



An
Bord
Pleanála

Inspector's Report

ABP-317533-23

Development	Proposed development of a Facility Centre for Water Sports, the requisite external works including provision of access ramps, and steps, and all ancillary services at Enniscrone, Co. Sligo
Location	Enniscrone, Co. Sligo
Local Authority	Sligo County Council
Type of Application	Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment)
Prescribed Bodies	Failte Ireland
Observer(s)	None
Date of Site Inspection	21.12.2023
Inspector	Una O'Neill

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1.0 Introduction

- 1.1. Sligo County Council is seeking approval from An Bord Pleanála to undertake the construction of a facility centre for water sports activities at Enniscrone in Co. Sligo. The site, 0.12 ha in area, is located within the Killala Bay/Moy Estuary SAC and c.38m from the Killala Bay/Moy Estuary SPA, which are designated European sites. There are several other designated European sites (SPAs and SACs) in the wider area (see further analysis below). A Natura Impact Statement (NIS) and application under Section 177AE was lodged by the Local Authority on the basis of the proposed development's likely significant effect on a European site.
- 1.2. Section 177AE of the Planning and Development act 2000 (as amended) requires that where an appropriate assessment is required in respect of development by a local authority the authority shall prepare an NIS and the development shall not be carried out unless the Board has approved the development with or without modifications. Furthermore, Section 177V of the Planning and Development Act 2000 (as amended) requires that the appropriate assessment shall include a determination by the Board as to whether or not the proposed development would adversely affect the integrity of a European site and the appropriate assessment shall be carried out by the Board before consent is given for the proposed development.

2.0 Proposed Development

- 2.1. The proposed works constitute the provision of the following:
 - Construction of a 'Facility Centre' for Water Sports Activities, which is a single storey building (185sqm in area) comprising changing rooms, indoor and outdoor showers (heated through solar panels), and WCs. Additional external amenities of outdoor lockers and washdown areas are proposed.
 - Single storey plant building.
 - Construction of requisite external works including provision of access ramps and steps.
 - Site drainage works.

- Landscaping and external seating areas.
- Connection to all ancillary services at Enniscrone.

The development is proposed to be connected to the existing foul mains and water supply system.

2.2. **Accompanying documents**

The application is accompanied by the following documents:

- Project Explanatory Report – Sligo County Council/Failte Ireland Platforms for Growth – A Programme for Tourism Investment 2019-2025 (June 2023)
- Natura Impact Statement (NIS) (August 2022)
- Environmental Impact Assessment Screening Report – Stage 1 Preliminary Examination (May 2023)
- List of Prescribed Bodies and copies of letters issued
- Construction Environmental Plan (CEMP) (June 2023)
- Design Drawings
- Site location map
- Site and Newspaper notices

3.0 **Site and Location**

3.1. The subject site is located in the centre of Enniscrone, Co. Sligo, adjoining the coast. Enniscrone is a coastal town located 55 km to the west of Sligo City and 15 km from Ballina, Co. Mayo.

3.2. The application site is located northwest of the Main Street, accessed via a local road, Bridge Street. The land to the rear of the main street, where the site is located, is known as The Hollows and is bounded by the rear of the main street and the sand dunes adjoining the beach. This area is at a lower level to the main street and comprises a number of backland properties and businesses, some with dual frontages to the main street. To the south/southwest of the site is an amusement arcade, apartments and a surf school; the site itself is on managed grassland which operates as an unofficial car park; to the northeast is a playground and crazy golf

course, beyond which is an official public car park. There are access points from The Hollows to the beach via the sand dunes. The location is a semi-urban street lit environment.

4.0 Planning History

4.1. None of relevance at the site.

4.2. **PA Reg Ref 2360262:** c. 174m northeast of the site, permission has been granted to Enniscrone & District Community Development Company Limited, for a new two-story Community Pavilion comprising Community Use at ground floor and Cafe at first floor level and Viewing Areas at roof Level; circulation by way of ramps, stairs and lift connecting the Hollows car park to ground floor, first floor, roof level up to the Cliff Road with public accessible open deck at roof level and associated alterations to the external adjacent areas including a landscaped area along the Hollows car park. The proposal also includes the refurbishment, repair, internal alterations and general conservation works to the existing Cliff Bath House, a Protected Structure. The alterations to include the installation of sauna cabins, the restoration of one seaweed bath room and associated facilities. A Natura Impact Statement accompanied the application.

5.0 Legislative and Policy Context

5.1. **The EU Habitats Directive (92/43/EEC):** This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) and 6(4) require an appropriate assessment of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site (SAC or SPA).

5.2. **European Communities (Birds and Natural Habitats) Regulations 2011:** These Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgements. The Regulations in particular require in Reg 42(21) that where an appropriate assessment has already been carried out by a 'first' public authority for the same project (under a separate code of legislation) then

a 'second' public authority considering that project for appropriate assessment under its own code of legislation is required to take account of the appropriate assessment of the first authority.

5.3. **National nature conservation designations:** The Department of 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:

- Killala Bay/Moy Estuary SPA (004036)
- Killala Bay/Moy Estuary SAC (000458)

5.5. **Planning and Development Acts 2000 (as amended):** Part XAB of the Planning and Development Acts 2000-2017 sets out the requirements for the appropriate assessment of developments which could have an effect on a European site or its conservation objectives.

- 177(AE) sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.
- Section 177(AE) (1) requires a local authority to prepare, or cause to be prepared, a Natura impact statement in respect of the proposed development.
- Section 177(AE) (2) states that a proposed development in respect of which an appropriate assessment is required shall not be carried out unless the Board has approved it with or without modifications.
- Section 177(AE) (3) states that where a Natura impact assessment has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the appropriate assessment.

- Section 177(V) (3) states that a competent authority shall give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site.
- Section 177AE (6) (a) states that before making a decision in respect of a proposed development the Board shall consider the NIS, any submissions or observations received and any other information relating to:
 - The likely 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.

5.6. National Planning Framework

5.6.1. The Project Ireland 2040 National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of Ireland to 2040. It is a framework to guide public and private investment, to create and promote opportunities and to protect and enhance the Irish environment. The NPF creates a shared set of goals for every community across the country which are expressed as 10 no. National Strategic Outcomes. The Seventh National Strategic Outcome is "Enhanced Amenity and Heritage", which is described as follows:

"This will ensure that our cities, towns and villages are attractive and can offer a good quality of life. It will require investment in well-designed public realm, which includes public spaces, parks and streets, as well as recreational infrastructure. It also includes amenities in rural areas, such as national and forest parks, activity-based tourism and trails such as greenways, blueways and peatways. This is linked to and must integrate with our built, cultural and natural heritage, which has intrinsic value in defining the character of urban and rural areas and adding to their attractiveness and sense of place."

5.6.2. The objectives listed under this strategic outcome include the following:

- We will conserve, manage and present our heritage for its intrinsic value and as a support to economic renewal and sustainable employment.
- Open up our heritage estates to public access, where possible.

- Invest in and enable access to recreational facilities, including trails networks, designed and delivered with a strong emphasis on conservation, allowing the protection and preservation of our most fragile environments and provided a wellbeing benefit for all.

5.7. National Maritime Planning Framework

5.7.1. 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 authorisations.

5.7.2. In relation to Sport and Recreation, chapter 21 of the NMPF includes objectives to:

- Increase participation in a range of water-based sports and recreation activities for the benefit of public health and wellbeing, as well as developing our tourism offering,
- Protect and enhance unique natural resources which attract visitors (e.g., Blue Flag Beaches and Green Coast Beaches),
- Increase provision of physical activity and recreation amenities in Irelands coastal and marine environment,
- Continue and improve access to marine and coastal resources for tourism activities and sport and recreation,
- Sustainably develop outdoor recreation facilities promoting access for people of all ages, background and abilities, while encouraging sharing of facilities where appropriate. The provision of marine recreational facilities should be considered an integral part of plans specific to coastal locations, including urban and suburban coastal development sites, with due consideration given to the environmental sensitivities of each site, such as increased visitor or infrastructural pressures on the environment.

5.7.3. The following planning policies are also relevant:

Sport and Recreation Policy 1: Proposals that promote sustainable development of water-based sports and marine recreation, while enhancing community health,

wellbeing and quality of life, should be supported, provided that due consideration is given to environmental carrying capacities and tourism pressures.

Sport and Recreation Policy 2: Proposals should demonstrate the following in relation to potential impact on recreation and tourism:

- The extent to which the proposal is likely to adversely impact sports clubs and other recreational users, including the extent to which proposals may interfere with facilities or other physical infrastructure.
- The extent to which any proposal interferes with access to and along the shore, to the water, use of the resource for recreation or tourism purposes and existing navigational routes or navigational safety.
- The extent to which the proposal is likely to adversely impact on the natural environment.

Sport and Recreation Policy 3: Opportunities to promote inclusive development of water-based sports and marine recreation should be supported, where appropriate and at the applicable scale, with a focus on facilities for people with disabilities.

Sport and Recreation Policy 4: Proposals that improve access to marine and coastal resources for tourism activities, and sport and recreation should be supported, where appropriate, at the applicable scale and aligned with existing development plans.

5.8. **Regional Spatial and Economic Strategy (Northern and Western Regional Assembly) 2020-2032**

- 5.8.1. The site of the proposed development is in Enniscrone, Co. Sligo, which is within the Northern and Western Regional Assembly (NWRA) area.
- 5.8.2. The RSES contains a wide range of Regional Policy Objectives (RPOs) in support of the NPF objectives. The RSES acknowledges that the sustainable development and promotion of a successful well managed tourism industry is critical to the economy of this region. The RSES takes note of the overall Government policy, as set out in People, Place and Policy: Growing Tourism to 2025. In particular, it takes note of the policy proposal that consideration be given to the contribution that sustainable tourism can make to the protection of heritage assets. The Wild Atlantic Way Touring

Route has developed into a Key Strategic National Asset, delivering benefits to the entire western seaboard.

5.8.3. The following RPOs are noted:

- RPO 4.1: To support working with relevant landholders and recreational/tourism agencies to increase access to the countryside and our coastal areas, and to ensure maintenance and access to the existing network of trails, paths, ways etc.
- RPO 4.12: Develop the water-based leisure sector in the region in a sustainable manner making the best use of existing and planned infrastructure and resources, in a manner that is sensitive to the natural and cultural heritage resources.

5.9. **Climate Action Plan 2023**

5.9.1. This plan seeks to tackle climate breakdown and achieve net zero greenhouse gas emissions by 2050. It identifies several risks as a result of climate change including rising sea-levels, extreme weather, further pressure on water resources and food production systems, and increased chance and scale of river and coastal flooding.

5.9.2. **National Biodiversity Action Plan, 2022**

5.9.3. The Plan sets out actions through which a range of government, civil and private sectors will undertake to achieve Ireland's 'Vision for Biodiversity', and follows on from the work of the first and second National Biodiversity Action Plans. It contains 119 x targeted actions which are underpinned by 7 x strategic objectives which lay out a clear framework for Ireland's national approach to biodiversity, ensuring that efforts and achievements of the past are built upon, while looking ahead to what can be achieved over the next five years and beyond.

5.10. **The Planning System and Flood Risk Management, 2009**

5.10.1. These Guidelines seek to avoid inappropriate development in areas at risk of flooding, avoid new developments increasing flood risk elsewhere and they advocate a sequential approach to risk assessment and a justification test.

5.11. **Sligo County Development Plan 2017-2023 – extended to July 2024**

5.11.1. The general planning policies and objectives for County Sligo are outlined in Volume 1 of the Sligo County Development Plan 2017-2023, while more specific local planning policies and objectives are outlined in Volume 2 of the Plan.

5.11.2. The Development Plan indicates that Enniscrone is within the third tier of the county settlement hierarchy, where it is identified as a 'Key Support Town', with Enniscrone having a regionally special tourism function.

5.11.3. The development plan states that zoning in the Ballymote and Enniscrone Local Area Plans is incorporated as statutory zoning under the CDP and shall remain unchanged until the review of these LAPs.

5.11.4. With regard to tourism, the following policy is noted:

- P-TOU-1 Promote the development of tourism in a sustainable manner and encourage the provision of a comprehensive range of tourism facilities, subject to location, siting and design criteria, the protection of environmentally sensitive areas and other planning considerations.

Development that might be detrimental to scenic and heritage assets, in cSACs, SPAs, proposed NHAs, designated Sensitive Rural Landscapes and Visually Vulnerable Areas, and along designated Scenic Routes will be strictly controlled.

5.11.5. With regard to outdoor recreation policies, the following is noted:

- P-OR-14 Preserve and improve access for the public to lakes, beaches, coastal, riverside, upland and other areas that have traditionally been used for outdoor recreation and subject to compliance with the requirements of the Habitats Directive. Where feasible, apply or support the application of universal design principles, as recommended in Building for everyone – a Universal Design Approach (NDA, 2012).

P-OR-15 Support the sustainable development of water-based leisure, tourism and related activities in County Sligo,

5.12. Enniscrone Local Area Plan 2014-2020

5.12.1. The application site is zoned 'Public Open Space' within the Enniscrone Local Area Plan. Under the Zoning Matrix, provision of a recreational facility/sports club within Public Open Space is 'open to consideration'.

5.12.2. As highlighted within the LAP, Enniscrone's main employment generator is its tourism industry. Tourism in Enniscrone is largely based on its coastal location and the long stretch (5 km) of sandy coastline. It is stated that the beach in Enniscrone is well-known as a surfing destination and there are at least two surf schools operating in the area in the summer. Dedicated facilities for such activities are, however, not

available. A site opposite the lifeguard station in the Hollows has been identified as being a suitable location for a water sports facility which could accommodate showers, changing rooms and lockers (refer to the Tourism objectives and to Map 6 in Chapter 12).

5.12.3. The following tourism objectives relating to The Hollows are of note:

- TOO-5 Support the redevelopment/replacement of the Pavilion building in the Hollows.
- TOO-6 Facilitate the provision of a water sports facility in the Hollows opposite the lifeguard station, for use by the various water-based activity clubs. Such a facility should provide showers, changing rooms and locker facilities.
- TOO-7 Provide tourist information boards at strategic locations around the town and environs, highlighting points of interest and things to do in Enniscrone.

5.13. **Draft Sligo County Development Plan 2024-2030 (13th October 2023)**

5.13.1. The Draft Sligo County Development Plan 2024-2030 was put on public display between on 13th October 2023 and will be on display until 22nd December 2023.

5.13.2. Under the published draft plan, chapter 13 relates to 'Enniscrone Town Plan'. The area of this application is designated on the zoning map as Open Space and Recreational Amenities, where provision for 'Recreation – leisure facilities' are 'Open to Consideration'.

5.13.3. It is stated that Enniscrone's main employment generator is its tourism industry, relying on the coastal location and the long stretch (5 km) of sandy beach. A Wild Atlantic Way Discovery Point is located at the Pier. Other tourist attractions are the golf course, the seaweed baths and the surfing opportunities. The draft Development Plan further states that three projects have the potential to expand the tourism offering in Enniscrone:

- Cliff Bath House, Pavilion and Promenade – There is a proposal for the refurbishing and repurposing of the Cliff Baths, the construction of a new Pavilion Building at the Hollows and the enhancement of the promenade and public realm between the two locations.

- Water Sports Facility - There are at least two surf schools operating in Enniscrone in the summer. Dedicated facilities for such activities are, however, not available. At time of writing (July 2023), a state-of-the-art building was proposed to be located at the Hollows. It would include secure storage, toilets, hot showers, induction spaces, equipment washdown and orientation points. Further provision may be needed for other local water-sports businesses.
- The Pier

5.13.4. The following Coastal Protection Objectives are noted:

- -CPO-1 Continue the maintenance and management of Enniscrone's coastal area, incorporating the dunes, and enhance the protection of Enniscrone beach.
- EN-CPO-2 Prepare an integrated coastal management plan for Enniscrone in consultation with relevant agencies and interested parties. This plan should address, inter alia, the existing and potential recreational uses of the area. The coastal management plan will ensure the protection of Natura 2000 sites through the Appropriate Assessment process.
- EN-CPO-3 Maintain and review dune management, to include, where necessary, appropriate fencing, boardwalks and public information boards in consultation with the National Parks and Wildlife Service.

5.13.5. The following Tourism Objective is noted:

- The Hollows EN-TOO-5 Support the provision of a dedicated water sports facility in the Hollows comprising changing facilities, showers, toilets and secure storage facilities (funded by Failte Ireland).

6.0 The Natura Impact Statement

6.1. Sligo County Council's application for the proposed development is accompanied by a Natura Impact Statement (NIS) which scientifically examines the proposed development and European sites. The NIS identifies and characterises the possible implications of the proposed development on the European sites, in view of the site's conservation objectives, and provides 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 and is based on desktop study as well as surveys that were conducted between August 2020 and April 2021, which covered the whole Enniscrone beach and not just the footprint of the site itself. The surveys conducted included a habitat assessment, observations for birds and mammals, a winter bird survey assessment, and habitat assessment for bats, with specific attention placed on recording birds of special conservation interest (SCI) relating to SPAs within commuting range.
- 6.3. The NIS identifies and characterises the potential effects arising from the proposed development (construction activities, operational impacts arising from facilitating water-based activities) and sets out a detailed suite of mitigation measures including the provision of a Construction and Environmental Management Plan (CEMP), ecological signage, grey water management, as well as visitor and litter management. The submitted NIS concludes that subject to the adherence to the various mitigation measures proposed that 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.
- 6.4. The NIS was accompanied by the documents and drawings listed previously above in Section 2.2 of this report.

7.0 Consultations

7.1. Prescribed Bodies

The Council circulated the application to the following bodies:

- The Minister for Department of Housing Local Government and Heritage
- The Minister for the Department of the Environment, Climate and Communications
- The Minister for the Department of Agriculture, Food and the Marine
- An Taisce
- Inland Fisheries Ireland

- Sligo County Council – Planning and Water Services; Chief Fire Officer; Roads Transportation and Infrastructure; Corporate, Human Resources, Climate Action & Environmental Services
- National Parks and Wildlife Service
- The Heritage Council
- Fáilte Ireland
- Waterways Ireland
- Irish Water

One response was received from Failte Ireland, which is summarised hereunder.

7.2. **Failte Ireland**

- There is a shortfall in quality and quantity of adequate visitor facilities to support high quality outdoor activities in Ireland.
- In April 2021 Failte Ireland announced 19 million euro investment to develop state of the art facilities for outdoor water based activities, which falls under the Government’s Project Ireland 2040 strategy.
- Failte Ireland is currently developing a Destination Experience Development Plan for Sligo, a key project of which is to develop a coordinated approach to maintaining and improving a sustainable water sports sector in Co. Sligo.
- The proposed development would align with a strategic product development objective of the Wild Atlantic Way Regional Tourism Development Strategy 2023-2027, which in partnership with local authorities seeks to deliver a network of water sports facilities at key beaches and harbours along the Wild Atlantic Way.
- Proposal would be consistent with tourism policies of the Sligo County Development Plan 2017-2023 – extended to July 2024.
- Standardised design approach to all Activity Facility Centres, adapted to suits individual location and site specification, as well as the surrounding environment and landscape.
- The scheme proposes that once constructed the facility will be owned and operated by the Local Authority.

- The Platforms for Growth approach is in line with the VICE Model for Sustainable Tourism Development.

7.3. **Public Submissions**

- None received.

8.0 **EIA Screening**

8.1. The proposed development is described as a Facility Centre for Water Sports Activities and includes a building to accommodate showers and toilet facilities, including accessible facilities, at a small urban sea-side location, which is already in use as an amenity area that facilitates water-based activities. The proposed development is not of a development type for the purposes of Part 10 as listed in Schedule 5 of the Planning and Development Regulations 2001 (as amended) (“the Regulations”).

9.0 **Assessment**

9.1. **Introduction**

9.1.1. The Board, in making a decision in respect of an application under Section 177AE must consider:

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

The structure of this report follows the above three topics.

This report addresses the above topics, as required, hereunder.

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

9.2.1. The background to the proposed development is that it forms part of Fáilte Ireland’s “Platforms for Growth” capital investment programme for Local Authorities, designed to support and improve facilities for visitor experience throughout Ireland.

- 9.2.2. The purpose of the proposed development is to consolidate and improve the existing water-based facilities and amenity offering in the area with the provision of this block of changing/shower and WC facilities to support local visitors and local commercial water sports operators. I note this is a popular tourist and local amenity location with an established range of water-based activities and amenities. I consider that the proposed development supports and enhances the tourism and leisure potential of the area, while promoting accessibility, and therefore in my opinion the principle of the proposed development is consistent with the zoning provisions of the plan, where recreational facilities are open for consideration.
- 9.2.3. The site is highly accessible being located immediately adjacent to an existing car park. The proposed development will be managed by the Local Authority and it will therefore effectively be a public facility that will be open for use by independent visitors as well as those using equipment/engaged in courses being supplied by commercial operators. The ethos of the proposed development is to work with and support existing activities (and commercial operators) while protecting local amenities with the overall goal of providing best in class publicly managed facilities for visitors which will improve accessibility to water-based activities.
- 9.2.4. While environmental matters, biodiversity and protection of designated sites are discussed in further detail below, in summary, I consider that the proposed development is sensitively sited within a managed amenity area that is already catering for a range of water-based activities. In this regard, I consider it compliant with the tourism policies of the County Development Plan.
- 9.2.5. In conclusion, I consider that the proposed development complies with the relevant provisions of the CDP, including the provisions of the Enniscrone Local Area Plan and the Sligo County Development Plan and is consistent with the proper planning and sustainable development of the area, and accordingly I am of the opinion that the proposed development is appropriate in principle at this location.

9.3. **The likely effects on the environment**

- 9.3.1. Notwithstanding the development is not of a development type for the purposes of Part 10 as listed in Schedule 5 of the Planning and Development Regulations 2001 (as amended) (“the Regulations”), an EIA screening report has been prepared on behalf of Sligo County Council and accompanies the current application

documentation. The submitted screening report considers the potential impacts of the project having regard to the size of the development, its location, as well as the types and characteristics of potential impacts. I note the conclusions of the submitted Screening Report – Preliminary Examination and Screening Determination which states that the environmental impacts of the proposed development are not likely to be significant within the meaning of the EIA Directive.

- 9.3.2. Having reviewed the application documentation and bearing in mind the small-scale nature of the proposed development, I consider that the proposed development will not give rise to significant environmental impacts, however, the proposal does merit further consideration in relation to biodiversity, water services and flood risk, and visual impact.

Biodiversity

- 9.3.3. It is noted in the submitted documentation that the location of the proposed building is on what is classified as GA2 amenity grassland with little biodiversity, and on land which is used as an unofficial overflow car park with high levels of anthropogenic activity ongoing in the area. I consider the habitats within the site boundary to be of low ecological importance and sensitivity. I note the potential for impacts on the SAC and adjoining SPA and this is discussed in greater detail in Section 10 – Appropriate Assessment.
- 9.3.4. No annexed birds were recording using the application site and given the level of existing anthropogenic activity in this area, and the quality of the existing habitat, the site is unsuitable for birds related to the SPA.
- 9.3.5. In relation to the access to the beach, it is noted in the submitted documentation that at present visitors access the beach from the car park via existing pathways. While there are pathways there, it is noted that people can trample through the SAC to get to the beach. Mitigation measures are proposed to manage existing visitors and prevent the use of unofficial paths.

Visual Impact

- 9.3.6. The site is located within an existing unofficial public car park, in a back land type area between the back of the main street and sand dunes along the beach. There are two buildings proposed, the facility building itself (changing rooms/showers/WCs), and a plant building. The proposed facility building is single

storey and relatively small in scale, being c. 114.cm in width and 12m deep, with an overall maximum height of 4.2m. The roof is mono-pitched and finished partly with a grass roof with solar panels. The plant building is approximately triangular in shape, with its longest side being 5.5m and 3.9m, with an overall height of 2.4m.

- 9.3.7. Having regard to the low scale and design of the buildings, their location within The Hollows area proximate to the sand dunes, and the general low density urban context of the site, in my opinion the proposed development is sensitively designed, appropriately sited, and can be accommodated within the site without adverse impacts on visual amenities.

Water Services and Flood Risk

- 9.3.8. The proposal will be connected to the public water supply and wastewater network.
- 9.3.9. The coastal water at Killala Bay is classified under the WFD as Good and Not at Risk.
- 9.3.10. The Bellawaddy Stream is located 188m to the southwest. There is no direct hydrological link from the site to the stream.
- 9.3.11. The OPW flood maps indicated the site is not at risk of coastal flooding up to and including the high end future scenario 0.1% AEP or fluvial flooding up to and including the 0.1% AEP.

Construction Impacts

- 9.3.12. The application documentation includes a Construction and Environmental Management Plan (CEMP) which sets out a comprehensive suite of mitigation measures detailing construction good-practice and house-keeping which will protect the shoreline and sensitive habitats from inappropriate discharges. Mitigation is set out in relation to dust management, surface water/groundwater/soil contamination control, terrestrial biodiversity protection protocol, invasive species control, noise and vibration control, traffic control, waste management, and chemical and hazardous materials management.
- 9.4. I am satisfied that the implementation of the CEMP mitigation measures will ensure that significant adverse impacts will not arise on any surrounding sensitive habitats.

10.0 The likely significant effects on a European site

10.1. 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

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

10.2.1. 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.

10.3. The Natura Impact Statement

10.3.1. The application is accompanied by an NIS which describes the proposed development, the project site and the surrounding area. The NIS contains a Stage 1 Screening Assessment which concludes that a Stage 2 Appropriate Assessment is required. The NIS outlines 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 predicts the potential impacts for these sites and their conservation objectives, it suggests mitigation measures, and assesses in-combination effects with other plans and projects.

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

- A desk top study.
- A habitat survey of the proposed site and surroundings.
- A winter bird assessment (6 month survey period from October 2020 to March 2021); assessment of habitat suitability for bats; observations of mammals and birds.

- A CEMP.

10.3.3. The NIS considers that the main impacts that could be arising from the proposed development on European sites arises from construction interactions, such as habitat loss, disturbance through noise pollution, hydrological interactions through surface water run-off, releases/discharges (due to the proximity of the site to the waters), and during the operational phase by introducing disturbance effects from users.

10.3.4. The submitted NIS concludes as follows:

Having incorporated mitigation measures, it is concluded that the 'Platform for Growth Shared Communities Facilities' at Enniscrone is not foreseen to give rise to any significant adverse effects on designated European sites, alone or in combination with other plans or projects. This evaluation is made in view of the conservation objectives of the habitats and species, for which these sites have been designated.

10.3.5. I note incorrect referencing of some placenames in the body of the NIS report, however, I am satisfied that the detail submitted in relation to the habitat and bird surveys undertaken and the associated mapping is accurate and such typographical errors arising have no fundamental impact on the assessment hereunder.

10.3.6. 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 mitigation measures are provided, and they 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).

10.4. **Appropriate Assessment**

10.4.1. 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. There is no requirement for the Board to undertake screening in these cases as it presupposed

that the Local Authority has established the need for AA through its own screening process. Nonetheless, it is considered prudent to review the screening process to ensure alignment with the sites brought forward for AA and to ensure that all sites that may be affected by the development have been considered.

10.4.2. The submitted NIS carried out by CAAS Ltd. on behalf of Sligo County Council includes AA Screening which concludes on the basis of objective information and in view of best scientific knowledge, the possibility of significant effects from the proposed project on European sites could not be ruled out and therefore an Appropriate Assessment was required. The AA screening section of the NIS concludes that the proposed project is not directly connected with or necessary to the management of any European sites and may, if unmitigated, have significant adverse effects on 2 no. European sites.

Appropriate Assessment Screening Determination

10.4.3. I consider that the proposed development of the Platform for Growth – Shared Community Facilities at Enniscrone and all associated works is not directly connected with or necessary to the management of any European site.

10.4.4. 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.

Table 1: European sites considered for Stage 1 screening:

European site (SAC/SPA)	Qualifying Interests	Distance
Killala Bay/Moy Estuary SAC	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310]	Within SAC

European site (SAC/SPA)	Qualifying Interests	Distance
	<p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Embryonic shifting dunes [2110]</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>Humid dune slacks [2190]</p> <p><i>Vertigo angustior</i> (Narrow-mouthed Whorl Snail) [1014]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Phoca vitulina</i> (Harbour Seal) [1365]</p>	
Killala Bay/Moy Estuary SPA	<p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</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>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Wetland and Waterbirds [A999]</p>	38 metres to the north
Lackan Saltmarsh and Kilcummin Head SAC	<p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</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>	10.56km
Ox Mountain Bogs SAC	<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Natural dystrophic lakes and ponds [3160]</p>	12.55km

European site (SAC/SPA)	Qualifying Interests	Distance
	Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] European dry heaths [4030] Blanket bogs (* if active bog) [7130] Transition mires and quaking bogs [7140] Depressions on peat substrates of the Rhynchosporion [7150] Vertigo geyeri (Geyer's Whorl Snail) [1013] Saxifraga hirculus (Marsh Saxifrage) [1528]	
River Moy SAC	Lowland hay meadows (<i>Alopecurus pratensis</i> , <i>Sanguisorba officinalis</i>) [6510] Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150] Alkaline fens [7230] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0] <i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092] <i>Petromyzon marinus</i> (Sea Lamprey) [1095] <i>Lampetra planeri</i> (Brook Lamprey) [1096] <i>Salmo salar</i> (Salmon) [1106] <i>Lutra lutra</i> (Otter) [1355]	9.5km

10.4.5. As identified in section 3.4 of the Screening section of the NIS, and the associated table 3.1, the European sites where the pathway for significant effects exists relates to Killala Bay/Moy Estuary SAC and Killala Bay/Moy Estuary SPA. No potential pathways exist in relation to River Moy SAC, Lackan Slatmarsh and Kilcummin Head SAC, and Ox Mountains SAC.

10.4.6. Based on my examination of the NIS report and supporting information, 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 two of the European sites referred to above.

- Killala Bay/Moy Estuary SAC (000458)
- Killala Bay/Moy Estuary SPA (004036)

10.4.7. I consider that there is potential for effects to arise at the European sites of Killala Bay/Moy Estuary SAC (000458) and Killala Bay/Moy Estuary SPA (004036). In relation to the SAC, this is due to the location of the site in proximity to features of interest for which the SAC is selected, with potential hydrological pathways during construction and operational periods and potential effects on the adjoining dune habitat from visitors who must pass through the sand dunes to get to the beach and may not use the existing pathway and therefore cause damage to the sand dunes. Potential impacts in relation to the SPA arise due to the proximity of the site to the SPA and potential for disturbance (from construction and operational phases of the proposed development) of relevant SCIs and potential for hydrological impacts. Accordingly, I consider it appropriate to screen-in potential impacts on the Qualifying Interests (QIs) and Special Conservation Interests (SCIs) of the Killala Bay/Moy Estuary SAC and SPA.

10.4.8. The remaining sites can be screened out from further assessment because of the scale and character of the proposed works, the nature of the Conservation Objectives, Qualifying Interests (QIs) and Special Conservation Interests (SCIs), 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 No.'s: 002298 (River Moy SAC), 000516 (Lackan Saltmarsh and Kilcummin Head SAC) and 002006 (Ox Mountains Bogs SAC), in view of the

sites' conservation objectives and a Stage 2 Appropriate Assessment is not therefore required for these sites.

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

10.5. **Stage II Appropriate Assessment**

10.5.1. The following is an objective scientific assessment of the implications of the proposal on the relevant conservation objectives of the European sites identified as having the potential to be affected by the proposed development using the best scientific knowledge (provided in the NIS). All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are examined and assessed for effectiveness. I have relied on the following guidance:

- DoEHLG (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service.
- EC (2021) Assessment of plans and projects in relation to Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC.
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC

Relevant European Sites

10.5.2. The Conservation Objectives and Qualifying Interests for the relevant sites, are set out in table 1 above and also below for Killala Bay/Moy Estuary SAC and SPA.

10.5.3. I note that the submitted Screening Report concluded that a stage II assessment for Killala Bay/Moy Estuary SAC and Killala Bay/Moy Estuary SPA is required, however, table 4.1 of the NIS references Killala Bay/Moy Estuary SAC and Lackan Saltmarsh and Kilcummin Head SAC. The NIS does not reference Killala Bay/Moy Estuary SPA in the stage II assessment. I note this is inconsistent with the conclusion reached in the screening assessment. This may be a typographical error given table 4.1 of the NIS while stating Lackan Saltmarsh and Kilcummin SAC as the site name, the

column 'characterisation of potential effects' appears to relate to Killala Bay/Moy Estuary SPA, with reference to SCIs and the rocky shore.

- 10.5.4. For clarity, having reviewed the project and application details, I consider that there is no potential for effects to arise at Lackan Saltmarsh and Kilcumin Head SAC given there are no pathways for effects between the sites and the qualifying interests of the SAC, and having regard to the distance of the SAC from the application site and the scale of development works proposed. I therefore consider it reasonable to screen out Lackan Saltmarsh and Kilcumin Head SAC from further assessment.
- 10.5.5. For clarity and having reviewed the screening and stage II assessment submitted by the applicant, my assessment hereunder is addressing, as per the conclusion of the screening determination above, Killala Bay/Moy Estuary SAC and Killala Bay/Moy Estuary SPA. I confirm that I have sufficient information before me to undertake a stage II assessment.

Killala Bay/Moy Estuary SAC

- 10.5.6. North of Ballina town, the River Moy flows to the sea via a long, narrow estuarine channel. After approximately 8km, the estuary widens to form a north-facing triangular bay, with the towns of Inishcrone (Co. Sligo) and Killala (Co. Mayo) situated on the eastern and western shores, respectively. Extensive sandflats and mudflats are exposed in the estuary and bay at low tide. The dune systems at Bartragh Island, Inishcrone and Ross, to the north-west, are well-developed and constitute good examples of dunes with a rich and diverse flora. At Enniscrone they stretch the length of the strand and are particularly well-developed towards the western end. The site holds populations of three species listed on Annex II of the E.U. Habitats Directive: Common Seal (maximum count of 108 in the all-Ireland survey of 2003); Sea Lamprey and Narrow-mouthed Whorl Snail (*Vertigo angustior*). The site is very important for wintering waterfowl, with eight species having populations of national importance.

Conservation Objectives

- 10.5.7. The conservation objective and QIs related to Killala Bay/Moy Estuary SAC, as per the NPWS website, are as follows:

To maintain the favourable conservation condition of:

- Estuaries [1130]
- Mudflats and sandflats not covered by seawater at low tide [1140]
- Annual vegetation of drift lines [1210]
- Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]
- Salicornia and other annuals colonising mud and sand [1310]
- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330]
- Embryonic shifting dunes [2110]
- Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes) [2120]
- Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]
- Humid dune slacks [2190]
- *Vertigo angustior* (Narrow-mouthed Whorl Snail) [1014]
- *Petromyzon marinus* (Sea Lamprey) [1095]
- *Phoca vitulina* (Harbour Seal) [1365]

10.5.8. While located within the SAC boundary, no part of the proposed development overlaps directly with any features of interest for which Killala Bay/Moy Estuary SAC has been selected. North of the application site are fixed coastal dunes with herbaceous vegetation (grey dunes) [2130].

10.5.9. As per the habitat surveys undertaken, there are no Annex I habitats or supporting habitats for Annex II species within the footprint of the development.

10.5.10. The proposed development in the absence of appropriate mitigation and management could give rise to the following effects:

10.5.11. Potential Direct Effects

- Loss/Reduction of habitat area arising from poor project design/site construction.
- Potential operational impacts on habitat loss arising from visitor movements and activities causing destruction and disturbance to habitats.

- Habitat/Species fragmentation arising from habitat loss/damage to the integrity of the existing dune system, and/or light pollution.
- Operational and construction activities can create disturbance to key species through noise pollution, and/or human activity/movement.

10.5.12. Potential Indirect Effects

- Notwithstanding the small scale of the proposed development the primary indirect effect that could arise is the potential adverse impact on water quality in the SAC associated with pollution that could arise from both construction and operational stages, such as run-off and dust.
- Inappropriate drainage measures (grey and foul water) for the operational phase could give rise to potential pollution concerns.
- Inappropriate visitor management could also give rise to indirect pollution concerns.

10.5.13. Potential In-Combination Effects

- In-combination effects could arise from interactions with extant or permitted developments and/or from other plans or programmes pertaining to the area. The NIS lists the Sligo County Development Plan 2017-2023 and Enniscrone Local Area Plan 2014-2020 as plans with the potential to interact with the proposed development. Both these plans have been subject to Strategic Environmental Assessment (SEA) and Natura Impact Reports and the submitted NIS considers that there will be no in-combination effects arising with the relevant plans and programmes. I broadly agree with this conclusion and note that the current development proposal is consistent with the requirements of the County Development plan, RSES and NPF.
- The submitted NIS lists a number of planning applications in the vicinity of the proposed development. While the recently permitted Pavilion development to the northeast has not been referenced, I note that it was subject to its own NIS. Permissions for projects in the vicinity are subject to the rigours of the planning system and the relevant policies and objectives of the CDP which provide for protection of environmentally sensitive locations and designated sites, accordingly in-combination effects should not arise.

10.5.14. Mitigation Measures

10.5.15. The siting of the proposed development and associated works have avoided environmentally sensitive areas and all proposed works are being carried out in/on habitats that are classified as Amenity Grassland (GA2). The proposed development will not therefore result in the direct loss of any Annex I habitat within the SAC. There is an existing walkway connecting visitors to the beach at the location of the proposed development, through the protected sand dunes. Mitigation by design and control of construction practices ensures that there will be no direct loss, or fragmentation of habitat which forms part of the QIs of the SAC.

The following mitigation measures are set out within Section 5 of the submitted NIS:

- A CEMP (a copy of which is included within the application documentation; Section 5 of the CEMP provides a detailed list of environmental mitigation measures proposed) must be implemented and include detailed control measures including, bunding of materials and appropriate work practices, dust control measures, surface water runoff controls and silt fencing, construction phase lighting to be controlled to minimise light pollution, and noise management protocols.
- Signage to highlight the key ecological resources in the area and activities which are prohibited, which relates to the areas of rocky shore to the east and the sensitive dune habitats, with birds a key feature.
- Visitor Management Plan focusing on two elements (a) commercial operators using the facility must uphold an environmental code of conduct to agree to usher participants away from the ecologically resources of the site (including roosting areas of the rocky shores to the east of the facility and adjoining sensitive dunes) and the activities such as kite surfing should be restricted to areas away from the identified roosting and foraging areas and (b) general public management practices to control visitor movements through use of signage or facility management processes. The VMP must 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 Plan to manage all surface water run-off from the site.
- Litter Management Plan to be operated by the County Council.
- Fencing to ensure visitors do not encroach onto the protected dune habitats.

10.5.16. I consider that the proposed mitigation measures as articulated in the NIS and detailed in the submitted CEMP are appropriate to the risks that have been identified and if implemented correctly will be sufficient to avoid significant effects arising and will exclude adverse effects on the integrity of the SAC.

10.5.17. Residual Effects/Further Analysis

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

10.5.18. NIS Omissions

None noted.

10.5.19. Suggested Related Conditions.

A condition requiring a complete and final CEMP and a detailed Visitor Management Plan, as well as details in relation to grey water management from the site, should be included to ensure the undertaking and monitoring of works in line with the stated mitigation measures.

Killala Bay/Moy Estuary SPA

10.5.20. This large site comprises the estuary of the River Moy and the inner part of Killala Bay, including Lackan Bay and Rathfran Bay, in Counties Mayo and Sligo. It is a funnel-shaped estuary, c. 7 km wide at its outer limit. It is very well sheltered by a sandy island, Bartragh, and by a sandy peninsula that extends from Enniscrone on the eastern side. Extensive intertidal sand and mud flats are exposed at low tide. The site is very important for wintering waterfowl and provides excellent feeding grounds for the birds, as well as high-tide roosts. Killala Bay/Moy Estuary SPA is of high ornithological importance as it supports eight species that have populations of national importance.

10.5.21. The conservation objective and SCIs related to Killala Bay/Moy Estuary SPA, as per the NPWS website, are as follows:

To maintain the favourable conservation condition of:

- Ringed Plover (*Charadrius hiaticula*) [A137]

- Golden Plover (*Pluvialis apricaria*) [A140]
- Grey Plover (*Pluvialis squatarola*) [A141]
- Sanderling (*Calidris alba*) [A144]
- Dunlin (*Calidris alpina*) [A149]
- Bar-tailed Godwit (*Limosa lapponica*) [A157]
- Curlew (*Numenius arquata*) [A160]
- Redshank (*Tringa totanus*) [A162]
- Wetland and Waterbirds [A999]

10.5.22. The proposal will not directly impact on the foraging and roosting areas of the nearby SPA. The habitat of the site itself is not suitable for foraging and roosting of the species associated with the SPA.

10.5.23. The main aspects of the proposed development that could adversely affect the conservation objectives of the SPA include: disturbance to the SPA as a result of visitors to, or operators using the proposed development not being appropriately managed and regulated with regard to their leisure and amenity activities; disturbance due to construction noise and dust; construction and operational phase surface water run-off.

10.5.24. The proposed development in the absence of appropriate mitigation and management could give rise to the following effects:

10.5.25. Potential Direct Effects

- Operational and construction activities can create disturbance to key species through noise pollution, and human activity/movement.

10.5.26. Potential Indirect Effects

- Notwithstanding the small scale of the proposed development the primary indirect effect that could arise is the potential adverse impact on water quality associated with pollution that could arise from both construction and operational stages.
- Inappropriate drainage measures (grey and foul water) would give rise to potential pollution concerns.

- Inappropriate visitor management could also give rise to indirect pollution concerns.

10.5.27. Potential In-Combination Effects

- In-combination effects could arise from interactions with extant or permitted developments and/or from other plans or programmes pertaining to the area. The NIS lists the Sligo County Development Plan 2017-2023 and Enniscrone Local Area Plan 2014-2020 as plans with the potential to interact with the proposed development. Both these plans have been subject to Strategic Environmental Assessment (SEA) and Natura Impact Reports and the submitted NIS considers that there will be no in-combination effects arising with the relevant plans and programmes. I broadly agree with this conclusion and note that the current development proposal is consistent with the requirements of the County Development plan, RSES and NPF.
- The submitted NIS listed a number of planning applications in the vicinity of the proposed development. Permissions for projects in the vicinity are subject to the rigours of the planning system and the relevant policies and objectives of the CDP which provide for protection of environmentally sensitive locations and designated sites, accordingly in-combination effects should not arise.

10.5.28. Mitigation Measures

Mitigation measures are set out within Section 5 of the submitted NIS, and the following are of particular note:

The following mitigation measures are set out within Section 5 of the submitted NIS:

- A CEMP (a copy of which is included within the application documentation; Section 5 of the CEMP provides a detailed list of environmental mitigation measures proposed) must be implemented and include detailed control measures including, bunding, dust control measures, surface water runoff controls and silt fencing, construction phase lighting to be controlled to minimise light pollution, and noise management protocols.
- Signage to highlight the key ecological resources in the area and activities which are prohibited, which relates to the areas of rocky shore to the east and the sensitive dune habitats, with birds a key feature.

- Visitor Management Plan focusing on two elements (a) commercial operators using the facility must uphold an environmental code of conduct to agree to usher participants away from the ecologically resources of the site (including roosting areas of the rocky shores to the east of the facility and adjoining sensitive dunes) and the activities such as kite surfing should be restricted to areas away from the identified roosting and foraging areas and (b) general public management practices to control visitor movements through use of signage or facility management processes. The VMP must 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 Plan to manage all surface water run-off from the site.
- Litter Management Plan to be operated by the County Council.
- Fencing to ensure visitors do not encroach onto the protected dune habitats.

10.5.29. I consider that the proposed mitigation measures as articulated in the NIS and detailed in the submitted CEMP are appropriate to the risks that have been identified and if implemented correctly will be sufficient to avoid significant effects arising and will exclude adverse effects on the integrity of the SPA.

10.5.30. Residual Effects/Further Analysis

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

10.5.31. NIS Omissions

As noted previously, it is not clear from the NIS if the SPA is being assessed given what appears to be an error in table 4.1. Nonetheless, whether typographical or not I have sufficient information before me to undertake this assessment, and I note the mitigation measures proposed are clear and relevant to the SPA. I am satisfied that any additional required mitigation measures can be ensured by imposition of appropriate conditions in the event of favourable consideration.

10.5.32. Suggested Related Conditions.

Conditions requiring a complete and final CEMP and a detailed Visitor Management Plan should be included to ensure the undertaking and monitoring of works in line with the stated mitigation measures, as well as details in relation to grey water management from the site.

10.6. Appropriate Assessment Conclusions

- 10.6.1. Having carried out screening for Appropriate Assessment of the project, I concluded that there was potential for the project to affect the Killala Bay/Moy Estuary SAC (000458) and Killala Bay/Moy Estuary SPA (004036). Accordingly, an Appropriate Assessment was required of the implications of the project on the qualifying interests of the SAC and SPA in light of their conservation objectives.
- 10.6.2. Following examination and review of all the material submitted within the planning application and on review of the submitted NIS, I am satisfied that I have considered all the elements/features that could be affected in relation to the conservation objectives of the Killala Bay/Moy Estuary SAC (000458) and Killala Bay/Moy Estuary SPA (004036) and the information before the Board comprehensively addresses all issues and concerns regarding potential adverse effects on the SAC and SPA (subject to the implementation of mitigation measures outlined above).
- 10.6.3. On the basis of the above 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 European site no. 000458 (Killala Bay/Moy Estuary SAC) and European site no. 004036 (Killala Bay/Moy Estuary SPA), in view of their Conservation Objectives.

11.0 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 Killala Bay/Moy Estuary SAC (000458) and Killala Bay/Moy Estuary SPA (004036),
- (e) the policies and objectives of the Sligo County Development Plan, 2017-2023 and the Enniscrone Local Area Plan, 2014-2020,
- (f) the nature and extent of the proposed works as set out in the application for approval,
- (g) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (h) the 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 Killala Bay/Moy Estuary SAC (000458) and Killala Bay/Moy Estuary SPA (004036), 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 Killala Bay/Moy Estuary SAC (000458) and Killala Bay/Moy Estuary SPA (004036), 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 Construction and Environment Management Plan 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 as well as incorporating all control measures set out in the submitted CEMP 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) All control measures set out in the CEMP submitted with the application proposals.
- (c) Location of construction compound.
- (d) Details of grey water management plan.
- (e) Hours of construction, and lights-out times during construction.
- (f) Specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness.

Reason: In the interest of protecting the environment and in the interest of public health.

4. 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.

5. 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, Construction and Environmental Management Plan and conditions here stated. 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.

6. (a) A landscaping scheme generally in accordance with layout plans received shall be submitted to the file for public record. The landscaping scheme shall specify the nature and type of planting proposed and will

consist of indigenous species. The planting shall be carried out in accordance with the landscaping scheme and shall be completed within the first planting season following the substantial completion of external construction works.

(b) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species.

Reason: In the interest of visual amenity

7. Prior to commencement of development a Visitor Management Plan shall be prepared, generally 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.

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.

Una O'Neill
Senior Planning Inspector
28th December 2023

Appendix 1

Form 1 EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-317533-23		
Proposed Development Summary	Proposed development of a facility for water sports activities, requisite external works including provision of access ramps and steps, and all ancillary services at Enniscrone, Co. Sligo		
Development Address	Enniscrone, Co. Sligo		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes		
	No	✓	
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?			
Yes			
No	✓		Proceed to Q.3
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]?			
		Threshold	Comment (if relevant)
Conclusion			
No	✓	N/A	No EIAR or Preliminary Examination required
Yes			

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required