



An
Bord
Pleanála

Inspector's Addendum Report

ABP-315466-23

Development	Construction of 54 houses including all ancillary site works and connection to public services.
Location	Friarscourt, Laghtadawannagh, Killala Road, Co. Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	21793
Applicant	Thawside Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Friarscourt Residents Association
Observer(s)	None
Date of Site Inspection	3 rd May 2023
Inspector	Ian Campbell

1.0 Introduction

- 1.1. This report is an addendum report to the Inspector's report in respect of ABP-315466-23 (dated 23rd January 2024).
- 1.2. On 31st January 2024 the Board decided to defer consideration of this case, and request the Inspector to outline what specific additional information would be required to enable a full and comprehensive assessment and to reach definitive conclusions in respect of Appropriate Assessment, and following receipt of same to afford the applicant an opportunity to respond to the new issues by way of a Section 132 notice under the Planning and Development Act, 2000, as amended
- 1.3. This report provides the information requested by the Board in respect of Appropriate Assessment as it relates to the proposed development to which ABP-315466-23 refers.

2.0 Required information in respect of Appropriate Assessment

2.1. Re. Appropriate Assessment Methodology/General:

- Otter, a QI of River Moy SAC could be using the Sruffanbrogue Stream in the vicinity of the development site for feeding and breeding and the results of a field survey carried out by the applicant elude to this (pages 22 and 32 of the NIS refers to the potential for otters to use the site and to 'well-used mammal tracks' being identified in the vicinity of the stream during the field survey). The extent of the mammal survey carried out by the applicant, and the methodology for same is vague. Standard survey methodology for otter are recommended over a number of dates and times and as such the dates and times for such surveys are important. Regarding the potential impact on otter, the Appropriate Assessment Screening report/NIS states that increased human activity and disturbance during construction may impact otter movements but that disturbance is unlikely to be significant as there are sufficient feeding areas for otter in the area. In the absence of a specific otter survey which would definitively confirm the use of the Sruffaunbrogue Stream by otters, and importantly the extent of such use, conclusions in respect of the significance of an impact on otter populations is unqualified.

- **Required** – an otter survey carried out in line with best practice survey techniques by an experienced ecologist, to demonstrate whether otters use the Sruffaunbrogue Stream and the area in the vicinity of the appeal site, the extent of any such use, and if required the provision of comprehensive and specific mitigation measures to address the potential impact of the proposed development on otter populations.

- Other mobile species which are QI of River Moy SAC (i.e. salmon, sea lamprey, brook lamprey and white-clawed crayfish) could be using the Sruffaunbrogue Stream in the vicinity of the development site. The NIS does not contain any information in relation to whether these species use the Sruffaunbrogue Stream and subsequently does not provide any assessment of likely impact on these species or mitigation measures in respect of same.

- **Required** – an assessment of the potential impact of the proposed development on mobile species which are QI of River Moy SAC which may use the Sruffaunbrogue Stream in the vicinity of the development site, and if necessary the provision of comprehensive and specific mitigation measures to address potential impacts on same.

- Ambiguity in relation to whether the NIS has been prepared by a competent person with an ecology background.

- **Required** - clarification as to the background and qualification of the person(s) preparing the NIS.

- A number of statements in the NIS are inconsistent in relation to reference to specific European sites and not to other European Sites which are more relevant, for example the statement in relation to cumulative impact (Section 5.1 of the NIS) refers to River Moy SAC but makes no specific reference to sites which are hydrologically connected to the development site (i.e. Killala Bay/Moy Estuary SAC and Killala Bay/Moy Estuary SPA). Similarly, the concluding statement refers to River Moy SAC in respect of the release of pollution and

sedimentation from the development site but not to Killala Bay/Moy Estuary SAC and Killala Bay/Moy Estuary SPA which as stated above are hydraulically connected to the development site.

- **Required** – consistency and a comprehensive approach in relation to confirmation of potential impacts on European sites.
- Section 3.3.3. of the Appropriate Assessment Screening report refers to four European site being brought forward from the screening stage (Stage 1) to Stage 2, however Stage 2/NIS examines 3 no. sites, Killala Bay/Moy Estuary SAC, Killala Bay/Moy Estuary SPA and River Moy SAC.
- **Required** – confirmation as to which European sites are being brought forward from screening stage/Stage 1 to Stage 2.
- The lands to the south and west of the Sruffaunbrogue Stream where the temporary construction traffic access is proposed are indicated within the 10% AEP Fluvial Flood Extent (i.e. High Probability – Flood Zone A) and the 1% AEP Fluvial Flood Extent (i.e. Medium Probability – Flood Zone B) respectively.
- **Required** – clarification in relation to the extent of flood risk as it relates to entire site, including the proposed temporary construction access route.

2.2. Re. Appropriate Assessment Mitigation Measures:

- The NIS does not provide clear and specific mitigation measures in respect of the construction of the retaining wall along the western boundary of the development site with the Sruffaunbrogue Stream (as it does for example in relation to the construction of the bridge to cater for the temporary access road).
- **Required** – provision of clear/specific mitigation measures for the construction of the retaining wall along the western boundary of the development site.
- The lands to the south and west of the Sruffaunbrogue Stream where the temporary construction traffic access is proposed are indicated on floodinfo.ie

within the 10% AEP Fluvial Flood Extent (i.e. High Probability) and the 1% AEP Fluvial Flood Extent (i.e. Medium Probability) respectively. There is therefore potential for contaminated run-off from the temporary construction access route to enter the Sruffaunbrogue Stream, with implications for European sites downstream. This issue has not been identified or addressed within the NIS. It is also unclear if flooding could affect the efficacy of mitigation measures which are contained within the NIS, for example the operation of silt traps.

- **Required** – clarity in respect of the extent of flooding on the site, specifically the proposed temporary construction access road, and an assessment of the implications of same on European sites and on the efficacy of mitigation measures proposed in the NIS.
- The absence of a map identifying the location of mitigation measures, for example the location of silt fences.
 - **Required** – a map indicating the location of all proposed mitigation measures where they relate to specific locations within the development site.
- Ambiguity in relation to terminology used in respect of mitigation measures, e.g. reference to ‘concrete washout areas being located remote from the stream or any surface water drainage features, where feasible, to avoid accidental discharge to watercourses’, and elsewhere to ‘machinery depots and site offices being located as far away as possible from the watercourse’.
 - **Required** – a definitive approach in relation to proposed mitigation measures.
- Reference is made in the NIS to the provision of silt fences along the northern and north-eastern boundaries of the site, however the site does not interface with the Sruffaunbrogue Stream at these locations, with the Sruffaunbrogue Stream running along the western and southern boundaries of the development site.
 - **Required** – clarity in relation to the location of silt fences with reference to the Sruffaunbrogue Stream.
- The absence of specific mitigation measures to address the presence and removal/eradication of Japanese Knotweed from the site (which is located

along the banks of the Sruffaunbrogue Stream). The NIS refers to invasive species in the context of a separate report submitted with the planning application which seeks to address this issue however the NIS does not contain any specific mitigation measures in respect of same. Under the heading of 'biosecurity', mitigation measures are proposed to address invasive species from entering and leaving the site, and on machinery, however there are no measures in the NIS specifically aimed at addressing the potential release of Japanese Knotweed into the Sruffaunbrogue Stream. Additionally, the Invasive Species Management Plan submitted with the planning application entails the spreading of herbicide on the development site to eradicate the Japanese Knotweed however the NIS does not contain any mitigation measures to address the potential release of herbicide to the Sruffaunbrogue Stream. The Invasive Species Management Plan also states that a haul route will be used to convey the Japanese Knotweed when it is removed to a treatment area to the north of the development site, and that the location of this route is to be confirmed in a subsequent Method Statement.

- **Required** – (i) the provision of mitigation measures in the NIS to address the potential for Japanese Knotweed to be released into the Sruffaunbrogue Stream; (ii) the provision of mitigation measures to address the release of herbicide being used to eradicate Japanese Knotweed from the site into the Sruffaunbrogue Stream; and (iii) the inclusion of mitigation to address the potential for the release of Japanese Knotweed during transportation within the development site.
- The absence of information regarding who is responsible for overseeing and monitoring of each mitigation measure.
 - **Required** – confirmation in relation to who is responsible for overseeing and monitoring the mitigation measures contained in the NIS.
- The absence of action(s) which will be taken in the event of the failure of a particular mitigation measure (for example silt fencing).
 - **Required** – confirmation of action(s) to be taken in the event that a specific mitigation measure fails.

Ian Campbell
Planning Inspector

14th February 2024