



An  
Bord  
Pleanála

## Inspector's Report

### ABP-317127-23

<b>Development</b>	Construction of exemplar designed WC, shower and changing room facility under Failte Irelands Platform For Growth.
<b>Location</b>	Keel, Achill, Co. Mayo.
<b>Local Authority</b>	Mayo County Council
<b>Type of Application</b>	Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment)
<b>Prescribed Bodies</b>	DAU Failte Ireland.
<b>Observer(s)</b>	Michael O'Brien Martin & Martina Calvey Dairine Walsh.
<b>Date of Site Inspection</b>	24/07/2023.
<b>Inspector</b>	Auriol Considine

## Contents

1.0 Introduction .....	3
2.0 Proposed Development .....	4
3.0 Site and Location .....	5
4.0 Planning History.....	5
5.0 Legislative and Policy Context .....	6
6.0 The Natura Impact Statement.....	15
7.0 Consultations .....	16
8.0 Assessment .....	21
9.0 Recommendation.....	49
Appendix 1 .....	55

## 1.0 Introduction

- 1.1. Mayo County Council is seeking approval from An Bord Pleanála to undertake development in the form of the construction of a WC, shower and changing room facility adjacent to the Keel Machair/Menaun Cliffs SAC which is 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.
- 1.3. The Board will note that the proposed activity visitor facility includes all-weather changing facilities which comprises a universal and standardised design for Failte Irelands 22 chosen locations for such facilities. The design is noted to be adaptable to suit individual location and site specifications, but which will be facilities which are readily recognisable by way of its physical structure and composition, as well as associated branding. The Exemplar Design presented to local authorities while intended to be adaptable to the particular site, include a set of key design features which are to be retained, irrespective of any other localised adaptations to ensure a level of consistency across all site locations. Following the initial capital investment by Failte Ireland in the construction and fit-out of the building, the local authority will own, operate, maintain and will be responsible for any reinvestment in the facility. A Management Agreement Plan will be in place for the initial 15 years.

## **2.0 Proposed Development**

- 2.1. Permission is sought for the construction of exemplar designed WC, shower and changing room facility. Construction of requisite external works including provision of access ramps and steps. It will also include for the connection of all utility services to the building, all at Keel, Achill, Co. Mayo.
- 2.2. The single storey building will include 3 x unisex WCs, 5 x indoor shower rooms and an accessible washroom, as well as external showers, a plant room, electrical rooms and cleaners' store. External seating and a bike parking/storage area is also proposed. The Board will note that the submitted NIS indicates that 'a communications workspace, which will be a multi-functional, multi-media education and learning area for the operators of, and visitors to, the proposed facilities' is included, but no such space is noted on the submitted plans.
- 2.3. The grass roof will also include a suite of solar panels and a new gate opening in the existing fence will provide access to the road and beach. The building will rise to 4.055m at its highest point, falling to 3.73m along the southern elevation, and will be finished in a mix of materials including timber, Corten, concrete and tile. A small, detached timber clad ME building to the northeast of the building is also proposed.
- 2.4. **Accompanying documents:**
- Failte Ireland Project Explanatory Report
  - Natura Impact Statement
  - Environmental Impact Assessment
  - Archaeology Report
  - Site Investigation Report
  - Letters to Prescribed Bodies to which the application was sent.

### **3.0 Site and Location**

- 3.1. The site lies immediately adjacent to Keel Beach on the south coast of Achill Island, Co. Mayo, and within the townland of Keel East. The site lies approximately 700m to the east of the village of Keel, and to the south eastern corner of the existing caravan and camping park. The 9-hole Achill Island Golf Course lies to the east of the site. The wider area also includes a number of residential properties and agricultural lands. A hardstand area which is used for parking lies to the north of the sand dunes / beach in this area, with the Atlantic Ocean and beach to the south of the dunes.
- 3.2. The proposed location of the building lies within the boundaries of the camp site and on an area which is used for such uses – including pitched tents, and parking of caravans and campervans. The location of the proposed building is gently undulating. Static mobile homes are also present on the wider site year-round, and which are available for rent. There are further on-site amenities including a reception / information area, TV lounge, camper's kitchen, assembly area, laundry room, washrooms, showers, and public toilets. Other facilities in this area of Achill, Keel beach aside, include a playground, basketball and tennis court.
- 3.3. Mayo County Council are noted to be the owners of the site with the camping and caravan park being operated by a third party, Keel Camping. The landholding in this area is noted to include the full camping and caravan site, which includes the existing buildings, shower and toilet buildings, located to the west of the overall landholding. The camp site was full and the area very busy on the date of my site inspection, with the area of the proposed building occupied by tents and campervans.

### **4.0 Planning History**

- 4.1. There is no relevant planning history noted in relation to the subject site.

## 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. Articles 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 (as amended):** 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 Culture, Heritage and the Gaeltacht 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. European sites located in proximity to the subject site include:
- Keel Machair/Menaun Cliffs SAC, immediately adjacent
  - Achill Head SAC, approximately 200m to the south west
  - Croaghaun/Slievemore SAC, approximately 2.6km to the north
  - Doogort Machair/Lough Doo SAC, approximately 6.7km to the north east
  - Doogort Machair SPA, approximately 7.2km to the north east
  - West Connacht Coast SAC, approximately 9.7km to the north
  - Blacksod Bay/Broad Haven SPA, approximately 11.9km to the north

- Mullet/Blacksod Bay Complex SAC, approximately 11.9km to the north
- Duvillaun Islands SPA, approximately 12.2km to the north
- Duvillaun Islands SAC, approximately 12.2km to the north
- Corraun Plateau SAC, approximately 12.6km to the south east
- Mullet Peninsula SPA, approximately 13.6 to the north

5.5. The site lies within the Keel Machair/Menaun Cliffs pNHA. Additional NHA and pNHA sites located in proximity to the subject site include:

- Doogort East Bog NHA, approximately 4.2km to the north east
- Croaghaun/Slievemore pNHA, approximately 2.6km to the north
- Inishgalloon pNHA, approximately 2km to the south west
- Doogort Machair/Lough Doo, approximately 6.7km to the north east
- Mullet/Blacksod Bay Complex pNHA, approximately 11.9km to the north
- Duvillaun Islands pNHA, approximately 12.2km to the north
- Corraun Point Machair/Dooreel Creek pNHA, approximately 12.3km to the east.
- Corraun Plateau pNHA, approximately 12.6km to the south east
- Tullaghan Bay And Bog NHA, approximately 14.4km to the north east

5.6. **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 effects on the environment.

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

The likely significant effects on a European site.

#### **5.7. Wildlife Amendment Act (2000)**

Under the Wildlife Amendment Act (2000) NHAs are legally protected from damage from the date they are formally proposed for designation.

#### **5.8. National Planning Framework – Project Ireland 2040, DoHP&LG 2018**

- 5.8.1. The National Planning Framework – Project Ireland 2040 is a high-level strategic plan for shaping the future growth and development of Ireland to 2040. Key objectives of the Framework are to ensure the promotion of compact urban development, sustainable mobility and transition to a low carbon and climate resilient society. Embedded in these objectives is the promotion of recreational infrastructure, including investment in and enabling access to recreational facilities (Strategic Outcome 7). National Policy Objective 22 seeks to facilitate tourism development.

#### **5.9. National Maritime Planning Framework**

- 5.9.1. The National Maritime Planning Framework (NMPF) sets out the framework for the forward planning and decision-making components of our marine planning system and represents the key consideration for decision makers on all marine related developments and consents.



5.9.2. In relation to sport and recreation the NMPF includes objectives to:

- Support the increased participation in water-based sports for the benefit of public health/wellbeing as well as developing Irelands tourism offering,
- Protect and enhance unique natural resources which attract visitors (e.g., Blue Flag Beaches),
- Increase provision of physical activity recreation amenities in Irelands coastal and marine environment,
- Sustainably develop outdoor recreation facilities promoting access for people of all abilities, age and background and encouraging sharing facilities where appropriate.

5.9.3. The NMPF also includes policies to support sustainable development of water-based sports and marine recreation while considering environmental carrying capacities and tourism pressures and to support proposals that improve access to marine and coastal resources for tourism activities (Sport and Recreation policies 1 and 4 refer). In addition, the NMPF notes that any proposals should be considered in the context of potential impacts on existing clubs and other recreational users as well as potential interference with access to the shore/water and impacts on the natural environment (Sport and Recreation Policy 2 refers).

5.9.4. In relation to Tourism the NMPFs objectives include positioning Ireland as a world-class coastal and marine tourism destination through the sustainable development of coastal and marine recreational activities, and the continued and improved access to marine coastal resources. The NMPF contains planning policies which support appropriate proposals facilitating sustainable tourism, consideration of potential impacts of proposals on tourism, and optimising the use of facilities/space for multiple activities and minimising adverse impacts on the natural environment.

## **5.10. Regional Spatial & Economic Strategy – Northern & Western Region**

5.10.1. The RSES for the northern and western region was adopted in January 2020 and provides a long-term, strategic development framework for the future physical, economic and social development of the region and includes the Metropolitan Area Strategic Plan (MASP) to guide the future development of Galway City, as well as tailored Regional Growth Centre Strategic Plans for Sligo, Athlone and Letterkenny

(incorporating the strategic cross-border partnership with Derry-Strabane) and the identification of priority actions for Key Towns and places. The strategy seeks to achieve balanced regional development and the full implementation of the NPF. It is a 12-year strategic regional development framework and establishes a broad framework for the way in which our society, environment, economy and the use of land should evolve.

- 5.11. RPO 4.1 of the RSES seeks to support working with relevant landholders and recreational/tourism agencies to increase access to the countryside and our coastal areas, with the Strategy noting that a key element for the tourism strategy will include new proposals for activity tourism, particularly in rural areas, National Parks, uplands, coasts and rivers. In terms of the Wild Atlantic Way, the RSES identifies Achill as a seasonal location and RPO 4.4 states that the Wild Atlantic Way (WAW) touring network and visitor attractions within the region shall be upgraded and improved to cater for the growth in visitor cars, buses, and cyclists using the route.

#### 5.12. **County Development Plan**

- 5.12.1. The Mayo County Development Plan 2022-2028 is the relevant policy document pertaining to the subject site. The site lies within the settlement boundary of the Tier IV rural settlement of Keel-Dooangh on Achill Island, occupying the most easterly site within the identified boundary, which includes the wider camping and caravan site, as well as land to the north of the R319. The Plan (Section 2.8.1.3) describes Tier IV settlements as serviced rural towns and villages with populations of greater than 50 but less than 500, which function as local service and employment providers. In these settlements, defined land use areas can be identified (e.g., town centre, residential etc.) and a broader range of services, functions and employment opportunities are generally provided. All settlements in this tier are serviced by Irish Water infrastructure.
- 5.12.2. Chapter 5 of the CDP deals with Tourism & Recreation where it is stated strategic aim 'to promote and facilitate a sustainable and well managed year-round, high-quality tourism industry that generates economic benefits to all areas of the county, thereby contributing to the wider tourism industry of the region'.
- 5.12.3. The only reference to pNHAs in the CDP relates to peatlands, however, the plan also notes that there are many sites throughout the county that host important plant and

animal species or their habitats (including Annex I habitats, Annex I birds and Annex II and IV species) which are not designated as a SPA, a (c)SAC or a (p)NHA but their ecological value is of high importance (Section 10.4.2).

5.12.4. In terms of landscape, the site is located within a Policy Area 1 – Montaine Coastal Zone which is visible from a scenic route.

5.12.5. Section 10.4.9 of the Plan deals with Coastal Zone and notes that the majority of Mayo's coastal waters are ecologically protected and form part of the Natura 2000 network of European Sites.

5.12.6. The following policies are considered relevant to the subject site:

Tourism Policies –

- TRP 2:** To support and promote sustainable tourism development, accessible to all throughout the county and work in partnership with tourism organisations and adjoining Local Authorities, where necessary, in securing the development of tourism enterprises and infrastructure, subject to suitable locations where it can be demonstrated that the development will not have significant adverse effects on the environment, including the integrity of the Natura 2000 network, residential amenity or visual amenity.
- TRP 22:** To support the implementation of priority infrastructural developments and tourism facilities identified by the Tourism Section of Mayo County Council, including the development of new tourist facilities or upgrading/extension of existing tourist facilities at tourist sites within the county, within proper planning and sustainable development principles.
- TRP 23:** To support and promote sustainable tourism, accessible to all throughout County Mayo, and to work in partnership with tourism organisations and adjoining local authorities, where necessary, in securing the development of tourism enterprises and infrastructure, subject to suitable locations, where it can be demonstrated that the development will not have significant adverse effects on the environment,

including the integrity of the Natura 200 network, residential amenity or visual amenity.

**TRP 31:** To support the development of an activity centre at Keel.

Biodiversity, Designated and Non-Designated Sites and Policies –

**NEP 1:** To support the protection, conservation and enhancement of the natural heritage and biodiversity of County Mayo, including the protection of the integrity of European sites, that form part of the Natura 2000 network, the protection of Natural Heritage Areas, proposed Natural Heritage Areas Ramsar Sites, Nature Reserves and Wild Fowl Sanctuaries (and other designated sites including any future designations).

**NEP 2:** To protect and enhance the county's natural heritage and biodiversity by supporting the implementation of the National Biodiversity Action Plan 2017-2021, the National Pollination Plan 2015-2020 and County Mayo Biodiversity Plan 2015-2020 and any future editions, in partnership with relevant stakeholders, subject to available resources.

Landscape Policy:

**NEP 14:** To protect, enhance and contribute to the physical, visual and scenic character of County Mayo and to preserve its unique landscape character.

Landscape Objectives:

**NEO 25:** To consider applications for development, along Mayo's' Scenic routes, that can demonstrate a clear need to locate in the area concerned, whilst ensuring that it:

- Does not impinge in any significant way on the character, integrity and distinctiveness of the area.
- Meets high standards in siting and design.
- Contributes to and enhances local landscape character.

- Satisfies all other criteria, with regard to, inter alia, servicing, public safety and environmental considerations.

**NEO 26:** To consider applications for development, within Mayo's Coastal Areas and Lakeshores and within areas along scenic routes with designated scenic views, that can demonstrate a long-standing social link to the area concerned, whilst ensuring that it:

- Does not impinge in any significant way on the character, integrity and distinctiveness of the area.
- Cannot be considered at an alternative location.
- Meets high standards in siting and design.
- Contributes to and enhances local landscape character.
- Satisfies all other criteria, with regard to, inter alia, servicing, public safety and environmental considerations.

#### Coastal Zone Policies

**NEP 15:** To protect the character, visual, recreational, ecological and amenity value of the coast and provisions for public access, while recognising the needs of coastal communities to live, work and interact with the coast.

**NEP 16:** To maintain and enhance our natural coastal defences to increase resilience to climate change.

#### Coastal Zone Objectives:

**NEO 30:** To ensure that the county's natural coastal defences, such as beaches, sand dunes, coastal wetlands and estuaries are not compromised by inappropriate works or development.

**NEO 34:** To protect the coastal zone through the protection, enhancement and maintenance of the current status of the designated Blue Flag beaches and Green Coasts and seek to increase the number of beaches and coasts holding this status in the future.

**NEO 36:** Ensure new developments take account of future risk from coastal erosion/storm surges and sea level rise, including the identification and restriction of development in coastal erosion zones where appropriate, and ecosystem-based adaptation actions to manage climate risk and build resilience to climate change.

Volume 3 of the CDP includes details of maps, including those for the Tier IV settlements. The subject site is also noted to be located within a pNHA Keel Machair/Menaun Cliffs, Site Code: 001513, and lying immediately adjacent to the Keel Machair/Menaun Cliffs SAC Site Code: 001513.

### 5.13. Other Relevant Policy Documents

- **County Mayo Biodiversity Action Plan 2010-2015** - The County Mayo Biodiversity Action Plan aims to raise awareness of and promote the conservation of the natural heritage and biodiversity of the county.

The Plan aims to provide a framework for the conservation of biodiversity at a local level and to help ensure that national & international targets for biodiversity conservation can be achieved, while at same time addressing local priorities

A new strategy for the protection, conservation and promotion of Mayo's biodiversity is currently in preparation, and will form part of the new County Mayo Heritage Plan 2020 – 2025 currently being developed.

The 2010 Biodiversity Action Plan identifies sand dunes and machair come in a range of shapes and forms with a range of habitats. Machair is noted to be a unique habitat, found only on the west coast of Ireland and Scotland, and is the term for the coastal grassy plains that are formed on wind-blown calcareous sands, and occurring where gales and high winds are frequent. Machair is also noted to support a wide variety of birds as well as being important for invertebrate species. Threats to sand dunes systems include overgrazing, undergrazing (not common), trampling by livestock, agricultural improvement, sand extraction, recreational use and development. Some of the best examples of machair in the county are found on Achill Island.

## **6.0 The Natura Impact Statement**

- 6.1. Mayo County Council's application for the proposed development was accompanied by a Natural 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 provides an overview and description of the proposed development, including an overview of the Platform for Growth scheme under Failte Ireland, and is based on desktop study as well as surveys that were conducted between August 2020 and April 2021. The surveys, which cover the wider Keel Bay area, included a habitat assessment, mammal survey, bats and a winter bird survey assessment, with specific attention placed on recording birds of special conservation interest (SCI) relating to SPAs within commuting range of Keel Bay. The NIS acknowledges that the timing of the biodiversity assessment was not optimal for some botanical species however vegetative ID was used and the precautionary principle applied in assuming that all habitats that could align with Annex I priority habitats were treated as such.
- 6.3. The NIS identifies and characterises the potential effects arising from the proposed development in terms of construction and operational activities. Following an AA screening exercise of 13 Natura 2000 sites, the conclusion was that a Stage 2 AA was required for two sites. Section 5 of the NIS sets out details of mitigation measures to be implemented, which include the preparation of a Construction and Environmental Management Plan (CEMP), ecological signage, visitor management plan, grey water management plan, as well as litter management and fencing.
- 6.4. The submitted NIS concludes that subject to the implementation of the mitigation measures proposed, it is not envisioned that the proposed development will give rise to any significant adverse effects on any designated European sites either alone or in combination with other plans or projects.
- 6.5. The NIS was accompanied by a suite of drawings and documents which are detailed above in Section 2 of this report.

## 7.0 Consultations

7.1. The application was circulated to the following bodies:

- The Heritage Council
- An Chomhairle Ealaíon
- Irish Water
- Fáilte Ireland
- Department of Housing, Planning and Local Government – Marine Planning / Foreshore
- Department of Culture, Heritage and the Gaeltacht<sup>1</sup> - DAU
- An Taisce
- Mayo County Council:
  - Roads, Transport & Infrastructure
  - Planning & Water Services
  - Climate Action & Environmental Services
  - Chief Fire Office

Responses were received from the following:

### 7.2. Department of Housing, Local Government & Heritage:

7.2.1. The submitted report sets out the heritage related observations / recommendations under the heading of Nature Conservation. The report is summarised as follows:

- The NIS submitted identifies that the operational phase of the development could result in the loss of Annex I priority habitat Machair (21A0) which is a qualifying interest of the Keel Machair/Menaun Cliffs SAC (Site Code: 001513).
- Changes in the amount and behaviour of visitor traffic in the vicinity of the application site may cause degradation to, and loss of, the Annex I priority habitat, immediately adjacent to the subject site.

---

<sup>1</sup> The Board will note that the DAU are under the Department of Housing, Local Government and Heritage



- Mitigation measures to address the potential loss of habitat are noted in Section 5 of the NIS and relate to signage, visitor management plan and fencing.
  - The level of detail provided does not meet the standards required for mitigation measures in terms of the AA process.
  - Any detail of mitigation measures should also detail the potential effectiveness as a mitigation measure with reference to successfully implemented examples.
  - Details should include where the measures will take place, who will implement it and how the effectiveness will be monitored.
  - The NIS does not provide adequate level of detail to inform the Boards AA determination.

### **7.3. Public Submissions:**

7.3.1. Mr. Michael O'Brien has made a submission on the proposed development advising no objection to the project which if carried out correctly has the potential to provide much needed facilities at Keel. However, based on the information provided in the NIS, the following concerns are raised:

- A fully developed set of mitigation measures have not been provided to satisfy the requirements under Article 6.3. of the Habitats Directive.
- It is requested that the Board set clear conditions to ensure that all necessary mitigation measures are described in detail and that there is a clear plan and commitment for implementation.
- There are weaknesses in the biodiversity field surveys in terms of timing which would have failed to identify the value of the SAC for breeding Ringed Plovers and the use of the area by migrant birds in spring.
- It is clear that the site lies outside the SAC and the threat to the integrity of the sites arise from increased visitor pressure. No analysis is provided in terms of current levels of visitor / recreational use or how these are likely to develop.
- The development will increase recreational and tourism pressures nearer to the SACs.

- The area between the site and the beach is machair habitat (SAC) and is currently in unfavourable condition.
- The NIS acknowledges that areas of protected habitat within the SAC, currently being used as a parking area with no visitor controls results in the dunes being unstable.
- The detail of the mitigation measures is vague with limited information to demonstrate that they have been seriously developed as mitigation measures, contrary to the provisions of the Directive.
- There are already significant failures to address visitor management and related issues at Keel which represent pressures on the dunes, including overuse and trampling, vehicular use on the dunes, shingle banks and machair areas within the SAC – including caravans and camping.
- Removal of sand and the burying of recreational waste has also occurred which makes a mockery of the litter management strategy.

7.3.2. Ms Dairine Walsh has made a submission on the proposed development and the following concerns are raised:

- Design and location issues
- The proposed building will be in place 12 months of the year for a limited tourist season and will not increase tourist numbers in the off-peak period. It will create a blot on the horizon.
- The design chosen cannot be said to have any relationship or be complementary to its environs being a modern design in an ancient, scenic area.
- The building will occupy potential caravan spaces and will be accessed by persons with no business in the caravan park.
- Safety concerns in terms of access across the tarmacadamed road.
- The area in the vicinity is already subject to unauthorised camping and trading. Mayo County Council has never made an effort to control or manage the situation which has led to a degradation of an environmentally sensitive area.

- Litter issues and lack of bins or litter collectors.
- Plans do not reflect the description of the development – no ‘communications’ facility on the plans.
- The design is over-scaled and inappropriate.
- There are existing public toilets beside the caravan park – constructed recently. Showers and storage should be incorporated in this area.
- EIAR should be required.
- Appropriate and sustainable tourist related development could be constructed on the site of the existing public toilets adjacent to the caravan park without causing the potential problems associated with the subject application.

7.3.3. Mr. Martin and Ms. Martina Clavey, through their agent Leahy Planning Ltd, have made a submission on the proposed development and the following concerns are raised:

- The proposal is located on commonage which forms part of the Achill Mission Estate Commonage established in the 19<sup>th</sup> century and cannot be developed without the consent of all who actively farm the commonage.
- The development will significantly interfere with the normal passage and movement of sheep grazing.
- The impact of the proposal has not been adequately assessed in terms of environmental damage caused by car parking and large number of visitors.
- The blue lined landholding identified on the submitted plans is questioned. Mayo County Council do not own the lands and there are no development rights without consent of the commonage shareholders.
- While the area has been used for camping, the proposed development of a permanent structure is a different matter. Over the past 30 years, the council has engaged in a cumulative infringement of the rights of commonage, ramped up with the provision of stockproof fencing and permanent structures.
- The proposed development will interfere with proper husbandry and management of sheep which have habitually grazed the area for several generations, with clear and immediate negative economic consequences.

- The fencing off of the area is unauthorised development – Article 9(x) of the P&D Regulations refer.
- The submitted plans are difficult to interpret with no site layout plan indicating specific pedestrian routes, car parking areas or delineation of the site.
- A sufficient assessment on the impacts on amenity has not been made.
- Increased tourist traffic at this location has increased the number of sheep killed on the commonage.
- The impacts on the ongoing use of the facility have not been adequately dealt with in the AA.
- Mitigation measures proposed in NIS are not clear.

## **8.0 Assessment**

### **8.1. Preliminary Examination Screening for Environmental Impact Assessment (EIA)**

- 8.1.1. An Environmental Impact Assessment Screening report was submitted with the application, and I have had regard to same.
- 8.1.2. The proposed development relates to the development of a community facility which will support the tourism and leisure activities of Keel and as such, Class 12 of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of tourism and leisure development:
- (a) Ski-runs, ski-lifts and cable-cars where the length would exceed 500 metres and associated developments.
  - (b) Sea water marinas where the number of berths would exceed 300 and fresh water marinas where the number of berths would exceed 100.
  - (c) Holiday villages which would consist of more than 100 holiday homes outside built-up areas; hotel complexes outside built-up areas which would have an area of 20 hectares or more or an accommodation capacity exceeding 300 bedrooms.
  - (d) Permanent camp sites and caravan sites where the number of pitches would be greater than 100.
  - (e) Theme parks occupying an area greater than 5 hectares.

The proposed development does not fall within any of the projects described above.

- 8.1.3. In addition to the above, the I have considered the proposed development in the context of Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) relates to infrastructure projects in urban areas and provides that mandatory EIA is required for the following classes of development:
- (iv) Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

- 8.1.4. It is proposed to construct an exemplar designed WC, shower and changing room facility under Failte Irelands Platform For Growth, at Keel, Achill Island, Co. Mayo. The size and nature of the proposed development is significantly below any thresholds noted above as they relate to tourism and leisure projects, and the overall site area does not reach the 2ha threshold if one is to consider the project in the context of urban development. The subject site has an overall area of c400m<sup>2</sup> and is located within the wider existing caravan and camping site in Keel on Achill Island. The site lies within the established settlement boundary of Keel, but not in a business district. The introduction of the community facilities development will not have an adverse impact in environmental terms on surrounding land uses, which includes sand dunes, car parking, golf course and the established camp site.
- 8.1.5. It is noted that the site lies within a coastal context adjacent to Keel Beach, and within Area A: Achill, Clare, Inishturk and related Coastal Complex in terms of the landscape designation in the current Mayo County Development Plan. Landscape policies in the CDP seek to protect, enhance and contribute to the physical, visual and scenic character of Co. Mayo. Given the nominal scale of the proposed development, it is not considered that the proposed development is likely to have a significant effect on the visual amenity of the area.
- 8.1.6. The subject site lies adjacent to the Keel Machair / Menaun Cliffs SAC and within 200m of Achill Head SAC. An NIS was prepared to assess the potential impacts of the proposed development on these sites, and, as discussed in Section 8.5 of this report, concluded that subject to best construction practices and the implementation of mitigation measures, the proposed development would not give rise to any significant adverse effects on designated European Sites, alone or in combination with other plans or projects.
- 8.1.7. The proposed development would not give rise to waste, pollution or nuisances and it would not give rise to a risk of major accidents or risks to human health. The proposed development would connect to the existing public water and drainage services, and it is not considered that the effects of the development would be significant.

8.1.8. Having regard to: -

- The nature and scale of the proposed development, which is significantly under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands within the established settlement boundary for Keel, as detailed in the Mayo County Development Plan, which was subject to strategic environmental assessment in accordance with the SEA Directive (2001/42/EC),
- The location of the site on lands, which are served by public infrastructure, and within an established caravan and camping site,
- The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development was not necessary in this case (See Preliminary Examination EIAR Screening Form – Appendix 1).

**8.2. Planning Assessment**

- 8.2.1. Under the provisions of Section 177AE of the Planning & Development Act, 2000 as amended, the Board is required to consider the proposed development in terms of the following:

- (a) The likely consequences for the proper planning and sustainable development of the area
- (b) The likely effects on the environment and
- (c) The likely significant effects of the proposed development on any European sites.

### **8.3. The likely consequences for the proper planning and sustainable development of the area:**

- 8.3.1. The proposed development forms part of Fáilte Irelands “Platforms for Growth” capital investment programme which is designed to support and improve facilities for visitor experience throughout Ireland. The scheme is designed for Local Authorities to provide for the delivery of an appropriate range of new activity visitor facilities. The Board will note that the proposed visitor facility includes all-weather changing facilities including internal and external showers, WCs and an accessible washroom / WC, and which comprise a standardised design for Failte Irelands 22 chosen locations for such facilities, which includes Keel. In selecting the 22 sites around Ireland, Fáilte Ireland carried out an Environmental Opportunity and Constraints Assessment, undertook site visits as part of the habitats assessments and ecological surveying.
- 8.3.2. The design is noted to be adaptable to suit individual location and site specifications but will be facilities which are readily recognisable by way of its physical structure and composition, as well as associated branding. The Exemplar Design presented to local authorities, while intended to be adaptable to the particular site, include a set of key design features which are to be retained, irrespective of any other localised adaptations to ensure a level of consistency across all site locations. Following the initial capital investment by Failte Ireland in the construction and fit-out of the building, the local authority will own, operate, maintain and will be responsible for any reinvestment in the facility. A Management Agreement Plan will be in place for the initial 15 years.
- 8.3.3. The proposed facilities are advised as an addition to the existing facilities in the wider area which include the existing camping and caravan on-site amenities including a reception / information area, TV lounge, camper’s kitchen, assembly area, laundry room, washrooms, showers, and public toilets. Other facilities in this



area of Achill, Keel beach aside, include a playground, basketball and tennis court. On the date of my inspection, I noted a wide range of other operators in the area primarily related to water-based activities – surf schools for example.

- 8.3.4. Mayo County Council advise that they are the owners of the site, with the camping and caravan park being operated by a third party, Keel Camping, the Board will also note the submission of the third party who advises that the landholding identified comprises commonage and therefore, the Council do not have the necessary interest to carry out the development. The landholding, delineated in blue on the submitted plans, is noted to encompass the full camping and caravan site, which includes the existing buildings, shower and toilet buildings, located to the west of the overall landholding, as well as the existing public toilets located to the west of the landholding, and close to the established access to the beach. The operation of this camp site has been ongoing for many decades, and I would note that the fencing around the landholding has been in place since at least September 2019 (as evidenced on Google Maps images).
- 8.3.5. In acknowledging the third-party submission with regard to the matter of commonage, I would accept that the Local Authority appear to have been in control of the area the subject of this application for many years. I would also note that the area has been used as part of the camp site during this time, and that the fencing appears to have been in place, with regard to sectioning it off from the wider commonage area, for a number of years. I am generally satisfied therefore, that the Local Authority has sufficient legal interest in the site to make the planning application as proposed.
- 8.3.6. I would accept that the proposed development seeks to supplement the existing offer at Keel in terms of facilities and activities through the provision of high-quality WC / Shower / Visitor facilities. The site lies within an established tourist related facility, and in an accessible area to the beach. I would note that the existing car park adjacent to the dunes to the east of the site includes a track through the dunes to the beach, while the site would also be accessible from the main car park and beach access to the west. I also note that the subject site comprises the most south eastern site within the settlement boundary of the Tier IV rural settlement of Keel-Dooangh on Achill Island, which includes the wider camping and caravan site. I also note that the area is serviced by Irish Water infrastructure. The site is zoned 'Rural Settlement

Consolidation Zone' where new development is encouraged to be delivered in a sustainable, sequential manner from the village core outwards, while promoting the reuse and redevelopment of vacant and derelict sites and buildings.

- 8.3.7. Chapter 5 of the Mayo County Development Plan 2022-2028 deals with Tourism & Recreation where it is the stated strategic aim 'to promote and facilitate a sustainable and well managed year-round, high-quality tourism industry that generates economic benefits to all areas of the county, thereby contributing to the wider tourism industry of the region'. It is the stated policy of the Plan to support and promote sustainable tourism development, accessible to all throughout the county (TRP 2 refers) where it can be demonstrated that the development will not have significant adverse effects on the environment, including the integrity of the Natura 2000 network, residential amenity or visual amenity. In addition, TRP 22 seeks to support the implementation of priority infrastructural developments and tourism facilities identified by the Tourism Section of Mayo County Council, including the development of new tourist facilities or upgrading/extension of existing tourist facilities at tourist sites within the county, within proper planning and sustainable development principles, with TRP 31 making specific reference to support the development of an activity centre at Keel.
- 8.3.8. In acknowledging the concerns raised by third parties, I would conclude that the subject site can be considered acceptable at this location given the location of the site within the zoned and serviced settlement boundaries of Keel-Dooangh. I would acknowledge that the location of the site is at the settlement boundary, and as such might not be considered as being 'sequential' in terms of the village core, but having regard to the specific nature of the proposed development, its location within the existing camp site and noting that the location of the site does not interfere with any designated views or prospects, I am generally satisfied that if permitted, the proposed development would enhance the tourism and leisure offer for both visitors and residents alike. While I will address matters relating to biodiversity, environment and designated sites further in this report, I would have no objection to the proposed design of the building on this site, which lies within an existing and established commercial site. As such, the proposed development adequately accords with the provisions of the Mayo County Development Plan, and indeed, the National Marine Planning Framework.

- 8.3.9. I note the indication that there are existing facilities located to the west of the camp site, and that the redevelopment of this area should be considered as an alternative to the proposed site. Given the location of the site within the established camp site and within the settlement boundaries of Keel-Dooangh on Achill Island, I suggest that the issue of alternative location should not arise.

### **Conclusion**

- 8.3.10. The proposed development is not significant in terms of scale and having regard to the design features and proposed finishes, I am satisfied that it can be adequately accommodated on the subject site without undue visual impacts arising. I am therefore satisfied that the proposed development at this location would be consistent with national, regional and local policy and the proper planning and sustainable development of the area.

### **8.4. The likely effects on the environment:**

- 8.4.1. There is no requirement for Environmental Impact Assessment (EIA) or to carry out a formal EIA screening exercise for S177AE cases as they are not a case type for which screening is prescribed. The proposed development comprises a small-scale building which will include WCs, showers and changing facilities, and which will be managed by the local authority. The site of the facility is within the settlement boundary of Tier IV rural settlement of Keel-Dooangh on Achill Island, and within the existing camp site. The site is also serviced by Irish Water. As such, the proposal before the Board is not of a development type for the purposes of Part 10, Schedule 5 of the Planning and Development Regulations 2001 (as amended).
- 8.4.2. Notwithstanding the above, the application includes an EIA Screening Report, prepared on behalf of Mayo County Council by Veon Ltd (Veon Ecology), which considered the likelihood of the development to have significant effects on the environment under the criteria set out in Annex III and IIA of the EIA Directive and Schedules 7 and 7A of the Planning and Development Regulations 2001, as amended. The report presented an evaluation on a number of topics under the following three headings:
1. Characteristics of project.
  2. Location of project.

### 3. Type and characteristics of the potential impact.

8.4.3. The report concludes that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report is not, therefore, required.

8.4.4. Having regard to the information and documentation available, I am generally satisfied that the conclusion of the EIA Screening Report is reasonable and acceptable. I propose to address the following issues here and matters relating to appropriate assessment are discussed further below in section 8.4 of this report.

- Visual Impacts
- Biodiversity & Water
- Cultural Heritage
- Roads & Traffic

#### **Visual Impacts**

8.4.5. The subject site lies within a coastal context with Keel Beach lying to the south. The area includes sand dunes and an extensive beach with the Achill 9-hole Golf Course located to the east. This area includes a mix of habitats such as Machair (priority habitat) as well as Fixed Dune, Marram Dune, Sand Shores and muddy sand shores. The site the subject of the proposed development lies within the established caravan and camping site which includes roads as well as previously disturbed habitats. No Annex I habitats are noted within the proposed development site and no streams, watercourses or drainage channels are noted.

8.4.6. The Landscape Appraisal for County Mayo identifies that the subject site lies within Area A: Achill, Clare, Inishturk and related Coastal Complex. This area encompasses the Achill complex of islands, including Clare Island and Inishturk, and is distinct from the remainder of Mayo's coast to the north due to the steep topography and relatively uniform upland moor appearance. The overriding characteristic of this area remains the almost constantly visible coastline with Slievemore on Achill Island, at 671m in height, as a dominating feature. Dramatic vistas of steep mountain sides and sea cliffs falling to the sea are common. Achill

island presents natural landscapes with scenic values, currently under strong development pressure due to tourism.

- 8.4.7. Landscape policies in the CDP seek to protect, enhance and contribute to the physical, visual and scenic character of County Mayo and to preserve its unique landscape character (NEP 14 refers), while a suite of Objectives is noted with regard to the protection of the landscape from inappropriate developments which would impinge on the character and integrity of the landscape adjacent to scenic routes, designated scenic views and coastal areas.
- 8.4.8. The proposed single storey building will include WCs, showers / changing facilities as well as external showers and an accessible washroom. Other elements include a plant room, electrical rooms and cleaners store, with external seating and a bike parking/storage area also proposed. The building will rise to 4.055m at its highest point, falling to 3.73m along the southern elevation, and will be finished in a mix of materials including timber, Corten, concrete and tile. A small, detached timber clad ME building to the northeast of the building is also proposed. The grass roof will also include a suite of solar panels and a new gate opening in the existing fence will provide access to the road and beach.
- 8.4.9. I do not consider that the building, if permitted will result in any significant visual impacts due to the nominal scale of the building together with the contemporary design and finishes proposed.

### **Biodiversity & Water**

- 8.4.10. In terms of biodiversity, the Board will note that the subject site does not include Annex I habitats. The surrounding lands include the Annex I habitat Machair (CD6), Fixed Dunes (CD3), Marram Dune (CD2), Sand Shores (LS2) and Muddy Sand Shores (LS3). Alpine and Boreal Heaths and a small area of Blanket Bog are also identified in the wider area. The main habitats identified within the subject site include built and artificial surfaces (BL3). I would note the existing uses associated with the subject site and would accept that the habitats within the site boundary are likely to be of low ecological importance and sensitivity, in the context of the wider area.

- 8.4.11. In terms of potential impacts on wildlife, given the location, within the settlement boundary of Keel, and existing uses associated with the site as a camp site, I am satisfied that the proposed development site is not of significant value. The area of the proposed development includes a high level of seasonal tourist activity. The wider area is subject to high levels of human activity throughout the year with the presence of the car park and walkways to the south and south east, and the 9-hole golf course to the east. Also, the grass surfaces within the development site are used for the pitching of tents and the parking of campervans and caravans. As such, I would consider that the site offers limited value and use for the wildlife in the area.
- 8.4.12. In relation to birds, the NIS identified 15 species as part of the winter bird survey carried out between October 2020 and April 2021. The data indicates that of the 15 species identified, 5 species are Qualifying Interests (QIs) associated with SPAs located between 7.2km (Doogort Machair SPA) and 11.9km (Ballysod Bay / Broad Haven SPA) from the site. The bird species noted to be foraging and / or roosting in the vicinity were primarily within the SACs with two roost areas identified within the Keel Machair / Menaun Cliffs SAC and one within Achill Head SAC. The roost areas were noted within the Machair habitat to the north of the site and within the sandy / coastal habitats. While the subject application site may provide some foraging potential, having regard to the opportunities within the wider area, together with the current uses associated with the subject site, I am generally satisfied that subject site would not be of significant value as a foraging or roosting site for the bird species in the area.
- 8.4.13. It is accepted that the proposed development, if permitted, will give rise to the potential for additional activity at this location. However, having regard to the location of the site within the settlement boundary of Keel, and within an established tourism related offer, I am satisfied that the small-scale development can be considered acceptable in the context of providing enhanced facilities at an existing and long-established tourism / public beach area. I further acknowledge that the construction of the development will be managed by a CEMP which will include a suite of mitigation measures, including the provision of ecological educational signage, a visitor management plan, and litter management. The provision of such measures will increase public awareness of the sensitivities of the wider environment and potentially improve the current situation at Keel Beach. Subject to the

implementation of such mitigation measures and appropriate conditions, I am satisfied that the proposed development will not have a significant adverse impact on biodiversity.

- 8.4.14. The proposed development will connect to the existing public water services in the area where no issues are noted in relation to the existing system. I have no objection to the proposed development in terms of water services.
- 8.4.15. In terms of surface water, there are no watercourses within the site and the closest drainage channel lies approximately 170m to the west. This drainage channel flows in a north - south direction and enters the bay to the south west of the subject site. this drainage channel has a WFD status listed as 'Good.' Surface water management proposals are acceptable.
- 8.4.16. With regard to flooding issues, the Board will note that the site does not lie within an area which is susceptible to flooding and no past flood events are noted to have occurred within the area. Having regard to the nature and scale of the proposed development, I am satisfied that no flood risk arises.

### **Cultural Heritage**

- 8.4.17. The proposed development site does not include any archaeological site or Recorded Monument but lies within the zone of notification associated with archaeological site MA054-014001-Midden and Field System. This historical feature lies approximately 100m to the east of the site. A second historical feature lies approximately 900m to the west and is identified as 'Children's burial ground'.
- 8.4.18. The application documentation includes an Archaeological Predevelopment Testing report and is dated 25<sup>th</sup> April 2023. This report presents details of the subject site location, archaeological background and sets out the aims of the testing. Details of the excavation team are also provided. The detail of the pre-development testing, carried out under licence No. 23E0317, is provided in Section 7 of the submitted report. The six trenches were excavated to 1.8m wide and all but trench 6 were 18m long with trench 6 being 9m long. All trenches were dug to a depth of 1.5m, with a further pit in each trench dug to a depth of between 2.2m and 3m below the sod.
- 8.4.19. The testing resulted in nothing of archaeological significance being uncovered and the submitted report advises that no further archaeological mitigation is required. I

am satisfied that there are no objections to the proposed development with regard to Cultural Heritage.

### **Roads & Traffic**

- 8.4.20. Having regard to the location of the subject site, within the existing camp site and adjacent to a public car parking area, I am generally satisfied that no issues in relation to roads and traffic matters arise. The area is well serviced in terms of parking and given the narrow nature of the public road which runs between the subject site and the dunes to the south, traffic speeds are low. I also note that this road is a dead end. I also note that there is an existing pedestrian access from the camp site to the beach to the west of the application site. As such, I do not consider that the development, if permitted, will give rise to any further conflicts in terms of pedestrian movements to and from the site.
- 8.4.21. While there may be impacts associated with the construction phase of the development, I accept that these will be temporary and contained within the application site. I also note that access to the development site is available through the camp site. I have no objection to the proposed development in terms of roads or traffic matters, and no inappropriate traffic hazard is likely to arise as a result of the development proceeding.

### **Conclusion**

- 8.4.22. The proposed development is not significant in terms of scale and having regard to my consideration of the submitted application documents, together with my site inspection, I am satisfied that the proposed development at this location would not give rise to any likely significant effects on the environment, subject to compliance with conditions recommended below.
- 8.5. **The likely significant effects on a European site:** 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



### **Compliance with Articles 6(3) of the EU Habitats Directive:**

- 8.5.1. 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.

### **The Natura Impact Statement:**

- 8.5.2. 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 with regard to two European sites, Keel Machair/Menaun Cliffs SAC, immediately adjacent and Achill Head SAC, approximately 200m to the south west of the site. 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 advised 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.
- 8.5.3. The NIS was informed by the following studies, surveys and consultations:
- A desk top study.
  - A habitat survey of the proposal site and surroundings including the wider Keel Bay area.
  - Broader ecological surveys including observations for fauna species present or likely to occur onsite with an emphasis on mammals and birds.
  - An evaluation of suitable habitats to support roosting bats.
  - Winter bird assessment – 36 hours of surveys over a 6-month period.
  - Consultations with the National Parks and Wildlife Service.

- 8.5.4. The NIS noted that habitat loss or reduction could arise through the implementation of the project as a result of improper placement of the physical structure either within an Annex I priority habitat or within a habitat that supports Annex II species. Operational impacts could result in the loss of habitat through visitor movements across habitats. Mitigation measures are therefore proposed to ensure no significant effect to the QI habitats of the SACs occur. The report concluded that, subject to the implementation of best practice and the recommended mitigation measures (Section 5 of the NIS), the proposed development would not give rise to any significant adverse effects on designated European Sites, alone or in combination with other plans or projects. This evaluation is noted as having been made in view of the conservation objectives of the habitats or species, for which these sites have been designated.
- 8.5.5. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, does clearly identify the potential impacts, and does use best scientific information and knowledge. Details of suggested mitigation measures are provided and are summarised in Section 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).

## **8.6. Appropriate Assessment**

- 8.6.1. Appropriate Assessment (AA) considers whether the plan or project alone or in combination with other projects or plans will adversely affect the integrity of a European site in view of the site's conservation objectives and includes consideration of any mitigation measures necessary to avoid, reduce or offset negative effects. This determination must be carried out before a decision is made or consent given for the proposed development. Consent can only be given after it has been determined that the proposed development alone or in combination with other plans and projects would not adversely affect the integrity of a European site in view of the site's conservation objectives.
- 8.6.2. I consider that the proposed development of exemplar designed WC, shower and changing room facility under Failte Irelands Platform For Growth, is not directly

connected with or necessary to the management of any European site. The following assessment sets out to:

- Identify of European Sites which could be potentially affected using the Source Pathway Receptor Model,
- Identify the Conservation Objectives for these sites,
- Examine the Predicted Impacts on sites and assess whether these impacts would likely be significant,
- Assess likely significant impacts against the conservation objectives. Assess whether these impacts would be likely to be significant,
- Consider cumulative and in-combination effects,
- Consider Mitigation,
- Assess Residual Effects,
- Appropriate Assessment Conclusion.

8.6.3. Section 177AE sets out the requirements for appropriate assessment (AA) of development carried out by or on behalf of a local authority. Section 177(AE) (3) states that where a Natura Impact Statement 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 AA. While there is no requirement for the Board to undertake screening in these cases, on the basis that it is accepted that the Local Authority has established the need for AA through its own screening process, I have considered all of the information presented in the AA Screening submitted with the application (Section 3 of the NIS).

8.6.4. Having regard to the information and submissions available, 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 the following European Sites are considered relevant to include for the purposes of initial screening for the requirement for Stage 2 appropriate assessment on the basis of likely significant effects:

## European sites considered for Stage 1 screening:

European site (SAC/SPA)	Qualifying Interests	Distance
Keel Machair/Menaun Cliffs SAC, Site Code: 001513	Perennial vegetation of stony banks [1220] Petalwort <i>Petalophyllum ralfsii</i> [1395] Machairs (* in Ireland) [21A0] Alpine and Boreal heaths [406]	Immediately adjacent
Achill Head SAC, Site Code: 002268	Mudflats and sandflats not covered by seawater at low tide [1140]  Large shallow inlets and bays [1160]  Reefs [1170]	200m to south west
Croghaun/Slievemore SAC, Site Code: 001955	Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]  European dry heaths [4030]  Alpine and Boreal heaths [4060]  Blanket bogs (* if active bog) [7130]  Siliceous scree of the montane to snow levels ( <i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i> ) [8110]  Siliceous rocky slopes with chasmophytic vegetation [8220]	2.6km to the north
Doogort Machair/Lough Doo SAC, Site Code: 001497	Machairs (* in Ireland) [21A0]  <i>Petalophyllum ralfsii</i> (Petalwort) [1395]	6.7km to the north east
Doogort Machair SPA, Site Code: 004235	Dunlin ( <i>Calidris alpina schinzii</i> ) [A466]	7.2km to the north east
West Connacht Coast SAC, Site Code: 002998	<i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349]	9.7km to the north
Blacksod Bay/Broad Haven SPA, Site Code: 004037	Red-throated Diver ( <i>Gavia stellata</i> ) [A001]  Great Northern Diver ( <i>Gavia immer</i> ) [A003]  Slavonian Grebe ( <i>Podiceps auritus</i> ) [A007]  Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046]	11.9km to the north

European site (SAC/SPA)	Qualifying Interests	Distance
	<p>Common Scoter (<i>Melanitta nigra</i>) [A065]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Sandwich Tern (<i>Sterna sandvicensis</i>) [A191]</p> <p>Dunlin (<i>Calidris alpina schinzii</i>) [A466]</p> <p>Wetland and Waterbirds [A999]</p>	
Mullet/Blacksod Bay Complex SAC, Site Code: 000470	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Atlantic decalcified fixed dunes (<i>Calluno-Ulicetea</i>) [2150]</p> <p>Machairs (* in Ireland) [21A0]</p> <p>Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150]</p> <p>Alkaline fens [7230]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>	11.9km to the north

European site (SAC/SPA)	Qualifying Interests	Distance
Duniliaun Islands SPA, Site Code: 004111	Fulmar ( <i>Fulmarus glacialis</i> ) [A009] Storm Petrel ( <i>Hydrobates pelagicus</i> ) [A014] Barnacle Goose ( <i>Branta leucopsis</i> ) [A045]	12.2km to the north
Duniliaun Islands SAC, Site Code: 000495	Tursiops truncatus (Common Bottlenose Dolphin) [1349] Halichoerus grypus (Grey Seal) [1364]	12.2km to the north
Corraun Plateau SAC, Site Code: 000485	Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Juniperus communis formations on heaths or calcareous grasslands [5130] Siliceous scree of the montane to snow levels ( <i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i> ) [8110] Siliceous rocky slopes with chasmophytic vegetation [8220]	12.6km to the south east
Mullet Peninsula SPA, Site Code: 004227	Corncrake ( <i>Crex crex</i> ) [A122]	13.6 to the north

8.6.5. Based on my examination of the NIS report and supporting information (including other reports submitted with the application), the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European sites, their conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, I would conclude that a Stage 2 Appropriate Assessment is required for the following two European sites referred to above:

- Keel Machair/Menaun Cliffs SAC, Site Code: 001513
- Achill Head SAC, Site Code: 002268

8.6.6. The remaining ten sites can be screened out from further assessment because of the nature and scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Conservation Interests, the separation distances and the lack of a substantive linkage between the proposed works and the European sites. It is therefore reasonable to conclude that 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 a significant effect on European Site Nos 001955, 001497, 004235, 002998, 004037, 000470, 004111, 000495, 000485 and 004227 in view of the sites conservation objectives and a Stage 2 Appropriate Assessment is not therefore required for these sites.

8.6.7. **Relevant European sites:** The Conservation Objectives and Qualifying Interests, including any relevant attributes and targets for these sites, are set out below.

Site Name	Qualifying Interests	Distance
<b>1. Keel Machair/Menaun Cliffs SAC, Site Code: 001513</b>	Perennial vegetation of stony banks [1220] Petalwort <i>Petalophyllum ralfsii</i> [1395] Machairs (* in Ireland) [21A0] Alpine and Boreal heaths [406]	Immediately adjacent
<b>2. Achill Head SAC, Site Code: 002268</b>	Mudflats and sandflats not covered by seawater at low tide [1140]  Large shallow inlets and bays [1160]  Reefs [1170]	200m to south west

#### Description of sites:

##### 1. Keel Machair/Menaun Cliffs SAC, Site Code: 001513

8.6.8. This site is located along the southern coast of Achill Island, Co. Mayo, and extends between the villages of Keel and Dooega. The northern part of the site consists of a low-lying, flat coastal grassland, or machair, which is backed by Keel Lough. South-east of the machair, the ground rises steeply to 466m, and the shoreline changes from a flat, sandy beach to impressive sea-cliffs. The site also extends inland, past Menaun Heights (403m). The site is a Special Area of Conservation (SAC) selected

for the following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive (\* = priority; numbers in brackets are Natura 2000 codes):

[1220] Perennial Vegetation of Stony Banks

[21A0] Machairs\*

[4060] Alpine and Subalpine Heaths

[1395] Petalwort (*Petalophyllum ralfsii*)

- 8.6.9. A range of coastal habitats occur at Keel. Trawmore, an impressive, sandy beach, backs onto a shingle bar, behind which is a narrow band of sand dunes colonised by Marram (*Ammophila arenaria*). Behind the dunes is machair, or unenclosed coastal grassland, which lies on a sandy substrate and is generally flat, but with a very gently undulating series of hummocks and low-lying damp areas.
- 8.6.10. Within the site, shingle beach is best developed along middle and south-eastern parts of Trawmore strand, where it fronts the main area of machair. The shingle bank can be quite tall, reaching a height of between 4-5 m in places. Vegetation along the shingle bank is typically sparse, being restricted to a handful of hardy, salt-tolerant plant species such as Buck's-horn Plantain, Sand Couch (*Elymus farctus*), Ribwort Plantain, Sea-holly (*Eryngium maritimum*) and Curled Dock (*Rumex crispus*). The species-poor nature of the associated vegetation is due primarily to the exposed and highly mobile nature of the habitat.
- 8.6.11. Behind the machair lies Keel Lough, which provides habitat for some wintering waterfowl, notably Whooper Swan, a species listed on Annex I of the E.U. Birds Directive. Numbers up to 70, and occasionally more, occur mainly in autumn and early winter. Another Annex I species, Chough, breeds on the cliffs and uses the low-lying machair areas for feeding; in 1992 six pairs were recorded within the site. A pair of Peregrine frequents the site and probably breeds within it. The sandy machair plain provides good habitat for breeding Ringed Plover, while an area of wet marsh at Sruhllbeg Lough attracts breeding Lapwing. Seabirds, mostly Fulmars, breed on the cliffs.
- 8.6.12. The site is extensively used for grazing cattle and sheep. The level of grazing and evenness of grazing pressure are critical factors in maintaining the character and species-richness of machair. Heath and blanket bog are also directly affected by



high grazing pressure. The scenic qualities of this site, its proximity to Keel and ease of access make it attractive for amenity use. Uncontrolled access and development can damage coastal habitats.

- 8.6.13. This site has a good diversity of coastal and montane habitats including a small, though significant example of alpine heath. The machair is a good example of a habitat which is increasingly rare in Europe, and which receives priority status on Annex I of the E.U. Habitats Directive. A remarkable feature of the site is its rich moss and liverwort flora, which is of international significance and includes an Annex II species. The ornithological importance of the site enhances the conservation value of this site.

## **2. Achill Head SAC, Site Code: 002268:**

- 8.6.14. Achill Head is the most westerly point of Achill Island in Co. Mayo. The site comprises the shallow waters extending from Dooega Head north-westwards to Achill Head and north-eastwards to Gubnahinneora Point. The site supports good examples of reef communities, including some characterised by Axinellid sponges and one which supports large numbers of the rare brachiopod, *Neocrania anomala*. Extensive areas of shallow bays and inlets, and the beaches and intertidal flats at Keem Bay and Tramore are also included in the site.

- 8.6.15. The site is a Special Area of Conservation (SAC) selected for the following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive (\* = priority; numbers in brackets are Natura 2000 codes):

- [1140] Tidal Mudflats and Sandflats
- [1160] Large Shallow Inlets and Bays
- [1170] Reefs

- 8.6.16. Littoral sediment communities, examples of the E.U. Habitats Directive Annex I habitat intertidal mudflats and sandflats, are very exposed at Tramore Strand and moderately exposed at Keem Bay Strand, with typical communities for these levels of wave exposure in the upper and mid shore areas. At both sites, the strandline sandhopper community is characterised by *Talitrus saltator*, *Talorchestia deshayesii* and *Orchestia gammarellus*, and the mid shore areas by typical communities of the

burrowing amphipods *Pontocrates* spp. and *Bathyporia* spp. in clean sand. This community extends into the low shore at Tramore strand.

Achill Head is of high conservation value owing to the presence of excellent examples of reef communities and good examples of shallow water bay communities and mudflats and sandflats not covered by seawater at low tide - the closest of this habitat is within 200m of the proposed development site. These habitats are listed on Annex I of the E.U. Habitats Directive and support diverse communities of characteristic plants and animals, as well as some more unusual species.

### **Conservation Objectives**

8.6.17. Favourable conservation status of a habitat is achieved when:

- its natural range, and area it covers within that range, are stable on increasing, and
- the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and
- the conservation status of its typical species is favourable.

The favourable conservation status of a species is achieved when:

- population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and
- the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and
- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

8.6.18. The Conservation Objectives for the **Keel Machair/Menaun Cliffs SAC, Site Code:**

**001513**, notes that the overall aim of the habitats directive is to maintain or restore the favourable conservation status of habitats and species of community interest.

The site-specific conservation objective for the Keel Machair/Menaun Cliffs SAC is to maintain the favourable conservation condition of qualifying interests detailed above, and to restore the favourable conservation condition of Machairs\* in Keel

Machair/Menaun Cliffs SAC. The NPWS has prepared specific attributes and targets for the qualifying interests protection of habitats and species associated with the Keel Machair/Menaun Cliffs SAC.

8.6.19. The Conservation Objectives for the **Achill Head SAC, Site Code: 002268**, notes that the overall aim of the habitats directive is to maintain or restore the favourable conservation status of habitats and species of community interest. The site-specific conservation objective for the Achill Head SAC is to maintain the favourable conservation condition of qualifying interests detailed above. The NPWS has prepared specific attributes and targets for the qualifying interests protection of habitats and species associated with the Achill Head SAC.

8.6.20. **Potential Direct Effects:**

- Loss / reduction of habitat area arising from the development as a result of improper placement of the structure.
- Operational effects through visitor movements could result in habitat loss.
- Habitat or species fragmentation due to light pollution, habitat loss, removal of stepping stone habitats etc.
- Disturbance to key species due to human activity / movement or noise pollution associated with both construction and operational phases.

8.6.21. **Potential Indirect Effects:**

- Impacts associated with poor construction practices.
- Reduction in species density due to construction phase effects such as habitat destruction, light pollution, hydrological interaction or operational effects such as disturbance effects, habitat encroachment, trampling etc.
- Changes of indicators of Conservation Value through impacts to water quality due to grey water management

8.6.22. **Potential in-combination effects:**

- Section 3.5 of the submitted NIS addresses Other Plans and Projects, whereby a distance of 500m was considered in terms of other plans and projects considered to have the potential to adversely affect the European sites, in combination with the proposed development.

- No specific policies or objectives of the CDP or the Destination Mayo Tourism Strategy 2016 were noted to conflict with the proposed project, with the proposal aligning with development goals set out in the plans.
- Local applications within the past 5 years were considered. It was concluded that all are either small in scale, with short-term, minor scale construction phases, which utilise current site resources or are seeking changes to current permission or usage of a site.
- No significant in combination effects were identified.

I am satisfied that the proposed development is consistent with the provisions of the County Development Plan, the RSES and the NPF and that no plans or projects are considered to give rise to potential for adverse effects on the European Site in combination with the proposed development.

#### 8.6.23. **Mitigation measures:**

Chapter 5 of the NIS sets out the relevant mitigation measures proposed to avoid the potential for any direct or indirect impacts to Annex I habitats designated within the Keel Machair/Menaun Cliffs SAC and the Achill Head SAC. The measures note that the proposed development has sought to avoid any environmentally sensitive habitat with the following measures proposed for the protection of European Sites:

- Construction Compound location to be provided.
- Construction and Environmental Management Plan to address potential effects and will detail control measures for -
  - All hazardous materials
  - Dust control measures
  - Surface water controls including where necessary the installation of silt fences.
  - Construction phase lighting to be controlled to minimise light pollution.
  - Construction phase and movement of heavy vehicles could cause localised disturbance of bird. Noise management protocols to be incorporated into the CEMP.
  - Facility will not be lit at night.

- Signage will be installed highlighting the key ecological resources and their sensitivities. The signs will detail prohibited activities and explain the importance of using paths for dune stability and avoidance of damage.
- Visitor Management Plan to be prepared focusing on commercial operators and the general public using the site.
  - The plan will include a clear process to ensure that any site damage – additional desire lines, habitat destruction etc – is appropriately managed.
  - The VMP will contain a clear action-based monitoring process to ensure that if issues arise, they will be identified and resolved in a timely manner.
- Greywater management –
  - All site run-off will be managed through an appropriate system that takes account of external drainage areas from the shower facilities.
  - To ensure that no inappropriate materials are mobilised and enter the surface water pathways.
  - The GWMP must demonstrate how this will be controlled and managed.
- Litter management plan will be implemented.
- Fencing is required to ensure visitor movements to and from the facility will not encroach on the dune habitats which are protected.
  - Such fencing will be bound by the CEMP and materials will be at the discretion of the Council – Split hazel fencing is recommended.
  - A path system of visitor movement control measures is needed to alleviate existing damage and help to restore favourable conservation condition of the site.

In terms of the above, I would acknowledge that the project has sought to mitigate by design to ensure that there will be no direct loss or fragmentation of habitat which forms part of the Qualifying Interests for either of the two identified SACs.

I also note that there are no proposals to provide external lighting at the site, and given the location of same, together with the current lack of public lighting in the area, I consider this to be appropriate. However, a condition should be included in any grant of planning permission requiring that all and any lighting – the nature and

design for both construction and operational phases – be fully agreed prior to the commencement of any development on the site. All lighting should be cowled in order to prevent any light spill outside of the site, and in particular in an easterly and southerly direction. The northern and western elevations are directed towards the existing camp site and are away from the SACs. This condition is required to reduce the potential for any disturbance to the SACs from on-site activities.

With regard to the visitor management plan, I would accept that the measure seeks to educate visitors and increase awareness of the sensitivities of the surrounding habitats and species. I also note the plan will focus on the commercial operators who are currently operating in the area and will require them to monitor and control their activities at Keel, to ensure that sensitive habitats are avoided. I am satisfied that this measure will contribute to the protection of the sensitive habitats of the SACs and to ensure they are not adversely affected by the proposed development.

The proposed development will connect to the existing public waste water treatment system in the area – the Purteen Waste Water Treatment Plant – via the existing pumping station located to the west of the proposed site. There is no indication that the existing system is incapable of accommodating the proposed development and as such, I am satisfied that the proposal is acceptable in principle. There is, however, a lack of clarity around the issue of greywater management, given that the NIS provides that the Greywater Management Plan must demonstrate how this will be controlled and managed. In order to address this issue, I consider it appropriate that a condition be included in any grant of permission which would limit the opening/use of the proposed facility until such time as the necessary clarity, and confirmation of the appropriate system to be employed, has been provided. The inclusion of such a condition will ensure in-combination impacts will not arise on water quality within the SACs.

#### **8.6.24. Residual effects/Further analysis:**

Having regard to the design of the proposed development, its scale, location and current use of the wider site, as well as the detailed mitigation measures and conditions recommended to be provided in the event of a grant of permission, I am satisfied that there will be no residual impacts associated with the proposed development.

#### 8.6.25. **NIS Omissions:**

I would note that the detail of some mitigation measures is lacking, in particular with regard to the proposed visitor management plan. I note the references to both the CEMP and the greywater management plan, which will include details to address certain potential effects. I also acknowledge the submissions to the Board which suggest that the mitigation measures are inadequate. However, I am satisfied that the development itself will have no significant impacts on the adjacent SACs or their Qualifying Interests in terms of habitat loss or impact on species and maintaining the status quo at Keel will not result in any improved protections for these QIs, as people will continue to use the beach, dunes and machair habitats for recreational purposes.

As such and given the nature and scale of the proposed development, and subject to the inclusion of appropriate conditions, I am satisfied that the intention of the mitigation measures proposed is clear and appropriate. I also note that the application of best construction practices, together with the fact that the site is serviced by Irish Water infrastructure, will ensure the protection of QIs associated with the adjacent SACs. As such, I would accept that the measures advised in the NIS, if implemented appropriately, will improve the current ad-hoc activities on the dunes and within the SAC, and will be sufficient to avoid significant effects on the SAC arising.

#### 8.6.26. **Suggested related conditions:**

Should the Board be minded to approve the proposed works, I consider that a suitably qualified ecologist should be retained to oversee the proposed construction phase of the development.

Details around the greywater management plan should be included as part of the CEMP to ensure the protection of the QIs associated with the adjacent SACs.

In addition, and notwithstanding the proposal to exclude external lighting, a condition should be included requiring that all and any lighting (nature and design) be agreed prior to the commencement of any development in order to prevent any light spill outside of the site.

#### 8.6.27. **Conclusion:**

I am satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of either European site identified, including the Keel Machair/Menaun Cliffs SAC and the Achill Head SAC, in light of their conservation objectives and subject to the implementation of mitigation measures outlined above.

#### 8.7. **Appropriate Assessment Conclusions:**

- 8.7.1. The proposed Fáilte Ireland, Platform for Growth – shared community facilities at Keel, Achill, Co. Mayo have been considered in light of the assessment requirements of Section 177AE of the Planning and Development Act, 2000 (as amended). An Appropriate Assessment was required with regard to the Keel Machair/Menaun Cliffs SAC and the Achill Head SAC, and an NIS was submitted in support of the proposed development.
- 8.7.2. I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the Keel Machair/Menaun Cliffs SAC, Site Code: 001513, Achill Head SAC, Site Code: 002268 or any other European site, in view of their Conservation Objectives.



## 9.0 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

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 Keel Machair/Menaun Cliffs SAC, Site Code: 001513 and the Achill Head SAC, Site Code: 002268,
- (e) the policies and objectives of the Mayo County Development Plan, 2022-2028,
- (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 submissions and observations received in relation to the proposed development, and
- (i) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

**Appropriate Assessment:**

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Keel Machair/Menaun Cliffs SAC, Site Code: 001513 and the Achill Head SAC, Site Code: 002268, are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

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 Sites, namely the Keel Machair/Menaun Cliffs SAC, Site Code: 001513 and the Achill Head SAC, Site Code: 002268, 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 be detrimental to the visual or landscape amenities of the area, 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, 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 set out in the Natura Impact Statement 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 and monitoring measures outlined in the plans and particulars relating to the proposed development, including those set out in Section 5 of the Natura Impact Statement, shall be implemented in full or as may be required in order to comply with the following conditions. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.

**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 the relevant statutory agencies, 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) All mitigation measures indicated in the Natura Impact Statement.
  - (b) Hours of construction, and lights-out times during construction.
  - (c) Full details of the proposed Greywater Management system to be employed as detailed in the Natura Impact Statement, including its control and management.
  - (d) Full details of the proposed fencing to be installed.
  - (e) 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, European Sites and sensitive receptors.

4. All lighting shall be cowled. Full details of all lighting –including the nature and design for both construction and operational phases – shall be fully agreed prior to the commencement of any development on the site.

**Reason:** In the interest of clarity, the protection of sensitive receptors and to prevent any light spill outside of the site

5. Prior to commencement of development a Visitor Management Plan shall be prepared, in accordance with the commitments regarding same set out

in the submitted Natura Impact Statement. A copy of the Visitor Management Plan will be attached to the file and retained as part of the public record. Upon opening of the facility here permitted the Visitor Management Plan will be implemented and will be subject to annual review prior to the commencement of each summer season to ensure new operators using the facility are identified and any updates to protection measures or guidance in relation to key ecological receptors are provided as necessary.

**Reason:** In the interests of nature conservation, protecting the environment and the proper planning and sustainable development of 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 suitably qualified ecologist shall be retained by the local authority to oversee the site set up and construction of the proposed development and implementation of mitigation measures relating to ecology set out in the submitted Natura Impact Statement. The ecologist shall be present during site construction works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

**Reason:** In the interest of nature conservation and the protection of terrestrial and aquatic biodiversity.

8. The County Council and any agent acting on its behalf shall facilitate the preservation, recording, protection or removal of archaeological materials

or features that may exist within the site. A suitably qualified archaeologist shall be appointed by the County Council to oversee the site set-up and construction of the proposed development and the archaeologist shall be present on-site during construction works.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

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

---

A. Considine  
Inspectorate  
23<sup>rd</sup> October 2023

## Appendix 1

### Form 1 - EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	<b>ABP-317127-23</b>		
<b>Proposed Development Summary</b>	Construction of exemplar designed WC, shower and changing room facility under Failte Irelands Platform For Growth.		
<b>Development Address</b>	Keel, Achill, Co. Mayo		
<b>1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	√
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			
<b>No</b>	√		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
			<b>Conclusion</b>
<b>No</b>		N/A	No EIAR or Preliminary Examination required
<b>Yes</b>	√	The proposed development relates to a tourism and leisure facility – Section 12, Part 2 of Schedule 5	Substantially sub-threshold – does not meet the Proceed to Q.4

			mandatory requirements.	
--	--	--	-------------------------	--

4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes	√	Screening Determination required

The application included an EIA Screening Report, prepared on behalf of Mayo County Council by Veon Ltd (Veon Ecology), which considered the likelihood of the development to have significant effects on the environment under the criteria set out in Annex III and IIA of the EIA Directive and Schedules 7 and 7A of the Planning and Development Regulations 2001, as amended. The report presented an evaluation on a number of topics under the following three headings:

1. Characteristics of project.
2. Location of project.
3. Type and characteristics of the potential impact.

The report concluded that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report is not, therefore, required.

Having regard to the information and documentation available, together with my EIA Preliminary Examination set out below and in Section 8.1 of my report, I am generally satisfied that the conclusion of the EIA Screening Report is reasonable and acceptable. An EIAR is not required in this instance.

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_



## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>ABP-317127-23</b>	
<b>Proposed Development Summary</b>	Construction of exemplar designed WC, shower and changing room facility under Failte Irelands Platform For Growth.	
<b>Development Address</b>	Keel, Achill, Co. Mayo	
<b>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</b>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<b>Nature of the Development</b> Is the nature of the proposed development exceptional in the context of the existing environment?  Will the development result in the production of any significant waste, emissions or pollutants?	<p>The proposed development comprises the construction of a visitor facility which will include all-weather changing facilities with internal and external showers, WCs, etc, as part of Failte Irelands 'Platform for Growth' capital investment programme.</p> <p>The development is to be located within the existing caravan &amp; camping grounds at Keel and will connect to the existing services. I do not consider that the nature of the proposed development is exceptional in the context of the existing environment.</p> <p>It is not considered that the development will give rise to any significant emissions or waste. Construction works will give rise to small amounts of C&amp;D waste which will be managed in accordance of standard construction practices. Construction period is estimated to be between 6 months and 1year and localised construction impacts will be temporary.</p>	No
<b>Size of the Development</b> Is the size of the proposed development exceptional in the context	<p>The development is to be located within the established settlement boundaries of Keel and will connect to the existing services.</p>	No

<p>of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>I do not consider that the size or scale of the proposed development is exceptional in the context of the existing environment.</p> <p>It is not considered that the development will give rise to any significant cumulative impacts having regard to other existing or permitted projects.</p>	
<p><b>Location of the Development</b></p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The subject site lies immediately adjacent to the Keel Machair / Menaun Cliffs SAC and within 200m of Achill Head SAC, and an NIS was prepared to assess the potential impacts of the proposed development on these sites.</p> <p>The NIS concluded that subject to best construction practices and the implementation of mitigation measures, the proposed development would not give rise to any significant adverse effects on designated European Sites, alone or in combination with other plans or projects.</p> <p>The subject site does not include sensitive habitats and due to its current use as a campsite, offers limited value and use for wildlife.</p> <p>The development will connect to public services and in terms of surface water and flooding concerns, there are no watercourses within the site. The site does not lie within an area prone to flooding.</p>	<p>No</p> <p>No</p>
<p style="text-align: center;"><b>Conclusion</b></p>		
<p><b>There is no real likelihood of significant effects on the environment.</b></p> <p>EIA not required.</p>	<p><b>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</b></p>	<p><b>There is a real likelihood of significant effects on the environment.</b></p>

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)