improving connectivity and road safety at the location. The design response would improve the visual amenities of the area and would provide a focal point in a unique waterfront setting.
- 8.3.3. Within the current **Mayo County Development Plan 2014-2020** (as extended), the proposal is supported by Objective RT-07, which seeks to support any proposed action initiatives, to further enhance the vitality and vibrancy of town centres and includes improvements to the public realm. The proposal is also supported by Objective NR-01 (c) which seeks to manage all open space to a high standard and to

avoid the loss of any open space in the County. It would not interfere with any scenic views, which are located to the west of the village along the R345. The pedestrian crossing is supported by Objective RD-04.

- 8.3.4. The conclusions arrived at below in consideration of the likely effects of the development on European sites are also supported by Objectives NH-01 (to protect, enhance, conserve and, where appropriate restore relevant European sites, natural habitats, features of natural interest) and NH-03 (implement Article 6(3) and 6(4) of the EU Habitats Directive).
- 8.3.5. In addition to considering the provisions of the current plan, given that it was published some time ago, I have had regard to relevant policies and objectives in the Mayo County Draft Plan 2021-2027 including SO 11, EDO 45, BEP 20, BEP 23 and MTO 26 all which support the enhancement of towns and villages, as well as improvements to the public realm, the physical fabric and the environment of towns and villages and road safety improvements (including traffic calming).
- 8.3.6. Overall, I am satisfied that the proposed development is fully consistent with the Objectives and Policies set out in the current Development Plan and the Draft Development Plan for the area and for the reasons outlined in the assessment above would positively contribute to the improvement of the public realm at Cong, provide a safe pedestrian crossing and would overall be in accordance with the proper planning and sustainable development of the area.

## 9.0 **Appropriate Assessment**

- 9.1. **The requirements of Article 6(3)** as related to appropriate assessment of a project considered under 177AE of the Act are considered fully in this section as set out below.
- 9.2. **Compliance with Articles 6(3) of the EU Habitats Directive**
  - 9.2.1. Article 6(3) of this Directive requires that any plan or project not directly connected with, or, necessary to the management of the site, but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The Board as the competent authority, must be

satisfied that the proposal would not adversely affect the integrity of any European site before it can approve same.

### 9.3. **Screening the need for Appropriate Assessment – Stage 1**

- 9.3.1. The first test of Article 6(3) is to establish if the proposed development could result in likely significant effects to a European site. This is considered **stage 1** of the appropriate assessment process i.e., **screening**. The screening stage is intended to be a preliminary examination. If the possibility of significant effects cannot be excluded on the basis of objective information, without extensive investigation or the application of mitigation, a plan or project should be considered to have a likely significant effect and AA carried out.
- 9.3.2. There is no obligation on the Board to undertake screening for AA for 177AE cases as the application is presupposed on the fact that AA is required, with the Local Authority considered the Competent Authority for the screening stage. Nonetheless it is considered prudent to review the screening process to ensure alignment with the sites brought forward for AA and to ensure that all sites that may be affected by the development have been considered.
- 9.3.3. No formal screening determination has been provided by Mayo County Council, however I note the information and screening conclusion (Section 3.4 of the submitted NIS) provided by Giorria Environmental Services.
- 9.3.4. Section 3 of the NIS includes the Screening stage (stage 1). It sets out a description of the development and I have also provided a description of the development in Section 2 above, following an examination of the drawings and documents (including the NIS) on file. The proposed development would broadly comprise a public open area with new paving and seating added. It would also comprise a pedestrian crossing leading to shops on the other side of Circular Road (R345) to connect with eight parking spaces (permitted). The applicant examined sites within a 15km radius, 16 sites in total and two others that lie outside of this radius but nonetheless were considered to potentially lie within the zone of influence and where significant effects could not be excluded in their view.
- 9.3.5. Having regard to the information available, the very modest nature and size of the proposal, its location in relation to European sites, and its likely indirect and cumulative effects, the source-pathway-receptor principle and sensitivities of the

ecological receptors, I agree with the applicants conclusion that the only sites where there is any possibility of any impact are Lough Corrib SAC (000297) and Lough Corrib SPA (004042) (Table 1). Given the size and scale of the proposal, the consideration of sites within a wider 15km area and beyond is unnecessary. The European sites that I consider to be relevant to include for the purposes of initial screening for the requirement for appropriate assessment on the basis of likely significant effects are set out in Table 1 (Appropriate Assessment Screening) below. Table 1 also includes a preliminary examination or screening of those sites to ascertain whether the possibility of significant effects can be excluded with certainty and the sites screened out (Stage 1 in the AA process) from the need for AA or whether the possibility of significant effects cannot be excluded without further detailed AA (Stage 2 in the AA process).

**Table 1. Appropriate Assessment Screening**

European Site.	Distance from site	Connectivity/Comment	Is there a possibility of significant effects in view of the conservation objectives of the site?	Screening Conclusion summary
<b>Lough Corrib SAC (000297)</b>	837m	The site abuts onto an area of open water linked to the Cong canal. The site is for the most part separated from the water by a stone wall. At the north eastern corner of the site there is a small slipway which enters the water. The Cong Canal is hydrologically linked downstream of this SAC.	<b>YES</b> Significant effects cannot be excluded (in the absence of mitigation measures) with certainty.	Bring forward to Stage 2 Appropriate Assessment.
<b>Lough Corrib SPA (004042)</b>	833m	The site abuts onto an area of open water linked to the Cong canal. The site is for the most part separated from the water by a stone wall. At the north eastern corner of the site there is a small slipway which enters the water. The Cong Canal is hydrologically linked downstream of this SPA.	<b>YES</b> Significant effects cannot be excluded (in the absence of mitigation measures) with certainty.	Bring forward to Stage 2 Appropriate Assessment.

#### 9.4. Summary of AA Screening Examination

9.4.1. Based on my examination of the NIS and supporting information, the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, proximity and the presence of a hydrological connection between the proposed works and the European sites, their conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, it can be concluded that there is some potential for construction-related surface water discharges to the adjoining waterbody and the connecting Cong Canal and because of a pathway with Lough Corrib SAC (000297) and Lough Corrib SPA (004042). The **significance** of any such release of sediments or construction related is not expanded upon by the applicant in the screening test. Given the very modest size and scale of the proposal within a built-up area, it is unclear how it could generate such levels of sediment or pollution that could result in significant effects on the down-stream sites in view of their conservation objectives. However in the absence of objective information to counter this and given that the applicants determination that significant effects are possible or uncertain and that measures are required to avoid such effects I will proceed to undertake appropriate assessment of those effects. Given the size and scale of the proposal the possibility of significant effects can be excluded for other European sites in the wider area because of the small-scale size of the proposed works, the nature of the Conservation Objectives, qualifying interests (QIs) and /or Scientific Conservation interests (SCIs), the separation distances and the absence of a complete source-pathway-receptor chain between the proposed works and these remaining European sites. The development site could not reasonably have *ex-situ* impacts for breeding/foraging birds associated with neighbouring SPAs.

#### 9.5. AA Screening Conclusion

9.5.1. Based on my examination of the sites as set out above, significant effects cannot be excluded for Lough Corrib SAC (000297) and Lough Corrib SPA (004042), and it can be concluded that a stage two Appropriate Assessment is required to further assess the implications of the proposal on these two European sites in view of their conservation objectives.



## 9.6. **Appropriate Assessment – Stage 2**

### 9.7. **Examination of the Natura Impact Statement**

9.7.1. The NIS was informed by the following studies, surveys and consultations (See section 2 of the NIS for complete list of sources):

- Desk top and literature study (set out in Section 2.2 of the applicant's NIS).
- Applicant's field survey on 29<sup>th</sup> January 2021.

The NIS concluded that with the implementation of the mitigation measures, the proposed development would not affect the integrity of the European sites within the Natura 2000 network.

9.7.2. Having reviewed the NIS and all supporting documentation and drawings, I am satisfied that together these documents provide adequate information in respect of the baseline conditions and uses the best scientific information available on European sites, and clearly identifies potential adverse impacts. Details of mitigation measures, how and when they will be implemented are detailed in Section 4.4 of the NIS. These include:

- Sediment control during construction site set up (installation of a silt fence to prevent silt entering into the watercourse);
- No soil movement to occur during heavy rainfall;
- Management of concrete and hydrocarbon use to ensure no accidental damage;
- Management of construction site decommissioning.

9.7.3. Based on my review of the NIS, I am satisfied that the information is sufficient to allow for a complete assessment of the proposed development in view of the requirements of Appropriate Assessment and precise and definitive findings can be reached with regard to the implications of the project on European Sites.

### 9.8. **Appropriate Assessment of implications of the proposed development on the relevant European sites.**

9.8.1. The following is an objective scientific assessment of the implications of the project on the relevant conservation objectives of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in

significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are examined and assessed.

I have relied on the following guidance:

- DoEHLG (2009 and as revised in 2010). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service. Dublin;
- EC (2002) Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC;
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC;
- Guidelines on Protection of Fisheries During Construction works in and adjacent to Waters (Inland Fisheries Ireland, 2016);
- Internal Guidance Advice Note on Appropriate Assessment: (An Bord Pleanála).

## 9.9. Relevant European sites

9.9.1. Following the Stage 1 Screening conclusion, the following sites are those subject to appropriate assessment.

- Lough Corrib SAC (000297)
- Lough Corrib SPA (004042)

9.9.2. A description of these sites and their Conservation Objectives and their QIs and SCIs are set out in Table 2 below. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website ([www.npws.ie](http://www.npws.ie)).

## 9.10. Assessment of Significant Effects

9.10.1. No area of habitat would be lost or fragmented from either European site and there would be no direct impacts on any species associated with these sites as a result of the development and accordingly no adverse effects would arise from **direct impacts**.

- 9.10.2. The main aspects of the proposed development that could adversely affect the conservation objectives of European sites relate to **indirect impacts** from deterioration in water quality arising from the possibility of the release of sediment and other contaminants (impacts) to the adjoining watercourse during the construction phase. The adjoining watercourse is hydrologically connected to Lough Corrib SAC (000297) and Lough Corrib SPA (004042) which creates the potential, in the absence of mitigation, for significant effects on these two sites, having regard to the sites' conservation objectives. Therefore, mitigation measures are required to eliminate sediment and/or other pollutant sources entering the adjoining watercourse.
- 9.10.3. Disturbance would not be an issue due to the small-scale and limited nature of the works and that they would be carried out at already busy location.
- 9.10.4. The proposed works are far enough from the Lough Corrib SPA so there is no potential of adverse effects as a result of disturbance on **bird species** listed as SCIs for the SPA. The nearest Lesser Horseshoe bat record is 200m from site. The site does not provide any structure or tree suitable for breeding or foraging bats and there as there would be no impact on foraging or breeding habitat no impacts are envisaged, and no significant effects would arise accordingly. The nearest otter records are 400m downstream and would not be impacted by disturbance.
- 9.10.5. After construction, there would be no conceivable detrimental impact on water quality as there would be no pollutant sources arising from the use of the public space. Therefore, no significant effects would result during the use of the public space (operational phase).
- 9.10.6. **Table 2** (Appropriate Assessment of implications of the proposed on the integrity of the relevant European Sites) below sets out the appropriate assessment of the two relevant sites carried forward from screening. The conservation objectives, potential indirect impacts and consequential adverse effects, including in-combination effects, are examined and assessed. Mitigation measures are included, and clear, precise and definitive conclusions are reached in terms of adverse effects on the integrity of European sites with the adoption of mitigation measures.

**Table 2.** Appropriate Assessment of implications of the proposed on the integrity of the relevant European Sites

<b>European Site: Lough Corrib SAC (000297)</b> <b>Conservation objective: <a href="#">ConservationObjectives.rdl (npws.ie)</a></b> Detailed site-specific conservation objectives have been published for the site, with the overall objective being to maintain or restore the favourable conservation condition of the Annex I habitat and Annex II species for which the site is selected.		
<b>Qualifying Interests (QIs) and Conservation Objective (CO) summary</b>	<b>Potential Impacts and consequential adverse effects (Construction phase)</b>	<b>Mitigation Proposed to protect QIs</b>
QI: Oligotrophic Waters containing very few minerals 3110  CO: Restore favourable conservation condition	Potential 3110 habitat lies approximately 900m downstream of the application site.  The works have the potential to release sediment and other contaminants to the adjoining watercourse. The watercourse is hydrologically connected to the SAC which in the absence of mitigation, creates <b>potential for significant effects as a result of indirect impacts</b> arising from a deterioration in water quality and the water dependent habitats/species for which the site is selected.	To protect this QI, <b>mitigation measures are required</b> during construction stage.
QI: Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea 3130  CO: Restore favourable conservation condition	Potential 3130 habitat lies approximately 900m downstream of the application site.  The works have the potential to release sediment and other contaminants to the adjoining watercourse. The watercourse is hydrologically connected to the SAC which in the absence of mitigation, creates <b>potential for significant effects as a result of indirect impacts</b> arising from a deterioration in water quality and the water dependent habitats/species for which the site is selected.	To protect this QI, <b>mitigation measures are required</b> during construction stage.
QI: Hard oligo-mesotrophic waters with benthic vegetation of Chara spp.	Potential 3140 habitat lies approximately 900m downstream of the application site.	To protect this QI, <b>mitigation measures are required</b> during construction stage.

<p>3140</p> <p>CO: Restore favourable conservation condition</p>	<p>The works have the potential to release sediment and other contaminants to the adjoining watercourse. The watercourse is hydrologically connected to the SAC which in the absence of mitigation, creates <b>potential for significant effects as a result of indirect impacts</b> arising from a deterioration in water quality and the water dependent habitats/species for which the site is selected.</p>	
<p>QI: Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation.</p> <p>3260</p> <p>CO: Maintain favourable conservation condition</p>	<p>Potential 3260 habitat lies approximately 900m downstream of the application site.</p> <p>These works have the potential to release sediment and other contaminants to the adjoining watercourse. The watercourse is hydrologically connected to the SAC which in the absence of mitigation, creates <b>potential for significant effects as a result of indirect impacts</b> arising from a deterioration in water quality and the water dependent habitats/species for which the site is selected.</p>	<p>To protect this QI, <b>mitigation measures are required</b> during construction stage.</p>
<p>QI: Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites)</p> <p>6210</p> <p>CO: Maintain favourable conservation condition</p>	<p>Habitat occurs mainly as small areas and in association with other habitats in this SAC.</p> <p>As this habitat is terrestrial in nature and any potential habitat lies over 1km from project site there is <b>no potential for significant effects</b> on this QI.</p>	<p>No mitigation required.</p>
<p>QI: Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>)</p> <p>6410</p> <p>CO: Maintain favourable conservation condition</p>	<p>As this habitat is terrestrial in nature and any potential habitat lies over 1km from project site there is <b>no potential for significant effects</b> on this QI.</p>	<p>No mitigation required.</p>

<p>QI: Active raised bogs* 7110</p> <p>CO: Maintain favourable conservation condition</p>	<p>As this habitat is terrestrial in nature and any potential habitat lies over 1km from project site there is <b>no potential for significant effects</b> on this QI.</p>	<p>No mitigation required.</p>
<p>QI: Degraded raised bogs still capable of natural regeneration. 7120</p> <p>CO: 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 Lough Corrib SAC.</p>	<p>As this habitat is terrestrial in nature and any potential habitat lies over 1km from project site there is <b>no potential for significant effects</b> on this QI.</p>	<p>No mitigation required.</p>
<p>Depressions on peat substrates of the Rhynchosporion 7150</p>	<p>As this habitat is terrestrial in nature and any potential habitat lies over 1km from project site there is <b>no potential for significant effects</b> on this QI.</p>	<p>No mitigation required.</p>
<p>QI: Calcareous fens with <i>Cladium mariscus</i> and</p>	<p>As any potential habitat lies over 1km from project site there is <b>no potential for significant effects</b> on this QI.</p>	<p>No mitigation required.</p>

<p>species of the Caricion davallianae* 7210</p> <p>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 Lough Corrib SAC</p>		
<p>QI: Petrifying springs with tufa formation (Cratoneurion)* 7220</p> <p>CO: Maintain favourable conservation condition</p>	<p>As any potential habitat lies over 1km from project site there is <b>no potential for significant effects</b> on this QI.</p>	<p>No mitigation required.</p>
<p>QI: Alkaline fens 7230</p> <p>CO: Maintain favourable conservation condition</p>	<p>As any potential habitat lies over 1km from project site there is <b>no potential for significant effects</b> on this QI.</p>	<p>No mitigation required.</p>
<p>QI: 8240 Limestone pavements* 7240</p> <p>CO: Maintain favourable conservation condition</p>	<p>As habitat is terrestrial in nature and any potential habitat lies over 1km from project site there is <b>no potential for significant effects</b> on this QI.</p>	<p>No mitigation required.</p>

<p>QI: Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles 91A0</p> <p>CO: Maintain favourable conservation condition</p>	<p>Occurs mainly along shores of Lough Corrib.</p> <p>As habitat is terrestrial in nature and any potential habitat lies over 1km from project site there is <b>no potential for significant effects on this QI.</b></p>	<p>No mitigation required.</p>
<p>QI: Bog woodland* 91D0</p> <p>CO: Maintain favourable conservation condition</p>	<p>Occurs mainly along shores of Lough Corrib.</p> <p>As habitat is terrestrial in nature and any potential habitat lies over 1km from project site there is <b>no potential for significant effects on this QI.</b></p>	<p>No mitigation required.</p>
<p>QI: Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>) 1029</p> <p>CO: Restore favourable conservation condition</p>	<p>Widespread in the Owenriff catchment, found in the lower reaches of the Glengawbeg River, from Lough Agrafield to just upstream of the mouth of Lough Corrib in the Owenriff, and in the Derrygauna tributary. High water quality with very low nutrient concentrations important for this species.</p> <p>The works have the potential to release sediment and other contaminants to the adjoining watercourse. The watercourse is hydrologically connected to the SAC which in the absence of mitigation, creates <b>potential for significant effects as a result of indirect impacts</b> arising from a deterioration in water quality and the water dependent habitats/species for which the site is selected.</p>	<p>To protect this QI, <b>mitigation measures are required</b> during construction stage.</p>
<p>QI: White-clawed Crayfish (<i>Austropotamobius pallipes</i>) 1092</p> <p>CO: Maintain favourable conservation condition</p>	<p>The distribution of crayfish in Lough Corrib is uncertain. It occurs in three 1km squares in the northern section of the lower basin (M2341, M2342, M2941) and is probably more widely distributed. National biodiversity database records over 9km from site.</p> <p>The works have the potential to release sediment and other contaminants to the adjoining watercourse. The watercourse is hydrologically connected to the SAC which in the absence of mitigation, creates <b>potential for significant effects as a result of</b></p>	<p>To protect this QI, <b>mitigation measures are required</b> during construction stage.</p>



	<b>indirect impacts</b> arising from a deterioration in water quality and the water dependent habitats/species for which the site is selected.	
<p>QI: Sea Lamprey (<i>Petromyzon marinus</i>) 1095</p> <p>CO: Restore favourable conservation condition</p>	<p>Records from lower section of River Corrib. There is <b>no potential for significant effects</b> on this QI.</p>	No mitigation required.
<p>QI: Brook Lamprey (<i>Lampetra planeri</i>) 1096</p> <p>CO: Maintain favourable conservation condition</p>	<p>No records of this species close to the site. There is <b>no potential for significant effects</b> on this QI.</p>	No mitigation required.
<p>QI: Atlantic Salmon (<i>Salmo salar</i>) 1106</p> <p>CO: Maintain favourable conservation condition</p>	<p>The works have the potential to release sediment and other contaminants to the adjoining watercourse. The watercourse is hydrologically connected to the SAC which in the absence of mitigation, creates <b>potential for significant effects as a result of indirect impacts</b> arising from a deterioration in water quality and the water dependent habitats/species for which the site is selected.</p>	To protect this QI, <b>mitigation measures are required</b> during construction stage.
<p>Lesser Horseshoe Bat (<i>Rhinolophus hipposideros</i>) 1303</p> <p>CO: Restore favourable conservation condition</p>	<p>The site does not provide any structure or tree suitable for breeding or foraging bats and there as there would be no impact on foraging or breeding habitat. <b>No significant effects</b> would arise accordingly.</p>	No mitigation required.
<p>QI: Otter (<i>Lutra lutra</i>) 1355</p>	<p>Closest records within 400m of project site.</p> <p>The works have the potential to release sediment and other contaminants to the adjoining watercourse. The watercourse is</p>	To protect this QI, <b>mitigation measures are required</b> during construction stage.

CO: Maintain favourable conservation condition	hydrologically connected to the SAC which in the absence of mitigation, creates <b>potential for significant effects as a result of indirect impacts</b> arising from a deterioration in water quality and the water dependent habitats/species for which the site is selected.	
QI: Slender Green Feather-moss ( <i>Drepanocladus vernicosus</i> ) 1393  CO: Maintain favourable conservation condition	The known population of slender green feather-moss in Lough Corrib SAC occurs at NW of Gortachalla Lough in transition mire which is bounded to the west by acid bog. Closest records lie over 7km from site. There would be <b>no potential for impact</b> due to the large separation distance.	No mitigation required.
QI: Slender Naiad ( <i>Najas flexilis</i> ) 1833  CO: Restore favourable conservation condition	<i>Najas flexilis</i> has been recorded on one occasion from one location in Lough Corrib. The record was in the north-western bay of the lake. The works have the potential to release sediment and other contaminants to the adjoining watercourse. The watercourse is hydrologically connected to the SAC which in the absence of mitigation, creates <b>potential for significant effects as a result of indirect impacts</b> arising from a deterioration in water quality and the water dependent habitats/species for which the site is selected.	To protect this QI, <b>mitigation measures are required</b> during construction stage.
<b>Details of Mitigation Proposed</b>		<b>In-combination Effects</b>
<b>Construction site setup</b> Sediment control measures  <b>During construction</b> The installation of a silt fence is proposed (see details and layout map in Appendix 4) to prevent any silt running down the slipway into the adjacent water and from there into the Cong Canal and into the lake.  Ground works involving soil movement would not occur during heavy rainfall.		In combination effects are examined within section 3.3.2 (other projects) and 3.3.3 (other plans) of the NIS submitted.  The proposed works are considered in my assessment in combination with relevant plans, the Mayo County Development Plan 2014-2020 and the River Basin Management Plan (RBMP) for Ireland 2018-2021 (second cycle) and River Basin Management Plan (RBMP)

<p>Standard good construction practices would be followed with extra care given to following:</p> <ul style="list-style-type: none"> <li>• Concrete usage would be monitored carefully to ensure no accidental discharge.</li> <li>• Re-fuelling and lubrication of plant would not occur within 50m of the water. Appropriate drip-trays would be used. Vehicles should never be left unattended during re-fuelling.</li> <li>• All construction vehicles would be regularly maintained and checked to prevent hydrocarbon leaks.</li> <li>• All stationary machinery such as pumps would be placed on drip trays to contain any hydrocarbon spillages. These trays would be checked regularly, and rainwater removed to maintain their effectiveness.</li> <li>• Biodegradable, vegetable-based oils would be used to oil shuttering boards.</li> </ul> <p>It is considered that the implementation of these measures, which involve standard best practice methodologies and environmental controls supported by relevant conditions to protect water quality and the integrity of the relevant European sites are sufficient to address the potential adverse effects of the development and to ensure the protection of Lough Corrib SAC.</p> <p><b>Operation Stage</b></p> <p>Following completion of the construction works it is not envisaged that the potential exists for any significant effects on Lough Corrib SAC and no mitigation measures are therefore required.</p> <p><b>Site decommissioning</b></p> <p>Decommissioning of the site is not proposed.</p>	<p>2022-2027 (third cycle). No significant in-combination/cumulative effects are predicted as each plan has a range of environmental and natural heritage policy safeguards in place.</p> <p>Based on an online search of Mayo County Council's planning application map (5<sup>th</sup> July 2021), there are no projects, either permitted or capable of being implemented that would give rise to any in-combination/cumulative significant effects arising from the proposed development on the integrity of the Lough Corrib SAC site.</p>
<p><b>Overall conclusion: Integrity test (Lough Corrib SAC)</b></p> <p>Following the implementation of mitigation and relevant conditions, the construction and operation of this proposed development would not adversely affect the integrity of this SAC in view of the site's conservation objectives, which is based on a complete assessment of all implications of the project alone and in combination with plans and projects. No reasonable scientific doubt remains as to the absence of such effects.</p>	

**European Site: Lough Corrib SPA [004042].** This site lies c.800 from the Development site.

**Conservation objective:** [CO004042.pdf \(npws.ie\)](#)

Generic Objective: To maintain or restore the favourable conservation condition of the wetland habitat at Lough Corrib SPA as a resource for the regularly occurring migratory waterbirds that utilise it.		
Special Conservation Interests (SCIs)	Potential Impacts and consequential adverse effects (Construction phase)	Mitigation Proposed to protect SCIs
Arctic Tern <i>Sterna paradisaea</i> A194	<p>Application site lies just over 800m from this SPA.</p> <p>Breeding evidence within 10km square (M15)</p> <p>The works have the potential to release sediment and other contaminants to the adjoining watercourse. The watercourse is hydrologically connected to the SPA which in the absence of mitigation, creates <b>potential for significant effects as a result of indirect impacts</b> arising from a deterioration in water quality and the water dependent habitats/species for which the site is selected.</p> <p>Disturbance would not be an issue due to distance from project area to SPA.</p>	To protect this SCI, <b>mitigation measures are required</b> during construction stage.
Black-headed gull <i>Chroicocephalus ridibundus</i> A179	<p>Application site lies just over 800m from this SPA.</p> <p>Breeding evidence within 10km square (M15).</p> <p>The works have the potential to release sediment and other contaminants to the adjoining watercourse. The watercourse is hydrologically connected to the SPA which in the absence of mitigation, creates <b>potential for significant effects as a result of indirect impacts</b> arising from a deterioration in water quality and the water dependent habitats/species for which the site is selected.</p> <p>Disturbance would not be an issue due to distance from project area to SPA.</p>	To protect this SCI, <b>mitigation measures are required</b> during construction stage.

<p>Common Gull <i>Larus canus</i> A182</p>	<p>Application site lies just over 800m from this SPA.</p> <p>Confirmed breeding evidence within 10km square (M15).</p> <p>The works have the potential to release sediment and other contaminants to the adjoining watercourse. The watercourse is hydrologically connected to the SPA which in the absence of mitigation, creates <b>potential for significant effects as a result of indirect impacts</b> arising from a deterioration in water quality and the water dependent habitats/species for which the site is selected.</p> <p>Disturbance would not be an issue due to distance from project area to SPA.</p>	<p>To protect this SCI, <b>mitigation measures are required</b> during construction stage.</p>
<p>Common Scoter <i>Melanitta nigra</i> A065</p>	<p>Application site lies just over 800m from this SPA.</p> <p>Possible breeding in 10km square from older breeding atlas (1988-91).</p> <p>The works have the potential to release sediment and other contaminants to the adjoining watercourse. The watercourse is hydrologically connected to the SPA which in the absence of mitigation, creates <b>potential for significant effects as a result of indirect impacts</b> arising from a deterioration in water quality and the water dependent habitats/species for which the site is selected.</p> <p>Disturbance would not be an issue due to distance from project area to SPA.</p>	<p>To protect this SCI, <b>mitigation measures are required</b> during construction stage.</p>
<p>Common Tern <i>Sterna hirundo</i> A193</p>	<p>Application site lies just over 800m from this SPA.</p> <p>Possible breeding evidence in 10km square (M15).</p> <p>The works have the potential to release sediment and other contaminants to the adjoining watercourse. The watercourse is</p>	<p>To protect this SCI, <b>mitigation measures are required</b> during construction stage.</p>

	<p>hydrologically connected to the SPA which in the absence of mitigation, creates <b>potential for significant effects as a result of indirect impacts</b> arising from a deterioration in water quality and the water dependent habitats/species for which the site is selected.</p> <p>Disturbance would not be an issue due to distance from project area to SPA.</p>	
<p>Coot <i>Fulica atra</i> A125</p>	<p>Application site lies just over 800m from this SPA.</p> <p>Winter records and possible breeding evidence within 10km square (M15).</p> <p>The works have the potential to release sediment and other contaminants to the adjoining watercourse. The watercourse is hydrologically connected to the SPA which in the absence of mitigation, creates <b>potential for significant effects as a result of indirect impacts</b> arising from a deterioration in water quality and the water dependent habitats/species for which the site is selected.</p> <p>Disturbance would not be an issue due to distance from project area to SPA.</p>	<p>To protect this SCI, <b>mitigation measures are required</b> during construction stage.</p>
<p>Gadwall <i>Anas Strepera</i> A051</p>	<p>Application site lies just over 800m from this SPA.</p> <p>Winter records from adjacent 10km square (M14).</p> <p>The works have the potential to release sediment and other contaminants to the adjoining watercourse. The watercourse is hydrologically connected to the SPA which in the absence of mitigation, creates <b>potential for significant effects as a result of indirect impacts</b> arising from a deterioration in water quality and the water dependent habitats/species for which the site is selected.</p>	<p>To protect this SCI, <b>mitigation measures are required</b> during construction stage.</p>

	Disturbance would not be an issue due to distance from project area to SPA.	
Golden Plover <i>Pluvialis apricaria</i> A140	<p>Application site lies just over 800m from this SPA.</p> <p>Winter records from adjacent 10km square (M14).</p> <p>The works have the potential to release sediment and other contaminants to the adjoining watercourse. The watercourse is hydrologically connected to the SPA which in the absence of mitigation, creates <b>potential for significant effects as a result of indirect impacts</b> arising from a deterioration in water quality and the water dependent habitats/species for which the site is selected.</p> <p>Disturbance would not be an issue due to distance from project area to SPA.</p>	To protect this SCI, <b>mitigation measures are required</b> during construction stage.
Greenland White fronted Goose <i>Anser albifrons flavirostris</i> A395	<p>Application site lies just over 800m from this SPA.</p> <p>No records within 10km square or adjacent squares.</p> <p>Indirect impacts due to deterioration of water quality unlikely.</p> <p>Disturbance would not be an issue due to distance from project area to SPA.</p>	No mitigation required.
Hen Harrier <i>Circus cyaneus</i> A082	<p>Application site lies just over 800m from this SPA.</p> <p>Probable breeding records in 10km square (M24) from 1988-91 Atlas.</p> <p>Indirect impacts due to deterioration of water quality unlikely.</p>	No mitigation required.

	Disturbance would not be an issue due to distance from project area to SPA.	
Pochard <i>Aythya ferina</i> A059	<p>Application site lies just over 800m from this SPA.</p> <p>Winter records within 10km square (M15) from 1981-94 Wintering bird atlas.</p> <p>The works have the potential to release sediment and other contaminants to the adjoining watercourse. The watercourse is hydrologically connected to the SPA which in the absence of mitigation, creates <b>potential for significant effects as a result of indirect impacts</b> arising from a deterioration in water quality and the water dependent habitats/species for which the site is selected.</p> <p>Disturbance would not be an issue due to distance from project area to SPA.</p>	To protect this SCI, <b>mitigation measures are required</b> during construction stage.
Shoveler <i>Anas clypeata</i> A056	<p>Application site lies just over 800m from this SPA.</p> <p>Winter from adjacent 10km square (M14)</p> <p>The works have the potential to release sediment and other contaminants to the adjoining watercourse. The watercourse is hydrologically connected to the SPA which in the absence of mitigation, creates <b>potential for significant effects as a result of indirect impacts</b> arising from a deterioration in water quality and the water dependent habitats/species for which the site is selected.</p> <p>Disturbance would not be an issue due to distance from project area to SPA.</p>	To protect this SCI, <b>mitigation measures are required</b> during construction stage.
Tufted Duck <i>Aythya fuligula</i> A061	<p>Application site lies just over 800m from this SPA.</p> <p>Winter records and breeding within 10km square (M15)</p>	To protect this SCI, <b>mitigation measures are required</b> during construction stage.



	<p>The works have the potential to release sediment and other contaminants to the adjoining watercourse. The watercourse is hydrologically connected to the SPA which in the absence of mitigation, creates <b>potential for significant effects as a result of indirect impacts</b> arising from a deterioration in water quality and the water dependent habitats/species for which the site is selected.</p> <p>Disturbance would not be an issue due to distance from project area to SPA.</p>	
Wetland and Waterbirds [A999]	<p>Application site lies just over 800m from this SPA.</p> <p>The works have the potential to release sediment and other contaminants to the adjoining watercourse. The watercourse is hydrologically connected to the SPA which in the absence of mitigation, creates <b>potential for significant effects as a result of indirect impacts</b> arising from a deterioration in water quality and the water dependent habitats/species for which the site is selected.</p> <p>Disturbance would not be an issue due to distance from project area to SPA.</p>	To protect this SCI, <b>mitigation measures are required</b> during construction stage.
<b>Details of Mitigation Proposed</b>		<b>In-combination Effects</b>
<p><b>Construction site setup</b></p> <p>Sediment control measures</p> <p><b>During construction</b></p> <p>The installation of a silt fence is proposed (see details and layout map in Appendix 4) to prevent any silt running down the slipway into the adjacent water and from there into the Cong Canal and into the lake.</p> <p>Ground works involving soil movement would not occur during heavy rainfall.</p>		<p>In combination effects are examined within section 3.3.2 (other projects) and 3.3.3 (other plans) of the NIS submitted.</p> <p>The proposed works are considered in my assessment in combination with relevant plans, the Mayo County Development Plan 2014-2020 and the River Basin Management Plan (RBMP) for Ireland 2018-2021 (second cycle) and River Basin</p>

<p>Standard good construction practices would be followed with extra care given to following:</p> <ul style="list-style-type: none"> <li>• Concrete usage would be monitored carefully to ensure no accidental discharge.</li> <li>• Re-fuelling and lubrication of plant would not occur within 50m of the water. Appropriate drip-trays would be used. Vehicles should never be left unattended during re-fuelling.</li> <li>• All construction vehicles would be regularly maintained and checked to prevent hydrocarbon leaks.</li> <li>• All stationary machinery such as pumps would be placed on drip trays to contain any hydrocarbon spillages. These trays would be checked regularly, and rainwater removed to maintain their effectiveness.</li> <li>• Biodegradable, vegetable-based oils would be used to oil shuttering boards.</li> </ul> <p>It is considered that the implementation of these measures, which involve standard best practice methodologies and environmental controls supported by relevant conditions to protect water quality and the integrity of the relevant European sites are sufficient to address the potential adverse effects of the development and to ensure the protection of Lough Corrib SAC.</p> <p><b>Operation Stage</b></p> <p>Following completion of the construction works it is not envisaged that the potential exists for any significant effects on Lough Corrib SPA and no mitigation measures are therefore required.</p> <p><b>Site decommissioning</b></p> <p>Decommissioning of the site is not proposed.</p>	<p>Management Plan (RBMP) 2022-2027 (third cycle). No significant in-combination/cumulative effects are predicted as each plan has a range of environmental and natural heritage policy safeguards in place.</p> <p>Based on an online search of Mayo County Council's planning application map (5th July 2021), there are no projects, either permitted or capable of being implemented that would give rise to any in-combination/cumulative significant effects arising from the proposed development on the integrity of the Lough Corrib SPA site.</p>
<p><b>Overall conclusion: Integrity test (Lough Corrib SPA)</b></p> <p>Following the implementation of mitigation and relevant conditions, the construction and operation of this proposed development would not adversely affect the integrity of this SPA in view of the site's conservation objectives, which is based on a complete assessment of all implications of the project alone and in combination with plans and projects. No reasonable scientific doubt remains as to the absence of such effects.</p>	

### 9.11. **In-combination Effects.**

9.11.1. In combination effects have been examined within the appropriate assessment within Table 2 above in which it is found that the proposed development, when taken individually or in combination with other plans or projects would not adversely affect the integrity of Lough Corrib SAC (000297) and Lough Corrib SPA (004042) or any other European site, in view of the sites' Conservation Objectives.

### 9.12. **Appropriate Assessment Conclusion**

9.12.1. The Development has been considered in light of the assessment requirements of Sections 177AE and 177V of the Act.

9.12.2. Having carried out **Screening for Appropriate Assessment (Stage 1)** of the project, it has been concluded that the project individually, or in combination with other plans or projects, could have a significant effect on two European Sites in view of the Conservation Objectives of those sites, and Appropriate Assessment, including the submission of an NIS, is therefore required for the following sites:

- Lough Corrib SAC (000297)
- Lough Corrib SPA (004042).

The possibility of significant effects on other European sites has been excluded on the basis of objective information.

Consequently, an appropriate assessment of the implications of the project on the qualifying features of the two relevant sites in light of their conservation objectives is deemed to be required.

9.12.3. Following an **Appropriate Assessment (Stage 2)**, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of Lough Corrib SAC (000297) and Lough Corrib SPA (004042) or any other European site, in view of the sites' Conservation Objectives. No reasonable scientific doubt remains as to the absence of such effects. The proposal would not impede or hinder the achievement of the conservation objectives set for these sites. This conclusion is based on a full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and detailed assessment of in-combination effects with other plans and projects including existing, permitted and proposed projects and plans.

## 10.0 Recommendation

10.1. On the basis of the assessment above, I recommend that the Board **approve the proposed development** for the reasons and considerations below and subject to conditions.

## 11.0 Reasons and Considerations

11.1. In coming to its decision, the Board had regard to the following:

- a) the EU Habitats Directive (92/43/EEC) and Part XAB of the Planning and Development Act 2000, as amended, including Part 177(AE) and 177(V);
- b) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites;
- c) the conservation objectives, qualifying interests and special conservation interests for Lough Corrib SAC (000297) and Lough Corrib SPA (004042);
- d) the policies and objectives of the Mayo County Development Plan, 2014-2020 (as extended) and of the Draft Mayo County Development Plan, 2021-2027;
- e) the nature and extent of the proposed works as set out in the application for approval;
- f) the drawings and documents received by the Board, including the Natura Impact Statement; and
- g) the report and recommendation of the inspector.

## 11.2. Appropriate Assessment

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that Lough Corrib SAC (000297) and Lough Corrib SPA (004042) are the only European Sites for which there is a possibility for significant effects to arise.

The Board considered the Natura Impact Statement and all other relevant details that formed part of the application and carried out an Appropriate Assessment of the

implications of the proposal for the Lough Corrib SAC (000297) and Lough Corrib SPA (004042) in view of the sites' Conservation Objectives.

The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the assessment, the Board considered, in particular:

- (i) the likely direct and indirect impacts arising from the proposal both individually or in combination with other plans or projects, specifically upon Lough Corrib SAC (000297) and Lough Corrib SPA (004042);
- (ii) the mitigation measures which are included as part of the current proposal;  
and
- (iii) the Conservation Objectives for the two relevant European Sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out and recorded in the inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' Conservation Objectives.

### **11.3. Proper Planning and Sustainable Development and Likely effects on the environment.**

Taking account of the mitigation measures proposed to protect water quality during the construction phase, it is considered that the proposed development would not give rise to significant negative effects on the water environment and having regard to the limited nature and scale of the proposed development and the absence of any other significant environmental sensitivities in the vicinity, there is no real likelihood of significant effects on the environment arising from the proposed development. The issues arising from the proximity/ connectivity to European Sites are dealt with under heading of Appropriate Assessment above. No adverse effects on the environment would arise during the use of the public space (post-construction).

It is also considered that the proposed development would make a positive contribution to the village and its retail and service function, would enhance the

visual amenities of the area and would provide a focal point for the community in a unique waterfront setting. The proposed development would be consistent with the relevant Objectives and Policies set out in the Mayo County Development Plan 2014-2020 (as extended) and the Draft Mayo County Development Plan, 2021-2027, and would be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application except where otherwise may be required in order to comply with the following conditions.

**Reason:** In the interest of clarity.

2. All mitigation and environmental commitments identified in the Natura Impact Statement shall be implemented in full as part of the proposed development.

**Reason:** In the interest of protecting receiving water quality, the wider environment and the integrity of Lough Corrib SAC (Site Code: 000297) and Lough Corrib SPA (Site Code: 004042) European sites.

3. All works shall have regard to Inland Fisheries Ireland's published guidelines for construction works near waterways (Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters, 2016).

**Reason:** In the interest of protecting receiving water quality, the wider environment and the integrity of Lough Corrib SAC (Site Code: 000297) and Lough Corrib SPA (Site Code: 004042) European sites.

4. The local authority, or any agent acting on its behalf, shall ensure that all plant and machinery used during the works shall be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

**Reason:** In the interest of protecting receiving water quality, the wider environment and the integrity of Lough Corrib SAC (Site Code: 000297) and Lough Corrib SPA (Site Code: 004042) European sites.

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Patricia Calleary  
Senior Planning Inspector

7<sup>th</sup> July 2021