



An
Coimisiún
Pleanála

Inspector's Report ABP-322394-25

Development	Construction of a new dry storage shed with ancillary works. An NIS was submitted with Clarification of Further Information.
Location	Drumminwonagh, Westport, Co. Mayo.
Planning Authority	Mayo County Council.
Planning Authority Reg. Ref.	24201.
Applicant(s)	E. Cunningham.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party v. Grant.
Appellant(s)	Rita Paine and Luke Paine; and Robert Armstrong.
Observer(s)	None.
Date of Site Inspection	19 th June 2025.
Inspector	C. Daly.

1.0 Site Location and Description

- 1.1. The subject site, which slopes downhill away from the public road, consists of 4 main levels of flat hard standing areas linked by winding sloping internal roads and which leads to a landfill type area at the bottom of the site. On my visit I observed that the upper two flat levels were in use for vehicular parking. The site is at lower level 3 and the next lower level, levels 4 and 5, are used for a mix of storage and processing of construction waste and storage of boats and vehicles with some containers also on the site. Below this is a level where landfill is currently taking place.
- 1.2. The site slopes downhill into a river valley towards the east and there is an absence of screening from the north-east, east and south-east where there are some residences located on the other side of the valley particularly to the south-east with views across the valley to the site. There are cables traversing parts of the site mainly in close proximity to the western and southern boundaries. There are also residences to the west of the site on both sides of the adjacent public road and there is mature tree screening along most of the western site boundary. The site is located in a rural area c.1.5km north-east of the urban edge of Westport town.

2.0 Proposed Development

- 2.1. The proposed development, in summary, consists of the following:
 - Construction of a dry storage shed of 506.1sqm with pitched roof, dark green walls and roof panels and 5 no. large roller doors on the north elevation.

3.0 Planning Authority Decision

3.1. Decision

Mayo County Council initially decided to request further information in relation to 9 items which relate to the footprint of the dry storage shed, an assessment under the Habitats Directive given the proximity to two European sites, a revised site layout plan indicating all structures, hard stands, parking areas on all lands; details of permitted and proposed levels, how the development is a suitable rural enterprise

per Section 5.10 of Volume 2 of the Development Plan, clarify source of water supply, a detailed landscaping plan, details of all external finishes and a site layout plan plotting the effluent treatment arrangements.

Following F.I., the P.A. decided to request clarification of further information in relation to a Stage 2 Appropriate Assessment given mitigation measures proposed in the submitted assessment, a revised site layout plan to depict the hard stand areas for storage of HGV's, LGV's, boats, steel, etc.; a revised site layout plan indicating the permitted layout and how it currently exists; and a planning statement on how the proposal is a suitable rural enterprise per Development Plan policy.

Following C.F.I. which included a Natura Impact Statement (NIS) the applicant was advised of the requirement to re-advertise the application. Subsequently, the P.A. decided to grant permission subject to 10 no. conditions.

Notable conditions include:

- Condition no. 2 requires storage of pyrite materials for processing within the red line area only.
- Condition no. 3 requires all unauthorized land use, storage and activities on the site to be removed prior to commencement of development.
- Condition no. 4 requires no use for agricultural, industrial or any other commercial purposes or conversion for human habitation.
- Condition no. 5 requires facility operating hours and vehicle movements as previously permitted.
- Condition no. 6 requires no off-site drainage on to the road or other properties.
- Condition no. 9 requires all mitigation measures under the NIS to be implemented in full.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial Planner's Report noted permission was granted for the filling of the lands with inert soil for land reclamation and a subsequent permission for land reclamation and associated works to recover construction and demolition waste materials. It

noted that clarity should be sought on the suitability of the location and design and water supply. It noted that the existing land use does not reflect the permission and includes marine storage, HGV's, machinery and shipping containers.

It noted that the dry storage shed may be for the storage of pyrite / mica demolished houses. The report recommended requesting further information in relation to the items listed in Section 3.1 above. An advisory note was included with this in relation to serious concerns in relation to negative cumulative impact on adjoining residents and in relation to the suitability of the proposed development and that the new storage shed should be ancillary to the permitted development.

The second Planner's Report following receipt of F.I. notes that a number of items remain outstanding as noted in Section 3.1 above. It questioned the applicability of EDO 54 to the proposed development.

Following C.F.I. the Planner's Report recommended that given the receipt of an NIS that the applicant be advised of the requirement to re-advertise and the response of the applicant was considered adequate. The report concluded by noting the permitted waste recovery area on the lands and permitted inert soil facility. In this context it considered the shed of such scale to be reasonable. It noted the uses of the site which are not permitted and recommended they be removed and that the land be reinstated to its previous use. It considered the shed to be somewhat ancillary to the permitted uses and that an enclosed structure is most appropriate for processing pyrite effected materials per the Environmental section report.

It noted the scale of the shed to be akin to a typical agricultural type of rural dry storage shed and accordingly noted no visual concerns in relation to its siting and design. It recommended wider visual improvements be made by condition requiring removal of all non-permitted works and land reinstatement. It noted the NIS assessment in the context of the shed facility concluded that if the waste facility operates in line with the condition of its Waste Facility Permit then there will be no adverse impact on the integrity of any Natura 2000 sites. Permission was recommended subject to 11 no. conditions.

3.2.2. Other Technical Reports

- Environment – Waste: Initial report noted the site is subject to a Waste Facility Permit issued by Mayo County Council. This relates primarily to the processing of waste from the construction and demolition sector. It noted that such processes are preferable indoors and that an AA Screening Report be requested. Final report noted no likely impact on the Clew Bay Complex SAC and that proposed waste sorting activity will move the process indoors which is preferable. It recommended silt traps and/or berms during construction.
- Area Engineer Westport: No objection subject to conditions in relation to surface water management on site.
- Water Services: No report received.

3.3. Prescribed Bodies

Uisce Eireann: No report received.

The Heritage Council: No report received.

Development Applications Unit: No report received.

An Taisce: No report received.

3.4. Third Party Observations

3 no. third party observations were received which can be summarised as follows:

- The use of the site currently does not relate to landfill.
- The site is used for storage of boats, lorry trailers, trucks, artic containers, cement blocks, waste metal and machinery and previously it had large metal silos and large cattle feeders.
- The site has expanded considerably over the last year.
- The site is an eyesore, out of character and permission is required for its current layout and use.
- The site compromises residential amenity and affects property values in the area.
- How can a permanent structure be consistent with a temporary permission?

- There is noise disturbance 6 days a week and this will only be increased.
- There is light pollution during the winter months.
- The site has the appearance of a commercial parking lot with a landfill site at the bottom.
- The 5 shed doors are clearly for lorry storage.
- The site is being used to store and base machinery and vehicles associated with the applicant's plant and marine hire business.
- The current use of the site creates a traffic hazard.
- Alleged that Japanese Knotweed was brought on to the site.
- Allegations about various not permitted activities that have occurred.
- The proposal would change the nature of the site forever.
- The development is contrary to Development Plan policy for agriculture and related development.
- The land would be best used as grazing land.
- Issues from new drainage channel and related impact on adjacent site.
- This would militate against the preservation of the rural landscape and environment and is a material contravention of Development Plan policy.
- Photos attached of the site.

4.0 Planning History

Subject Site

17/196: Permission granted by the P.A. for the recovery of construction and demolition waste materials only (Class 7).

Condition no. 2 requires that only non-hazardous waste be accepted, that authorisation be required prior to waste recovery activities and that all waste recovered shall obtain end-of-waste status prior to its use.

Condition no. 3 requires all other conditions attached to reg. ref. 13/155 to continue to apply.

13/155: Permission granted by the P.A. for filling of lands with inert soil for land reclamation.

Condition no. 3 requires a 20,000 cubic metre limit p.a. and no more than 8 traffic movements to and from the site per day.

Condition no. 4 requires no operation until a Waste Facility Permit has been obtained.

Condition no. 5 restricts it to the disposal of inert soil and stones and no hazardous waste shall be disposed of on the site.

Condition no. 6 restricts the overall intake to 65,000 cubic metres and details of source of each waste consignment is required.

Condition no. 9 required silt-trap location to be agreed.

Condition no. 10 requires the rehabilitation of the site upon completion.

Sites in the Vicinity

13/508: Permission granted by the P.A. at site c.200m to the north for filling of lands with inert soil for agricultural land reclamation and extension of temporary internal access road and piping of open drains.

Condition no. 2 restricts hours of operation to between 07.00 and 18.00 hours Monday to Friday and between 08.00 and 14.00 hours on Saturdays.

Condition no. 3 requires no operations until a waste facility permit has been obtained.

Condition no. 4 restricts the development to the disposal of inert soil and stones and no hazardous waste shall be disposed of on site.

Condition no. 5 restricts the annual tonnage intake to 25,000 tonnes.

Condition no. 7 requires the rehabilitation of the lands upon development completion.

This activity appears to have ceased, and the area appears to have been rehabilitated.

13/163: Permission granted by the P.A. at site c.200m to the north for filling of lands with inert soil for agricultural land reclamation and widening and upgrade of existing private access road to the lands.

Condition no. 2 restricts hours of operation to between 07.00 and 18.00 hours Monday to Friday and between 08.00 and 14.00 hours on Saturdays.

Condition no.3 requires the filling of the site to be on a phased basis as indicated in the submitted Planning Report and the number of traffic movements to and from the site shall not exceed those indicated.

Condition no. 4 restricts operations until the appropriate authorisation has been obtained.

Condition no. 5 restricts the development to the disposal of inert soil and stones and requires no disposal of hazardous waste on the site.

Condition no. 6 restricts the overall tonnage intake for the site to 21,000 tonnes.

Condition no. 9 requires the rehabilitation of the lands per the submitted Site Rehabilitation Plan.

This activity appears to have ceased, and the area appears to have been rehabilitated.

5.0 Policy Context

5.1. Mayo County Development Plan 2022-2028

Volume 1

Chapter 4 – Economic Development

- Section 4.4.8 Rural Economy

Mayo is a rural county, with much of its population rural-based and the majority of the land in the county is in agricultural / forestry use. Construction, engineering, manufacturing, quarrying, tourism-related services, transport, energy production, forestry, agriculture, food, education, waste disposal and health are all significant areas of employment in the rural areas of County Mayo...

EDO 54 To facilitate rural enterprises, and resource development (such as agriculture, agri-food sector, agri-tourism, commercial fishing, aquaculture, rural tourism, forestry, bio- energy, the extractive industry, recreation, cultural heritage, marine enterprise sector, research and analysis) and renewable energy resources (such as wind/ solar/ocean energy) that are dependent on their locality

in rural locations, where it can be demonstrated that the development will not have significant adverse effects on the environment, including the integrity of the Natura 2000 network, residential amenity or visual amenity. Where proposals demonstrate measures to promote environmental enhancement through improved ecological connectivity, such as measures in the Pollinator Plan, additional native species planting or blue and green infrastructure measures, these will be favourably considered.

EDO 55 To support rural entrepreneurship and the development of micro businesses (generally less than 10 no. employees) in rural areas, where environmental and landscape impact is minimal and such developments do not generate significant or undue traffic. This objective shall not apply to sites accessed from the National Road Network.

Chapter 7 – Infrastructure

INP 8 To promote the sustainable management of waste generation and investment in different types of waste treatment and support a healthy environment, economy and society.

Chapter 10 – Natural Environment

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

NEO 16 To ensure that where the presence of invasive species is identified at the site of any proposed development or where the proposed activity has an elevated risk of resulting in the presence of these species, details of how these species will be appropriately managed and controlled will be required.

NEP 25 To promote the implementation of the Noise Directive 2002/49/EC and associated Environmental Noise Regulations 2006, as amended.

Volume 2

Section 5.10 Enterprise in Rural Areas

The Council will consider rural enterprises, and resource development (such as agriculture, agri-food sector, agri-tourism, commercial fishing, aquaculture, rural tourism, forestry, bio-energy, the extractive industry, recreation, cultural heritage, marine enterprise sector, research and analysis) and renewable energy resources (such as wind/solar/ocean energy) in rural and coastal areas within the County subject to considerations of proper planning and sustainable development....

Chapter 10 – Agriculture and Extractive Industries

- Section 10.3 Deposition Sites

The Council recognises the need for land reclamation for the improvement of agricultural lands. It is also of note that in recent years significant pressure has come on the Council to facilitate the provision of waste recovery sites for soil and stone. All land reclamation developments which include the importation of any material onto site are also required to have the requisite waste authorisation in place, in accordance with the stipulations of the Waste Management Act 1996. All applications for land reclamation / soil and stone recovery shall comprehensively address the following criteria as part of a pre-application discussion and/or planning application proposal:

- *Details of the overall and annual quantities of material to be brought on to the site in tonnes having regard to Mandatory EIA Thresholds set out in Schedule 5 Part 2 of the Planning and Development Regulations 2001-2018;*
- *Details of the nature of material including EWC or LoW codes for all waste materials proposed for acceptance at the site.*
- *Justification for agricultural improvement and detail of proposed agricultural use.*
- *Possible impacts on surface water, groundwater and the Natura site network.*
- *Transportation impacts with particular reference to details of all haul routes, load size, trip movements.*
- *Details of site services including wheel wash, site office, security welfare facilities quarantine areas and weighbridges.*
- *Phasing programme for reclamation with accurate drawings showing the development in layout and sections through the phases to completion.*

- *Impact on existing local communities with regard to but not limited to: Noise, dust, emissions.*

5.2. Natural Heritage Designations

In relation to designated sites, the subject site is located:

- c.3km east of Coolbarreen Lough Proposed Natural Heritage Area (PNHA) (site code 000481).
- c.3.4km north-west of Ardgommon Wood PNHA (site code 001470).
- c.3.6km north-east of Clew Bay Complex Special Area of Conservation (SAC) and PNHA (site code 001482).
- c.4.9km north-west of Kinlooe Lough PNHA (site code 001518).
- c.6.9km north-east of Knappagh Woods PNHA (site code 001520).
- c.7.5km north-west of Brackloon Woods SAC and PNHA (site code 000471).

6.0 The Appeal

6.1. Grounds of Appeal

The ground of the third party appeals on behalf of Rita and Luke Paine and Robert Armstrong can be summarised as follows:

- The proposed development is not aligned with the Development Plan and the conditions are vague, without timelines and contradict each other, for example in relation to adherence to the site layout plan.
- The conditions do not give confidence that the site will be developed in line with the Development Plan and the Council Planner's concerns have not been addressed.
- The existing planning conditions under the two previous permissions have not been complied with or enforced.
- If permission is granted, clarification is required as to what is and what is not permitted on the site.
- The existing structure imposes a significant visual intrusion, and the addition of a shed will exacerbate this impact contrary to policy on visual and

residential amenity and will erode the landscape setting an undesirable precedent.

- The shed will intensify site operations leading to increased noise levels contrary to NEP 25.
- The intensification of development results in traffic hazards along the poorly aligned road that serves the area.
- There is another waste facility within a kilometre of the subject site.
- The site is highly visible from residences in the vicinity including from the east due to its elevated position.
- There is already light and noise pollution.
- Landscaping in keeping with the rural nature of the area is required but this cannot be adequately conditioned.
- The site negatively affects the value of residential property in the vicinity and the proposed development will devalue this further.

6.2. Applicant Response

The response to the appeals on behalf of the applicant can be summarised as follows:

- Access will be via the existing entrance and operating and vehicle movements will be in line with the two previous planning applications.
- The site is subject to a Waste Facility Permit.

Road Safety

- The development using the same access will adhere to the limits on vehicular movements set out in Condition no. 3 of reg. ref. 13/155, i.e. 8 movements per day.
- No change to the hours of operation is proposed.
- The Area Engineer raised no issues.
- The development will not increase the frequency or intensity of vehicular traffic at the site.

Impact on Rural Community

- The shed will have the appearance of a standard agricultural building and will allow for the processing of material to be moved indoors which will reduce noise levels.
- The Environmental Scientist stated that moving the processing indoors is preferable particularly in relation to plasterboard/gypsum.
- There are trees and hedgerows to the west which will screen the shed.
- The shed will improve the visual amenity of the site having the appearance of an agricultural building and will be in keeping with the character of the area.
- Following F.I. the Planner's Report had no issue with the siting and design and considered the removal of all unauthorised works within the blue line to be sufficient.

Compliance with Planning Conditions and the Development Plan

- The previous applications are not time limited although there are limits on the amount of waste per annum and overall.
- A condition of the permission requires all unauthorised uses (related to residential pyrite remediation) to revert to authorised use.
- The applicant intends to implement the landscaping plan in full and would have no objection to ACP adding a condition regarding its implementation.
- The addition of the shed will have a positive impact on the site including in relation to visual impact and the preferable move of processing indoors.
- No evidence of property devaluation has been submitted.

Noise and Light Pollution

- There is no intention to increase the volume of material being brought to the site and this will lead to a net reduction in noise impacts as it will be contained.
- No new lighting is proposed, and this is not a material planning consideration.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports 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:

- Principle of Development
- Impact on Rural Community
- Pollution
- Planning Conditions
- Road Safety
- Other Matters

7.2. Principle of Development

- 7.2.1. I note the rural location for the proposed dry storage shed. I note policy in favour of facilitating rural enterprises (EDO 54 and Section 5.10 of Volume 2), rural entrepreneurship (EDO 55), the sustainable management of waste generation and treatment (INP 8) and Section 1.3 of Volume 2 in relation to Deposition Sites and the need to facilitate land reclamation developments which include importing material on to site. I also note policies that support the protection of the natural heritage and biodiversity of the county including NEP 1 and in relation to noise pollution (NEP 25).
- 7.2.2. I also note the permitted uses on the site include the recovery of construction and demolition waste materials only (Class 7) (Reg. Ref. 17/196) and for the filling of lands with inert soil for land reclamation (Ref. Ref. 13/155). Information in the application suggests that the dry storage shed is intended to be used for the processing of construction and demolition waste materials indoors which I note is consistent with the permitted use of the site and would be ancillary to the main uses of the site. Given the established permitted development on the site, CDP policy and the agricultural form of the proposed storage shed, I consider that the principle of the development is acceptable for this rural area.

7.3. Impact on Rural Community

- 7.3.1. I note the appellants have raised issues in relation to visual impact and the impact on the character of this rural area and photos have been submitted in this regard. They note that the site is highly visible from the surrounding area given its elevated position. On my site visit, I noted the visibility of the site particularly from the east and south-east. Section 10.1.3 (Volume 2) of the CDP refer to the protection of amenities in rural area areas. I note the permitted use of the site for the recovery of construction and demolition waste materials and for the filling of land with inert soil.
- 7.3.2. I note the Site Layout Plan and the location of the proposed dry storage shed would be located within the site of the permitted developments in close proximity to where they are permitted and at a lower ground level than the location of the permitted area for the recovery of construction and demolition waste which it is proposed to process. The shed would have a ridge height of 6.5m and eaves height of 5m and a length of 30.5m and width of 17.8m with dark green wall and roof panels. From my site visit I note the current site layout and function of the site, including its use for the storage of vehicles and marine craft, suggests the use of parts of the site for development other than that permitted. The matter of enforcement falls under the jurisdiction of the planning authority.
- 7.3.3. Having regard to the permitted uses of the site, I note that the proposed dry storage shed would be located at a lower level than the site entrance at Level 4. It would be positioned perpendicular to the hillside to the west such that I consider, given its size and scale and agricultural form, that it would not be unduly visually obtrusive in the context of the permitted use of the site. I note the submitted Landscape Proposals prepared by Cormac Langan Landscape Architecture for this site where it is proposed to frame the views from the east and south by the placement of trees including plant species found in the surrounding area. This also shows the long-term field plan for the site including grassed areas and a paddock. Should permission be granted, I recommend a condition in relation to this planting scheme requiring its implementation in full. This is to ensure appropriate trees and hedges are planted for the area as part of the scheme.
- 7.3.4. Given the character of the site permitted for waste disposal and processing, and in the context of the wider rural area noted to mainly consist of grass fields, I do not

consider that a shed structure of similar appearance to an agricultural shed would be out of character for the area, provided that should permission be granted a condition is added to explicitly require the cessation of all unauthorised development on the site and the restoration of the parts of the site in use for unauthorised development. I consider that the shed would be ancillary in the context of the wider site. I consider that it would also serve the function of shielding the waste material for processing from view which I consider would be an improvement in terms of visual amenity for the area.

- 7.3.5. Given that I have found no significant issues in relation to impact on visual amenity, and given my assessment below in relation to noise and light pollution and traffic issues below, I do not consider that there would any undue negative impacts on residential amenity in the vicinity and in this context I do not consider that the proposed development would result in a significant devaluation of property in the vicinity.
- 7.3.6. I also note that in environmental terms, the Council's Environmental Scientist considered the proposal to be an improvement on the current situation. In this regard I note the two licensed Japanese knotweed cells on the site. I note the section drawings submitted in relation to same and given their position and size, I have no concerns in relation to the visual impact of these rectangular structures, and I note the treatment and containment of the knotweed on the site would be beneficial for the site and environment. I note the submitted Natura Impact Statement prepared by Fitzsimons Walsh Environmental includes a section on invasive species. It notes the proposed works will not result in habitat fragmentation and that the risk of disturbance is considered negligible. Noting this, I consider that there would be no significant risks to the environment relating to the on-site Japanese knotweed.
- 7.3.7. Overall, for the reasons above and based on the below assessment, I do not consider that the proposed development would result in significant adverse impacts on the rural community or on the amenities of the area.

7.4. Pollution

- 7.4.1. The appellants have raised issues in relation to noise pollution associated with the site and in relation to the proposed development. I note that no significant intensification of development would arise given that the shed is stated to be for the

indoor processing of the waste materials already on the site, is effectively ancillary development and should permission be granted, a condition is recommended to link back to the processing limits contained in the parent permissions. I also note that the Environmental Scientist suggested that the indoor processing would be an improvement and I consider that indoor processing would reduce noise and dust levels associated the permitted processing of waste materials on the site.

7.4.2. In this context and noting my recommendation for an explicit condition requiring the cessation of the unauthorised development on the site, I do not consider that the proposed shed would significantly increase noise or dust levels associated with the permitted developments of the site, rather the opposite is likely to be the case. In this regard, I note I consider that there would be no undue noise impacts from the proposed development which I consider to be ancillary to the other developments on the site.

7.4.3. In relation to light spill at night, I note no new lighting is proposed and I concur with the applicant's response in this regard that no significant planning issue therefore arises.

7.5. Planning Conditions

7.5.1. I note the appeals raise issues in relation to the current planning conditions, enforcement of same and in terms of what is permitted and not permitted. I note that enforcement issues are matters for the Planning Authority and that the development description for a dry storage shed is clear. As outlined previously in this report, should permission be granted, a condition to link back with the parent permissions can be included to ensure no significant intensification of development would arise. I have also recommended an explicit condition to ensure the cessation of the unauthorised development on the site and this together with that the conditions for the existing development would ensure that it is clear as to what is permitted on the site. I also note that the waste processing on the site requires permits such that I consider it can be adequately regulated from a waste management perspective.

7.6. Road Safety

7.6.1. I note the applicant refers that the existing access would be used and that vehicular access demand would remain such that Condition no. 3 of reg. ref. 13/155 would continue to apply, a limit of 8 movements per day. I note the Council Engineer

raised no issues and that no change in the hours of operation is proposed. Should permission be granted, the permission can be linked to the parent permission such that no significant intensification of development and no undue road safety issues would arise.

7.7. Other Matters

- 7.7.1. In relation to drainage matters, I note the submission of the Storm Drainage Report includes provision for a soakaway on the site. This is shown to the east of shed on the Site Layout Plan. Should permission be granted, I recommend a condition to ensure that surface water drainage is catered for on-site only and this would be consistent with the parent permission.
- 7.7.2. I note the parent permissions do not include a condition requiring a wheel wash for the vehicles exiting the site which in my opinion should be required given the nature of the activities on the site and the potential for dirt and silt to be transmitted on to the public road by the trucks exiting the site.
- 7.7.3. I note the appeal reference to the location of another waste facility within one kilometre of the site. Notwithstanding this, given that I have not noted no significant issues in relation to intensification of development or in relation to external impacts, I do not consider this to be a significant issue.

8.0 EIA Screening

- 8.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices 1 and 2 of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

9.0 Appropriate Assessment

AA Screening

- 9.1. 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 it is not possible to exclude that the proposed development alone will give rise to significant effects on Clew Bay Complex Special Area of Conservation (site code 001482) in view of the site conservation objectives. Appropriate Assessment is required.
- 9.2. I have had regard to the submitted Appropriate Assessment Screening Report prepared by Fitzsimons Walsh Environmental in reaching this conclusion. This report has been prepared by Oliver Fitzsimons, an Environmental Scientist.
- 9.3. This determination is based on:
- possible impacts and effects on the Otter and Harbour Seal given that any potential negative impact on surface water quality could have on these species, qualifying interests for this SAC.
 - The location and distance to the European sites and the indirect water-based links to same.
 - The nature and type of the construction proposed.
 - The Screening Report and NIS accompanying the application.

Appropriate Assessment

- 9.4. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Clew Bay Complex SAC in view of the conservation objectives of this site and that Appropriate Assessment under the provisions of S177U was required.
- 9.5. Following an examination, analysis and evaluation of the NIS and all associated material submitted (See Appendix 4), I consider that adverse effects on site integrity of the Clew Bay Complex SAC can be excluded in view of the conservation objectives of this site and that no reasonable scientific doubt remains as to the absence of such effects. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- The potential impacts and effects on the *Lutra lutra* (Otter) [1355] and *Phoca vitulina* (Harbour Seal) [1365].
- The proposed development will not affect the attainment of conservation objectives for *Lutra lutra* (Otter) [1355] or the *Phoca vitulina* (Harbour Seal) [1365] or prevent or delay the restoration of favourable conservation condition for these qualifying interests or in relation to the other qualifying interests of the site.
- The effectiveness of the mitigation measures proposed and my recommendation to require the adoption of a Construction Management Plan.
- Application of planning conditions to ensure the mitigation measures in the NIS are implemented and that a best practice Construction Management Plan is provided and implemented.

10.0 Water Framework Directive Screening

- 10.1. The subject site is located c.0.15km to the west of the Moyour_010 waterbody (code IE_WE_32M010700, status good) and is located within the Newport groundwater waterbody (code IE_WE_G_0023, status good, chemical status is good and quantitative status is good).
- 10.2. The proposed development comprises a dry storage shed for the processing of construction and demolition waste. No water deterioration concerns were raised in the planning appeal.
- 10.3. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project and the mitigation measures contained in the NIS to ensure no impacts on groundwater or water bodies in the vicinity, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.4. The reason for this conclusion is as follows:

- The small scale nature of the works on a larger scale waste recovery site.
- That the processing works would be contained indoors.
- The ability to regulate surface water run-off by condition.
- The effectiveness of the mitigation measures proposed and my recommendation to require the adoption of a Construction Management Plan.
- The distance from the waterbody and the surface water drainage measures required under the parent permission.

10.5. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Conclusion

Overall, based on my above assessment, I consider the proposed development to be consistent with the County Development Plan policies in relation to the rural economy and infrastructure, in relation to the natural environment including policies NEP 1 (protection of designated sites), NEO 16 (invasive species) and NEP 25 (noise) of Volume 1 and particularly in relation to Section 10.3 (Deposition Sites) of Volume 2.

12.0 Recommendation

I recommend that permission be granted.

13.0 Reasons and Considerations

Having regard to the Mayo County Development Plan 2022 – 2028, the location in a rural area, to the nature and scale of the proposed development and its relationship with the surrounding area, it is considered that subject to compliance with the conditions set out below, the proposed development

would be acceptable and would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of design, impact on the rural community, the receiving environment and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

14.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 8th day of October 2024 and as amended by the further plans and particulars received on the 19th day of December 2024, 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. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

3. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permissions (Register References 17/196 and 13/155) unless the conditions set out hereunder specify otherwise.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).

4. The dry shed hereby permitted is for the processing of construction and demolition materials (class 7) only within the site area delineated in red with

no other works permitted on the lands shown in the applicant's ownership in blue.

Reason: In the interests of clarity.

5. Prior to the commencement of development, all unauthorized land use, storage and activities on the site shall be removed, and the facility shall revert to authorized uses only, as permitted under Register References 17/196 and 13/155. The applicant shall inform the Planning Authority in writing once this has been undertaken so that it may be inspected and agreed, in writing, prior to any development commencing on site.

Reason: In the interests of visual amenity.

6. The shed shall only be used for the purposes outlined in the application, i.e. as a dry storage shed for the processing of demolition and construction materials (class 7) only and shall not be used for agricultural, industrial or other commercial purposes or converted for human habitation without a prior grant of permission.

Reason: In the interests of clarify.

7. The landscaping scheme shown on the 'Landscape Proposals' document and per drawing number 24832_LP002 in same, as submitted to the planning authority on the 8th day of October, 2024 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 residential and visual amenity.

8. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of

development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

9. A wheel washing facility shall be provided for the duration of the construction period and for the operational stage of development, adjacent to the site exit, the location and details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic safety and biosecurity.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual amenity.

11. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;

- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Provision of parking for existing properties at [specify locations] during the construction period;
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;

Reason: In the interest of amenities, public health and safety and environmental protection.

12. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to

An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.

Ciarán Daly
Planning Inspector

15th July 2025

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	ABP-322394-25
Proposed Development Summary	Dry storage shed.
Development Address	Drumminwonagh, Westport, 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.	
<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 type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>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 checked="" 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>11. Other Projects (b) Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule.</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>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: _____

Appendix 2

Form 2 - EIA Preliminary Examination

Case Reference	ABP-322394-25
Proposed Development Summary	Dry storage shed
Development Address	Drumminwonagh, Westport, Co. Mayo.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. Dry storage shed of 506.1sqm on an area of hardstanding ground. For processing waste from the construction and demolition sector currently permitted on the site. Noise and dust from processing likely to be reduced by containment within the shed. Air pollution likely to be reduced by containment within the shed. Processing in indoor controlled environment likely to reduce impacts on the site and area. No increase of volume of materials to be processed is proposed.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	Briefly comment on the location of the development, having regard to the criteria listed To be located on site where processing of construction and demolition waste is permitted outdoors. No sensitive/designated sites in the vicinity. Residences in the vicinity likely to see reduced impacts from noise and air pollution and in terms of visual screening of materials for processing.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration,	Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects. Cumulative impact related to the waste processing on the site is likely to be somewhat reduced, for example through noise and dust containment indoors, and noting no increase in materials being processed on the site.

cumulative effects and opportunities for mitigation).	
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix 3

Form 3 – AA Screening

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Brief description of project		Construction of a dry storage shed.		
Brief description of development site characteristics and potential impact mechanisms		Floor area 506.1sqm, ridge height of 6.5m and eaves height of 5m and a length of 30.5m and width of 17.8m. To be located on a site where permitted processing of construction and demolition waste takes place outside.		
Screening report		Y – Appropriate Assessment Screening Report prepared by Fitzsimons Walsh Environmental. This report has been prepared by Oliver Fitzsimons an Environmental Scientist.		
Natura Impact Statement		Y – NIS prepared by Fitzsimons Walsh Environmental. This report has been prepared by Oliver Fitzsimons, an Environmental Scientist.		
Relevant submissions		None.		
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Clew Bay Complex Special Area of Conservation (001482).	Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Annual vegetation of drift lines [1210]	c.3.6km	Indirect via site to Drumminabo stream, to Doo Lake and as part of Moyour river catchment on to Clew Bay and the SAC.	Y

	<p>Perennial vegetation of stony banks [1220] Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Machairs (* in Ireland) [21A0] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Lutra lutra (Otter) [1355] Phoca vitulina (Harbour Seal) [1365].</p> <p>Conservation Objectives, NPWS, 19th March 2021.</p>			
Brackloon Woods SAC (000471)	<p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0].</p> <p>Conservation Objectives, NPWS, 19th March 2021</p>	c.7.5km	No connections.	
<p>¹ Summary description / cross reference to NPWS website is acceptable at this stage in the report ² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species ³if no connections: N</p>				

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

Potential water quality degradation would impact on the *Lutra lutra* (Otter) [1355] and *Phoca vitulina* (Harbour Seal) [1365] of the Clew Bay SAC.

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: Clew Bay Complex Special Area of Conservation (001482).</p> <p><u>QI list:</u></p> <p>Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Machairs (* in Ireland) [21A0] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] <i>Lutra lutra</i> (Otter) [1355]</p>	<p>Direct: None.</p> <p>Indirect:</p> <p>Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution.</p> <p>Negative impacts on surface water/water quality due to potential operational related emissions including increased potential sedimentation and polluted surface water run-off.</p>	<p>Potential negative effects on habitat quality/ function and prey availability and health of and for <i>Lutra lutra</i> and <i>Phoca Vitulina</i>.</p> <p>Possibility of significant effects cannot be ruled out without further analysis and assessment.</p>

Phoca vitulina (Harbour Seal) [1365]. Conservation Objectives, NPWS, 19th March 2021.		
	Likelihood of significant effects from proposed development (alone): Yes	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
<p>It is not possible to exclude the possibility that the proposed development alone would result significant effects on Clew Bay Complex SAC from effects associated with degradation of water quality during construction and operations.</p> <p>An appropriate assessment is required on the basis of the possible effects of the project ‘alone’. Further assessment in-combination with other plans and projects is not required at screening stage.</p> <p>Proceed to AA.</p>		

Screening Determination

Significant effects cannot be excluded

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 it is not possible to exclude that the proposed development alone will give rise to significant effects on Clew Bay Complex Special Area of Conservation in view of the site conservation objectives. Appropriate Assessment is required.

This determination is based on:

- Possible impacts and effects on the Otter and Harbour Seal given that any potential negative impact on surface water quality could have on these species, qualifying interests for this SAC.
- The location and distance to the European sites.
- The nature and type of the construction proposed.
- The Screening Report and NIS accompanying the application.

Appendix 4

Form 4 – Appropriate Assessment and AA Determination

Appropriate Assessment

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of the dry storage shed in view relevant conservation objectives of Clew Bay Complex SAC based on scientific information provided by the applicant.

The information relied upon includes the following:

- Natura Impact Statement prepared by Fitzsimons Walsh Environmental.
- Appropriate Assessment Screening Report prepared by Fitzsimons Walsh Environmental.
- National Parks and Wildlife Service data.

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am / am not satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

Submissions/observations

None relevant.

NAME OF SAC/ SPA (SITE CODE): Clew Bay Complex Special Area of Conservation (001482)

Summary of Key issues that could give rise to adverse effects (from screening stage):

- (i) **Water quality degradation (construction and operational stage)**

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)
Lutra lutra (Otter) [1355]	Maintain favourable conservation condition	<p>Water degradation due to construction and operational related emissions including increased sedimentation and polluted surface water run-off.</p> <p>Potential negative affects on habitat quality/ function and prey availability and health of and for Lutra lutra.</p>	<p>Best practice construction measures.</p> <p>Adherence to Water Facility Permit licence conditions.</p>
Phoca vitulina (Harbour Seal) [1365].	Maintain favourable conservation condition	<p>Water degradation due to construction and operational related emissions including increased sedimentation and polluted surface water run-off.</p> <p>Potential negative affects on habitat quality/ function and</p>	<p>Best practice construction measures.</p> <p>Adherence to Water Facility Permit licence conditions.</p>

		prey availability and health of and for Phoca Vitulina.		
<p>The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.</p>				
<p>Assessment of issues that could give rise to adverse effects view of conservation objectives</p> <p>Examples:</p> <p>(i) Water quality degradation</p> <p>Section 6.1 of the NIS lists potential impacts including potential indirect habitat loss or deterioration due to run-off or discharge into the aquatic environment through increase siltation, nutrient release and/or contamination. This requires connection through watercourses.</p> <p>The NIS lists high levels of suspended solid concentrations in waterbodies which can affect the feeding and health of individual species through increased turbidity and increased siltation affecting composition of riverbed substrate and spawning beds. It notes suspended solids can hold nutrients which can result in eutrophication and reduced oxygen levels.</p> <p>Accidental release of hydrocarbons and pollutants is noted in the NIS with potential impacts from toxicity, bioaccumulation, disruption of biological processes and hydrocarbons contributing to reduced water quality. This may impact otter prey availability and this would lessen the availability of aquatic species such as fish that otters feed on.</p> <p>Mitigation measures and conditions</p> <p>Best practice construction measures can be imposed by condition.</p> <p>The Waste Facility Permit for the site is noted in the NIS which is required for the operations and which includes strict conditions designed to limit environmental impacts. Conditions include measures in relation to vehicle refuelling on an impervious concrete surface which surface water drains to an oil interceptor; silt traps to prevent soil, silt or sediment washing into any surface waters on or adjacent to the building; maintenance of storm water gutters; and no trade effluent to be discharged to waters/sewers without licence, among other mitigation measures of the permit.</p>				

<p>(ii) Disturbance of mobile species Risk deemed negligible in the NIS due to separation distance from stream, lake and river leading to Clew Bay.</p> <p>Mitigation measures and conditions N/A</p> <p>(iii) Spread of invasive species Fragmentation unlikely to spread invasive species as the removal of habitats is not proposed such as treelines or hedgerows.</p> <p>Mitigation measures and conditions N/A</p>	
<p>In-combination effects I am satisfied that in-combination effects have been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures, subject to the requirement for a best practice construction management plan, and there is therefore no potential for in-combination effects.</p>	
<p>Findings and conclusions The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.</p> <p>Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the appropriate Assessment. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and pollutants. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented. There are no known in combination effects noting also the operations on the wider site which are subject to the same mitigation measures.</p> <p>Reasonable scientific doubt I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.</p>	

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the Clew Bay Complex SAC. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Clew Bay Complex SAC in view of the conservation objectives of this site and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS and all associated material submitted, I consider that adverse effects on site integrity of the Clew Bay Complex SAC can be excluded in view of the conservation objectives of this site and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- The potential impacts and effects on the *Lutra lutra* (Otter) [1355] and *Phoca vitulina* (Harbour Seal) [1365].
- The proposed development will not affect the attainment of conservation objectives for *Lutra lutra* (Otter) [1355] or the *Phoca vitulina* (Harbour Seal) [1365] or prevent or delay the restoration of favourable conservation condition for these qualifying interests or in relation to the other qualifying interests of the site.
- The effectiveness of the mitigation measures proposed and my recommendation to require the adoption of a Construction Management Plan.
- Application of planning conditions to ensure the mitigation measures in the NIS are implemented and that a best practice Construction Management Plan is provided and implemented.