



An
Bord
Pleanála

Inspector's Report ABP-313067-22

Development	Restoration and adaption of a former convent school to a community hub.
Location	Abbey Street, Ballyhaunis. Co Mayo
Local Authority	Mayo Co. Council
Type of Application	Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment)
Prescribed Bodies	None
Observer(s)	Ballyhaunis Community Council
Date of Site Inspection	April 29 th , 2022
Inspector	Breda Gannon

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1.0 Introduction

- 1.1. Mayo County Council is seeking approval from An Bord Pleanála to undertake the restoration and adaption of a former convent school which is hydrologically connected to Lough Corrib SAC, a designated European site. There are several other designated European sites (SPAs and SACs) in proximity to the proposed works (see further analysis below). A Natura Impact Statement (NIS) and application under Section 177AE was lodged by the Local Authority on the basis of the proposed development's likely significant effect on a European site.
- 1.2. Section 177AE of the Planning and Development act 2000 (as amended) requires that where an appropriate assessment is required in respect of development by a local authority, the authority shall prepare an NIS and the development shall not be carried out unless the Board has approved the development with or without modifications. Furthermore, Section 177V of the Planning and Development Act 2000 (as amended) requires that the appropriate assessment 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 appropriate assessment shall be carried out by the Board before consent is given for the proposed development.

2.0 Proposed Development

- 2.1. The proposed development comprises the restoration and adaption of a former convent school to a community hub. The proposal includes internal modifications to the building layout, a two-storey extension at the building entrance housing a lobby and lift. The building will accommodate a dining room, WC and community learning space on the ground floor and the second floor will consist of a craft workshop, canteen, artist studio, community activity space, social hub and WC's
- 2.2. The site will be landscaped for amenity and recreational purposes and will incorporate play areas and an open air amphitheatre.
- 2.3. **Accompanying documents:**
 - Plans and maps
 - NIS

- Basis of Design Report

3.0 Site and Location

- 3.1. The site which has a stated area of 0.74 ha is located at Abbey Street, Ballyhaunis. Co. Mayo. It accommodates a three-storey building, formerly used as St Joseph's national school, which is now vacant. It is adjoined to the north by the former secondary school a large two-storey vacant building which, together with the former Convent of Mercy School located on elevated ground to the south-west form an assemblage of religious/institutional buildings on this side of the town.
- 3.2. The building is set back from Abbey Street with a large open grassed area to the front. Its eastern elevation lies close to the access road serving Abbey View housing scheme. To the west there is a hard surfaced area and some sheds at a lower level and the Dalgan River runs along this site boundary.
- 3.3. The site is accessed off Abbey Street with separate pedestrian and vehicular entrances. There is also pedestrian access to Abbey View. Ground levels fall towards Abbey Street and to the Dalgan River to the west. The roadside boundary is defined by a low stone wall to Abbey Street and by a fence to the east adjacent to Abbey View.

4.0 Planning History

- 4.1. No details of any relevant planning history have been forwarded by the planning authority.

5.0 Legislative and Policy Context

- 5.1. **The EU Habitats Directive (92/43/EEC):** This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) and 6(4) require an appropriate assessment 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).
- 5.2. **European Communities (Birds and Natural Habitats) Regulations 2011:** These Regulations 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. The Regulations in particular require in Reg 42(21) that where an appropriate assessment has already been carried out by a 'first' public authority for the same project (under a separate code of legislation) then a 'second' public authority considering that project for appropriate assessment under its own code of legislation is required to take account of the appropriate assessment of the first authority.

- 5.3. **National nature conservation designations:** The Department of Housing, Local Government and Heritage and the National Parks and Wildlife Service are responsible for the designation of conservation sites throughout the country. The three main types of designation are Natural Heritage Areas (NHA), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and the latter two form part of the European Natura 2000 Network.
- 5.4. The applicant has identified 11 no. European sites located within a 15km radius of the development site.
- 5.5. **Planning and Development Acts 2000 (as amended):** Part XAB of the Planning and Development Acts 2000-2017 sets out the requirements for the appropriate assessment of developments which could have an effect on a European site or its conservation objectives.
- 177(AE) sets out the requirements for the appropriate assessment 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, a Natura impact statement in respect of the proposed development.
 - Section 177(AE) (2) states that a proposed development in respect of which an appropriate assessment is required shall not be carried out unless the Board has approved it with or without modifications.
 - Section 177(AE) (3) states that where a Natura impact assessment 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 appropriate assessment.

- 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 consequences for the proper planning and sustainable development of the area.
 - The likely effects on the environment.
 - The likely significant effects on a European site.

5.6. The Ballyhaunis Area Plan

The town plan forms part of the Mayo County Development Plan 2014-2020. The site is zoned 'Community Services and Facilities' with an objective '*To provide land for community and social facilities*'.

It is an objective of the Council to improve the attractiveness of the Town Centre's built fabric including the encouragement of appropriate redevelopment and renewal of vacant sites and buildings, and to ensure high architectural quality in all new developments (Objective KTBY-03).

It is an objective of the Council to protect and enhance all key views of interest in Ballyhaunis, including those identified in Map BY2. The Council will require a Visual Impact Assessment for development proposals that have the potential to have an adverse impact on important views or streetscapes (Objective KTBY-17).

6.0 The Natura Impact Statement

- 6.1. Mayo County Council's application for the proposed development was accompanied by a Natura Impact Statement (NIS) which scientifically examined the proposed development and the European sites. The NIS identified and characterised the possible implications of the proposed development on the European sites, in view of the site's conservation objectives, and provided information to enable the Board to carry out an appropriate assessment of the proposed works.

- 6.2. The NIS describes the elements of the development (alone or in combination with other projects and plans) that are likely to give rise to significant effects on the European sites. Potential significant effects are set out, as well as an assessment of their effect and the mitigation measures that are to be introduced to avoid, reduce or remedy the adverse effects on the integrity of the European sites.

7.0 Consultations

The application was circulated by Mayo Co. Council to the North Western Regional Fisheries. No response was received. The application was not circulated to any other Prescribed Bodies

8.0 Submissions

Ballyhaunis Community Council

- 8.1. This is a welcome development that will greatly improve community life at all levels and bring a whole new dimension to the streetscape. The development will facilitate community integration, provide better leisure and recreational facilities, promote access for the working population and enable community networking. The conservation philosophy of doing as little as possible and as much as necessary to retain the fabric of the building is to be commended.
- 8.2. There is no provision in the plan for renewable energy sources (solar) or ensuring Green Building certification. This is lost opportunity to turn this into a best practice sustainable building. Electric vehicle charging points should be provided.
- 8.3. Improved landscaping which doesn't just involve grass may be worth considering from a maintenance point of view (wildflower meadow/sensory garden in places). Supports the idea of the walkway bridge to the swimming pool, which should be made accessible for users with limited mobility.
- 8.4. The green approach to minimal car parking is admirable but it will require support from town parking spaces across the river which will not be accessible in phase one. Questions whether all green spaces and paths fully accessible (seamless paths, ramps, handrails etc). Grounds should include lights for walking at night. Paths should be permeable surfaces to allow rainwater to percolate.

- 8.5. The amphitheatre will require maintenance and is of limited benefit as an open-air facility in our climate. A covered area for the stage portion might be worth considering.
- 8.6. Questions whether the stones in the front boundary wall of any historical or heritage value. The plan will be removed the wall and should be recycled or upcycled as a monument or sculpture area, or used for tiered seating.
- 8.7. Questions the layout of the interior of the building and suggests that the enterprise hub should be relocated to the ground floor to avoid noise and disturbance to the working hub on the ground floor. The plan does not include any meeting rooms for business meetings/private working rooms, and there are no conference facilities or coffee dock to enable collaboration and networking. Suggests that an additional toilet be provided and queries how the building will be heated. Queries whether there will be any storage space/utility room for equipment or personal lockers.

9.0 **Assessment**

9.1. **Introduction**

In accordance with the requirements of section 177AE(6)(a) this assessment includes consideration of the following:

- the likely consequences for the proper planning and sustainable development of the area.
- the likely effects on the environment,
- the likely significant effects on a European site.

The likely consequences for the proper planning and sustainable development of the area:

- 9.2. The proposal is to renovate an existing vacant building close to the town centre and return it to active use. The building will be developed as a community hub and will be used as a community and social facility, which accords with the zoning provisions of the development plan for the site. The proposal is also wholly consistent with the objectives of the development plan which encourages the redevelopment and renewal of vacant buildings to improve the attractiveness of the town.

- 9.3. Having regard to the above, I consider that the proposal is therefore consistent with the proper planning and sustainable development of the area.

The likely effects on the environment

- 9.4. The proposed works would be restricted to the development site with limited potential for impacts on the wider environment. With the exception of potential impacts on water and ecology, which is considered in more detail below under Appropriate Assessment, there is limited potential for significant effects on other environmental media (population/human health, air/climate, land, soil, landscape, material assets).
- 9.5. The building is not a Protected Structure but is included in the National Inventory of Architectural Heritage (NIAH) where it is rated of Regional Importance and of Architectural, Historical and Social Interest. It is described in the NIAH as *'forming part of a neat self-contained group alongside an adjacent secondary school and the opposing Saint Joseph's Convent of Mercy with the resulting ensemble making a pleasing statement in Abbey Street'*
- 9.6. The building is described as follows:

'Detached seven-bay two-storey national school, designed in 1897 and opened in 1901, on a cruciform plan centred on single-bay full height gabled breakfront with single -bay (three-bay deep) two-storey over part raised basement central return (north-west). Renovated 1963-5 and closed 2012.'
- 9.7. The building is in reasonable condition with an intact roof and stable structure. The works proposed will retain the form, fabric and the main elements of the structure and interventions will be kept to a minimum. A new extension will be provided on the north elevation facing Abbey Street, comprising curtain wall glazing and glazed spandrel panels. While the proposed extension will provide a modern extension to the existing building, the overall scale, design and the materials used ensure that the new intervention can be accommodated comfortably without detracting from the form, character or visual quality of the existing building.
- 9.8. The wider site will be opened up and developed for active and passive recreational purposes, which together with the redevelopment of the building will significantly enhance the public realm, and the overall usability and visual qualities of the site. The proposal is entirely consistent with architectural guidance which recognises that

the optimum way to preserve a building is to keep it in active use and the provisions of the development plan regarding the redevelopment and renewal of vacant buildings.

- 9.9. No works are proposed on the southern side of the site which would impact on scenic views identified in the development plan (Map BY2). The views are from elevated ground along the access road to the east (Abbey View) out over the town, which are currently restricted by unmanaged hedgerows and treelines.
- 9.10. The existing access points to the site will be maintained and opened up to improve connectivity. Bicycle parking spaces will be provided together with minimal car spaces (5 no.). Having regard to the proximity of the site to the town centre and its accessibility by foot/bicycle, the proposal will not generate significant traffic which would result in significant impacts on the local road network.
- 9.11. While the observations made by Ballyhaunis Community Council are noted, the matters raised regarding the provision of solar panels, layout of the interior of the building, provision of additional toilet and the heating system, provision of a roof over the amphitheatre, charging point for cars and re-use of stone from the existing boundary wall are matters of detail more appropriately dealt by the developer. The conditions of the approval require that a landscaping plan be prepared and this would afford an opportunity for additional trees and pollinator friendly species to be provided.
- 9.12. The proposal represents a significant opportunity for the restoration of the building which has been vacant for 10 years. I consider that the redevelopment of the site for the purposes proposed is entirely positive in terms of the contribution it will make to the town. Having regard to the nature and scale of the proposed development involving the redevelopment of a vacant building and the enhancement of the site for community and recreational purposes, I do not consider that the proposal would result in any significant adverse effects on the environment.
- 9.13. I would point out to the Board that the pedestrian bridge referred to in the observation does not form part of the current proposal.

The likely significant effects on a European site:

- 9.14. The areas addressed in this section are as follows:

- Compliance with Articles 6(3) of the EU Habitats Directive
- The Natura Impact Statement
- Appropriate Assessment

9.15. Compliance with Articles 6(3) of the EU Habitats Directive:

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. 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 competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site.

9.16. The proposed development is not directly connected to or necessary to the management of any European site and is therefore subject to the provisions of Article 6(3).

The Natura Impact Statement

9.17. The application was accompanied by an NIS which described the proposed development, the project site and the surrounding area. The NIS contained a Stage 1 Screening Assessment which concluded that a Stage 2 Appropriate Assessment was required. The NIS outlined the methodology used for assessing potential impacts on the habitats and species within several European Sites that have the potential to be affected by the proposed development. It predicted the potential impacts for these sites and their conservation objectives, it suggested mitigation measures, assessed in-combination effects with other plans and projects and it identified any residual effects on the European sites and their conservation objectives.

9.18. The NIS was informed by the following studies, surveys and consultations:

- A desk top study.
- An examination of aerial photography, online mapping systems and recognised databases (NPWS, NBDC, EPA, GSI).

- A multidisciplinary walkover survey of the proposal site

The report concluded that, subject to the implementation of best practice and the recommended mitigation measures, the proposed development would not individually, or, in combination with other plans or projects adversely affect the integrity of the European site.

- 9.19. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, clearly identifies the potential impacts, and uses best scientific information and knowledge. Details of mitigation measures are provided and they are summarised in Section 7.5 of the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

Stage 1 - Screening for Appropriate Assessment

- 9.20. 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 Appropriate Assessment carried out.
- 9.21. The applicant carried out an appropriate assessment screening exercise, which is contained in the Natura Impact Statement submitted with the application. The screening report identifies eleven European sites within a 15km radius of the proposed development which include the following:
- River Moy SAC (Site code: 002298), 2.7km northeast of the site
 - Errit Lough SAC (Site code: 000607), 6.5km northwest of the site.
 - Carrowbehy/Caher Bog (Site code 000597), 7.2 km northwest of the site
 - Lough Corrib SAC (Site code 000297), 7.3km southeast of the site
 - Urlaur Lakes SAC (Site code 001571), 8.6km north of the site.
 - Derrinea Bog SAC (Site code 000604), 9.4 km northeast of the site.
 - Drumalough Bog SAC (Site code 002338), 9.6 km northeast of the site

- Coolcam Turlough SAC (Site code 000218), 10.5km southeast of the site.
- Cloonchambers The applicant Bog (Site code 000600), 11.1km south east of the site.
- Willamstown Turloughs SAC (Site code 002296), 12.1km southeast of the site
- Croaghill Turlough SAC (Site code 000255), 12.3km southeast of the site.

9.22. Table 1 of the Screening Assessment provides a description of each European site, its qualifying interests, the distance from the proposed development site and potential connectivity. With the exception of Lough Corrib SAC (Site code:000297), which is hydrologically connected via the Dalgan River, no other connection has been established between the development site and other European sites. The River Moy SAC was subjected to further screening on the basis of its proximity to the development site (Table 3).

9.23. Having regard to the nature of the proposed works which are confined to the development site, the significant distance to qualifying habitats within the River Moy SAC, the lack of hydrological or other connections, it was concluded that there was no potential for significant adverse effects on any of the qualifying interests or the integrity of the SAC.

9.24. The Stage 1 Screening Assessment concluded that the proposed development could potentially result in significant effects on one European site, Lough Corrib SAC (Site code 000297). The proposed works has the potential to impact indirectly via impacts on water quality by the mobilisation of silt and sediment. No other source-pathway-receptor linkages have been established and the other European sites were eliminated for further assessment.

Conclusion on Stage 1 Screening for Appropriate Assessment

9.25. Having regard to the information and submissions made, the nature, size and location of the proposed development and its likely direct, indirect and cumulative effects, the source-pathway-receptor principle and sensitivities of the ecological receptors, I accept that the Lough Corrib SAC is the only European site which has the potential to be significantly affected by the proposed development.

9.26. I accept that River Moy SAC (Site code: 002298), Errit Lough SAC (Site code: 000607), Carrowbehy/Caher Bog (Site code 000597), Urlaur Lakes SAC (Site code

001571), Derrinea Bog SAC (Site code 000604), Drumalough Bog SAC (Site code 002338), Coolcam Turlough SAC (Site code 000218), Cloonchambers Bog (Site code 000600), Willamstown Turloughs SAC (Site code 002296) and Croaghill Turlough SAC (Site code 000255) can be screened out from further assessment because of the nature and scale of the works, the lack of hydrological or other ecological significant connections and the separation distance between the works and European site.

9.27. It is therefore reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have significant effects on River Moy SAC (Site code: 002298), Errit Lough SAC (Site code: 000607), Carrowbehy/Caher Bog (Site code 000597), Urlaur Lakes SAC (Site code 001571), Derrinea Bog SAC (Site code 000604), Drumalough Bog SAC (Site code 002338), Coolcam Turlough SAC (Site code 000218), Cloonchambers Bog (Site code 000600), Willamstown Turloughs SAC (Site code 002296) and Croaghill Turlough SAC (Site code 000255) in view of the sites' conservation objectives and Appropriate Assessment is not therefore required for these European sites. I would conclude that a Stage 2 Appropriate Assessment is required for the Lough Corrib SAC (Site code 000297) as the possibility of significant effects cannot be ruled out.

9.28. No measures designed or intended to avoid or reduce any harmful effects on a European site have been relied upon in this screening exercise.

Appropriate Assessment – Stage 2

9.29. The AA Screening report concluded that it is not possible to rule out the potential for significant effects on one European site, Lough Corrib SAC (Site code 000297) and that a Stage 2 Appropriate Assessment (NIS) was required.

Lough Corrib SAC (Site Ccode:000297)

9.30. Lough Corrib SAC is situated to the north of Galway city and is the second largest lake in Ireland. A number of rivers are included within the SAC as they are important for Atlantic Salmon. These include the Clare, Grange, Abbert, Sinking, Dalgan and Black to the east. In addition to the rivers and lake basin, adjoining areas of

conservation interest, including raised bog, woodland, grassland and limestone pavement, have been incorporated into the site.

9.31. The main threats to the quality of the site are from water polluting activities resulting from intensification of agricultural activities on the east side of the lake, uncontrolled discharge of sewage which is causing localised eutrophication of the lake and housing and boating development, which is causing the loss of native lakeshore vegetation. The site has been selected for a range of habitats and species which are identified in the following table. Site specific conservation objectives have been published for the site which are to maintain/restore the favourable conservation condition of the habitats and species for which the site is selected.

European site (SAC/SPA)	Qualifying Interests/Special Conservation Interests	Distance
Lough Corrib SAC (Site code: 000297)	[3110] Oligotrophic waters containing very few minerals [3130] Oligotrophic to Mesotrophic Standing Water [3140] Hard Water Lakes [3260] Floating River Vegetation [6210] Orchid Rich Calcareous Grassland* [6410] Molinia Meadows [7110] Raised Bog (Active)* [7120] Degraded Raised Bog [7150] Rhynchosporion Vegetation [7210] Cladium Fens* [7220] Petrifying Springs* [7230] Alkaline Fens [8240] Limestone Pavement * [91A0] Old Oak Woodlands [91D0] Bog Woodland * [1029] Freshwater Pearl Mussel [1092] White-clawed Crayfish [1095] Sea Lamprey [1096] Brook Lamprey [1106] Atlantic Salmon [1303] Lesser Horseshoe Bat [1355] Otter	7.35km

European site (SAC/SPA)	Qualifying Interests/Special Conservation Interests	Distance
	[1393] Slender Green Feather-moss [1833] Slender Naiad	

* Priority habitat

Appropriate Assessment of the implications of the proposed development on Lough Corrib SAC (Site code 000297).

- 9.32. The following is an objective assessment of the implications of the project on the relevant conservation objectives of Lough Corrib SAC (Site code: 000297). 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.
- 9.33. The proposed development will be confined within the boundary of the site and no instream works in the Dalgan River, which is within the SAC are proposed. There will therefore be no potential for direct impacts on any of the qualifying interest of the SAC. The NIS identifies the potential for indirect effects through a deterioration in water quality associated with the release of contaminated water to the Dalgan River during the works.

Potential impacts during Construction

- 9.34. Table 4 of the NIS examines the potential for likely significant effects on each of the Qualifying Interests (QI's) of the SAC having regard to their conservation objectives. The majority of qualifying habitats have no potential to be significantly affecting by the proposal due to the significant separation distance and the assimilative capacity of the intervening waterways, (*Oligotrophic water containing very few minerals, Oligotrophic to Mesotrophic standing waters, Hard water lakes, Slender Naiid*) and their terrestrial nature (*Orchid rich calcareous grassland, Molinina meadows, Raised and Degraded Bog, Rhynchosporion Vegetation, Limestone pavement, Old sessile oak woods, Bog woodland*),. There is potential for a minority of habitats (*Floating River Vegetation, Cladium Fens, Alkaline Fens and Petrifying Springs*) to be affected by sedimentation or a pollution incident

- 9.35. All of the qualifying species are dependant on good water quality and would be indirectly affected by a reduction in water quality as a result of sedimentation or a pollution incident. Due to the hydrological distance (>42km) between the development and populations of *Slender Green Feather -moss* and *Slender Naiad*, no significant effects are anticipated. The site is also selected for *Lesser Horseshow Bat* because of the presence of a summer roosts. The roost site and foraging area are located east of Cornamoma in Co Galway which is a considerable distance from the development site and no significant adverse effects on this species are likely.
- 9.36. There will be no likely significant effects on the *Freshwater Pearl Mussel* population as it lies on the western side of Lough Corrib and within the Owenriff catchment, which is a separate sub catchment to the River Dalgan and there is no direct connection between the two, although they both drain into Lough Corrib.
- 9.37. The invasive species Japanese Knotweed have been identified both onsite and outside the site close to the riverbank. The possibility of the knotweed being washed into the river is identified which could cause it to spread and impacts on species downstream.

Potential impacts during operation

- 9.38. The impacts are associated with the construction phase of the development and the NIS does not specifically refer to operational phase impacts. Once the site is complete all storm water discharges will presumably be to the existing surface water collection system within the town.

Potential in-combination and cumulative effects

- 9.39. The potential for in-combination effects with other plans and projects is considered in Section 5.2 of the NIS. The site is located in a built up urban area and the majority of development proposals are small scale relating to the expansion/retention of existing commercial activities. Subject to the mitigation measures proposed to be implemented as part of the works, it is not considered that the potential for cumulative impacts will arise.
- 9.40. I note that the Mayo Co Development Plan 2014-2020, has itself been subject to Strategic Environmental Assessment, which concludes that significant environmental effects are not likely to arise from the adopted development scenario.

Mitigation measures

9.41. A suite of mitigation measures are proposed to prevent contaminated water and pollutants from entering the River Dalgan and impacting on water quality. It is proposed to install a silt fence along the site boundary with the River Dalgan to prevent the potential migration of silt/sediment from entering the water course. Other best practice and proven measures are proposed including measures to prevent fuels, oils, and other hazardous materials from entering the watercourse, appropriate storage of hazardous materials in suitably bunded locations, management of concrete on site, effective refuelling and spill procedures and invasive species control measures.

Conclusion on Appropriate Assessment

9.42. The proposed development has been considered in light of the assessment requirements of sections 177U and 177V of the Planning and Development Act 2000 as amended.

9.43. Having regard to the nature and scale of the proposed development and the mitigation measures proposed, the information presented with the application including the Natura Impact Statement, which I consider is adequate to carry out an assessment of the implications of the proposed development on the integrity of European sites, I consider it reasonable to conclude that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the Lough Corrib SAC (Site code: 000297) or any other European site, in view of the site's Conservation Objectives.

9.44. Taking into account the application of the full suite of mitigation measures, the proposal to renovate and redevelop the proposed site at Abbey Street Ballyhaunis will not cause delays or interrupt progress towards achieving the conservation objectives of the Lough Corrib SAC. The proposed development will not adversely affect the integrity of the European site in view of its conservation objectives.

9.45. This conclusion is based on:

- the nature, limited scale and duration of the proposed works,
- prevention of possible construction related pollutants entering the Dalgan River by best practice and effective mitigation measures;

This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

10.0 Recommendation

On the basis of the above assessment, I recommend that the Board approve the proposed development subject to the reasons and considerations below and subject to conditions including requiring compliance with the submitted details and with the mitigation measures as set out in the NIS.

Reasons and Considerations (Draft Order)

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

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (c) 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 a European Site,
- (d) the conservation objectives, qualifying interests and special conservation interests for the Lough Corrib SAC (Site code 000297),
- (e) the policies and objectives of the Mayo County Development Plan, 2014-2020,
- (f) the nature and extent of the proposed works as set out in the application for approval,
- (g) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (h) the observation received in relation to the proposed development,
- (i) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter

Appropriate Assessment - Stage 1

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Lough Corrib SAC (Site code: 000297), is the only European Site in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment - Stage 2

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, **the submissions and observations on file**, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Site, namely the Lough Corrib SAC (site code:000297), in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the site's conservation objectives.

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 site's conservation objectives.

Proper Planning and Sustainable Development/Likely effects on the environment:

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the

environment or the community in the vicinity, would not give rise to a risk of pollution, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area and would not interfere with the existing land uses in the area. The proposed development would be acceptable in terms of traffic safety and convenience and would contribute positively to the visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The mitigation measures contained in the Natura Impact Statement submitted with the application shall be implemented in full.

Reason: In the interest of protecting the environment, the protection of European Sites and in the interest of public health.

3. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with Inland Fisheries Ireland a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement and demonstration of proposals to adhere to best practice and protocols. The CEMP shall include:

- a. a Method Statement for each phase of the works
- b. details of the location of the sediment features/barriers required to protect river water quality during each phase of the development,

- c. location of the site materials compound including the area identified for the storage of waste,
- d. Containment of all construction related fuel and oil within a specifically constructed bund to ensure that fuel spillages are fully contained.
- e. details of how it is proposed to manage any excavated material.
- f. Specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness.

Reason: In the interest of protecting the environment and European Sites

4. Prior to the commencement of development, details of measures to protect fisheries and water quality of the river systems shall be outlined and placed on file as part of the public record. Full regard shall be had 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). A programme of water quality monitoring shall be prepared in consultation with the contractor, the local authority and relevant statutory agencies and the programme shall be implemented thereafter.

Reason: In the interest of the protecting of receiving water quality, fisheries and aquatic habitats.

5. The local authority, or any agent acting on its behalf shall retain the services of a suitably qualified and experienced bat specialist to survey the building for the presence of bat roosts, prior to commencement of development. In the event that any roosts are identified, the National Parks and Wildlife Service shall be consulted regarding how best to deal with such roosts. The removal of any roosts identified shall be carried out only under licence from the National Parks and Wildlife Service.

Reason: In the interests of protecting ecology and wildlife in the area.

6. The County Council and any agent acting on its behalf shall ensure that all plant and machinery used during the works should 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 the proper planning and sustainable development of the area and to ensure the protection of the European sites.

7. A comprehensive boundary treatment and landscaping scheme shall be prepared and placed on file as part of the public record prior to any development taking place on the site. The scheme shall include the following:

- (a) details of all proposed hard surface finishes,
- (b) proposed locations of trees, which shall be native deciduous species and other planting on the site development, including details of proposed species which shall be pollinator friendly , together with details of settings and a timescale for implementation;
- (c) details of proposed street furniture, lighting fixtures and seating;
- (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes;

The boundary treatment and landscaping shall be carried out in accordance with the scheme.

Reason: In the interests of visual amenity.

Breda Gannon
Senior Planning Inspector /

12th May 2021