



An
Bord
Pleanála

Inspector's Addendum Report ABP-312038-21

Type of Appeal	Appeal against decision to grant planning permission for the construction of a three bay slatted unit, including a feed passage and loose housing, underground slurry storage tank along with all associated site works. The application includes a Natura Impact Statement.
Location	Carrowmoney, Partry, Claremorris, Co. Mayo
Applicant	Mr Michael Staunton
Planning Authority	Mayo County Council.
Planning Authority Ref	21/756
Appellant	Peter Gorry (third party)
Planning Authority Decision	Grant of Planning Permission.
Inspector	Fergal Ó Bric.

1.0 Preliminary

1.1. This report has been prepared pursuant to a Board request (Board Direction number BD-013960-23) which seeks the preparation of a supplementary report. The Board decided that the file should be referred back to the Inspector for the preparation of a revised/supplementary report which correctly identifies and considers the development in terms of Environmental Impact Assessment, and which correctly identifies the qualifying interests in relation to Appropriate Assessment in relation to construction and operational impacts of the development and the adequacy of the mitigation measures as set out within the applicants' proposals.

2.0 Assessment

2.1. Introduction

2.1.1. In this, my supplementary report, I have confined myself to the matters set out within the Board direction, namely further consideration of Environmental Impact Assessment and Appropriate Assessment.

2.2. Environmental Impact Assessment

2.2.1 The relevant provisions for agricultural development where the preparation of an Environmental Impact Assessment (EIA) is required to be prepared are set out within Schedule 5, Part 2, Class 1 of the Planning and Development Regulations, 2001 (as amended). which pertains to agriculture, silviculture and aquaculture development. Class 1 sets out a number of types of development which require the submission of an EIAR and includes the following:

Class 1(a)

- The removal of in excess of four kilometres of field boundary.
- For the re-contouring of lands in excess of five hectares.
- Where an area of land to be restructured by removal of field boundaries is in excess of fifty hectares.

Class 1(c)

- Where development would consist of the carrying out of drainage and/or reclamation of wetlands where more than two hectares of wetlands would be affected.

Class 1(e)

- For intensive poultry farming activities not included in Part 1 of this Schedule which would have more than 40,000 places for poultry:
- For intensive pig farming activities not included in Part 1 of this Schedule which would have more than 2,000 places for production pigs (over thirty kilograms) in a finishing unit, more than 400 places for sows in a breeding unit or more than 200 places for sows in an integrated unit.

2.2.2 The current proposals are not provided for specifically within any of the categories set out above within Class 1 and, therefore, is sub-threshold as set out with Class 1 (e) of the Regulations. Therefore, the development does not require the preparation of a mandatory Environmental Impact Assessment Report. Having regard to the nature and scale of the development comprising a structure for the housing of ewes during the lambing season, within the confines of an existing established and permitted agricultural complex, and to the nature, extent, characteristics and likely duration of potential impacts, I conclude that the proposed development is not likely to have significant effects on the environment.

An Environmental Impact Assessment Screening Report was not submitted with the appeal.

2.2.3 As per the criteria set out within Schedule 7 of the Planning and Development Regulations 2001 (as amended)), as to whether a development would/would not have a significant effect on the environment, the expansion of an established agricultural complex would not be considered to have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not located within an area of landscape sensitivity or of natural or cultural heritage and the proposed development would not be likely to have a significant effect on any European Site (as discussed below in Section 3 of my report). The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other agricultural development in this vicinity. It would not give rise to a

risk of major accidents or risks to human health. The development would be served by a slatted tank and a dry bedding system whereby all foul waste would be contained and managed and any waste generated would be spread on the adjoining land holding of the applicant, which comprises 36 hectares approximately.

Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Schedule 5, Part 2, Class 1(e) - Agricultural Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands that are rural and agricultural and immediately proximate to an existing farm yard complex,
- The location of the site within an existing agricultural complex and the existing pattern of agricultural development in the vicinity,
- The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended).

2.2.4 I have concluded that, having regard to the nature, scale and location of the subject site within the confines of an established and permitted farmyard complex, the proposed development would not be likely to have significant effects on the environment. On preliminary examination, there is no real likelihood of significant effects on the environment, arising from the proposed development. The need for Environmental Impact Assessment (EIA) can, therefore, be excluded at preliminary examination.

3.0 Appropriate Assessment

3.1 Background

- 3.1.1. I note that the reason for refusal as outlined under Board reference 308820-20 related to the matter of Appropriate Assessment (AA) and that the applicant had failed to demonstrate that the extension of the agricultural shed as set out under those proposals on the site would not adversely impact upon the integrity of the adjacent Lough Carra/Mask Complex SAC. Deterioration in water quality as a result of construction related pollution and siltation, as well as potential disturbance to habitats and species were specifically set out within the refusal reason. The applicant has not submitted a discrete Appropriate Assessment (AA) screening report but, addresses the matter within the Natura Impact Statement (NIS).
- 3.1.2. The requirements of Article 6(3) of the Habitats Directive, as related to screening the need for Appropriate Assessment of a project under Part XAB (section 177U) of the Planning and Development Act 2000 (as amended), are considered fully in this assessment.
- 3.1.3. The Planning Officer completed a separate Appropriate Assessment (AA) Report and appended it to the Planners Report.

Appropriate Assessment-Screening

- 3.1.4. Having reviewed the documents, drawings and submissions included in the appeal file, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.
- 3.1.5. The project is indirectly connected to a European Site via a land drain and, therefore, it needs to be determined if the development would have any possible interaction that would be likely to have significant effects on the European Site(s).

3.2. Brief description of the development

- 3.2.1. The development relates to the construction of an agricultural shed comprising a floor area of 472 sq. m. The shed would be partially dry bed and partially slatted. Wastewater would be discharged to slatted tanks and it is stated that surface water would be discharged to a soakpit. Comprehensive landscaping proposals are also included, including tree and hedgerow planting along the site boundaries.
- 3.2.2. The purpose of the proposal is stated to be to provide improved facilities for ewes for a period of 6 to 8 weeks prior to lambing. It is stated that approximately ninety ewes would be housed within the slatted area, thirty ewes on the straw bed area

and the remainder of the areas within the shed would be used as lambing pens. The applicants' Consultant Engineers state that the main construction element of the development will be the excavation of the concrete base and the in-situ casting of same. The concrete base works would take approximately 1 week to put in place and will utilise steel forms and shuttering to prevent concrete leaching from the construction area.

- 3.2.3. The applicants' Consultant Engineers further information response references best practice construction measures such as good environmental management of construction sites, sound agricultural practice and Irish Farmers Association (IFA) and Inland Fisheries Ireland (IFI) guidance as well as compliance with the provisions of the Nitrates Directive .
- 3.2.4. The appeal site comprises agricultural grassland and artificial surfaces. However, according to Corine Land Cover mapping (2018), the land surrounding Lough Carra and bounding the eastern site boundary is classified as 'wetlands.
- 3.2.5. Given the proximity of the appeal site to the Lough Carra/Mask Complex SAC, located approximately 19 metres east of the proposed agricultural shed and given that ground levels fall in an easterly direction towards the European site, I consider that there is a likelihood that hydrological pathways exist to a local land drain (east of the appeal site) and indirectly to the European site. Given the potential effects to water quality during construction (particularly sediment and other construction related pollutants) the likelihood of adverse effects to the qualifying interests of Lough Carra/Mask cannot be ruled out.
- 3.2.6. Taking into account the characteristics of the agricultural development in terms of its location and scale, the following issues should be considered for examination in terms of implications for likely significant effects on European Sites:

Construction-related impacts

- Deterioration in water quality through increased sediment
- Habitat loss / fragmentation
- Habitat disturbance
- Species disturbance

Operational-related impacts

- Deterioration in water quality through nutrient enrichment
- Habitat and species disturbance

3.3. Submissions and observations

- 3.3.1. The appellant states that the agricultural development would be located within 2 metres of a land drain which in turn connects into the Lough Carra/Mask SAC. The appellant sets out that animal waste and silage run-off would result in an increased risk of pollution within the drain and have the potential to adversely impact upon the water quality within the Lough Carra/Mask SAC.
- 3.3.2. The National Parks and Wildlife Service issued a response to the Planning Authority and outlined no particular objections to the development subject to the implementation of the full range of mitigation measures included within the Natura Impact Statement (which will be addressed in detail below).

3.4. European Sites

- 3.4.1. Having regard to the scale of the development; the separation distances involved; and the existence of potential hydrological pathways; I am of the opinion that there are a number of European sites that are located within the zone of influence of the appeal site, and these are considered below:

Table 1: Summary of European Sites within the zone of influence of the development

European Site (Code)	List of Qualifying Interests / Special conservation interest	Distance from proposed development (metres)	Connections (source, pathway, receptor)	Considered further in screening (Yes/No)
Lough Carra/Mask Complex SAC (001774)	Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Oligotrophic to mesotrophic standing waters with vegetation of	19 metres east of proposed agricultural structure	Surface water outfall to land drain and wetlands adjoining the appeal site boundary providing potential for	Yes

	<p>the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]</p> <p>Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]</p> <p>European dry heaths [4030]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Hamatocaulis vernicosus (Slender Green Feather-moss) [6216]</p>		<p>indirect hydrological connection to the SAC.</p>	
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Lough Carra SPA (004051)	Common Gull (<i>Larus canus</i>) [A182]	Approximately 370 metres north-east of appeal site boundary.	Surface water outfall to land drain and wetlands adjoining the appeal site boundary providing potential for indirect hydrological connection to the SPA.	Yes
Lough Mask SPA (004062)	Tufted Duck (<i>Aythya fuligula</i>) [A061] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Common Gull (<i>Larus canus</i>) [A182] Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] Common Tern (<i>Sterna hirundo</i>) [A193] Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395] Wetlands and Winterbirds	Approximately 1.38 kilometres west of the appeal site boundary.	Surface water outfall to land drain and wetlands adjoining the appeal site boundary providing potential for indirect hydrological connection to the SPA.	Yes

3.5. Identification of likely effects

3.5.1 In relation to potential construction-related impacts on habitats, the appeal site is in close proximity to the Lough Carra/Mask SAC and that works would take place within approximately 19 metres of the SAC boundary. I also note that native deciduous tree and hedge planting is proposed along the southern and western site

boundaries and the impact of same should be considered with regard to potential siltation etc.

- 3.5.2 I consider that due to the modest separation distances from a number of European sites (particularly the Lough Carra/Mask SAC), there is potential for adverse effects to arise on European Sites. Standard environmental measures will be adopted during the construction phase and will include the careful storage of construction materials, refuelling and storm water being diverted to a soakpit,
- 3.5.3 I acknowledge that the size and scale of the development is not significant in the context of rural development. The appeal site comprises grassland and artificial surfaces, which are not protected habitats, and is located approximately 370 metres from the nearest of the two SPAs, that being Lough Carra SPA. However, the proposed agricultural development and planting works would be in close proximity to the eastern and southern site boundaries, the adjoining land drain, and the Lough Carra/Mask complex SAC. I note the existence of a drain running along the southern and eastern site boundary and the wetland nature of the adjoining lands, which would conflict with the assertion regarding the separation from the aquatic section. I also note that the appellant has raised the issue of potential ground and surface hydrological connections to European Sites.
- 3.5.4 Having regard to the presence of the drain along the southern and eastern site boundary, which is connected to the wider water regime and the adjoining wetlands, I consider that there is a potential hydrological connection with the Lough Carra/Mask Complex SAC.
- 3.5.5 The Conservation Objective for this SAC is to maintain and restore the favourable conservation condition of the Annex I habitat(s) and the Annex II species for which the Lough Carra/Mask SAC has been selected. With regard to habitats, this European Site includes 'Oligotrophic waters containing very few minerals', 'Oligotrophic to mesotrophic standing waters' and 'Hard Water Lakes' as Qualifying Interests. I consider that, having regard to the proximity of the works to the SAC and potential hydrological connection, likely significant effects on the water quality as a result of construction-related siltation or pollution cannot be excluded in this instance.
- 3.5.6 From the mapping included as part of the conservation objectives associated with this particular SAC, I am satisfied that the protected Grassland habitats (Map 5),

Alluvial Forest and Sessile Oak Woods (Map 7), Limestone Pavement (Map 6) are sufficiently removed from the appeal site boundary and would not be adversely impacted by the proposals due to the separation distance between the source and the receptor. However as per map number 3, it is apparent that the Hard oligo-mesotrophic waters with benthic vegetation are identified as a qualifying interest within Lough Carra SAC, west of the appeal site. Therefore, having regard to the proximity of the works to the SAC and potential hydrological connection, the potential for adverse impacts on the water quality as a result of construction-related siltation or pollution cannot be excluded in this instance.

3.5.7 In terms of species, I note that the Otter and Lesser Horseshoe Bat are included as Qualifying Interests for the SAC. In relation to the Lesser Horseshoe Bat (LHB), I note that the NPWS mapping (map number 8) includes details of bat roosting areas within Lough Carra are all located along the eastern and south-eastern sections of the lake and the feeding zones are also removed by at least 2.5 kilometres from the appeal site. This is the separation distance that the National Parks and Wildlife Service (NPWS) set out as the maximum distance the LHB will forage from their roosts. This species would not use animal sheds for roosting purposes and therefore, I am satisfied that the appeal site would represent a sub-optimal habitat for this species in terms of the noise and activity generated within a farm complex and, therefore, this species can be removed from more detailed assessment.

3.5.8 In terms of the Otter species, Map number 9 identifies that there is potential for the Otter species to breed and/or forage along the fringes of the Lough Carra SAC. However, I consider it unlikely that the Otter would use the appeal site for breeding and/or foraging purposes as the site is part of a working farmyard complex where there is plenty of activity and noise, the sward in this vicinity is short and the habitat within the appeal site is considered to be sub-optimal in terms of attracting the Otter for breeding or foraging purposes. and, therefore, this species can be removed from more detailed assessment.

3.5.9 I note that both Lough Carra SPA and Lough Mask SPA are significantly distanced from the proposed works, with Lough Carra SPA being the nearest at approximately 370 metres distant. Having regard to the limited scale and duration of the proposed works and the separation distances involved, I do not consider that the proposed development would be likely to have any adverse effects on the protected bird species of special conservation interest within the SPA. Furthermore, I do not

consider that any indirect impacts on water quality would be likely to have significant effects on the species given the scale and separation distance of the proposed works between the source and receptor where dilution of sediment would occur before the surface water would reach the SPA boundary.

3.5.10 Regarding impacts on habitats at operational stage, the applicant outlines that the proposed development will not result in an intensification of agricultural activity and there will be no increase in nutrient loading within the catchment area as per the details included within the Nutrient management Plan submitted. The Teagasc report submitted as part of the planning documentation sets out that slurry will be spread at a rate of 25m³ per hectare, which is only 50% of the maximum permitted under the Good Agricultural Practice Regulations 2017. The Teagasc Report (including a Fertiliser Plan) states that this will dictate the spread times and slurry quantities, as well as distances from sensitive receptors. I am satisfied that the management of effluent arising from agricultural activities and the undertaking of land-spreading is governed by the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017, and the applicant will be required to operate the development in accordance with the relevant DAFM specifications. Subject to compliance with these requirements, I am satisfied that the proposed development would not result in adverse effects on Natura 2000 sites.

3.5.11 In terms of operational emissions from the proposed development itself, run off from the roof areas would comprise clean water and will discharge to a soakpit, with no direct discharge to any drain, water course or stream. All soiled water will be diverted to the slatted tanks. I am, therefore, satisfied that there will be no significant adverse effects on protected habitats/species arising from this source.

3.5.12 Having considered the species listed as qualifying interests for these European Sites and the application of standard operational measures to prevent pollution, including on-site surface water management, I am satisfied that there will not be likely significant disturbance to species at operational stage.

3.5.13 In relation to cumulative impacts, it is noted that only modest scaled development has occurred in the vicinity of the appeal site and the planning authority was satisfied that the project would not have an adverse impact on Natura 2000 sites and therefore, there can be no cumulative impact relevant to the proposed development. Having reviewed the planning register, I would concur that applications in the area

are limited to small-scale domestic and agricultural developments which would separately be subject to AA consideration. I do not consider that there is likely potential for cumulative impacts associated with other developments.

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

Table 2: Screening summary matrix

European Site (Code)	Distance to proposed development (metres)	Possible effect alone	In combination effects	Screening conclusion
Lough Carra/Mask Complex SAC (001774)	Approximately 19 metres separation distance	Water quality impacts on habitats as a result of construction-related pollution and siltation.	None	Possible significant effects cannot be ruled out without further assessment
Lough Carra SPA (004051)	Approximately 370 metre separation distance	Significant effects are not likely due to the limited scale and duration of the works and the separation distance from the appeal site.	None	Screened out for need for AA
Lough Mask SPA (004062)	Approximately 1.38 kilometres separation distance	Significant effects are not likely due to the limited scale and duration of the works and the separation distance from the appeal site.	None	Screened out for need for AA

3.6 Mitigation measures

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

3.7 Screening Determination

3.7.1 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 (or in combination with other plans or projects) could give rise to adverse effects on one European Site, namely the Lough Carra/Mask Complex SAC, in view of the sites' Conservation Objectives. An Appropriate Assessment is therefore, required.

3.8 Stage 2- Appropriate Assessment

3.8.1 Natura Impact Statement (NIS)

3.8.2 The application included a Natura Impact Statement for the agricultural development at Carrowmoney, Partry, Mayo. The NIS provides a description of the project and the existing environment. It also examines and assesses potential adverse effects of the proposed development on a European Site (identified above). The characteristics of the appeal site are set out and potential impacts arising from the construction and operational phases of the development on the Lough Carra/Mask Complex SAC and includes details of mitigation measures that would be incorporated during the construction and operational phases of the development. In combination effects are also examined.

3.8.3 The NIS concludes that subject to the implementation of the mitigation measures outlined within Section 7 and measures included in the design of the development and the implementation of preventative measures during the construction phase and identified within the Natura Impact Statement, significant adverse effects on the conservation objectives or site integrity of the Lough Carra/Mask Complex SAC, and/or in combination with other plans and projects are not likely.

3.8.4 Having reviewed the documentation available to me, I am satisfied that the information submitted allows for a complete assessment of any adverse effects arising from the development on the conservation objectives of the European site listed above, alone, or in combination with other plans and projects.

Appropriate Assessment of implications of the proposed development on the European Site

3.8.5 The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features which are located downstream of the development within the Lough Carra/Mask Complex SAC using the best scientific knowledge available in the field. All aspects of the project which could result in significant adverse effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

3.8.6 I have relied on the following guidance as part of this assessment:

- Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009).
- 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 (2002).
- Guidelines on the implementation of the Birds and Habitats Directives in Estuaries and coastal zones, EC (2011); •
- Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

3.8.7 A description of the designated site and its' Conservation Objectives and Qualifying Interests, including any relevant attributes and targets, are set out in the screening assessment above, and outlined above as part of my assessment. 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).

Potential Impacts on identified European Sites

Table 3

Site 1:

Name of European Site, Designation, site code: Lough Carra/Mask Complex SAC,001774

Summary of Key issues that could give rise to adverse effects.

- Water Quality and water dependant habitats
- Habitat degradation/loss/fragmentation
- Disturbance of QI species

Conservation Objective: To maintain or restore the favourable conservation status of habitats and species within the Lough Carra/Mask SAC.

Qualifying Interest feature	Conservation Objectives Targets and attributes	Summary of Appropriate Assessment			Can adverse effects on integrity be excluded ?
		Potential adverse effects	Mitigation measures	In-combination effects	
Oligotrophic waters containing very few minerals of sandy plains.	To restore the favourable conservation status of the waters containing very few minerals.	Deterioration in water quality arising from sedimentation and release of concrete run-off to surface water channels and/or groundwater arising from construction activities on site and potentially	Insertion of silt fence downslope of works; No instream works shall be permitted, and no material removed or deposited from within the adjacent drain/SAC: Storage of hydrocarbons shall occur off-	No significant in-combination adverse effects	Yes

		adversely impacting upon protected habitat/	site: Storage and handling of construction materials shall be conducted removed from the SAC boundary by a minimum distance of 15 metres: Excavation and storage of soils shall be not occur within 20 metres of the SAC boundary: Constructio n works and shuttering to occur during an extended		
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			dry weather period.		
Oligotrophic to Mesotrophic waters standing waters with vegetation	To restore the favourable conservation status of the standing waters with vegetation	As above	As above	No significant in-combination adverse effects	Yes
Hard Oligo-Mesotrophic waters with Benthic vegetation	To restore the favourable conservation status of the Hard Oligo-Mesotrophic waters with Benthic vegetation	As above	As above	No significant in-combination adverse effects	Yes
European dry heaths	To maintain the favourable conservation condition of European dry heaths in Lough Carra/Mask SAC.	As above	As above	No significant in-combination adverse effects	Yes

Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davalliana</i> e*	To maintain the favourable conservation condition of calcareous Fens with <i>Cladium mariscus</i> and species of the <i>Caricion davalliana</i> e	As above	As above	No significant combination adverse effects	Yes
Alkaline Fens	To restore the favourable conservation condition of Alkaline fens in Lough Carra/Mask Complex SAC.	As above	As above	No significant combination adverse effects	Yes
Slender Green Feather-Moss	To maintain the favourable conservation condition of the Slender Green	As above	As above	No significant combination adverse effects	Yes

	Feather- Moss in Lough Carra/Mask SAC.				
<p>Overall conclusion: Integrity test</p> <p>Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.</p>					

3.8.8 Following the Appropriate Assessment and the consideration of mitigation measures, set out within the NIS, I can ascertain with confidence that the project would not adversely affect the integrity of the Lough Carra/Mask Complex SAC (site code 001774), in view of the Conservation Objectives of this site. This conclusion has been based on a complete assessment of all implications of the project alone, and in combination with other plans and projects.

Appropriate Assessment Conclusion

3.8.9 The agricultural development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

3.8.10 Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on two European Sites, the Lough Carra/Mask Complex SAC. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the European site in light of its conservation objectives.

3.8.11 Following the Appropriate Assessment and the consideration of mitigation measures, I can ascertain with confidence that the project would not adversely affect the water quality as a result of construction or operational related impacts, nor the overall integrity of the Lough Carra/Mask Complex SAC, in view of the Conservation Objectives of this site. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of the aforementioned designated sites.
- The comments received from the Department of Housing, Local Government and Heritage (Development Applications Unit) dated the 26th day of August 2021).
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals, and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Lough Carra/Mask Complex SAC.

4.0 **Recommendation**

Having regard to the above and to the content of my original report dated 31st day of March 2023, I recommend that permission be granted.

5.0 **Reasons and Considerations**

Having regard to the rural location of the site; the additional farm structure to house animals on this land holding; the established and permitted farm complex and practices on the holding; the character and pattern of development in the vicinity; and to the policies and objectives of the Mayo County Development Plan 2022-2028, it is considered, subject to the conditions set out below, that the proposed development would not seriously injure the amenities of the area nor result in the creation of a traffic hazard, nor adversely impact upon water quality nor give rise to disturbance of protected habitats or species in the adjacent European site. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

6.0 **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application to the Planning Authority on the 14th day of July 2021 and the 8th day of October 2021, except as may otherwise be required in order to comply with the following conditions. Where

such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The slatted shed shall be used only in strict accordance with a management schedule to be submitted to and agreed in writing with the planning authority, prior to commencement of development. The management schedule shall be in accordance with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2014 (SI No 31 of 2014), and shall provide at least for the following:

- (1) Details of the number and types of animals to be housed.
- (2) The arrangements for the collection, storage, and disposal of slurry.
- (3) Arrangements for the cleansing of the buildings and structures.

Reason: In order to avoid pollution and to protect residential amenity.

3. All foul effluent and slurry generated by the proposed development shall be conveyed through properly constructed channels to the proposed and existing storage facilities and no effluent or slurry shall discharge or be allowed to discharge to any stream, river, or watercourse, or to the public road.

Reason: In the interest of public health.

4. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard-

- (a) uncontaminated surface water run-off shall be disposed of directly in a sealed system, and
- (b) all soiled waters, shall be directed to the slatted storage tank.
Drainage details shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

Reason: In the interest of environmental protection, public health and to ensure a proper standard of development.

5 (a) The entrance shall be constructed as per the Site Layout drawing number 20-138-DWG-P01, submitted to the Planning Authority on the 14th day of July 2021. The roadside boundary shall be maintained in a neat and tidy manner and below a height of 1.1 metres so that sightlines shall not be obstructed.

(b) The agricultural roadway from the agricultural entrance to the slatted shed shall be suitably hard cored and be maintained in a clean and tidy manner all year round. The adjoining public road shall be maintained in a clean and tidy fashion such that no muck, dirt, or surface water from the agricultural operations shall be deposited on same. (c) Upon the commissioning of the new agricultural entrance the existing entrance shall be closed up permanently and the old entrance area shall be landscaped with native deciduous hedging at a maximum height of 1.1 metres.

Reason: In the interest of traffic safety.

6 The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than [1:500] showing –

(i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech, or alder and which shall not include prunus species.

(ii) Details of screen planting which shall not include cupressus cypris or leylandii.

(iii) Details of roadside planting which shall not include prunus species.

(b) A timescale for implementation [including details of phasing]

All planting shall be adequately protected from damage until established. Any plants which die, are removed, or become seriously damaged or diseased, within a period of five years from the completion of the development shall be

replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

- 7 All mitigation measures included within Section 7 of the Natura Impact Statement submitted to the Planning Authority on the 14th day of July 2021 and those included as Appendix B within the response to the further information request submitted to the Planning Authority on the 8th day of October shall be implemented in full.

Reason: In the interest of protecting natural heritage.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Fergal Ó Bric

Planning Inspectorate

28th day of November 2023

