



An
Bord
Pleanála

Inspector's Report

ABP-311465-21

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| Development | Construction of an agricultural shed and all ancillary site works. |
| Location | Tobernadarry, Shrule, Co. Mayo. |
| Planning Authority | Mayo County Council |
| Planning Authority Reg. Ref. | 21739 |
| Applicant(s) | Margaret O' Neill |
| Type of Application | Permission |
| Planning Authority Decision | Refuse Permission |
| Type of Appeal | First Party |
| Appellant(s) | Margaret O' Neill |
| Observer(s) | None |
| Date of Site Inspection | 6 th April 2022 |
| Inspector | Ian Campbell |

1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Tobernadarry, c. 2km north of the village of Shrule, Co. Mayo.
- 1.2. The appeal site has a stated site area of 0.52 ha and is situated on the western side of the N84. The N84 at this location has a posted speed limit of 100 kmph and its centreline is marked with a continuous white line. The appeal site is relatively flat, however levels on the N84 to the front of the appeal site are c. 1 metre higher compared to the appeal site.
- 1.3. The appeal site is under grass and forms part of a wider agricultural landholding of c. 14 ha. The blue line boundary associated with the appeal site is not depicted on the OS map submitted with the planning application however Land Registry maps submitted with the planning application indicate the extent of the applicant's landholding.
- 1.4. The appeal site, and landholding is accessed by an existing gated entrance from the N84. The roadside boundary with the N84 comprises a low stone wall and hedgerow. There are a number of mature trees further north along this boundary.
- 1.5. To the south of the appeal site is a cattle crush, and the foundations/rubble of a previous structure (PA Ref's 16/582 and 13/210 refer). To the south-east of the appeal site, on the opposite side of the N84, is a single storey dwelling. A small cluster of single storey dwellings and a farm complex are located to the north-east of the appeal site. The adjoining area is rural in character. Low stone walls form the roadside boundaries on the eastern side of the N84.

2.0 Proposed Development

- 2.1. The proposed development comprises;
 - The construction of a pitched roof agricultural shed with a stated floor area of 120 sqm. The proposed shed is set on a concrete slab. A ridge height of 4.6 metres is indicated. Material finishes to the shed comprise blue/black sheeting and concrete walls for the external walls. The eastern elevation appears to be open. The proposed structure set back 58 metres from the front/eastern boundary of the site.

- Whilst not referred to in the development description contained in the public notices, the proposal also includes the provision of a gravel roadway. Additionally, based on the Site Layout Plan, the applicant is proposing an area of gravel around the proposed shed.
- A soakpit is indicated to the north-west of the proposed shed.

2.2. The planning application/appeal is accompanied by a cover letter which includes the following information which is considered of pertinence;

- The landholding is actively farmed.
- The proposed development will not result in any increase in traffic accessing the site, apart from the construction phase of the proposed development.
- The lands are farmed in the following manner;
 - There are small number suckler cows on the site between January and March. Between March and June the lands are cleared of all stock. Between June and the end of the year, suckler cows graze the land.
 - Vehicular movements are between 1 and 5 movements per day, depending on the time of year.
 - Silage is made and stored on the land between March and June. Fertilizer is also spread on the lands in this period.

2.3 The planning application/appeal is also accompanied by a Flood Risk Assessment which includes the following information;

- The western part of the landholding is subject to flooding. The source of this flooding is Shrule Turlough.
- The lands fall in the direction of Shrule Turlough/west.
- The closest hydrometric gauge is 1.5 km south-west of the appeal site. Flood data from this hydrometric gauge is as follows,
 - 2018 - High Level of 27.62m AOD
 - 2019 - High Level of 27.30m AOD
 - 2020 - High Level of 26.50m AOD

- 2021 - High Level of 28.30m AOD.
- The appeal site is outside OPW Benefiting Lands (i.e. lands drained by the OPW under the Arterial Drainage Scheme).
- There is no history of flooding on the appeal site, or in the immediate vicinity.
- The appeal site is elevated relative to the area west of the site where flooding occurs.
- Taking the highest levels of flooding at 30 metres (OD Malin), the finished floor level (FFL) of the proposed shed is 37 metres (OD Malin), in excess of 7 metres above the approximated high flood level associated with Shrule Turlough.
- The Flood Risk Assessment concludes that there is no risk of flooding to the proposed development.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to **Refuse** Permission on the 1st September 2021 for 4 no. reasons which can be summarised as follows;

1. The proposed development is located on a section of the National Secondary Road (N84) where there is substandard sight visibility in both directions, where there is a continuous white line and where the maximum speed limit applies. The proposed development would contravene materially the development objectives of the Mayo County Development Plan 2014-2020, with specific reference to paragraph 16.1.2 (No new accesses or development that generates increased traffic from existing accesses onto National Roads outside the 60km/hr speed limits of such roads shall be permitted in accordance with the provisions of Section 2.5 of the DoECLG Spatial Planning and National Roads Guidelines). The proposed development would endanger public safety by reason of traffic hazard.

2. The applicant has not submitted satisfactory evidence that the minimum sight distances of 215 metres for a National Secondary Road can be achieved in both directions of the proposed site.
3. The application site is located adjacent to Shrulough SAC. An Appropriate Assessment has not been prepared. Based on the information available and having regard to the precautionary principle, significant effects on the integrity and conservation objectives of European Sites cannot be ruled out and therefore the proposed development is likely to have significant adverse impacts on the qualifying interests of Natura 2000 sites. The proposed development would contravene materially Objective NH-03 of the Mayo County Development Plan 2014-2020.
4. It is unclear if the proposed development will require a water connection. The existing water pipeline passing the site does not have capacity to support an additional connection. In the absence of satisfaction details of a potable water supply the proposed development would be prejudicial to public health.

I note that the Notification of Decision to Refuse Permission makes reference to **material contravention** of the County Development Plan and as such the provisions of s.37(2)(b) of the Planning and Development Act 2000, as amended, are considered applicable in this case.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer (dated 31st August 2021) includes the following comments;

- In light of the additional traffic from the proposed development, the proposal is considered contrary to paragraph 16.1.2 'Vehicular Access and Permeability' of the Mayo County Development Plan 2014-2020, (which provides '*no new accesses or development that generates increased traffic from existing accesses onto National Roads outside the*

60km/hr speed limits of such roads shall be permitted in accordance with the provisions of Section 2.5 of the DoECLG Spatial Planning and National Roads Guidelines’).

- The applicant has not demonstrated that adequate sightlines can be provided.
- The application site is located adjacent to Shrule Turlough SAC. Noting the nature of the proposed development, the absence of a Screening Report and a Nutrient Management Plan, the submission of the DoHLGH, the conservation objectives and vulnerabilities of the SAC, and the distance between the applicant site and the SAC and the connectivity between the two, further assessment is required in relation to habitats.
- It is unclear if the proposed development will require a water connection. The existing water pipeline passing the site does not have capacity to support an additional connection.

The report of the Planning Officer recommends a refusal of permission consistent with the Notification of Decision which issued.

3.2.2. Other Technical Reports

Road Design (dated 30th August 2021) – Further Information recommended to determine if the proposal will generate increased traffic and whether the applicant can provide sightlines of 160 metres.

National Roads Office, Mayo County Council (dated 16th August 2021) - The proposed development contravenes paragraph 38.1 and 38 of the Mayo County Development Plan 2014-2020 and it has not been demonstrated that adequate sightlines can be provided.

Drainage Section (dated 16th August 2021) – Ambiguity regarding whether the proposal requires a water connection. The existing water pipeline passing the site does not have capacity to support an additional connection.

3.3. Prescribed Bodies

Department of Housing, Local Government and Heritage (DoHLGH) – Further Information required. Submission notes

- Potential impacts on Shrule Turlough SAC from eutrophication and run-off from the spreading of animal waste. Also potential for cumulative effects from similar planning applications.
- The intensification of agricultural activity and an increase in slurry application/land spreading adjacent to/or within the Shrule Turlough SAC would lead to a potential increase of agricultural discharges entering nearby watercourses.
- Potential for negative impacts on Shrule Turlough SAC from poor site management during both the construction and post construction phases of the proposed development.
- Screening report is required to examine any potential effects on the designated site and to propose any mitigation measures if required. Screening report should include and address the potential for ground and surface water contamination from land spreading animal waste generated by the proposal.
- Nutrient Management Plan has not been included as part of the application.

Transport Infrastructure Ireland (TII) – proposed development is considered at variance with national policy in relation to control of development on/affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012). Section 2.5 of the Guidelines states that the policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60kph apply. The proposal would result in the intensification of an existing direct access to a national road, contrary to national policy in relation to control of frontage development on national roads and would adversely affect the operation and safety of the national road network.

3.4. Third Party Observations

None received.

4.0 Planning History

The following planning history is referenced in the report of the Planning Officer.

PA Ref. 16/582 – Permission REFUSED for an agricultural building. Reasons for refusal concerned traffic safety.

PA Ref. 13/210 - Retention permission REFUSED for an agricultural shed. Reasons for refusal concerned traffic safety.

5.0 Policy Context

5.1. National Policy

5.1.1 Spatial Planning and National Roads – Guidelines for Planning Authorities, 2012. Department of Environment, Community, and Local Government.

5.1.2 The Spatial Planning and National Roads Guidelines seeks to maintain the efficiency, capacity and safety of the national road network. The Guidelines provide that the strategic traffic function of national roads should be maintained by limiting the extent of development that would give rise to the generation of short trip traffic on national roads. Regarding road safety, the Guidelines provide that the intensification of existing accesses to national roads gives rise to the generation of additional turning movements and this can introduce additional safety risks to road users.

5.1.3 In relation to lands adjoining National Roads to which speed limits greater than 60 kmph apply, Section 2.5 of the Guidelines states that *'the policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60kmh apply. The provision applies to all categories of development including individual houses in rural areas, regardless of the housing circumstances of the applicant'*.

5.1.4 Section 2.6 of the Guidelines provides that, notwithstanding Section 2.5 (above), Planning Authorities may identify stretches of national roads where less a less restrictive approach may be applied. This can only be done however as part of reviewing or varying the relevant Development Plan and having consulted with and taken on board the advice of the NRA (now TII). Section 2.6 sets out these exceptional circumstances, which include *‘a less restrictive approach in the case of development of national or regional importance and lightly trafficked sections of national secondary roads, serving structurally weak and remote communities where a balance needs to be struck between the transport function of the road and supporting social and economic development of these area’*.

5.2. Development Plan

5.2.1 The Mayo County Development Plan 2014 – 2020 is the relevant development plan.

5.2.2 The Draft Mayo County Development Plan 2021-2027 was adopted on the 29th June 2022 and will come into effect on the **10th August 2022**.

5.2.3 The appeal site is not subject to a land use zoning in the Mayo County Development Plan 2014 – 2020.

5.2.4 The provisions of the Mayo County Development Plan 2014 – 2020 relevant to this assessment are as follows:

Objective AG-01 – Support the sustainable development of agriculture.

Objective RD-01 – Protect the capacity and safety of the National Road Network.

Objective NH-03 – Implement Article 6(3) and 6(4) of the EU Habitats Directive.

Policy 38.1.2 – New non-residential accesses or development.

Policy 38.3.1 – The minimum visibility requirements from a development onto the public road in a rural or urban setting shall be as set out in Table 9 (for a speed limit of 100 kmph the requirement is 215 metres from a setback of 3 metres).

5.3. **Natural Heritage Designations**

- Shrule Turlough SAC (Site Code 00525) – located c. 90 metres west.
- Shrule Turlough pNHA (Site Code 00525) – located c. 90 metres west.

- Lough Corrib SAC (Site Code 00297) – located c. 2.3 km south and south-west.

5.4. EIA Screening

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

I consider that any issues arising from the proximity/connectivity to European Sites can be adequately dealt with under the Habitats Directive (Appropriate Assessment).

6.0 The Appeal

6.1. Grounds of Appeal

This is a first-party appeal against the decision to refuse permission. The grounds for appeal can be summarised as follows;

- The appeal site is served by an existing, long standing access which is used for agricultural purposes only. This access is the sole access point serving the applicant's landholding.
- The proposed development will not result in an intensification in traffic using the site, or the manner in which the lands are farmed.
- Permission was granted by Mayo County Council for a dwelling (i.e. PA Ref. 19/776) approximately 200 metres south of the appeal site. Sightlines serving this site were less than the current proposal and the proposal, which was for a dwelling, would generate a greater number of traffic movements compared to the current proposed development. The applicant contends that this sets a precedent for the favourable consideration of the current proposal.
- The planning application addressed the requirements of Article 6 of the Habitats Directive by including reference to an Appropriate Assessment Screening for a previous identical planning application on the site (i.e. PA Ref. 16/582). The Planning Authority have not demonstrated how they came to the decision that the proposed development is likely to have significant adverse impacts on

Natura 2000 sites. The Planning Authority could have sought Further Information.

- A water connection is not required. Water will be sourced from an existing naturally occurring source on the site. Rainwater will also be used for the animals during winter months.
- Section 56 of the Mayo County Development Plan 2014-2020 recognises the importance of agriculture within the County. Without a shed on the site the land will be compromised and the applicant will be restricted in complying with good agricultural practices.

6.2. Planning Authority Response

None received.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the appeal, and having inspected the site, and having regard to the relevant national and local policy and guidance, I consider the main issues in relation to this appeal are as follows:

- Principle of Development
- Impact on Visual Amenity
- Traffic Safety
- Flooding
- Appropriate Assessment

7.2 Principle of Development

7.2.1 The proposed development comprises the construction of an agricultural shed within a rural area. The applicant states that the site is used for the keeping of a small number of suckler cows and that the proposal is required in order to comply with good agricultural practices. Whilst I note that no supporting documentation has been submitted to demonstrate that the applicant is engaged in farming (for example the applicant has not supplied a herd number, correspondence from the Department of

Agriculture etc.) noting the Land Registry documentation which has been submitted and which indicates the applicant's extensive landholding, I consider that on balance the proposal for an agricultural structure at this location to be acceptable in principle.

7.3 Impact on Visual Amenity

7.3.1 The appeal site is located within Policy Area 4 (Drumlins and Lowlands) in the supporting document, 'Landscape Appraisal of County Mayo', of the Mayo County Development Plan 2014-2020. These areas are recognised as comprising working landscapes, contain the vast proportion of Mayo's population and all major road and rail infrastructure. The appeal site is not identified as being affected by any designated routes or views on Map 4 'Scenic Routes and Protected Views' of the Landscape Appraisal of County Mayo. Having regard to scale, massing and design of the proposed development, and to the landscape sensitivities of the area, I do not consider that the proposed development would result in any significant negative impacts on the receiving landscape or on the visual amenities of the area.

7.4 Traffic Safety

7.4.1 The appeal site has direct access onto the N84. This location of the N84 has a posted speed limit of 100 kmph. Government policy, as expressed in the DoECLG's Spatial Planning and National Roads Guidelines for Planning Authorities (2012) in relation to development affecting national roads is clear. It requires that the policy of planning authorities is to avoid the generation of increased traffic from existing accesses to national roads to which the speed limits greater 60kph apply (Section 2.5).

7.4.2 Provision is made under Section 2.6 of the Guidelines for exceptional circumstances where Planning Authorities may identify stretches of national roads where less a less restrictive approach may be applied, this can only be done however as part of reviewing or varying the relevant Development Plan, and having consulted with and taken on board the advice of the NRA (now TII). I note that Policy 38.1.2 of the Mayo County Development Plan 2014-2020 states that 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 DoECLG Guidelines. The reports of the Planning Authority make no reference to any such review having been undertaken which would affect the appeal site.

- 7.4.3 The applicant contends that the proposed agricultural structure will not affect existing farm practices, which are outlined in the correspondence submitted with the planning application or result in an intensification in traffic using the site/lands. I note that the provision of an agricultural structure on the site would facilitate the keeping of animals on the site all year long. In my view this would represent an intensification based on the existing use of the site as outlined by the applicant and would also allow for an expansion of farm operations at the site. In my opinion, the additional traffic turning movements arising from the proposed development would adversely affect the use of the N84 at this location and I also note that traffic associated with farms tends to be slow moving, which creates additional hazards for traffic using the road.
- 7.4.4 Having regard to the forgoing, I consider that the proposed development would conflict with the requirement of national policy to preserve the level of service and carrying capacity of the national road network. I note that at the time of my site inspection traffic speeds along the N84 were high. I consider that there are no exceptional circumstances which would warrant a deviation from official policy pertaining to development accessed from national roads. Accordingly, I am satisfied that the proposed development would conflict with national and local policy and would interfere with the carrying capacity and free flow of traffic along the N84.
- 7.4.5 The first reason for refusal refers to material contravention of the Mayo County Development Plan 2014-2020, with specific reference to paragraph 16.1.2. Section 37 (2) (b) of the Planning and Development Act 2000 (as amended), provides that where a planning authority refuses permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission where it considers that, (i) the proposed development is of strategic or national importance; (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated; (iii) permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of a local authority, and any relevant policy of the Government, the Minister or any Minister of the Government, or (iv) having regard to the pattern of development, and permissions granted, in the area since the making of the development plan. Regarding 37 (2) (b), and specifically the criteria provided under subheadings i - iv, I do not consider the proposed development to be of strategic or national importance, nor do I consider

there to be conflicting objectives in the development plan or the objectives which are not clearly stated as they relate to the proposed development. Neither do I consider that the proposed development should be permitted in light of regional planning guidelines, guidelines under section 28, policy directives under section 29, the statutory obligations of a local authority, and any relevant policy of the Government, the Minister or any Minister of the Government. Furthermore, I do not consider that the proposed development should be permitted having regard to the pattern of development or permissions granted in the area since the making of the development plan. As such, I consider a grant of permission under Section 37 (2) (b) of the Planning and Development Act 2000 (as amended) is not justified in this instance.

7.4.6 As regards precedent cases cited by the first party in respect of developments accessed via the N84, I consider that it is appropriate that each case is considered on its merit having regard to the particular circumstances of the case.

7.4.7 In summation, I consider that the proposed development would result in the intensification of the use of an existing access onto the N84 National Secondary Road at a location where the maximum speed limit applies. The proposed development would be at variance with national policy in relation to the control of development on national roads as set out in the Spatial Planning and National Roads Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in January, 2012, which seeks to secure the efficiency, capacity and safety of the national road network.

7.4.8 The second reason for refusal by the Planning Authority refers to the adequacy of sightlines at the existing entrance. In accordance with Policy 38.3.1 of the Mayo County Development Plan 2014-2020, the minimum visibility requirements for a development onto the public road in a rural where a speed limit of 100 kmph applies as set out in Table 9, is 215 metres, measured from a setback of 3 metres. The drawing titled 'Sightline Details At The Site' submitted with the planning application indicates a maximum achievable sightline of 140 metres to the north and an existing sightline of 250 metres to the south. In order to achieve the sightline to the north the applicant proposes to remove vegetation. I note from the Land Registry documentation that the area concerned appears to be within the applicant's ownership. From reviewing the sightline drawing submitted by the applicant I note that the maximum achievable sightline to the north is c.132 metres, and not 140 metres,

when measured to the edge of the road as depicted by a blue line which has been used by the applicant to indicate sightlines. Having regard to the forgoing, the applicant has not demonstrated that the maximum available sightline to the north at the existing entrance complies with Policy 38.3.1 of the Mayo County Development Plan 2014-2020, being significantly below the 215 metre sightline requirement.

7.5 Flooding

7.5.1 The lands to the west of the appeal site are subject to flooding. The source of flooding is identified on floodmap.ie as being from groundwater. I note that the appeal site is located outside the area which is indicated as being subject to flooding. The planning application/appeal is accompanied by a Flood Risk Assessment. Based on the FRA I note that the highest recent flood levels identified at the closest hydrometric gauge (i.e. 1.5 km south-west of the appeal site) was 28.30m (OD Malin) in 2021. I also note that the proposed shed has a FFL of 37 metres (OD Malin) and that there is no history of flooding on the appeal site, or in the immediate vicinity, based on floodmaps.ie. I therefore consider that the proposed development is acceptable in terms of flood risk and that it accords with the Planning System and Flood Risk Management Guidelines 2009.

7.6 Appropriate Assessment

7.6.1 Stage 1 Screening

7.6.2 Compliance. 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 section.

7.6.3 Background. The appeal submission refers to an Appropriate Assessment Screening report having been submitted for an identical development under PA Ref. 16/582 (which I note was refused) and the applicant has resubmitted this Appropriate Assessment Screening report with the appeal. I note that this report is dated 2015 and I do not consider that it represents an up-to-date screening report for the proposed development. Additionally, I note that the screening report refers to the implementation of specific measures, including Good Agricultural and Environmental Condition (GAEC), Statutory Management Regulations (SMRs) and Protection of Groundwater against Pollution (SMR2) as a means of eliminating any potential risk to receiving

waters. In light of *People Over Wind* and *Sweetman v. Coillte Teoranta* (Case C-323/17) ('People Over Wind'), it was determined that measures intended to avoid or reduce the harmful effects of a plan or project on a European Site cannot be taken account of when carrying out a screening for Appropriate Assessment. As such, I do not consider that the measures referred to could be considered as part of screening for Appropriate Assessment, and a NIS would therefore be required.

7.6.4 Likely Significant Effects. 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 is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated as SACs and SPAs to assess whether it may give rise to significant effects on any European Site.

7.6.5 The Proposed Development. The development comprises;

- The construction of an agricultural cattle shed (120 sqm).
- The provision of a gravel roadway and an area of gravel around the proposed shed.
- A soakpit.

7.6.6 Potential Effects of the Proposed Development. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of the implications for likely significant effects on European Sites:

- The uncontrolled release of pollutants to ground water (e.g. run-off, fuel, oils, wastewater effluent) at construction phase of the proposed development.
- Potential for ground water contamination from the discharge of animal waste generated by the proposal at operational stage of the proposal.

7.6.7 Submissions and Observations. A submission was received by the Planning Authority from the Department of Housing, Local Government and Heritage and notes the following;

- Potential impacts on Shrute Turlough SAC from eutrophication and run off from the spreading of animal waste.

- Potential for cumulative effects of similar planning applications.
- The intensification of agricultural activity and an increase in slurry application/land spreading adjacent to or within the Shrule Turlough SAC would lead to a potential increase of agricultural discharges entering nearby watercourses.
- Potential for negative impacts on Shrule Turlough SAC from poor site management during both the construction and post construction phases of the proposed development.
- Screening report is required to examine any potential effects on the designated site and to propose any mitigation measures if required. Screening report should include and address the potential for ground and surface water contamination from land spreading animal waste generated by the proposal.
- Nutrient Management Plan has not been included as part of the application.

I note that land spreading or the application of slurry on the site is not referred to as part of the proposed development and as such I have not considered these as potential impacts on European Sites.

7.6.8 European Sites and Connectivity. A summary of European Sites that occur within a possible zone of influence of the proposed development is presented in Table 7.1 overleaf. Where a possible connection between the development and a European site has been identified, these sites are examined in more detail. I am satisfied that other European sites proximate to the appeal site can be ‘screened out’ on the basis that significant impacts on such European sites could be ruled out, either as a result of the separation distance from the appeal site or given the absence of any direct hydrological or other pathway to the appeal site.

| Table 7.1 - Summary Table of European Sites within a possible zone of influence of the proposed development. | | | | |
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| European Site (code) | List of Qualifying interest /Special conservation Interest | Distance from proposed development (Km) | Connections (source, pathway receptor) | Considered further in screening Y/N |
| Shrule Turlough SAC | <ul style="list-style-type: none"> • Turloughs [3180] | c. 90 metres west from appeal site | Indirect hydrological connection via ground water | Y |

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| (Site Code 000525) | | | | |
| Lough Corrib SAC (Site Code 000297) | <ul style="list-style-type: none"> • 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] • Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260] • Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210] • <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410] • Active raised bogs [7110] • Degraded raised bogs still capable of natural regeneration [7120] • Depressions on peat substrates of the <i>Rhynchosporion</i> [7150] • Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210] • Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220] • Alkaline fens [7230] • Limestone pavements [8240] • Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] • Bog woodland [91D0] • <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029] • <i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092] • <i>Petromyzon marinus</i> (Sea Lamprey) [1095] | c.2.3 km south of appeal site | The appeal site is indirectly connected to Shrule SAC via groundwater. Ctachments.ie indicates a hydrological connection between Shrule SAC and Lough Corrib SAC. Therefore an indirect connection exists between the appeal site and Lough Corrib SAC. However, having regard to the separation distance between Shrule SAC and Lough Corrib SAC, and to the nature and extent of the proposed development I do not consider a likelihood of significant effects. | N (due to separation distance and lack of connectivity) |

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|----------------------------|---|--------------------------------------|--|---|
| | <ul style="list-style-type: none"> • Lampetra planeri (Brook Lamprey) [1096] • Salmo salar (Salmon) [1106] • Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303] • Lutra lutra (Otter) [1355] • Najas flexilis (Slender Naiad) [1833] • Hamatocaulis vernicosus (Slender Green Feather-moss) [6216] | | | |
| Lough Corrib SPA (004042) | <ul style="list-style-type: none"> • Gadwall (Anas strepera) [A051] • Shoveler (Anas clypeata) [A056] • Pochard (Aythya ferina) [A059] • Tufted Duck (Aythya fuligula) [A061] • Common Scoter (Melanitta nigra) [A065] • Hen Harrier (Circus cyaneus) [A082] • Coot (Fulica atra) [A125] • Golden Plover (Pluvialis apricaria) [A140] • Black-headed Gull (Chroicocephalus ridibundus) [A179] • Common Gull (Larus canus) [A182] • Common Tern (Sterna hirundo) [A193] • Arctic Tern (Sterna paradisaea) [A194] • Greenland White-fronted Goose (Anser albifrons flavirostris) [A395] • Wetland and Waterbirds [A999] | c. 10 km south-west of appeal site | The appeal site is indirectly connected to Shrule SAC via groundwater. Ctachments.ie indicates a hydrological connection between Shrule SAC and Lough Corrib SAC, which connects to Lough Corrib SPA. Therefore an indirect connection exists between the appeal site and Lough Corrib SPA. However, having regard to the separation distance between Shrule SAC and Lough Corrib SPA, and to the nature and extent of the proposed development I do not consider a likelihood of significant effects. | N (due to separation distance and lack of connectivity) |
| Cloughmoyne SAC (000479) | <ul style="list-style-type: none"> • Limestone pavements [8240] | c. 6.65 km south-west of appeal site | No direct/indirect connectivity | N (due to separation distance and lack of connectivity) |
| Macorha Lough SAC (001536) | <ul style="list-style-type: none"> • Calcareous fens with Cladium mariscus and species of the Caricion davalliana [7210] | c. 4.1 km north-west of appeal site | No direct/indirect connectivity | N (due to separation distance and |

| | | | | |
|--|--|--|--|-----------------------|
| | | | | lack of connectivity) |
|--|--|--|--|-----------------------|

7.6.9 Following an examination of sites within the zone of influence, and upon an examination of the connectivity between the appeal site and these sites (see Table 7.1 above), Shrule Turlough SAC has been screened in as the appeal site is potentially hydrologically connected to Shrule Turlough SAC through ground water. Shrule Turlough SAC is indicated on Catchments.ie as being hydrologically connected to Lough Corrib SAC, which in turn is indicated as being hydrologically connected to Lough Corrib SPA, however noting the nature and extent of the proposed development, and the distance between Shrule Turlough SAC and Lough Corrib SAC and Lough Corrib SPA, I do not consider there to be a likelihood of significant effects on either Lough Corrib SAC or Lough Corrib SPA. All other Natura 2000 sites surrounding the proposed development have been screened out due to a lack of connectivity.

7.6.10 Conservation Objectives of European Sites ‘Screened-In’. There is no Conservation Management Plan for Shrule Turlough SAC.

The generic Conservation Objective for Shrule Turlough SAC is;

‘to maintain or restore the favourable conservation conditions of the Annex I habitats and Annex II species for which the SAC has been selected’.

7.6.11 Identification of Likely Effects. In light of the above Conservation Objectives the main elements of the proposal which may give rise to impacts on the European site listed above include those as a result of construction activity and operational activity. These are summarised overleaf as follows:

Construction Phase Impacts on Shrule Turlough SAC - During the construction phase there is potential for surface water runoff from site works to temporarily discharge via groundwater to Shrule Turlough SAC. Given the nature and scale of the proposed construction works and the proximity of the site to Shrule Turlough SAC there is the potential for the water quality pertinent to this European Site to be negatively affected by any contaminants, from site clearance and other construction activities and also from the release of hydrocarbons.

Operational Phase Impacts on Shrule Turlough SAC – Shrule Turlough SAC is particularly sensitive to eutrophication. Eutrophication of Shrule Turlough SAC could occur if nutrient enriched run-off entered to site. Common sources of such contaminants include animal waste. During the operational phase of the proposed development there is the potential for animal waste from the proposed structure to enter ground water.

In-combination Impacts. There are no recent planning applications for the surrounding area that share a direct link with the subject site.

A summary of the outcomes of the screening process is provided in the screening matrix Table 7.2 overleaf.

| Table 7.2 - Summary Screening Matrix | | | | |
|--|---|---|------------------------|------------------------|
| European Site | Distance to proposed development/ Source, pathway receptor | Possible effect alone | In combination effects | Screening conclusions: |
| Shrule Turlough SAC (Site Code 000525) | c. 90 metres west from appeal site | During the construction phase there is potential for contaminated surface water runoff from site works to temporarily discharge via groundwater to and Shrule Turlough SAC which could potentially negatively affect the water quality pertinent to this European Site. During the operational phase of the proposed development there is the potential for the discharge of animal waste to ground water which could enter Shrule Turlough SAC causing eutrophication. | No effect | Screened in for AA |

7.12.12 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.

7.12.13 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, it has been concluded that the project individually **could have a significant effect** on Shrule Turlough SAC/European Site No. 000525, in view of the site's Conservation Objectives, and Appropriate Assessment is therefore required.

8.0 Recommendation

8.1. I recommend that planning permission for the proposed development should be refused for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. The proposed development would result in the intensification of the use of an existing access onto the N84 National Secondary Road at a location where the maximum speed limit applies. The proposed development would be at variance with national policy in relation to the control of development on national roads as set out in the Spatial Planning and National Roads Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in January, 2012, which seeks to secure the efficiency, capacity and safety of the national road network. The proposed development, by itself, or by the precedent which the grant of permission for it would set for other relevant development, would adversely affect the use of a national road by traffic and would be contrary to the proper planning and sustainable development of the area.
2. On the basis of the information submitted with the planning application 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 Shrule Turlough

SAC (Site Code: 000525), or any other European site, in view of the site's conservation objectives. In such circumstances, the Board is precluded from granting permission.

Ian Campbell
Planning Inspector

11th July 2022