



An
Bord
Pleanála

Inspector's Report ABP-321955-25

Development	RETENTION: Removal of hedgerow and construction of concrete railing (previously granted under P09/672).
Location	Mullauns, Ballina, Co. Mayo.
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	24504
Applicant(s)	Margaret Harte
Type of Application	Retention permission
Planning Authority Decision	Grant permission with conditions
Type of Appeal	Third Party
Appellant(s)	Michael Hunter
Date of Site Inspection	15 th May 2025
Inspector	Sarah O'Mahony

1.0 Site Location and Description

- 1.1. The 0.35ha site comprises a detached single storey dwelling situated 2km southeast of Ballina. It is situated at the junction of the L5116 Mullauns/Shanaghy Heights local road and a tertiary cul-de-sac which serves a small number of residential and agricultural properties. The cul-de-sac is referred to as a private road throughout the application documents.
- 1.2. The River Moy is situated 2km southwest of the site while the River Brusna is 250m to the north. The two rivers are part of the one River Moy Special Area of Conservation. There is a stream/drain situated alongside the northern side of the cul-de-sac which, through a series of tributaries, connects to the Brusna 375m downstream to the north.
- 1.3. The wider area is characterised by low density rural dwellings, agricultural land and a high concentration of local roads, cul-de-sacs, streams and drainage ditches.

2.0 Proposed Development

- 2.1. Retention permission is sought for development which comprises the following:
 - Retain the removal of 53m of previously existing hedgerow situated alongside the cul-de-sac and forming the northwest boundary of the domestic property comprising a 45m length and an 8m length either side of the previously permitted vehicular entrance, and
 - Retain its replacement with a concrete post and rail fence as is currently in situ and as previously granted under P09/672.

3.0 Planning Authority Decision

3.1. Decision

- 3.2. A notification to grant retention permission was issued by Mayo County Council on 31st January 2025 subject to 3no. conditions as follows:

1. The proposed development shall be as shown on the site layout plan, plans and elevations submitted to Mayo County council on December 2nd, 2024 except where amended by the conditions attached hereunder.

Reason: Proper planning and development.

2. No planting shall take place along the site's western boundary (adjoining the private road).

Reason: In the interests of traffic safety.

3. All other relevant conditions of grant of permission P09/672 shall continue to apply.

Reason: Proper planning and development.

3.3. Planning Authority Reports

3.3.1. Planning Reports

- The Planners report recommendation to refuse permission is consistent with the notification of decision which issued.
- Appropriate Assessment (AA) and Environmental Impact Assessment (EIA) issues are both screened out.
- The assessment section of the Planner's report reads as follows:
'Notwithstanding the fact that the boundary treatment is at variance from that previously permitted under 09/672, each planning application must be assessed on its own individual merits. Given that the proposal is satisfactory from a road safety viewpoint, I have no concerns with the development as presented.'

3.3.2. Other Technical Reports

- Two reports are on the file from the Municipal District Report, both dated the same day. Both outline no objection to the proposal with one simply providing one condition and the other stating the same condition as well as providing a narrative including the following *'The proposed fence to be retained is located within the road edge "clear zone". Considering the design speed of this specific private cul de sac, the requirement for a clear zone is not essential. The access gate arrangement also facilitates passing traffic.'*

3.4. Prescribed Bodies

The application was not referred to any prescribed bodies.

3.5. Third Party Observations

One observation was received from Michael Hunter on behalf of Eileen Hunter and raised the following concerns:

- Retention of the boundary would contravene condition no. 6 of the parent permission ref. 09/672 in terms of both the alignment and type of boundary. The permitted arrangement provided for an increased set back from the cul-de-sac.
- The current arrangement restricts larger vehicular access such as for agricultural and emergency vehicles and represents a traffic hazard for vehicular movements between the cul-de-sac and L5116.
- The layout does not comply with section 7.6 of the Development Management Standards, volume 2 of the CDP as there is a requirement to provide a hard shoulder in this location.
- The concrete post and rail type fence does not comply with the Rural House Design Guidelines set out in section 2.6 of Volume 2 of the CDP which encourages dry stone walls with native hedgerow planting.
- The proposal sets a poor precedent resulting in hazardous traffic conditions, with restricted access, a lack of visual screening and lack of biodiversity gain.

4.0 Planning History

- 09/762: Planning permission granted to Margaret Harte and Stephen Clarke to construct a dwelling house, septic tank, proprietary effluent treatment unit and percolation area. The following conditions are noted:

6. The existing fence at the front (roadside) of the site shall be removed as per site layout received by Mayo County Council on 23/12/09. The new wall shall be re-constructed of stone from the wall to be removed/local stone and shall be at least 4.5m (14 ft.) from the nearer edge of the adjoining tarred carriageway and the area between the new wall line and the carriageway shall

be excavated out, filled up, levelled and made suitable for parking motor vehicles. Surface of lay by shall be of a bound material to prevent carriage of debris onto the public road. Roadside drainage shall be maintained at all times. The new front boundary fence/wall shall not exceed 1.2m. The hedgerows shall be reinstated with a new front boundary (using the same species of hedgerows which are to be removed) along the new set back as agreed with the Ballina Area Engineer.

Reason: In the interests of traffic safety and to provide parking spaces for vehicles associated with the house.

7. The vehicular entrance gate to the site shall be located as shown on the site layout plans submitted to Mayo County council on 23/12/09. Gates shall open inwards only.

Reason: To reduce traffic hazard.

18. All existing trees / hedgerows shall be retained on site. Additional screen planting of native deciduous trees and shrubs shall be planted along all site boundaries save at the entrance where adequate sight visibility shall be retained. Such planting shall be carried out in the first planting season following commencement of development and shall be maintained. Any unsuccessful or damaged specimens shall be replaced.

Reason: In the interests of residential amenity.

- Exempt Development Application ref. 317541-23. Clearance of a hedgerow/trees within or bounding the curtilage of a house and the construction of a post and timber fence under 1.2 metres in height (with some post exceeding 1.2 metres by circa 0.047 metres) within or bounding the curtilage of a house and adjacent to a non-public road at Townland of Mullauns, Ballina, County Mayo is development and is not development. As it contravenes condition no. 18 attached to planning permission P09/672.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is governed by the policies and provisions contained in the Mayo County Development Plan 2022-2028 (referred to hereafter as the CDP).
- 5.1.2. Section 2.6 of the Development Management Guidelines, which are set out in Volume 2 of the CDP, refer to landscaping and boundary treatments for rural dwellings. It states:
- Boundary design and detailing should reflect local rural traditions with the use of traditional dry-stone wall construction, indigenous hedging and timber fencing back planted with indigenous hedging considered appropriate in the rural setting.
 - Hedgerows should be retained and reinforced and only removed where absolutely necessary for the achievement of required sightlines ensuring safe entry and exit to a site. In the event that the removal of tree(s) is deemed to be necessary, it will be conditional on replacement with appropriate species and at a ratio of at least two replacement trees for each single tree removed.
- 5.1.3. It also states that boundary treatment and landscaping proposals for single houses in the countryside shall be in accordance with the Design Guidelines for Rural Housing which provides guidance in relation to the entrance and boundary set backs of rural dwellings such as materials and finishes. It does not provide guidance about new boundaries beyond replanting hedgerows which have to be removed.
- 5.1.4. Objective NEO 4 seeks to protect and enhance biodiversity and ecological connectivity in County Mayo, including woodlands, trees, hedgerows, semi-natural grasslands, rivers, streams, natural springs, wetlands, stonewalls, geological and geo-morphological systems, other landscape features and associated wildlife, where these form part of the ecological network.

5.2. National Biodiversity Action Plan (NBAP) 2023-2030

- 5.2.1. The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Board, as a public

body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Board. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

5.3. Natural Heritage Designations

The River Moy Special Area of Conservation is situated 215m north of the site.

5.4. EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

6.0 The Appeal

6.1. Grounds of Appeal

One appeal is received from Michael Hunter which raised the following points:

- The fence is restricting access for larger vehicles and thereby impinging on the livelihood and financial viability of the appellants farm. The appeal states that delivery vehicles can no longer access the cul-de-sac. It also submits that the current arrangement also precludes access for emergency vehicles.
- The boundary does not comply with vehicular access visibility requirements of section 7.6 of the development management standards, set out in volume 2 of the CDP.

- The boundary restricts vehicles from passing freely onto the public road and there is a clear need for a hard shoulder or passing bay to be provided along the public and private roads.
- The concrete post and rail fence does not comply with local design guidance.
- The proposal sets an undesirable precedent due to increased traffic hazard, loss of visual screening and lack of biodiversity gain.
- The development contravenes condition no. 6 of the parent permission and therefore retaining the boundary would contravene Section 35 of the Planning and Development Act 2000 (as amended).
- No proper planning assessment is made in the Case Planners report. The development contravenes rural design guidelines and objective NEO 4 of the CDP which seeks to protect and enhance biodiversity and ecological connectivity.
- Autotracking analysis submitted with the appeal demonstrates how the fence impinges on manoeuvrability and encroaches onto the public road and right of way.

6.2. Applicant Response

- No response received.

6.3. Planning Authority Response

- No response received.

7.0 Assessment

7.1. Introduction

- 7.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report(s) of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Planning Assessment and Precedent

- Condition no. 6
- Traffic hazard
- Encroachment

7.2. Planning Assessment and Precedent

- 7.2.1. The appeal submits that the Case Planners assessment is inadequate as it did not discuss compliance with the CDP and specific matters such as compliance with rural design guidance and objective NEO 4 which relates to biodiversity measures.
- 7.2.2. Volume 2 of the CDP sets out development management standards and guidance and section 2.6 therein refers to boundary treatments for dwellings in the rural area. It specifies that hedgerows should be retained and reinforced, and they should only be removed where absolutely necessary to achieve sightlines. No justification or rationale for removing the hedgerow has been submitted with this application. Section 2.6 requires compensatory habitat to be established at a ratio of at least two replacement trees for each tree removed. This has not been provided. Lastly, it states that the design of entrances shall be in keeping with its rural setting. This is clarified elsewhere as ‘traditional dry-stone wall construction, indigenous hedging and timber fencing back planted with indigenous hedging’. The new boundary is a timber effect concrete fence which has an agrarian character to it but ultimately it does not comply with the outlined requirements. Section 2.0 of the Rural Housing Design Guidelines provides similar guidance to retain and enhance natural hedgerows.
- 7.2.3. Objective NEO 4 seeks to protect and enhance biodiversity and ecological connectivity including trees and hedgerows where these form part of the ecological network. In my opinion the 53m of hedgerow formed part of an ecological network by providing a pathway and habitat for local biodiversity. Removing the hedgerow contravenes this objective and would set an unwelcome precedent for removal of hedgerows.
- 7.2.4. Further, Objective 3c of the National Biodiversity Action Plan (NBAP) 2023-2030 sets an outcome that planning and development will facilitate and secure biodiversity’s contributions to people including moving towards no net loss of biodiversity. Retention of the development would not comply with this objective.

7.2.5. I therefore recommend that planning permission is refused due to non-compliance with the CDP and NBAP.

7.3. Condition no. 6

7.3.1. The appellant submits that the proposed development would contravene condition no. 6 of the parent permission, ref. 09/672 which reads as follows:

6. The existing fence at the front (roadside) of the site shall be removed as per site layout received by Mayo County Council on 23/12/09. The new wall shall be re-constructed of stone from the wall to be removed/local stone and shall be at least 4.5m (14 ft.) from the nearer edge of the adjoining tarred carriageway and the area between the new wall line and the carriageway shall be excavated out, filled up, levelled and made suitable for parking motor vehicles. Surface of lay by shall be of a bound material to prevent carriage of debris onto the public road. Roadside drainage shall be maintained at all times. The new front boundary fence/wall shall not exceed 1.2m. The hedgerows shall be reinstated with a new front boundary (using the same species of hedgerows which are to be removed) along the new set back as agreed with the Ballina Area Engineer.

Reason: In the interests of traffic safety and to provide parking spaces for vehicles associated with the house.

7.3.2. The application however specifically seeks retention permission to alter the boundary as permitted under ref. 09/672. The development description as advertised reads as follows:

“The development will consist of retention of removal of hedgerow along side road and construction of new concrete railing in its place, previously granted under P09/672”

7.3.3. I have also had regard to the exempt development declaration issued under ref. 317541-23 which declared the works are development and are not exempted development due to non-compliance with condition no. 18 which is outlined previously in this report and requires retention of existing hedgerows on the site.

7.3.4. In this context I acknowledge that the development as it currently stands does not comply with the conditions attached to the grant of permission however, this

application seeks to regularise that matter. I consider it would be inappropriate to refuse permission simply because the development contravenes a condition attached the parent permission, when the application clearly seeks regularise and amend the matter.

- 7.3.5. The appeal goes on to state that permitting development would contravene Section 35 of the Planning and Development Act 2000 (as amended). This section of the act provides powers to a Planning Authority to refuse planning permission due to past failures to comply and where *there is a real and substantial risk that the development in respect of which permission is sought would not be completed in accordance with such permission if granted or with a condition to which such permission if granted would be subject*. I am of the opinion there is little risk that the development would not be completed as no further works are proposed or sought. Further, in the event any modifications were imposed by conditions attached to a grant of permission, I do not foresee any real or substantial risks that such conditions would not be complied with due to the overall minor and domestic scale of the development. In this regard it is my view that Section 35 is irrelevant in this case.

7.4. Traffic Hazard

- 7.4.1. The appeal suggests that the current boundary is a traffic hazard as it prevents larger vehicles entering the cul-de-sac and requires alternative and more dangerous manoeuvres. Autotracking received with the appeal illustrates how larger vehicles require a wider turning radius than just the surfaced carriageway of the cul-de-sac to enter and exit the junction between it and the L5116. The appeal submits that accessibility was achievable for wider and larger vehicles prior to erection of the fence and that the fence now restricts access, impacting on the operational ability of the appellants farming activities.
- 7.4.2. The fence has been erected outside of the road carriageway and within the adjacent soft verge. In this regard the existing carriageway has not been obstructed or reduced in width as a result of the development and therefore it is not clear how the development impacts accessibility for larger vehicles.
- 7.4.3. I note the Municipal District Engineer's report which outlines no objection to retaining the fence, subject to retaining appropriate visibility. With regard to this report and the

location of the fence outside of the road carriageway, I do not agree that the fence constitutes a traffic hazard.

7.5. Encroachment

- 7.5.1. The appeal refers to a topographical survey illustrating how the new fence encroaches on the L5116 and a right of way on the cul-de-sac. The topographical survey is referenced as Appendix E to the appeal however no such document was received. The right of way is not illustrated on the application drawings received with this subject application or on the drawings relating to the original parent permission.
- 7.5.2. Article 22 (2)(b) of the Planning and Development Regulations 2001 (as amended) requires all planning applications to be accompanied by a site location map marked clearly so as to identify a number of items including (i) the land or structure to which the application relates and the boundaries thereof in red and (iii) any wayleaves in yellow. The regulations do not expressly state if the map should illustrate wayleaves on the site, adjacent to the site or in the vicinity and in this regard I do not consider it would be appropriate to refuse permission on the basis of non-compliance with the regulations.
- 7.5.3. The carriageway of the private roadway itself has not been obstructed and therefore I consider that obstruction of a private right of way is a civil matter between the two affected parties.

8.0 AA Screening

- 8.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the River Moy SAC, Killala Bay/Moy Estuary SPA and Killala Bay/Moy Estuary SAC. in view of the conservation objectives of this/ these sites and is therefore excluded from further consideration. Appropriate Assessment is not required. This determination is based on:

- The minor and domestic nature of the works.

- The 375m separation from the River Moy SAC.

9.0 Recommendation

I recommend that retention and planning permission is REFUSED in accordance with the reasons set out below:

1. Objective NEO 4 of the Mayo County Development Plan 2022-2028 seeks to protect and enhance biodiversity and ecological connectivity in County Mayo. Objective 3c of the National Biodiversity Action Plan 2023-2030 seeks no net loss of biodiversity. Removal of 53m of native hedgerow and retaining its replacement with a concrete post and rail fence does not comply with objectives NEO 4 or Objective 3c. Further, the post and rail fence does not comply with the design guidance set out in Section 2.6 of the Development Management Guidelines contained in Volume 2 of the Mayo County Development Plan 2022-2028. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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.

Sarah O'Mahony
Planning Inspector

21st May 2025

Form 1 - EIA Pre-Screening

Case Reference	321955-25
Proposed Development Summary	Retain concrete post and rail boundary fence between domestic property and cul-de-sac in lieu of previous hedgerow.
Development Address	Mullauns, Ballina, Co. Mayo
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

<p>type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	<p>State the Class and state the relevant threshold</p>
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>State the Class and state the relevant threshold</p>

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____

Date: _____

**Screening for Appropriate Assessment
Test for likely significant effects**

Step 1: Description of the project and local site characteristics

Brief description of project	Retain removal of 53m of hedgerow and trees and retain erection of concrete post and rail fence.
Brief description of development site characteristics and potential impact mechanisms	The 0.35h site comprises a detached dwelling accessed from a shared private road. The boundary in question is situated adjacent the road on the southern side. There is a stream/drain situated on the northern side which is culverted under the adjacent L5116 and which ultimately, through a series of tributaries, joins the River Brusna 375m downstream.
Screening report	No. Mayo County Council screened out the need for AA.
Natura Impact Statement	N
Relevant submissions	None

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections²	Consider further in screening³ Y/N
River Moy SAC 002298	Grassland, bog, fen and woodland habitats. Crayfish, lamprey, salmon and otter. ConservationObjectives.rdl	210m to the northeast or 375m downstream	No direct connection. Possible indirect	Y
Killala Bay/Moy Estuary SAC 00458	Tidal wetland habitats, cliffs, sand dunes, salt meadows Whorl snail, lamprey and seal. Site specific cons obj	2.km northwest	No direct connection. Weak indirect surface water connection	Y
Killala Bay/Moy Estuary SPA 004036	Plover, sanderling, dunlin, godwit, curlew, redshank and 'wetland and waterbirds'. ConservationObjectives.rdl	3.84km to northwest	No direct connection. Weak indirect surface water connection	Y

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p>Site 1: River Moy SAC 002298</p> <ul style="list-style-type: none"> • 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 <i>Rhynchosporion</i> [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, <i>Salicion albae</i>) [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] 	<p>Direct: None</p> <p>Indirect: Localised, temporary, low magnitude negative impacts from dust and sedimentation on surface water/water quality due to removal of vegetation and construction related emissions.</p>	<p>The minor and localised scale of the works together with the downstream separation distance of 375m to the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the SCI listed.</p> <p>Conservation objectives would not be undermined.</p>
Likelihood of significant effects from proposed development (alone):	No	
If No, is there likelihood of significant effects occurring in combination with other plans or projects?	No	
Possibility of significant effects (alone) in view of the conservation objectives of the site*	No	
	Impacts	Effects
<p>Site 2: Killala Bay/Moy Estuary SAC 00458</p> <ul style="list-style-type: none"> • Estuaries [1130] 	<p>Direct: None</p> <p>Indirect:</p>	<p>The minor and localised scale of the works together with the separation distance of over 3.8km and partial upstream location of the</p>

<ul style="list-style-type: none"> • 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 (<i>Glaucopuccinellietalia maritima</i>) [1330] • Embryonic shifting dunes [2110] • Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] • Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] • Humid dune slacks [2190] • <i>Vertigo angustior</i> (Narrow-mouthed Whorl Snail) [1014] • <i>Petromyzon marinus</i> (Sea Lamprey) [1095] • <i>Phoca vitulina</i> (Harbour Seal) [1365] 	<p>Localised, temporary, low magnitude negative impacts from dust and sedimentation on surface water/water quality due to removal of vegetation and construction related emissions.</p>	<p>SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the SCI listed.</p> <p>Conservation objectives would not be undermined.</p>
Likelihood of significant effects from proposed development (alone):	No	
If No, is there likelihood of significant effects occurring in combination with other plans or projects?	No	
Possibility of significant effects (alone) in view of the conservation objectives of the site*	No	
	Impacts	Effects
Site 3: Killala Bay/Moy Estuary SPA (Site code: 004036) <ul style="list-style-type: none"> • Ringed Plover (<i>Charadrius hiaticula</i>) [A137] • Golden Plover (<i>Pluvialis apricaria</i>) [A140] • Grey Plover (<i>Pluvialis squatarola</i>) [A141] • Sanderling (<i>Calidris alba</i>) [A144] • Dunlin (<i>Calidris alpina</i>) [A149] 	<p>Direct: None</p> <p>Indirect: Localised, temporary, low magnitude negative</p>	<p>The minor and localised scale of the works together with the downstream separation distance of over 2km to the SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that</p>

<ul style="list-style-type: none">• Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]• Curlew (<i>Numenius arquata</i>) [A160]• Redshank (<i>Tringa totanus</i>) [A162]• Wetland and Waterbirds [A999]	impacts from dust and sedimentation on surface water/water quality due to removal of vegetation and construction related emissions.	could affect habitat quality within the SPA for the SCI listed. Conservation objectives would not be undermined.
Likelihood of significant effects from proposed development (alone):	No	
If No, is there likelihood of significant effects occurring in combination with other plans or projects?	No	
Possibility of significant effects (alone) in view of the conservation objectives of the site*	No	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
<p>I conclude that the proposed development (alone) would not result in likely significant effects on the River Moy SAC, Killala Bay/Moy Estuary SPA and Killala Bay/Moy Estuary SAC. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.</p> <p>No mitigation measures are required to come to these conclusions.</p>		

Inspector: _____

Date: _____