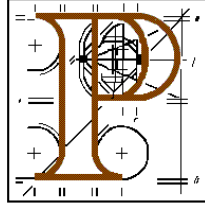


An Bord Pleanála



Inspector's Report

Proposed Development

Construction of 8 dwellings at Cross West, Cross, County Mayo.

Applicant:

Mayo County Council

Type of Application:

Application for approval under section 177AE of the Planning and Development Act 2000, as amended

Date of Site Inspection:

26th July, 2022

Inspector:

Kevin Moore

1.0. Introduction

- 1.1. This is an application by Mayo County Council seeking approval from An Bord Pleanála under section 177AE of the Planning and Development Act 2000, as amended, further to its preparation of a Natura Impact Statement relating to the proposed construction of 8 dwellings and all associated site development works at Cross West, Cross, County Mayo. Stage 2 Appropriate Assessment has been deemed necessary by the Council with regard to potential effects on Lough Corrib Special Area of Conservation (Site Code: 000297) and Lough Corrib Special Protection Area (Site Code: 004042).

2.0. Site Location and Description

- 2.1. The 1.09 hectare site of the proposed development is located in the townland of Cross West on the north-eastern side of the village of Cross in south County Mayo. The site comprises a field in grassland in agricultural use. It slopes from north-east to south-west. The 50/80kph speed limit sign for the village adjoins the westernmost end of the site's frontage. The site is bounded to the east and west by detached houses and has frontage onto a local road to the south (Cross - Kilmaine local road). The land to the north is in agricultural use. Lough Corrib is located on the other side of the village to the south-west. The designated Special Area of Conservation (SAC) is located approximately 687m from the site at its closest point and the designated Special Protection Area (SPA) is located approximately 2.1km from the site.

3.0. Description of Proposed Development

- 3.1. The proposed development comprises the construction of eight semi-detached dwellings - 5 no. two-bed, two-storey dormer units and 3 no. three-bed, two-

storey dormer units. The proposal would include the provision of shared communal open space, private open spaces, landscaping, site services and associated site development works. The development would be served by public water mains, public foul sewer, and the public stormwater network.

3.2. Details submitted with the application include:

- A schedule of drawings and public notices
- An Appropriate Assessment Screening Report
- A Natura Impact Statement
- An Ecological Impact Assessment
- An Environmental Impact Assessment Screening Report
- An Archaeological Report
- A Flood Risk Report
- A copy of a letter from Irish Water confirming feasibility of connection.

4.0. Policy Context

4.1. Mayo County Development Plan 2014-2020

Settlement Strategy

Cross is designated a 'Rural Village' in the Plan's Settlement Strategy. It is the policy of the Council to support the sustainable development of the countryside and rural villages in the county (Policy P-06).

Objectives to meet specific housing needs include:

- AL-01: It is an objective of the Council to ensure that those with specific housing needs, such as the elderly, persons with a disability, homeless people and travellers are accommodated in a manner which is appropriate to their specific needs.
- AL-02 It is an objective of the Council to support the development of housing for specific housing needs, including the concept of independent living for older people and people with a disability and to ensure where possible that housing for such groups is integrated with mainstream housing.
- AL-03 It is an objective of the Council to facilitate the provision of appropriate accommodation for older/dependent relatives within close proximity to the existing family home.

Natural Heritage

Objectives include:

- NH-01 It is an objective of the Council to protect, enhance, conserve and, where appropriate restore: a) Candidate Special Areas of Conservation, Special Areas of Conservation, Special Protection Areas, Natural Heritage Areas and proposed National Heritage Areas, Statutory Nature Reserves, Ramsar Sites and Biogenetic Reserves, including those listed in the Environmental Report documenting the Strategic Environmental Assessment of this plan and any modifications or additional areas that may be so designated during the lifetime of the plan ...
- NH-03 It is an objective of the Council to implement Article 6(3) and 6(4) of the EU Habitats Directive, by screening all plans and projects for appropriate assessment and to ensure those with potential to have significant effects on the integrity of Natura 2000 or European Sites

(cSACs, SPAs), whether directly (in situ), indirectly (ex-situ) or in combination with other plans or projects, are subject to an appropriate assessment and the preparation of an NIR or NIS in order to inform decision making.

4.2. Draft Mayo County Development Plan 2021-2027

Settlement

Cross is classified as a 'Rural Village' within Tier 5 of the Plan's Settlement Hierarchy, i.e. villages of less than 50 people. These villages are seen to have potential for appropriate levels of growth and consolidation. A single category mixed-use zoning applies to the rural village plans, i.e. a Rural Village Consolidation Zoning.

Settlement Strategy Policies include:

SSP 5: To promote and encourage the sustainable, balanced development of the Rural Settlements and Rural Villages in an incremental manner, with the emphasis on small scale development over a medium to long-term period, in keeping with the character of the settlement.

Housing

Housing Strategy Policies include:

HSP 1: To promote the provision of housing in the county, both public and private, in rural areas, small settlements and larger towns, in a manner that provides a balance and choice in terms of location, house type and tenure.

Housing Strategy Objectives include:

HSO 3: To increase the stock of social housing within the county in order to meet the social housing needs identified in this Housing Strategy as well as the long-term housing needs of existing households on the local authority housing waiting list.

Natural Environment

Biodiversity, Designated and Non-Designated Sites Policies include:

NEP 1: To support the protection, conservation and enhancement of the natural heritage of County Mayo, including the protection of the integrity of European sites that form part of the Natura 2000 network ...

Settlement Plans

Rural Settlement and Village Settlement Plan Policies include:

RSVP 1: To promote the development of rural settlements and villages to meet the needs of these established communities and to provide an alternative choice for those seeking to live in a more rural setting, while supporting existing local services and facilities.

Rural Settlement and Village Settlement Objectives include:

RSVO 3: To promote and facilitate residential development commensurate with the nature and scale of the particular rural village or settlement, utilising brownfield and infill opportunities in order to regenerate and consolidate the rural settlements and villages.

Tier V Settlement Maps

The site of the proposed development lies at the eastern end and within the Rural Village Consolidation Zone for the village of Cross.

5.0. Observations

5.1. Cross Community Council

The submission may be synthesised as follows:

Proper Planning and Sustainable Development

- The proposal is designed to meet the housing needs of Cong, Cross and the Neale rather than the specific needs of Cross village. There is not a need for 8 houses in Cross. Each village has a duty of care to respond to its social housing needs. It is of concern that a development of this size will dramatically increase the number of households and is being carried out without the involvement of the community or assurances resources will be put in place to facilitate integration.
- The development has been designed in isolation and it is not included as an integrated part of an overall development plan for the village. It appears to have been based on land availability. Medical care, law enforcement, a post office and a playground and sports facilities are not available in the village. All of these are available in Cong and most in the Neale.
- The volume and speed of traffic is a major concern in the village. Increasing the volume without appropriate traffic calming measures is foolhardy. Access traffic from the L1614 will be increased where traffic associated with the school congregates around the junction. Traffic calming measures at the junction have not been considered and there is an increased risk of accidents.

Effects on the Environment and European Sites

- The flood risk report notes the site is in an area of extreme groundwater flood extent, in a catchment with an 'at risk' status in the Water Framework Directive. From a drawing, it appears the entrance is in the 300mm depth

contour and there are footpaths through the maximum potential groundwater flood extent. Two proposed houses on the western boundary will be within the maximum potential groundwater flood extent. Why they are not in the green area in Flood Zone C is not explained. The possibility for a second construction stage in an undeveloped area in the eastern pocket of the site has not been assessed.

- Wastewater is proposed to be discharged to the existing public wastewater treatment network. Confirmation that the Cross foul sewer network and wastewater treatment plant has been commissioned is limited to the statement in the AA screening report. There are no detailed drawings or further information given in the environmental reports, no mention that it has remained unused for over a decade since its construction, or whether it is still fit for purpose. The connection to the water supply will require bridging the Kilmaine River, which discharges to the Lough Corrib SAC. As the requirement for both a Stage 2 appropriate assessment and EIAR were screened out, the potential for impact by a pollution event from the as-yet unused sewage network or from the water supply extension works on the Kilmaine River, and by association the Lough Corrib SAC and SPA, was not assessed.

The observer concludes by requesting that, in the event of the development being approved, the proposals be amended to include traffic calming measures and the green area be used to provide a recreation and sports area for the village.

5.2. Paul and Maire T. Lydon

The observers' property adjoins the site. The submission may be synthesised as follows:

- The site has flooded many times and has done untold damage to the adjoining properties. Reassurances are sought that the development will not make the flooding situation worse.
- The predictions and assessment on flood risk are outdated and do not represent the current climate situation on the site. All such reports should be done independently.
- The flooding is coming from overflowing turloughs many miles away.
- Underground rivers flow from the Kilmaine and the Neale areas towards Cross village. The site is in a direct line from the Kilmaine area of which the cross-river flows.
- There have been two 1 in 100-year flood events in this area since 2015 alone and the European Environment Agency predicts a 30% increase in precipitation extremes, heavy rainfall, flooding and droughts. If rainfall above 400mm in a month occurs, the properties are in serious danger as the overflow from turloughs would be unmanageable.
- There is a fear that the development and excavations could change where the groundwater is surfacing and they could force more water onto the observers' property. The spring location surfaces on the site because it is the lowest point.
- How is the Council going to address pollution contamination of the groundwater spring? It is similar to pouring pollutants directly into these waterbodies.
- The Council has been advised in the Flood Risk Report not to do any significant infilling within the Flood Zone A area of the site. But it is now proposing to put in three footpaths through the area and one adjacent to a boundary wall, a new boundary wall on a part of the site where the flood is

at its worst, a new water line for Irish Water, and a bulk meter for Irish Water.

- The Council has been advised many times about the flooding in the south-western corner of the site. It is not anecdotal evidence. Water overflow will fill up the adjoining houses and make its way to the river after.

The observers ask that, if the development is to be approved, assurances are needed from the Council that, should there be excessive rainfall, adjoining properties will not be in further danger of flooding due to the proposed development.

The observation includes photographs and illustrations relating to flooding at this location.

6.0 Assessment

6.1. Screening for Appropriate Assessment

6.1.1. The local authority has submitted an *Article 6(3) Appropriate Assessment Screening Report* as part of the submission for approval to the Board. This dates from March 2021. This Stage 1 AA Screening Report provided a description of the proposed development and identified European Sites within a possible zone of influence of the development. For each of the 13 SACs and 3 SPAS identified it was determined that the site is not within the likely zone of impact of the European site and it was concluded that no further assessment was required. It was then submitted that no European sites with the potential to be significantly affected by the proposed development had been identified. Furthermore, with regard to cumulative impact, it was determined that, as there was no pathway or mechanism for the proposed works to result in any significant effect on any European site, there was no potential for it to contribute to any such effects when

considered in-combination with other developments. The Concluding Statement of the Scoping Report was as follows:

“It is concluded beyond reasonable scientific doubt, in view of best scientific knowledge, on the basis of objective information and in light of the conservation objectives of the relevant European sites, that the proposed works, individually or in combination with other plans and projects, will not have a significant effect on any European site.”

6.1.2. However, the local authority recently changed its mind on the need for appropriate assessment. In March of this year, on the same date in which a Natura Impact Statement (NIS) was completed, another *Article 6(3) Appropriate Assessment Screening Report* was also completed and is attached as Appendix I to the NIS. This Screening was carried out by the same Ecologist who prepared the first Screening Report along with another Ecologist. This second time the Concluding Statement was:

“It cannot be excluded beyond reasonable scientific doubt, in view of best scientific knowledge, on the basis of objective information and in light of the conservation objectives of the relevant European sites, that the proposed development, individually or in combination with other plans and projects, would be likely to have a significant effect on the Lough Corrib SAC and SPA.

As a result, an Appropriate Assessment is required, and a Natura Impact Statement shall be prepared in respect of the proposed development.”

6.1.3. I note the provisions of section 177AE of the Planning and Development Act 2000, as amended. It is the local authority who has determined that appropriate assessment is necessary and it is the local authority who has decided to submit the Natura Impact Statement for approval by the Board. There is no provision under the Act for the Board to reassess the need or otherwise for appropriate assessment. Therefore, in accordance with section 177AE(6) of the Act, the

Board is restricted to considering the NIS, the likely effects on the environment of the proposed development, the likely consequences for the proper planning and sustainable development of the area in which it is proposed to situate the development, and the likely significant effects of the proposed development upon a European site.

6.2. **Appropriate Assessment**

6.2.1. **Background**

The proposed development is not directly connected to or necessary for the management of any European site. It is therefore subject to the provisions of Article 6(3) of the EU Habitats Directive. The local authority has determined that appropriate assessment is required as it cannot be excluded on the basis of objective information that the proposed development individually or in combination with other plans or projects will have a significant effect on Lough Corrib Special Area of Conservation (Site Code: 000279) and Lough Corrib Special Protection Area (Site Code: 004042). The possibility of significant effects on other European sites has been excluded on the basis of objective information.

6.2.2. **Natura Impact Statement**

The application to the Board includes a document entitled *Natura Impact Statement Proposed Housing Development at Cross West, Co. Mayo* dated 22nd March 2022. The NIS provides a summary of the second Screening Report, gives a description of the project, describes the ecological surveys undertaken to inform the NIS, identifies the relevant Natura 2000 sites, assesses the potential significant effects thereon, details mitigation measures, assesses residual adverse effects, and considers cumulative effects.

The Concluding Statement of the NIS was as follows:

“This NIS has provided an assessment of all potential direct or indirect adverse effects on European sites.

Where the potential for any adverse effect on any European Site has been identified, the pathway by which any such effect may occur has been robustly blocked through the use of avoidance, appropriate design and mitigation measures as set out within this report and its appendices. The measures ensure that the proposed works do not adversely affect the integrity of European sites.

Therefore, it can be objectively concluded that the proposed development, individually or in combination with other plans or projects, will not adversely affect the integrity of any European site.”

I note Appendix II of the NIS comprises a letter of Confirmation of Feasibility from Irish Water relating to the connection of the proposed development to the Irish Water foul sewer and watermain.

6.2.3. Appropriate Assessment

Introduction

This assessment considers all aspects of the proposal which could result in significant effects, as well as the mitigation measures designed to avoid or reduce any adverse effects. The assessment has had due regard to the applicant’s submitted Natura Impact Statement, Ecological Impact Assessment, and Flood Risk Report and to the letter from Irish Water confirming feasibility of connection to its water services networks.

The following guidance is adhered to in the assessment:

DoEHLG (2009) Appropriate Assessment of Plans and Projects in Ireland:
Guidance for Planning Authorities.

EC (2002) Assessment of plans and projects significantly affecting Natura 2002 sites. Methodological guidance on the provisions of Articles 6(3) and 6(4) of the Habitats Directive 92/43/EC.

EC (2018) Managing Natura 2000 sites.

Observations on Land Use

I note the following relating to this site:

- The site is not within or adjacent to any European site. Therefore, there is no risk of direct effects on any such sites.
- The site is a field within the village of Cross in which there are houses in the immediate vicinity.
- Cross is designated a 'Rural Village' in the current Mayo County Development Plan's Settlement Strategy. It is the policy of the Council to support the sustainable development of rural villages.
- Cross is classified as a 'Rural Village' within Tier 5 of the Draft Mayo County Development Plan's Settlement Hierarchy. The village is seen to have potential for appropriate levels of growth and consolidation. The site of the proposed development lies at the eastern end, and within, the Rural Village Consolidation Zone for the village.

European Sites

The following sites are subject to appropriate assessment:

- Lough Corrib Special Area of Conservation (Site Code: 000279)
- Lough Corrib Special Protection Area (Site Code: 004042)

The development site is located approximately 687m from the SAC at its closest point and approximately 2.1km from the SPA.

A description of these sites, their Conservation and Qualifying Interests / Special Conservation Interests, and the targets and attributes associated with the site-specific conservation objectives for these interests are set out in the NIS.

The qualifying features of conservation interest and conservation objectives for the European sites are as follows:

Lough Corrib SAC (Site Code: 000279)

Qualifying Features

Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]

Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]

Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]

Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]

Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]

Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]

Active raised bogs [7110]

Degraded raised bogs still capable of natural regeneration [7120]

Depressions on peat substrates of the Rhynchosporion [7150]

Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]

Petrifying springs with tufa formation (Cratoneurion) [7220]

Alkaline fens [7230]

Limestone pavements [8240]

Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]

Bog woodland [91D0]

Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]

Austropotamobius pallipes (White-clawed Crayfish) [1092]

Petromyzon marinus (Sea Lamprey) [1095]

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]

Conservation Objectives

To maintain the favourable conservation condition of:

Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]

Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]

Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]

Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]

Petrifying springs with tufa formation (Cratoneurion) [7220]

Alkaline fens [7230]

Limestone pavements [8240]

Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]

Bog woodland [91D0]

Austropotamobius pallipes (White-clawed Crayfish) [1092]

Lampetra planeri (Brook Lamprey) [1096]

Salmo salar (Salmon) [1106]

Lutra lutra (Otter) [1355]

Hamatocaulis vernicosus (Slender Green Feather-moss) [6216]

To restore the favourable conservation condition of:

Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*) [3110]

Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or *Isoeto-Nanojuncetea* [3130]

Hard oligo-mesotrophic waters with benthic vegetation of *Chara* spp. [3140]

Active raised bogs [7110]

Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]

Petromyzon marinus (Sea Lamprey) [1095]

Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]

Najas flexilis (Slender Naiad) [1833]

Note:

The long-term aim for Degraded raised bogs still capable of natural regeneration is that its peat-forming capability is re-established; therefore, the conservation objective for this habitat is inherently linked to that of Active raised bogs (7110) and a separate conservation objective has not been set in Lough Corrib SAC.

Depressions on peat substrates of the *Rhynchosporion* is an integral part of good quality Active raised bogs (7110) and thus a separate conservation objective has not been set for the habitat in Lough Corrib SAC.

Lough Corrib SPA (Site Code: 004042)

Qualifying Features

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]

Conservation Objectives

To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

To maintain or restore the favourable conservation condition of the wetland habitat at Lough Corrib SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.

Relevant Aspects of the Proposed Development

I acknowledge that the proposed housing development would be served by the Irish Water foul sewerage system, the public stormwater network, and the public watermains network in the village. Irish Water has confirmed that there is capacity for the proposed housing development to connect to the public foul water system, subject to the completion and commissioning of the constructed Cross foul sewer network and wastewater treatment plant. The applicant's NIS notes that the sewer network and treatment plant has since been constructed and commissioned. I further note that there are no watercourses or drainage ditches on the site. Having regard to these observations, it is reasonable to determine that there would be no pollution threat to the distant European sites from wastewater or surface waters arising from the proposed development.

Section 5 of the NIS considers the potential for indirect effects on Lough Corrib SAC and Lough Corrib SPA. The main aspects of the proposed development that could adversely affect the conservation objectives of the European sites are at the construction stage and relate to the vulnerability of groundwater. The proposed development would have downstream groundwater connectivity with Lough Corrib. The activities at the construction stage would include excavations, earth movement, site preparation, construction of buildings, construction of associated infrastructure including internal roads, footpaths and parking, and the provision of services.

The potential effects would relate to indirect effects on water quality associated with pollution at the construction phase from pollutants such as concrete/cement, siltation, sedimentation, and hydrocarbons percolating to ground and being carried to Lough Corrib.

Lough Corrib SAC

I first note that there would be no potential for indirect effects on Freshwater Pearl Mussel due to the population within the SAC being restricted to the Owenriff catchment on the opposite side of Lough Corrib. It is further acknowledged that, due to the absence of a complete source-pathway-receptor chain, there is no pathway for indirect effect on the following terrestrial habitats / species:

Slender Green Feather-moss

Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites)

Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae)

Active raised bogs

Degraded raised bogs still capable of natural regeneration

Depressions on peat substrates of the Rhynchosporion

Limestone pavements

Old sessile oak woods with Ilex and Blechnum in the British Isles

Bog woodland

It is accepted that the disturbance of *Lutra lutra* (Otter) would not arise due to the distance between the proposed site and the distance to the surface waters of the SAC. Furthermore, *Rhinolophus hipposideros* (Lesser Horseshoe Bat) is a Qualifying Interest due to the presence of one important summer roost and this is located in Cong. It is accepted that the proposed site would be outside of the core foraging range of this bat and, as a result, there is no potential for effect on the Lesser Horseshoe Bat.

Having regard to the above, the following aquatic habitats and species that would be potentially affected by the proposed development are:

Austropotamobius pallipes (White-clawed Crayfish)

Petromyzon marinus (Sea Lamprey)

Lampetra planeri (Brook Lamprey)

Salmo salar (Salmon)

Najas flexilis (Slender Naiad)

Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*)

Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or *Isoeto-Nanojuncetea*

Hard oligo-mesotrophic waters with benthic vegetation of *Chara* spp.

Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation

Calcareous fens with *Cladium mariscus* and species of the *Caricion davallianae*

Petrifying springs with tufa formation (*Cratoneurion*)

Alkaline fens.

Lough Corrib SPA

I first note that the site of the proposed development does not support habitat for the Special Conservation Interest (SCI) species for which the SPA is selected. I then note that the SPA is located on the opposite side of the village of Cross, at a distance of more than two kilometres from the site. It is reasonable to determine that, given the substantial separation distance and the small scale of the proposed development, there is no potential for the disturbance of SCI species at the SPA arising from the proposed development.

Having regard to the determination that the potential for effect on the SPA derives from potential deterioration in groundwater quality, it may be ascertained that the potential effect relates to Wetland and Waterbirds and the conservation objective to maintain or restore the favourable conservation condition of the

wetland habitat at Lough Corrib SPA as a resource for the regularly occurring migratory waterbirds that utilise it.

6.2.4. Potentially Significant Cumulative Effects

I note the local authority's consideration of cumulative effects comprised a review of Mayo County Council's online planning register and Mayo County Development Plan, The Northern and Western Regional Spatial and Economic Strategy, and the National Biodiversity Action Plan. I acknowledge the small-scale nature of projects reviewed from the register. I would anticipate that most of the permitted developments that were referenced would be substantially underway, if not completed, by the time the proposed development would commence. It is reasonable to determine that there would not be significant cumulative effects with the other projects identified. It is also reasonable to determine that the proposed small-scale housing scheme would not have any known potential for significant cumulative effects with the provisions of the Plans referenced.

6.2.5. Mitigation

Section 5 of the applicant's NIS details the range of mitigation measures intended to be employed as part of the construction and operational phases of the proposed development.

I note the measures proposed to address potential deterioration in groundwater quality. At the construction stage, these would include a range of provisions relating to site set-up, pollution prevention, avoidance of effects from the disposal of wastewater, earthworks, biosecurity, waste management, and monitoring. Many of the measures constitute good construction work practices. It is noted that specific measures are set out to address effects on the area of the site within Flood Zone A. Overall, the measures at the construction stage constitute

suitable, robust, comprehensive and necessary measures to avoid any adverse impacts on the integrity of the Lough Corrib SAC and SPA.

Regarding the operational phase, it is noted that the south-west section of the site would be developed as open space and that there would be no major construction or infilling works within that area. It is further acknowledged that the stormwater and foul drainage system proposed would avoid contact with groundwater during the operational phase.

6.2.6. Residual Impacts

I submit that, if the proposed mitigation measures are implemented in full, it is expected that significant effects would not result for the qualifying aquatic habitats and species of Lough Corrib SAC that could be potentially affected by the proposed development or the wetland habitat at Lough Corrib SPA which comprises a resource for the regularly occurring migratory waterbirds that utilise it.

Following my appropriate assessment of the proposed development and with due regard to consideration of the proposed mitigation measures, I am able to ascertain with confidence that the proposed development would not adversely affect the integrity of Lough Corrib SAC and Lough Corrib SPA in view of the Conservation Objectives of these sites. This conclusion is drawn on a complete assessment of all implications of the proposed development alone and in combination with other plans and projects.

6.2.7. Appropriate Assessment Conclusion

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

Following an appropriate assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of Lough Corrib SAC and Lough Corrib SPA, or any other European site, in view of the sites' Conservation Objectives.

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.

This conclusion is founded on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of Lough Corrib SAC and Lough Corrib SPA;
- Assessment of in-combination effects with other plans and projects, including current proposals; and
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Lough Corrib SAC and Lough Corrib SPA.

6.3. **Third Party Submissions**

6.3.1. My considerations on the submission from Cross Community Council are as follows:

Proper Planning and Sustainable Development

The Nature and Extent of the Proposed Housing Scheme

The proposed development comprises a small scheme of eight houses to meet social housing needs in the Cross area. There is no information to support the observer's submission that the proposal is designed to meet the housing needs of the three villages of Cong, Cross and the Neale rather than the specific needs of Cross village. Furthermore, there is no information to determine that there is

not a need for eight houses to meet the social housing needs of Cross village and its environs.

Cross is a designated village in the Mayo County Development Plan and the sustainable development of this rural village is clearly supported in the Development Plan. The proposal constitutes a small group of two- and three-bedroom houses which would accommodate a small expansion of the resident community of the village. It could not reasonably be determined that a scheme of this scale would 'dramatically' increase the number of houses in this village. This small-scale development would be supported by the services which are available at present to serve the needs of the local community. The village services include a national school, a shop, a church, and public houses. The village is serviced by public sewer and watermains. The local authority seeks to integrate this development by siting it within a recognisable development envelope for the village, on the village edge, and adjoining established residential development.

Traffic Impact

I note the emphasis placed by the observer on the issue of traffic, with reference made to the volume and speed of traffic in the village. It appears from the submission that this is an existing issue of concern to the observer. This is a matter which should be addressed in its own right in conjunction with the local authority who is the roads authority for this location. The proposed development constitutes a small housing scheme. The additional traffic generated by eight houses within a village context, sited on the periphery of the village and away from busy road junctions, should not in any manner substantially increase the volumes of traffic within the village.

Further to this, the observer raises concern about the increase of access traffic from the L1614 and traffic congregating around the junction in the vicinity of the school nearby. This again is an issue which appears to present as an existing

matter of concern to the observer and such an issue should appropriately be resolved with the involvement of the school and the roads authority. The opportunity for providing desired traffic calming measures necessary for addressing the traffic issues arising at the school should appropriately be addressed through such engagement. The site of the proposed development is remote from the road junction. The traffic generated by eight houses onto the local road at the edge of this village, adjoining the speed limit control zone for the village and where there are adequate available sightlines, could not reasonably be viewed as constituting a significant traffic hazard that would greatly exacerbate any existing issues arising at the junction.

Effects on the Environment and European Sites

Flood Risk

Regarding the flood risk concerns raised, I acknowledge that the local authority had a site-specific flood risk assessment undertaken. This indicated that the primary flood risk to the site is a pluvial flood event from overland flow and groundwater flooding. The results of the modelling undertaken shows that a portion of the south-western section of the site is susceptible to flooding. The assessment recommends:

- The proposed development should be limited to areas of the site beyond the maximum potential groundwater flood extent, i.e. to the areas of the site that fall within Flood Zone C (as defined in *The Planning System and Flood Risk: Guidelines for Planning Authorities*);
- The development includes an appropriate stormwater management system to limit stormwater discharge from the site to existing greenfield runoff rates; and

- Any proposed finished road levels and finished floor levels be constructed to a minimum level of 0.15m and 0.30m respectively above the maximum worst case scenario groundwater flood level of 18.53m OD.

The Board will note that the proposed development adheres to the recommendations of this assessment. The siting of the houses, their private garden spaces, parking areas, the estate entrance, access road, new ESB substation, and site services (foul sewer pipelines, water main, and surface water pipelines) avoid the area of the site that is susceptible to flooding. The road and floor levels of the houses are proposed to be developed at levels above the maximum worst case scenario groundwater flood level. The proposed development includes a stormwater management system which includes stormwater attenuation storage and a hydrobrake to comply with the recommendation.

I note that the area susceptible to flooding is to be open space. I acknowledge that *The Planning System and Flood Risk: Guidelines for Planning Authorities* states that, in areas with a high probability of flooding (Flood Zone A), most types of development would be considered inappropriate in this zone but indicates that amenity open space would be considered appropriate in this zone.

The Board will observe that the proposed development includes the provision of a pedestrian access at the south-western corner of the site and a footpath traversing the open space at the south-western side of the site. This path provides greater permeability through the site and improved pedestrian connectivity in the direction of the village centre. I also observe that the site's western boundary wall is to be retained, existing trees are to be retained and additional native hedgerow is to be provided along the site's western boundary. I do not consider that there would be any particular concerns arising from such minor provisions on the land such that they would exacerbate the existing flood

risk to the site or to any adjoining properties. However, if the Board was concerned that the delivery of the pedestrian access and footpath would in some way increase the likelihood of flooding, a condition eliminating these components of the scheme could be attached with any approval issued.

Wastewater

Regarding the concerns relating to the discharge of waste to the foul sewer and the functioning of the wastewater treatment plant, it is noted that the letter of confirmation of feasibility from Irish Water confirms that connectivity to public water services can be provided to meet the needs of the proposed eight houses. Irish Water confirms that there is capacity for the proposed housing development to connect to the public foul water system, subject to the completion and commissioning of the constructed Cross foul sewer network and wastewater treatment plant. The applicant's Natura Impact Statement notes that the sewer network and treatment plant have since been constructed and commissioned.

Clearly, the proposed development is wholly reliant on the public wastewater treatment system to meet its wastewater service needs and the small housing scheme could not proceed, following the issuing of approval based on the details provided, if connectivity was not available. There is no information indicating that the local authority cannot connect to a functioning public wastewater treatment system but rather the information provided draws one to the opposite conclusion.

European Sites

Regarding any likely effects on European sites, the Board is directed to my assessment of the issue under the section headed 'Appropriate Assessment'. The main issue of concern relates to the potential effects arising from impacts on groundwater. The Board will note that, contrary to the observer submission, a

Stage 2 appropriate assessment was screened in by the local authority. There is no particular concern about the connectivity to an established public watermain within the village where it would be at a significant distance from European sites.

Request for Traffic and Amenity Measures

Finally, the observer's request seeking the inclusion of traffic calming measures and the provision of a recreation and sports area for the village, if approval is granted, appears somewhat misplaced with the development of a small scheme of social housing units. As stated earlier, traffic calming measures to address an existing issue should appropriately be dealt with in its own right in conjunction with the roads authority. A village's need for sports and recreation facilities cannot reasonably be pursued through the delivery of a small group of houses meeting the social housing needs of the area. However, it should not go unmissed that the most substantial part of the site area is intended to be given over to public open space use.

- 6.3.2. I note that the submission from Paul and Maire T. Lydon primarily relates to flooding concerns. This issue of concern is clearly understandable based upon the information provided by them showing their previous experiences of flooding at this location. I have addressed the issue of flooding above. The applicant is adhering to the recommendations set out within its site-specific flood risk assessment. It is noted that this assessment has definitively informed the layout, form, and drainage measures of the proposed development to the design stage, with the proposed development following the conclusions and recommendations set out in the assessment.

6.4. **Likely Effects on the Environment**

6.4.1. *Environmental Impact*

My considerations are as follows:

- I acknowledge that the proposed residential scheme would be developed on a site within the village of Cross in an area where established residential use prevails.
- With due regard to population, the proposed development would provide social housing to assist in accommodating the needs of the village of Cross and its environs.
- With regard to biodiversity and to the appropriate assessment undertaken earlier, the proposed development would not adversely affect the integrity of any European sites. Furthermore, having regard to the extent of the local authority's provisions, including those set out in the Ecological Impact Assessment, it is reasonable to determine that an extensive array of mitigation measures is being provided to minimise adverse impact on natural habitats and mammal and bird species at the site and protective measures are being employed to address the potential for invasive plant species affecting the site.
- The proposed small-scale residential development would not have any significant unacceptable direct or indirect impacts in terms of land and soils, with due regard given to the site's village context, the small-scale nature of the proposed development and the small site area affected by the proposed works.
- The proposed development would not have any significant unacceptable direct or indirect impacts in terms of hydrogeology and hydrogeology, having regard to the siting of the proposed development, the limited extent

of support services being provided at the south-western section of the site, and the restriction of the function of the land at that location to open space uses.

- The proposed development, designed to meet social housing needs, would not have any significant, notable or unacceptable direct or indirect impacts in terms of air quality and climate at this settlement location.
- The proposed development can adequately accommodate vehicular and pedestrian access at this location and the road network can safely accommodate the small additional traffic volumes that would be generated. The proposal, therefore, would not have any significant unacceptable direct or indirect impacts on the road network or, indeed, on any other material assets at this location.
- The site has been the subject of an archaeological report carried out on behalf of the local authority in consideration of the proposed development. Pre-development archaeological testing was undertaken at the site under licence and nothing of archaeological significance was uncovered. No further archaeological mitigation is required. There is no other known impact that could potentially arise for cultural heritage.
- In terms of landscape and visual impact, it is noted that the site of the proposed development is in a village setting where residential properties bound the site. The proposed development would seek to provide a small-scale housing scheme, which supports the sustainable development of the village in an orderly manner. The site is not of any notable landscape or visual sensitivity. The proposed development would have no known adverse landscape or visual impact.

Overall, I submit to the Board that the proposed development would likely have significant positive environmental impacts and would constitute sustainable development.

6.5. **Likely Consequences for Proper Planning and Sustainable Development of the Area**

6.5.1. I submit to the Board that the principle of the proposed development can reasonably be viewed as being wholly compatible with the relevant settlement provisions as set out in the current Mayo County Development Plan and the Draft Mayo County Development Plan. I acknowledge the following:

- The site lies within the designated ‘Rural Village’ of Cross.
- The policy of the current County Development Plan is to support the sustainable development of this village.
- A range of objectives in the Plan seeks to meet specific housing needs and I particularly reference those objectives relating to accommodating the elderly, persons with a disability, homeless people and travellers in a manner which is appropriate to their specific needs, providing for independent living for older people and people with a disability, and providing appropriate accommodation for older/dependent relatives within close proximity to the existing family home. Such provisions may reasonably be understood to be providing for social housing, which the proposed development seeks to do.
- Cross is classified as a ‘Rural Village’ within Tier 5 of the Settlement Hierarchy in the Draft County Development Plan, being seen as having potential for appropriate levels of growth and consolidation.
- The site of the proposed development lies within the designated Rural Village Consolidation Zone for the village.
- The Draft Plan’s Settlement Strategy Policies include promoting and encouraging the sustainable, balanced development of the county’s Rural Villages in an incremental manner, with the emphasis on small scale

development over a medium to long-term period, in keeping with the character of the settlement.

- Housing Strategy Policies in the Draft Plan include the promotion of the provision of housing in the county, both public and private, in small settlements in a manner that provides a balance and choice in terms of location, house type and tenure. Objectives include increasing the stock of social housing within the county in order to meet the social housing needs identified in this Housing Strategy as well as the long-term housing needs of existing households on the local authority housing waiting list.
- Rural Settlement and Village Settlement Plan Policies in the Draft Plan include promoting the development of rural settlements and villages to meet the needs of these established communities and to provide an alternative choice for those seeking to live in a more rural setting, while supporting existing local services and facilities.
- Rural Settlement and Village Settlement Objectives include promoting and facilitating residential development commensurate with the nature and scale of the particular rural village or settlement, utilising brownfield and infill opportunities in order to regenerate and consolidate the rural settlements and villages.

6.5.2. Overall, having regard to the existing land use provisions clearly set out in the statutory Development Plan and the Draft Plan, which expressly support the provision and accommodation of a development of the nature proposed, one must reasonably conclude that the proposed development is in accordance with the proper planning and sustainable development of this area.

7.0 CONCLUSION AND RECOMMENDATION

I conclude that:

- (a) subject to full implementation of the mitigation measures set out, the proposed development would not result in significant adverse environmental effects and, in particular, would not adversely affect the integrity of European sites in the vicinity, and
- (b) the development is in accordance with statutory development plan policies and provisions and constitutes proper planning and sustainable development of the area.

I recommend that the Board approves the application for the reasons and considerations and subject to the conditions below.

REASONS AND CONSIDERATIONS

Having regard to the provisions of:

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Communities (Birds and Natural Habitats) Regulations 2011,
- (c) the provisions of the Mayo County Development Plan 2014-2020 and the Draft Mayo County Development Plan 2021-2027,
- (d) the nature and scale of the works, and
- (f) the submissions and observations made in connection with the proposed development,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely affect the environment and would otherwise be in accordance with the proper planning and sustainable development of the area.

APPROPRIATE ASSESSMENT

The Board agreed with the appropriate assessment and conclusions contained in the Inspector's report that the Lough Corrib Special Area of Conservation (Site Code: 000297) and Lough Corrib Special Protection Area (Site Code: 004042) are the European sites for which there is a likelihood of significant effects.

The Board considered the submitted Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment in relation to the potential effects of the proposed development on the above referenced European sites in the vicinity of the application site. The Board noted that the proposed development is not directly connected with or necessary for the management of a European site and considered the nature, scale and location of the proposed development, as well as the report of the Inspector. In completing the appropriate assessment, the Board adopted the report of the Inspector and concluded that the proposed development, by itself, or in combination with other plans or projects in the vicinity, would not be likely to have a significant effect on any European site in view of the site's conservation objectives.

CONDITIONS

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 5th day of April 2022, except as may otherwise be required in order to comply with the following condition.

Reason: In the interest of clarity.

2. The local authority and any agent acting on its behalf shall implement in full the mitigation measures contained in the Natura Impact Statement submitted with the application.

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

Kevin Moore
Senior Planning Inspector

28th July, 2022