# Inspector's Report

# ABP-317920-23

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| **Development** | Construction of extension within existing school site and associated site works, connection to services, removal of wastewater treatment system and provision of a new wastewater system, relocation of playing pitch, new fencing and additional car parking spaces. The application is accompanied by a Natura Impact Statement. |
| **Location** | St Joseph's National School, Brackloon, Westport, Co. Mayo. |
| **Planning Authority** | Mayo County Council |
| **Planning Authority Reg. Ref.** | 22/550 |
| **Applicant** | The Board of Management of St Joseph's NS. |
| **Type of Application** | Permission. |
| **Planning Authority Decision** | Grant Permission |
| **Type of Appeal** | Third Party |
| **Appellant(s)** | John Kearns. |

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| **Observer(s)** | None. |
| **Date of Site Inspection** | 5th day of June 2024 |
| **Inspector** | Fergal Ó Bric |

## 1.0 Site Location and Description

1.1. The appeal site comprises St Joseph's National School, Brackloon, Westport, which is located approximately seven kilometres south-west of Westport, and approximately 300 metres west of the N59, a national secondary route that connects Westport with Leenane. The appeal site is located within a rural area as set out with the Mayo County Development Plan. It is adjacent to the old St Joseph's school building which now operates as a pre-school facility and is located on the opposite side of the road from the new school site, developed in 2013. The old school building is used as a pre-school facility and the two schools have some shared car parking facilities. The school campus is accessed from a local road, the L1822, a link road between the N59 and the R335, the main regional route linking Westport with Louisburgh. There are existing yard and ballcourt areas to the south-east of the school buildings and a grass surfaced sports pitch to the north of the school buildings. The site comprises a stated area of 1.51 hectares.

1.2. In terms of the site surrounds, there are agricultural lands to the north, south and west of the appeal site with the public road to the east. There is a watercourse located along the western site boundary. There is a hedgerow located along the western and eastern site boundaries and a post and wire fence along the northern site boundary.

## 2.0 Proposed Development

2.1. Planning permission is sought for the construction of a single storey extension to the rear (north) of the existing school buildings. The extension will comprise:

- Three classrooms and one special educational teaching room,
- A user assisted WC, two special needs suite classrooms,
- Connection to existing services, removal of existing wastewater treatment system and provision of new on-site wastewater treatment system.
- Relocation of playing pitch and new boundary fencing.
- A bus and car set down area nearest the school building with a covered bicycle shelter to cater for twenty six bicycles and an extended car park area further south-east within the site providing space for forty-five cars.
- Removal of existing prefabricated classroom structure (161 sq. m).

2.2. The single storey school extension will have a pitched roof form with a maximum ridge height of approximately seven metres above ground level. Materials and finishes for the extension are stated to comprise painted render on the walls with PPC aluminium framed windows and Thrutone cement tiles on the roof. The floor area of the school extension is stated to comprise 827 sq. m.

2.3. Further information was submitted by the applicants in relation to the following: Specific mitigation measures to be implemented to minimise impacts upon Natura 2000 sites including a Site Plan detailing where the mitigation measures would be implemented. A revised Construction Environmental and Management Plan referencing the specific mitigation measures included within the NIS. Revised surface water management proposals.

2.4. Clarification of further information was submitted by the applicants in relation to the following: Specific mitigation measures to be implemented to minimise impacts upon Natura 2000 sites including a Site Plan detailing the precise location(s) of where the mitigation measures wouldl be implemented. A revised Construction Environmental and Management Plan referencing the specific mitigation measures included within the NIS. Revised surface water management proposals.

2.5. The Planning Authority completed an Appropriate Assessment Screening exercise based on the Appropriate Assessment Screening Report and the Natura Impact Statement submitted by the applicants and determined that the proposed development would not, individually or in combination with other plans or projects, adversely impact a European site or their conservation objectives.

2.6. A number of reports were submitted as part of the planning documentation and included updated and revised Appropriate Assessment Screening Reports and Natura Impact Statements, a hydrological report, an engineering services report, a revised and updated Site Characterisation Report and a Construction, Environmental and Management Plan.

## 3.0 Planning Authority Decision

### 3.1 Decision

The Planning Authority granted planning permission for the proposed development subject to eight standard planning conditions.

Conditions of note included:
Condition number 3: Site Development work hours

Condition number 4: All surface water shall be managed within the site boundary.

Condition numbers 5 and 6: Effluent treatment to be in accordance with the details submitted on 7th June 2023 and system to be installed and maintained in accordance with manufacturer's instructions.

Condition number 7: All mitigation measures as set out with Section 6 of NIS and those outlined within the CEMP submitted on 7th June 2023 to be fully implemented and construction works shall be supervised by an Ecologist.

## 4.0 Planning Authority Reports

### 4.1 Planning Reports

The Mayo County Council Planning Reports form the basis for the decision. The Planning Reports provide a description of the site and the subject proposal, provides an overview of the planning history and summaries the issues raised within the third-party observation received.

Within their assessment of the application, the Planning Authority was satisfied that the principle of development was acceptable. However, concerns were raised within the further information request in respect to the unspecific mitigation measures set out within the Natura Impact Statement (NIS), the results presented following site investigations, and proposals to manage surface water within the appeal site

boundaries. Clarification of further information was also submitted with respect to the following items:

- An updated NIS to include bespoke mitigation measures and to ensure consistency between the NIS and CEMP control measures including a Site layout identifying the specific locations for the implementation of the mitigation measures. The NIS was also updated to consider the changes to the method of wastewater treatment.
- Revised wastewater treatment proposals.
- Details of the capacity of the wastewater tanks, the sizing of the distribution area, dimensions of the reed bed system and that site levels are conducive to a gravity fed system.
- Details of nutrient removal.
- A rationale for the complexity of the wastewater proposals submitted.
- The contribution of natural recharge**.**

Following the submission of a response to the requests for further information and clarification of further information, the Planning Authority was satisfied that the proposals were acceptable, and a grant of permission was recommended.

4.1.1 **Other Technical Reports**

Road Design Section: No objection, subject to conditions.

Belmullet/Westport Municipal District Engineer: No objections, subject to conditions.

Environment, Climate Change and Agricultural Section: No objection, subject to conditions.

Environment (flood risk)-No objections,

Mayo Childcare Committee: No remit in relation to the proposals.

## 4.2 **Prescribed Bodies/External Reports**

Department of Housing, Local Government and Heritage: The appeal site is located adjacent to the Brackloon Woods Special Area of Conservation (site code 000471). The Department note that the applicants submitted an NIS and the conclusion of the NIS in terms of not adversely impacting the integrity of any Natura 2000 sites. A number of planning conditions are recommended in the event of a planning permission being recommended.

## 4.3 **Third Party Observations**

One third-party observation was received by the Planning Authority from an adjoining land owner. The issues raised can be summarised as follows:

- That the applicants narrowed the width of the watercourse between the appeal site and his lands which has resulted in flooding.
- The septic tank and surface water outfall from the school, site outfall to the adjoining watercourse and results in flooding of adjoining lands.
- The additional development will increase the extent of impermeable surface within the appeal site and result in additional surface water run off outfalling to the adjoining lands.
- The new treatment system would be located on elevated ground with poor soakage characteristics and is intended to cater for an increased school population.
- A flood risk assessment should have been conducted.
- A full hydrological report of the local catchment system should have been conducted.
- An assessment of the discharge of wastewater to the adjoining watercourse and lands should have been conducted.
- A design and method system of the flow to the steam and adjoining land should have been submitted.

4.4 **Planning History**

The following is considered to be the relevant planning history associated with the appeal site.

Planning reference 10/915: In 2010, Planning permission granted by the Planning Authority for the construction of a new national school incorporating four classrooms, a library/resource room, administration area, general purpose room, social space, plant rom, ancillary spaces and circulation, car parking, external play areas, football pitch, new entry and exit, proprietary wastewater treatment system, lighting and all associated site works including reduction of site level and earth movement.

Planning reference 10/724: Planning permission granted by the Planning Authority for the erection of a temporary prefabricated classroom and all associated site works.

Planning reference 05/1555: Planning permission granted by the Planning Authority for the for the erection of a temporary prefabricated classroom and replace septic tank and percolation area.

5.0 **Policy Context**

5.1 **Mayo County Development Plan, 2022-2028**

The Mayo County Development Plan, 2022-2028 (CDP) came into effect on 10th day August 2022 and is, therefore, the operative plan for the basis of this appeal.

The main aim set out within Chapter 8 ‘Sustainable Communities is: ‘To develop and support vibrant sustainable communities in Mayo where people can live, work and enjoy access to a wide range of community, health, educational facilities and amenities, suitable to all ages and needs, in both urban and rural areas, thereby supporting a high quality of life for all to enjoy.

Section 8.4.7 (Education, Training and Skills) Walking and Cycling) sets out the following: ‘The provision of investment in education and training are central to

reinforcing the delivery of sustainable communities, promoting inclusion and offering choice and accessibility to a high standard of education and employment. Education, training and life-long learning are key enablers, around which personal fulfilment, a fair society and a successful population revolve. All are central to sustaining economic success and building strong communities.' Relevant policies include:

- SCP 25 To support informal and formal initiatives which provide opportunities for people in Mayo to access appropriate education and training provision necessary to allow them to realise their full potential.

## 5.2 Natural Heritage Designations

The nearest designated site is the Brackloon Woods SAC (Site code 000471) is located on the opposite side of the road to the appeal site. The Clew Bay Complex SAC is located approximately 2.7 kilometres north-west of the appeal site boundary (Site Code: 001482).

The Lough Greney Bog Natural Heritage Area (NHA) (Site Code: 002455 is located approximately 290 metres to the west of the appeal site.

## 5.3 EIA Preliminary Screening

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, as well as the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 **The Appeal**

### 6.1 **Grounds of Appeal**

6.1.1 A third-party appeal has been submitted by John Kearns. The grounds of appeal can be summarised as follows:

- That the applicants narrowed the watercourse between the appeal site and his lands during the course of the existing school building construction which has resulted in flooding. No correction or mitigation measures to address this issue have been submitted.
- The adjoining watercourse has insufficient capacity to cater for the foul and surface water outfalls from the appeal site.
- There are inadequate on-site attenuation measures submitted within the proposals.
- The additional development will increase the extent of impermeable surface within the appeal site and result in additional surface water run off to the adjoining lands.
- A full floodplain and hydrological report of the local catchment system should have been provided by the applicants.
- The septic tank and surface water outfall from the school site outfalls to the adjoining watercourse and results in flooding of adjoining lands.
- The new wastewater treatment system would be located on elevated ground with poor soakage characteristics and is intended to cater for an increased school population.
- A flood risk assessment should have been conducted.
- An assessment of the discharge of wastewater to the adjoining stream and lands should have been conducted.
- A design and method system of the flow to the stream and adjoining land should have been submitted.

6.2 **Planning Authority Response**

None received.

6.3 **First Party Response to third party appeal submission.**

6.3.1 A first party response to the issues raised within the third-party appeal submission was received. The issues raised therein include the following:

- The existing wastewater treatment system is no longer adequate to serve the school population.

- The outfall from the new wastewater treatment system will discharge via a new foul sewer line to be constructed in the adjoining public road, east of the appeal site and ultimately discharging to the Owenwee watercourse to the south-east of the appeal site. The outfall to the watercourse will, therefore, not affect the watercourse between the appeal site and the property of the appellant.

- The wastewater treatment discharge outfall has been subject to comprehensive ecological (Natura Impact Statement) and hydrological assessments which have carefully considered the sensitivity of the site location, the adjoining watercourse and adjoining lands.

- Surface water from the site will be attenuated on site by means of an underground tank (capacity of 183 cubic metres) which will control the outfall to the adjoining stream. The on-site attenuation has been designed to cater for a 1:100-year flood event scenario and allows for a 10% uplift for the effects of climate change. A hydro brake and hydrocarbon interceptor will also

be fitted as part of these proposals to manage surface water outfall and prevent pollution of the adjoining watercourse.

6.4 **Observations**

None received.

7.0 **Assessment**

The main issues to be considered are those raised in the third-party grounds of appeal, and the decision of the Planning Authority. I am satisfied that no other substantive issues arise. It is noted that the issue of appropriate assessment will also be addressed. The various issues can be dealt with under the following headings:

- Principle of Development.
- Design and Layout
- Site servicing
- Appropriate Assessment.

7.1 **Principle of Development**

7.1.1 The proposals relate to the development of classroom extensions to an existing established and permitted primary school facility. Chapter 8 of the Mayo County Development Plan 2022 - 2028) provides for Sustainable communities which includes educational development. The SCP25 policy pertains to educational and training proposals: To support informal and formal initiatives which provide opportunities for people in Mayo to access appropriate education and training provision necessary to allow them to realise their full potential. It is recognised that sustaining smaller community areas is important and as such, it is considered appropriate to facilitate the extension and expansion of schools subject to siting and design, servicing and access criteria.

7.1.2 I am satisfied that the proposals accord with the relevant policy provisions of the current Development Plan, the extensions will support the planned expansion of the

established educational use on the site. The proposed development is, therefore, considered to be in accordance with the proper planning and sustainable development of the area. It is also relevant to highlight to the Board that the third party appellant has not raised issues with respect to the principle of the school expansion.

7.1.3 In conclusion, having regard to the established and permitted school use on the site and the existing pattern of development in the area, it is considered that the principle of the provision of a school extension would be acceptable and would be compatible with the policy objectives contained in the current County Development Plan.

7.2 **Design & Layout**

7.2.1 The proposal seeks planning consent for the extension of the existing school campus. In total, the new extension would comprise a single storey structure to the rear (north) and be attached to the existing school building. The extension will comprise a stated floor area of 827 square metres (sq. m.) onto the existing school building of 951 sq. m. A prefabricated building comprising 161 square metres will be removed on foot of the completion of the extension. The extensions will comprise a special education teaching unit with 4 classrooms, toilets and two additional mainstream classrooms, a library/resource room all at ground floor level. The extension will have a pitched roof form with a contemporary architectural expression and a maximum height of approximately seven metres above ground level. Materials and finishes for the proposed extension will comprise painted render for the principal elevations with PPC aluminium framed windows and Thrutone cement fibre tiles on the roof area.

7.2.2 I concur with the Planning Authority's view that the overall scale, height and form of the proposed extensions and their position relative to the existing buildings is appropriate. The proposals will also provide for the removal of the existing prefabricated structure from the site. There will also be a new junior play area and a sensory play area provided in addition to retaining the existing hard surfaced play

ballcourt areas as well as the provision of a new grassed playing pitch further north within the appeal site, thus providing adequate amenity for the school population.

7.2.3 The applicants submitted three dimensional visualisations as part of their planning documentation. I am satisfied that these represent an accurate depiction of the proposals and that these demonstrate that the school extension will integrate satisfactorily with the existing school, buildings on site in terms of scale, height and form and in accordance with the SCP25 policy within the Development Plan in relation to the development of education and training proposals.

7.2.4 In conclusion, I am satisfied that the design and layout will provide for a functional and architecturally appropriate building which will integrate positively with the existing school buildings on site and provide for a contemporary learning environment for the school population.

7.3 **Site Servicing**

Wastewater Treatment:

7.3.1 The applicant's Site Characterisation Report identifies that the appeal site overlies a locally Important and poorly productive Aquifer where the bedrock vulnerability is classified as "Extreme". The underlying groundwater body is recorded as being that of Clifden/Castlebar and the groundwater status is classified as being good. A Ground Protection Response of R2(1) is noted by the applicant. A ground and surface water risk is identified as surface water ultimately discharges to the Clew Bay Special Area of Conservation (SAC) located seven Kilometres downstream via the Owenwee watercourse, which is located approximately three hundred metres south-east of the appeal site boundary.

7.3.2 The trial hole depth referenced in the Site Characterisation Report (SCR) was 2.7 metres. It is acknowledged within the SCR that bedrock was not encountered within the trial hole and the water table was observed at a depth of one metre. The soil conditions found in the trial hole were stated as comprising black soft topsoil to a depth of 0.2 metres and below that saturated red/brown peat soils. The EPA soil

mapping records the soils in the area as being Clonin. However, the appeal site is located within a pocket of peat soils. The peat is not suitable for conducting percolation tests and would not allow for the safe dispersal of effluent in accordance with best practice EPA standards. If disposal of effluent to ground on site was proposed it could leave the adjacent watercourse to the west of the appeal site vulnerable to pollution. Therefore, alternative means of wastewater disposal were considered.

7.3.3 The applicants have submitted site specific proposals whereby primary and secondary effluent treatment would be provided by a mechanical system. Subsequently, tertiary treatment will be provided by means of a sub-surface horizontal flow reed bed system. This system maintains the effluent below a gravel layer. The plants within the reed-bed system assist in reducing the overall loading. This type of system is provided for within the EPA, Code of Practice, specifically sections 8.1.4 and Table 10.3. The final discharge of effluent will be to a foul sewer line located in the public road along the eastern suite boundary and ultimately will discharge directly to the Owenwee watercourse, which is located approximately 0.3 kilometres south-east of the appeal site. The Environment Department within Mayo County Council outlines no objections to the wastewater proposals and noted that the proposals for a direct foul discharge to the Owenwee would be subject to a Section 4 effluent discharge licence, a process that is managed directly by the EPA.

7.3.4 A hydrological Assessment Report has also been submitted and this has referenced the water quality within the Owenwee watercourse and the assimilative capacity of the watercourse. Section 3.7 of the hydrology report notes that the water quality within the Owenwee watercourse recorded a q-value of 4-5-high, at the Brackloon bridge water quality monitoring point. It is not considered that the proposed new wastewater treatment system proposals, which will provide for a higher level of treatment than the existing system (and which is stated to be operating at capacity), will adversely impact water quality within the Owenwee watercourse. Section 4 of the hydrology report address assimilative capacity, and this concludes that there is

adequate dilution capacity within the Owenwee reiver to assimilate the effluent discharge from the Brackloon school site.

7.3.5 Following a request for further information and clarification of further information the applicants have submitted revised proposals whereby a pipeline will run from the wastewater treatment system to a new new sewer line to the east of the site, to be laid in the public road which would ultimately outfall to the Owenwee watercourse to the south-east of the appeal site, south of the car park area. A hydrological report was submitted by the applicants as part of their planning documentation and this has set out that the adjoining watercourse has sufficient assimilative capacity to cater for the outfall and that the water quality within the watercourse will remain at a good standard in terms of water quality, post the new wastewater outfall proposals. The outfall to the watercourse is subject to a discharge licence under Section 4 of the Local Government (water pollution) Acts 1977 and 1990, as amended, a process that is managed by the Environmental Protection Agency.

7.3.6 In summary, I acknowledge the groundwater vulnerability for the site is classified as 'Extreme'. However, given the demonstrated suitability of the site for the type of wastewater treatment plant that is proposed herein, I consider that the proposed development is acceptable. I further note that the new wastewater treatment proposals would constitute an upgrade to an existing wastewater treatment system that is already operating at capacity on the site. I am satisfied that the proposed development would present a risk of water pollution nor would it be prejudicial to public health.

7.3.7 Having regard to the above, I am satisfied that it has been demonstrated that the site can accommodate the proposed proprietary wastewater treatment plant and that permission should be granted.

7.3.8 In conclusion, I am satisfied that the wastewater proposals are acceptable and would be in accordance with best practice in as set out by the EPA.

Surface Water Management:

7.3.9 There are existing drainage ditches located along the roadside (eastern) and western site boundaries. It is stated that the eastern drainage ditch will be culverted prior to the commencement of the building works in order to protect the integrity of the water within this drainage ditch. It was noted that there was no water within this particular ditch on the day of my site inspection. The drainage ditch along the western boundary will be retained as is but a number of surface water management measures will be used to protect its integrity. The planning documentation sets out that an attenuation tank with a capacity of 183 cubic metres will be installed on site. This will result in storm waters generated within the site being managed within the site boundaries. They would then be released at a green field run off rate, thus not adversely impacting the drainage channel along the western site boundary. A hydrocarbon interceptor would also be fitted to protect the water quality within the watercourse. Other mitigation measures including silt fencing are also proposed, again to protect water quality.

7.3.10 The appellant raised the issue of the existing school site resulting in the flooding of his lands, located west of the appeal site. He also sets out that the laying of additional impermeable surfaces within the appeal site as part of the proposals would exacerbate the flooding situation. I note the surface water management measures which the applicants propose to introduce within the site referenced in Section 7.3.9 above. I am satisfied that with the inclusion of these surface water management measures that the development would not increase the risk of flooding within the appeal site nor within the adjoining lands.

7.3.11 The Hydrological Assessment Report addresses the issue of flooding within Section 3.8. sets out that the Owenwee river upsteam of the L1822 road has a history of flash flooding and breaking its banks upstream of Brackloon bridge and resulting in flooding overland and of the tributary channel. However, the proposed wastewater treatment system would be located within the northern portion of the appeal site and

outside of any recorded flood extents nor would it impact the proposed outfall outlet to the Owenwee channel.

7.3.12 The Office of Public Works (OPW) are the competent authority on flood matters in this country. I have examined the flood data available on floodinfo.ie, the OPW website which collates data on flood events and predictions. The appeal site is not identified as being located within an area at risk of flooding nor is there any record of flooding history within the appeal site as per the OPW website, although it is noted that the adjoining drainage channel has broken its banks and extended into the lands west of the appeal site. Storm water run-off from the development would be discharged directly to the proposed on-site attenuation tank. This will ensure the development will not increase the risk of flooding on site or within neighbouring lands. I am satisfied that the surface water management proposals will not increase the risk of flooding within the appeal site boundary nor within the adjoining lands nor drainage channels.

## 8.0 **Appropriate Assessment**

8.1 Please refer to Appendix 2 (AA Screening) and Appendix 3 (Appropriate Assessment) of this report which contains an AA Screening Assessment Report and a Natura Impact Assessment Report where I have concluded the following:

8.2 I conclude within my AA Screening Assessment that the proposed development would potentially have a significant effect alone of the water dependent habitats and species of the Clew Bay Special Area of Conservation (side code 001482) from surface water run-off, sediment and hydrocarbons that may be generated during the construction phase of the development and the surface and foul outfalls from the operational stage of the school development. An Appropriate assessment (AA) is required on the basis of the effects of the project alone. Further assessment of in-

combination with other plans and projects is not required at this time. Therefore, it was necessary for me to proceed to a Stage 2 AA as set out within Appendix 3.

## 10.0 **Recommendation**

I recommend that planning permission be granted.

## 11.0 **Reasons and Considerations**

Having regard to the:

- The established and permitted educational uses on the site,
- The location, nature, scale and design of the development,
- The policy provisions of the Mayo County Development Plan 2022-2028, specifically policy SCP 25**,**
- The specific characteristics of the site and surrounds,

it is considered that, subject to compliance with the various conditions set out below, the school extension development would appropriately integrate with the existing built environment and would not increase the risk of flooding on site nor within the adjoining lands or watercourse, would not be prejudicial to public health nor result in the creation of a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 6th day of July 2022, the 26th day of October 2022 and the 7th day of June 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior

to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. (a) The proposed effluent treatment and disposal system shall be located and constructed in accordance with the detail submitted to the Planning Authority on the 6th day of day of July 2022. and as amended and in accordance with the particulars submitted to the Planning Authority on the 26th day of October 2022 and the 7th day of June 2023 and in accordance with the requirements of the document entitled: Code of Practice - Wastewater Treatment and Disposal Systems Serving Rural Dwellings (p.e .≤ 10) – Environmental Protection Agency, 2021. Arrangements in relation to the ongoing maintenance of the system shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.
   (b) Within three months of the occupation of the school extension, the applicants shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the raised percolation area is constructed in accordance with the standards set out in the EPA document.
   *(c)* Until such time as the applicant receives a licence under the provisions of the Waste Water Discharge Authorisation Regulations 2007 (as amended) from the Agency, the emission limit values associated with the discharge from the waste water treatment plant shall not exceed the following limits:
   BOD……20 mg/l.
   Total Suspended Solids…..30 mg/l.
   AmmoniumNitrogen….20 mg/l.

   Any conditions relating to emission limit values attached to any licence issued by the Agency under the Waste Water Discharge Authorisation shall replace the emission limit values specified above.

**Reason** in the interest of public health.

3. Materials, colours and textures of all external finishes shall be in accordance with the drawings and specifications hereby approved.
   **Reason:** in the interest of visual amenity.

4. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

   (a) A plan to scale of not less than 1:500 showing –
   (i) Existing trees, hedgerows and stone walls, specifying which are proposed for retention as features of the site landscaping
   (ii) The measures to be put in place for the protection of these landscape features during the construction period
   (iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and which shall not include prunus species.
   (iv) Details of screen planting which shall not include cupressocyparis x leylandii
   (v) Details of roadside planting which shall not include prunus species
   (vi) Hard landscaping works, specifying surfacing materials, furniture play equipment and finished levels.
   (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment
   (c) The landscaping works shall be carried out within the first planting season following substantial completion of external construction works.

   All planting shall be adequately protected from damage until established. 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, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of visual amenity.

5. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services and in accordance with the details submitted to the Planning Authority on the 6th day of day of July 2022. and as amended and in accordance with the particulars submitted to the Planning Authority on the 26th day of October 2022 and the 7th day of June 2023
   **Reason:** In the interest of public health.

6. Prior to the commencement of development, the developer shall enter into water connection agreement(s) with Irish Water.
   Reason: In the interest of public health.

7. A minimum of 10% of the proposed car parking spaces shall be provided with electrical connection points to allow for functional electric vehicle charging. The remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fit out of charging points.
   **Reason:** In the interest of traffic safety and orderly development and proper planning and sustainable development.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.
   **Reason**: In the interests of visual and residential amenity

9. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400

hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

11 All mitigation measures included within the Natura Impact Statement and within the Construction and Environmental Management Plan submitted to the Planning Authority on the 7th day of June 2023 within the response to the clarification of further information shall be implemented in full. The additional mitigation measures identified within the Construction Environmental Management Plan (refer to condition number 13 above) to be submitted and agreed in writing with the Planning Authority shall be implemented in full.

**Reason:** In the interest of protecting natural heritage.

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.

Fergal Ó Bric
Planning Inspectorate

# Appendix 1 - Form 1

## EIA Pre-Screening

### [EIAR not submitted]

| | |
|---|---|
| **An Bord Pleanála Case Reference** | 317920-23 |
| **Proposed Development Summary** | Construction of an extension within existing school site and associate site works, connection to services, removal of wastewater treatment system and provision of a new wastewater system, relocation of playing pitch, new fencing and additional car parking spaces. |
| **Development Address** | Brackloon, Westport, Co. Mayo. |

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| **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** | X |
| | **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) and does it equal or exceed any relevant quantity, area or limit where specified for that class?**

| | | | |
|---|---|---|---|
| **Yes** | | | |
| **No** | X | | 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** | X | | | No EIAR or Preliminary Examination required |
| **Yes** | | | | |

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

**Inspector:** _____ **Date:** _____

Appendix 2 – AA Screening

**Screening for Appropriate Assessment**
**Screening Determination**

**Description of the project**

I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The proposed development comprises the construction of an an extension within existing school site and associate site works, connection to services, removal of wastewater treatment system and provision of a new wastewater system, relocation of playing pitch, new fencing and additional car parking spaces.

The subject site is located on the opposite side of L1018 to the Brackloon Woods SAC (site code 000471). The appeal site is located approximately 2.7 kilometres south-west of the SAC (site code 001482) at its closest point.

From my observations on site, there is a drainage ditches/stream running along the western and south-western site boundary which ultimately discharges to the Owenwee watercourse approximately 0.3 kilometres further south-east of the appeal site. With reference to EPA mapping[1], there is no named watercourse running through or directly adjacent to the site. The nearest EPA mapped watercourse is the Owenwee River (EPA code 32Q06) which has a Water Framework Directive (WFD) Status of good and is not at risk of not achieving its status objectives under the WFD. Downstream of the appeal site, the Owenwee river was assigned a Q-value of 4-5, high quality in the most recent water quality assessment.

I note the grounds of the third-party appeal reference the issues of flooding and of water quality and discharges of surface and foul water to the adjacent drainage ditch and potentially adversely impacting water quality.

I note also the referral response received from the Department of Housing, Local Government and Heritage who noted the proximity of the appeal site to Brackloon Woods SAC and set out a number of recommended planning conditions in the event

[1] https://gis.epa.ie/EPAMaps/AAGeoTool

that planning permission is being recommended. I have taken these comments into consideration in the AA Screening Assessment below.

**Potential impact mechanisms from the project**

The elements of the proposed development that would potentially generate a source of impact are:

- The school extension and its construction.
- The wastewater treatment system and its outfall to the drainage ditch.
- Run-off and surface water run-off from the appeal site.

While there is no immediately apparent direct surface water hydrological connection to the Clew Bay SAC, it is likely that the drainage ditches/streams running adjacent to, and in proximity to the site, would eventually drain to other surrounding surface water bodies, which may eventually drain to the Clew Bay Complex SAC. As such, potential impact mechanisms include those from surface water pollution from construction works (silt/ hydrocarbon/ construction related), resulting in a deterioration of water quality. At operational stage, the outfall from the wastewater treatment system could impact on surface water bodies, as could additional contaminated surface water runoff from the additional hard standing areas.

With reference to EPA mapping, the site sits above the same groundwater body (Clifden Castlebar GWB) as the Clew Bay SAC. It is noted that the wastewater outfall is to the surface water drainage ditch and not to ground in this instance due to the poor percolation characteristics within the peat sols within the appeal site. Therefore, groundwater is not considered to be at risk from the development proposals.

There is no evidence on file that the appeal site nor the drainage ditches/streams running along the site support populations of Otters or the Common Seal, both listed as qualifying species of the Clew Bay Complex SAC, Therefore, any potentially significant *ex-situ* impacts on species associated with the Clew Bay SAC can be ruled out.

There are no other readily apparent impact mechanisms that could arise as a result of this project.

**European Sites at risk**

Table 1 European Sites at risk from impacts of the proposed project

| **Effect mechanism** | **Impact pathway/Zone of influence** | **European Site(s)** | **Qualifying interest features at risk** |
|---|---|---|---|
| Indirect surface water pollution | Drainage ditches/streams which may eventually drain to the Clew Bay Complex SAC via surrounding surface water bodies. | Clew Bay Complex SAC (site code 001482). | Mudflats and sandflats<br>Annual vegetation of drift lines.<br>Perennial vegetation of story banks.<br>Entoyonic shifting dunes.<br>Atlantic salt meadows.<br>Shifting dunes along the shore line.<br>Large shallow inlets and bays (1160),<br>Otter (1355),<br>Common Seal (1365) |

Clew Bay Complex SAC.

With reference to the relevant Site Synopsis document on the NPWS website, Clew Bay is a wide, west-facing bay on the west coast of Co. Mayo. It is open to the westerly swells and winds from the Atlantic, with Clare Island giving only a small amount of protection. This drumlin landscape was formed during the last glacial period when sediments were laid down and smoothed over by advancing ice. The sea has subsequently inundated the area, creating a multitude of islands. The geomorphology of the bay has resulted in a complex series of interlocking bays creating a wide variety of marine and terrestrial habitats. (www.npws,ie)

**Step 4: Likely significant effects on the European site(s) 'alone'**

**Table 2: Could the project undermine the conservation objectives 'alone'**

| European Site and qualifying feature | Conservation objective (summary) [2] | Could the conservation objectives be undermined (Y/N)? | |
|---|---|---|---|
| | | Indirect surface water pollution | Indirect groundwater pollution |
| **Clew Bay Complex SAC** | | | |
| 1140 Mudflats and sandflats not covered by seawater at low tide which is defined by the following list of attributes and targets: | To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in the Clew Bay Complex SAC. | Yes. see discussion below. | No. see discussion below. |

[2] Full versions are available at https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO001482.pdf (for the Clew Bay Complex SAC)

| | | | |
|---|---|---|---|
| Annual vegetation of drift lines. | To maintain the favourable conservation condition of Annual vegetation of drift lines in the Clew Bay Complex SAC. | Yes. See discussion below. | No. see discussion below . |
| Perennial vegetation of story banks | To retore the favourable conservation condition of Perennial vegetation of story banks in the Clew Bay Complex SAC | No. See discussion below | No. see discussion below |
| 1355 Otter | To restore the favourable conservation condition of the Otter in the Clew Bay Complex SAC | Yes. See discussion below | No. see discussion below |
| Entoyonic shifting dunes | To maintain the favourable conservation condition of Entoyonic shifting dunes in the Clew Bay Complex SAC | No. See discussion below | No. See discussion below |
| Atlantic salt meadows | To maintain the favourable conservation condition of Atlantic | No. See discussion below | No. See discussion below |

| | | | |
|---|---|---|---|
| | salt meadows in the Clew Bay Complex SAC | | |
| Shifting dunes along the shoreline with Ammophila Arenara. | To restore the favourable conservation condition of Shifting dunes along the shoreline with Ammophila Arenara. in the Clew Bay Complex SAC. | Yes. see discussion below. | No. see discussion below. |
| Large Shallow Inlets and Bays | To maintain the favourable conservation condition of Large Shallow Inlets and Bays<br>in the Clew Bay Complex SAC, | Yes. see discussion below. | No. see discussion below. |
| Common Seal | To maintain the favourable conservation condition of the Common Seal in the Clew Bay Complex SAC. | Yes. see discussion below. | No. see discussion below. |

In relation to surface water quality, I would note that the proposed school extension will be developed in close proximity to the drainage ditch to the west of the site. However, at construction stage, standard best practice construction measures will not be sufficient to prevent the possibility of silt, sediment, soils, concrete,

hydrocarbons and other construction pollutants entering this drainage ditch given close proximity to the site and the fall in levels from the appeal site down into the drainage ditch and in the absence of appropriate mitigation measures. Notwithstanding the seven kilometre hydrological separation distance between the appeal site and the Clew Bay Complex SAC, the hydrological link represents a potential indirect hydrological/ecological connection**,** and therefore, it is considered that in the absence of mitigation measures that there is potential to adversely impact upon water quality within Clew Bay SAC and potentially significantly impact its conservation objective, to maintain or restore the favourable conservation status of habitats and species within the Clew Bay Complex SAC.

At operational stage, effluent generated on site will be treated to a high standard within the site-specific wastewater treatment system, polishing filter and distribution area. Subsequent to the on-site treatment, it is proposed to outfall to the Owenwee watercourse via a sewer line to be laid in the public road. This foul water discharge would be subject to a Section 4 discharge licence, a process that is managed by the EPA. In this manner I am satisfied that water quality within the Clew Bay Complex SAC will be protected from foul water pollution.

Storm water from hardstanding outside of the school are and will be directed to the existing drain along the western site boundary. However, the applicants are proposing to install an attenuation tank on site whereby storm water generated on site will be retained and released to the adjoining drainage ditch by means of a hydrobrake and also the waters will pass through a hydrocarbon interceptor to ensure carbons do not enter the channel. Notwithstanding the inclusion of these control measures, it is considered that there remains potential to adversely impact water quality and disturbance and /or displacement of protected species within the Clew Bay SAC, namely the Otter and the Common Seal. The detailed design of this storm water system will be designed to the satisfaction of the Planning Authority and this drainage system will be designed so as to prevent contaminated storm water entering this drain. As such, potential for significant impacts on water quality within the Clew Bay Complex SAC exist, resulting from contaminated surface water run-off is possible.

In relation to potential groundwater impacts, I would note that the proposal would not require significant excavations, save for limited groundworks associated with the construction of the school extension and the installation of the wastewater treatment system and percolation area. I consider that best practice construction measures will serve to protect groundwater. Even if these measures should fail, this indirect hydrological link via groundwater represents a weak ecological connection, given the distance to the River Clew Bay Complex SAC (which is seven kilometres hydrologically removed from the site at the closest point). As such any pollutants from the site that should enter groundwater during the construction stage, via spillages onto the overlying soils, or via spillages into the surrounding drains, will be subject to dilution and dispersion within the groundwater body, rendering any significant impacts on water quality within the Clew Bay Complex SAC unlikely.

At operational stage, and as per the discussion of surface water impacts, the attenuation tank is required to be designed to retain any storm /surface waters and be released gradually t the adjoining drain after they have passed through a hydrocarbon filter and a hydrobrake in accordance with best practice SuDS practice, and in this manner groundwater quality will be protected.

I would note that the best practice measures that would be adhered to at construction stage, and the relevant regulations and standard conditions that will be required to be adhered to at operational stage, are not mitigation measures intended to reduce or avoid any harmful effect on any Natura 2000 site and would be employed by any competent operator, notwithstanding any proximity to any Natura 2000 site.

However, the applicants have included a number of site specific mitigation measures in order to protect the surface water within the drainage ditch along the western boundary of the site. These are included in order to protect the water quality of the adjacent drainage ditch along the western site boundary which outfalls to the nearby Owenwee river channel which ultimately outfalls to the Clew Bay Complex SAC, 7 kilometres downstream of the site.

Having regard to the discussion above, I conclude that the proposed development would have potential to significantly impact upon some of the water effect ‘alone’ on

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|---|
| water dependent habitats and species identified as qualifying features of the Clew Bay Complex SAC |
| **Likely significant effects on the European site(s) 'in-combination with other plans and projects'**<br><br>There is no evidence on file of any plans or projects that are proposed or permitted that could impact in combination with the proposed development and as such no in-combination issues arise.<br><br>I conclude, therefore, that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European sites. No further assessment is required for the project. |
| **Overall Conclusion- Screening Determination**<br><br>I conclude that the proposed school extension development would potentially have a likely significant effect 'alone' on the water dependent habitats and species associated with the Clew Bay Complex SAC from effects associated with the construction activities and the outfall of the wastewater treatment system to the adjoining surface water drainage system. An appropriate assessment is required on the basis of the effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at this time.<br><br>It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is required on the basis of the effects of the project 'alone'. |

### 7.6 Natura Impact Statement

7.6.1 The application documentation included a Natura Impact Statement (NIS) for the proposed residential development located south-east of and within the designated settlement boundary of Kinvara. The NIS examines and assesses any potential for adverse effects arising from the proposed development on the Clew Bay Complex SAC. Section 4 of the NIS outlines the characteristics of the Clew Bay Complex SAC. Section 5 sets out the potential impacts arising from the construction and operational phases of the development on the European sites. In combination effects are examined within Section 5.3 and it is concluded that significant in combination effects of the proposed project with other projects and plans are not likely and details of mitigation/control measures that would be incorporated as part of a Construction Management Plan are set out within Section 6.

7.6.2 The NIS concludes that; in although potentially significant adverse effects were identified, that with the range of mitigation and avoidance measures proposed to negate them, that it can be concluded beyond any reasonable scientific doubt, that the proposed development will not have any significant adverse effects on the Clew Bay Complex SAC or any European sites.

**Appropriate Assessment of implications of the proposed development on the European Site**

7.6.3 The following is an assessment of the implications of the project on the qualifying interest features of the Clew Bay Complex SAC using the best scientific knowledge in the field as 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 considered and assessed.

7.6.4 A number of Qualifying Interests (QI's) within the Clew Bay Complex SAC have been removed from further assessment as the potential for significant effects on these particular QI's has been ruled out due largely to the absence of hydrological pathways between the appeal site and these particular QI's and the separation distance between the appeal site and a number of the particular qualifying interests.

7.6.5 A description of the SAC and Conservation Objectives and Qualifying Interests (www.npws.ie), are set out in the screening assessment above, and repeated in Table 2 of the AA.

7.6.6 The following is an assessment of the implications of the project on the qualifying interest features of the Clew Bay Complex SAC, using the best scientific knowledge in the field. 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 considered and assessed.

7.6.7 I have relied on the following guidance as part of this assessment:

- Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009).
- Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC, EC (2002).
- Guidelines on the implementation of the Birds and Habitats Directives in Estuaries and coastal zones, EC (2011).
- Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

7.6.8 A description of the designated sites, their Conservation Objectives and Qualifying Interests, including any relevant attributes and targets, are set out in the screening assessment above and repeated in Table 2 of the Appropriate Assessment, and outlined above as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website (www.npws.ie).

**Potential Impacts on identified European Sites**

Table 2

Site 1:

**Name of European Site, Designation, site code:** Clew Bay Complex SAC (Site code 001482)

Summary of Key issues that could give rise to adverse effects:

- Water Quality and water dependant habitats
- Habitat degradation/loss
- Disturbance of QI species

Conservation Objective**:** To maintain or restore the favourable conservation status of habitats and species within the Clew Bay Complex SAC.

| | | **Summary of Appropriate Assessment** | | | |
|---|---|---|---|---|---|
| **Qualifying Interest feature** | **Conservation Objectives**<br>**Targets and attributes** | **Potential adverse effects** | **Mitigation measures** | **In-combination effects** | **Can adverse effects on integrity be excluded?** |
| Mudflats and sandflats not covered by sea water at low tide. | To maintain the favourable conservation condition of mudflats and sandflats not covered by seawater at low tide in the Clew Bay SAC. | Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channels | Silt fencing and geo textile membrane will be used to contain sediment, soils and construction materials emanating from surface water. | No significant in-combination adverse effects | Yes |

| | | | | | |
|---|---|---|---|---|---|
| | | and/or groundwater arising from construction activities on site and potentially adversely impacting upon protected habitat | Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods. An Ecological clerk of works will be employed to supervise on site drainage works and headwall installation. | | |

| | | | | | |
|---|---|---|---|---|---|
| Annual vegetation of drift lines | To maintain the favourable conservation status of Annual vegetation of drift lines in the Clew Bay SAC. | Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channels and/or groundwater arising from construction activities on site and potentially adversely impacting upon protected habitat. | Silt fencing and geo textile membrane will be used to contain sediment, soils and construction materials emanating from surface water. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control measures. | No significant in-combination adverse effects | Yes |

| | | | | | |
|---|---|---|---|---|---|
| | | | Cement pouring to occur during dry weather periods. An Ecological clerk of works will be employed to supervise on site drainage works and headwall installation. | | |
| Perennial vegetation of story banks | To restore the favourable conservation conditions of Perennial vegetation of story banks in the Clew Bay SAC. | Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channels and/or groundwater arising from construction activities on | Silt fencing and geo textile membrane will be used to contain sediment, soils and construction materials emanating from surface water. Storage and handling of harmful materials including | No significant in-combination adverse effects | Yes |

| | | | | | |
|---|---|---|---|---|---|
| | | site and potentially adversely impacting upon protected habitat | hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods. An Ecological clerk of works will be employed to supervise on site drainage works and headwall installation. | | |
| Entoyonic shifting dunes | To maintain the favourable conservation | Deterioration in water quality arising from | Silt fencing and geo textile membrane | No significant in-combination | Yes |

| | | | | | |
|---|---|---|---|---|---|
| | status of Entoyonic shifting dunes in the Clew Bay SAC. | sedimentation and release of hydrocarbons and cement to surface water channels and/or groundwater arising from construction activities on site and potentially adversely impacting upon protected habitat. | will be used to contain sediment, soils and construction materials emanating from surface water. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods. An Ecological | adverse effects | |

| | | | | | |
|---|---|---|---|---|---|
| | | | clerk of works will be employed to supervise on site drainage works and headwall installation. | | |
| Atlantic salt meadows | To maintain the favourable conservation condition of Atlantic salt meadows in the Clew Bay SAC. | Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channels and/or groundwater arising from construction activities on site and potentially adversely impacting upon | Silt fencing and geo textile membrane will be used to contain sediment, soils and construction materials emanating from surface water. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction will be | No significant in-combination adverse effects | Yes |

| | | | | | |
|---|---|---|---|---|---|
| | | protected habitat**.** | carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods. An Ecological clerk of works will be employed to supervise on site drainage works and headwall installation. | | |
| Shifting dunes along the shoreline with Ammophila Arenaria. | To restore the favourable conservation condition of Shifting dunes along the shoreline with Ammophila Arenaria. in | Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface | Silt fencing and geo textile membrane will be used to contain sediment, soils and construction materials emanating | No significant in-combination adverse effects | Yes |

| | | | | | |
|---|---|---|---|---|---|
| | the Clew Bay SAC. | water channels and/or groundwater arising from construction activities on site and potentially resulting in habitat degradation or loss. | from surface water. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods. An Ecological clerk of works will be employed to supervise on site drainage works and | | |

| | | | | | |
|---|---|---|---|---|---|
| | | | headwall installation. | | |
| Large shallow inlets and Bays | To maintain the favourable conservation condition Large shallow inlets and Bays in the Clew Bay SAC. | Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channels and/or groundwater arising from construction activities on site and potentially resulting in habitat degradation or loss. | Silt fencing and geo textile membrane will be used to contain sediment, soils and construction materials emanating from surface water. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control | No significant in-combination adverse effects | Yes |

| | | | | | |
|---|---|---|---|---|---|
| | | | measures. Cement pouring to occur during dry weather periods. An Ecological clerk of works will be employed to supervise on site drainage works and headwall installation. | | |
| Common Seal | To maintain the favourable conservation condition of the Common Seal in the Clew Bay SAC. | Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channels from construction activities on site and | Silt fencing and geo textile membrane will be used to contain sediment, soils and construction materials emanating from surface water. Storage and handling of harmful materials | No significant in-combination adverse effects | Yes |

| | | | | | |
|---|---|---|---|---|---|
| | | potentially adversely impacting upon protected species. | including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods. An Ecological clerk of works will be employed to supervise on site drainage works and headwall installation. | | |
| Otter | To restore the favourable | Deterioration in water quality | Silt fencing and geo textile | No significant in- | Yes |

| | | | | | |
|---|---|---|---|---|---|
| | conservation condition of the Otter in the Clew Bay SAC. | arising from sedimentation and release of hydrocarbons to surface water channels and/or groundwater arising from construction activities on site and potentially adversely impacting upon protected species | membrane will be used to contain sediment, soils and construction materials emanating from surface water. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods. An | combination adverse effects | |

| | | | | | |
|---|---|---|---|---|---|
| | | | Ecological clerk of works will be employed to supervise on site drainage works and headwall installation. | | |

**Overall conclusion: Integrity test**

Following the implementation of the mitigation measures, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.

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7.6.9 Following the Appropriate Assessment and the consideration of mitigation measures, I can ascertain with confidence that the project would not adversely affect the integrity of the Clew Bay Complex SAC, in view of the Conservation Objectives of this site. This conclusion has been based on a complete assessment of the implications of the project alone, and in combination with plans and projects.

7.6.10 I consider that any siltation, sediment or hydrocarbons that would enter Clew Bay, that these adverse impacts would be mitigated through the use of the best practice environmental control measures, including the installation of the hydrocarbon interceptor, the use of silt fencing, the geo textile membrane and from the supervision by the Ecological clerk of works during the site drainage works and headwall construction phases of the development. I am also satisfied that any surface water that may leave the site would be diluted sufficiently before they would reach the nearest boundary of the Clew Bay SAC, seven kilometres downstream. Therefore, I am satisfied that as a result of the implementation of these control measures that the impacts would be lessened and would not be so adverse as to cause undue risk to the protected habitats and species associated with this

European site. Therefore, I do not consider it appropriate to assess the potential impacts upon the SAC any further as part of this exercise.

**Appropriate Assessment Conclusion**

7.6.11 Having carried out screening for Appropriate Assessment of the project, it was concluded that in the absence of mitigation measures to prevent construction related pollutants reaching Clew Bay, it may have adverse effects on the Clew Bay Complex SAC. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the European site, in light of its conservation objectives.

7.6.12 Following the Appropriate Assessment and the consideration of mitigation measures, I can ascertain with confidence that the project would not adversely affect the integrity of the Clew Bay Complex European site, in view of the sites' Conservation Objectives. This conclusion has been based on a complete assessment of all implications of the project alone, and in combination with other pans and projects.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of the aforementioned designated sites.
- Detailed assessment of in-combination effects with other plans and projects including historical projects, current proposals, and future plans.
- No reasonable scientific doubt as to the potential for likely adverse effects on the integrity of the Clew Bay Complex SAC.