



An
Coimisiún
Pleanála

Inspector's Report ABP-322559-25

Question

Whether upgrading and expansion of internal road/track way and forestry fire break network; clearance of area of fire damaged forestry and ground cover; use as materials/equipment storage area; modifications to pre-existing entrance to local road is or is not exempted development.

Location

Derrinnumera, Newport, Co. Mayo.

Declaration

Planning Authority

Mayo County Council.

Planning Authority Reg. Ref.

25118.

Applicant for Declaration

Cunningham Civil and Marine Limited.

Planning Authority Decision

Is development and is not exempted development.

Referral

Referred by

Cunningham Civil and Marine Limited.

Owner/ Occupier

Cunningham Civil and Marine Limited.

Observer(s)

None.

Date of Site Inspection

21st August 2025.

Inspector

Ciarán Daly.

1.0 Site Location and Description

- 1.1. The subject site to which this referral directly relates covers an area of c.1.7ha., which is within a wider site area consisting mainly of conifer type trees of c.5.6ha. This is within a larger overall forest site of c.41ha. The subject site consists of forestry, internal roads and an area in use for construction engineering / marine enterprise storage. The yard area holds construction machinery, plant, vehicles, storage containers and related equipment and materials. There is a pond area adjacent to the yard and the ground of the yard is generally covered in hard fill material. This area is generally located within woodland although there are some cleared routes through the woodland in the vicinity.
- 1.2. The site is accessed off local road L54213 which has a junction with the R311 regional road c.100m to the south. Newport River SAC is located c.2.8km from the site at its closest point and is to the north-west, north and north-east with no surface water bodies passing through the site providing a direct connection to same. Clew Bay Complex SAC is c.6.2km to the west.
- 1.3. There are two site entrances, one located close to the junction of the adjacent local road and the R311 to the south and one c.90m to the north along the side site south-east boundary with the local road.

2.0 The Question

- 2.1. Whether the works; (1) Upgrading and expansion of internal road/track way and forestry fire break, (2) Clearance of area of fire damaged forestry, ground cover and ground level changes, (3) Use as material/equipment storage area, and (4) modification of pre-existing entrance to local road; is or is not development and is or is not exempted development.

3.0 Planning Authority Declaration

3.1. Declaration

Mayo County Council declared, having regard to (a) Sections 2, 3, 4 and 5 of the 2000 Act, Articles 6 and 9 of the 2001 Regulations, the record forwarded to Mayo

County Council per subsection 6(c) of Section of the 2000 Act and the planning history of the site, that the “(1) *Upgrading and expansion of internal road/track way and forestry fire break*, (2) *Clearance of area of fire damaged forestry and ground cover*, (3) *Use as material/equipment storage area*, and (4) *modification of pre-existing entrance to local road*” is development and is not exempted development having particular regard to Article 9(1)(a)(iii)(viiB) of the 2001 Regulations.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The Planner’s Report noted an Enforcement Notice of December 2024 which alleged that an unauthorised change of use from forestry/agriculture to commercial storage compound had occurred. The report considered that the site was in use as a commercial/industrial storage compound/yard on the date of site inspection. It considered that the development described in the recent planning application (see planning history below) to be a commercial/industrial storage compound not in connection with any previous commercial forestry or agricultural use.

It noted the Article 9(1)(a)(iii) restriction on exemptions where they would involve a traffic hazard which it considered applied given the vehicular access adjacent to junction L54213 and the R311 “*strategically important regional road*”. It also noted the location of Newport River SAC (site code 002144) in proximity to the site. It considered that the previous application may be likely to have a significant impact on a European site such a stage 2 Appropriate Assessment may be required.

The report concluded that the works are development and that the works fall under the restrictions on exemptions outlined in Article 9(1)(a)(iii) and Article 9(1)(a)(viiB) of the regulations. The report also included photos of parts of the subject site.

4.0 **Planning History**

24/60756: Application in respect of retention for a Civil & Marine Works Contractor Depot. On the basis that it considered an Appropriate Assessment to be required, the P.A. notified that under Part III, Section 34(12) of the 2000 Act (as amended) that it could not consider the application.

5.0 Policy Context

5.1. Mayo County Development Plan 2022-2028

The site is located within the functional area of the above County Development Plan.

Volume 2

Section 7.0 Roads and Parking

7.3 Access onto Strategically Important Regional Roads

To ensure regional accessibility between key settlements is maintained and to safeguard existing and future capital investment of the County's Regional Road Infrastructure it is necessary to protect the capacity, efficiency and safety of Mayo's Strategically Important Regional Roads as listed in Chapter 6 Movement and Transport Table 6.6.

7.6 Access Visibility Requirements

Vehicular entrances and exit points must be designed by the developer as part of a planning application with adequate provision for visibility so that drivers entering and emerging from the access can enjoy good visibility of oncoming vehicles, cyclists and pedestrians. Where a new entrance onto a public road is proposed, the Planning Authority must consider traffic conditions and available sight lines.

Table 4 Access Visibility Requirements

5.2. Precedent

Previous cases which raise similar issues to the current case, include:

- RL10.310085 – The Board determined that the works for the felling and clearance of trees and maintenance and improvement of existing forestry track and the felling and clearance of trees and widening and improvement of existing forestry tracks at a Coillte forest at Glenpipe, Togher, Co Kilkenny, to be development and exempted development.
- RL2485 – The Board decided that the filling of 0.8 hectare area with inert materials and the construction of a forestry road at Cruagh, Rockbrook,

Rathfarnham, Dublin was development and was not exempted development. This determination was based on, inter alia, the nature of the deposition of inert material and the quantity within site A and site B does not constitute agriculture or land reclamation; roads were not constructed to serve the forestry and, therefore, the deposition of inert material at site B to construct roads does not come within the exempted development and the additional truck movements required to import a further 1,000 tonnes of material would endanger public safety

- ABP-301512-18 – The Board decided that the widening of an existing entrance to facilitate the extraction of timber from a forestry plantation at Attimanus, Kilnagross, Co. Leitrim was development and was not exempted development. This determination as it was not exempt under section 4(1)(h) and did not come within the scope of section 4(1)(ia), as the material widening of the entrance is not ancillary to the construction, maintenance or improvement of a road,

5.3. Natural Heritage Designations

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

- c.2.75km south of Newport River Special Area of Conservation (SAC) (site code 002144).
- c.4.3km south-west of Croaghmoyle Mountain Natural Heritage Area (site code 002383).
- c.4.9km north-west of Dambaduff Lough Proposed NHA (PNHA) (site code 001491).
- c.6.3km east of Clewbay Complex SAC and PNHA (site code 001482).
- c.8.4km north-east of Coolbarreen Lough PNHA (site code 000481).
- c.8.5km south-west of River Moy SAC (site code 002298).
- c.9.5km south-east of Owenduff/Nephin Complex SAC (site code 000534).
- c.9.5km north of Ardogommon Wood PNHA (site code 001470).

6.0 The Referral

6.1 Referrer's Case

The referrer's case can be summarised as follows:

- The application was clear as to which part of the site was in part used as a Civil and Marine works depot.
- The works were carried out to the forestry and for forestry / land management and no other reason.
- The P.A. failed to assess the specific works in relation to the available exemptions.
- The P.A. inappropriately relied on the Article 9 restrictions and did not meet the burden of proof in relation to same.
- That additional works took place to facilitate site diversification should not obscure the validity of the forestry works.
- The exemption under Section 4(1)(h) of the Act applies to all land uses and not just forestry.
- Reliance on Section 4 of the Act provides immunity from restrictions or limitations applied under the Regulations. The Board are obliged to disregard Article 9 in its entirety.
- The Planning Act places restrictions on the exemption works if an AA of the development is required and these relate to Section 4(1) (a), (ia) and (l) but not expressly to Section 4(1)(h). Each aspect of the works must be separately considered.
- An AA Screening Report is submitted demonstrating that the larger project, of which these exemptions works are part, can be screened out and can be disregarded such that there is no restriction to the available planning exemptions.
- The P.A. relied on a larger project, the withdrawn application, which included works which are the subject of this referral but also other works outside of this referral. The larger project should not be used as proxy for this referral.

- Article 9(1)(a) (iii) requires that the development would endanger public safety not that it could and the P.A. have offered no assessment of this. This was a pre-existing access.
- The P.A. have over-emphasized the presumed catalyst for the works substituting the larger project for the works in question.
- The referrer has attached an Appropriate Assessment Screening Report prepared by Altemar Ltd., a marine and environmental consultancy and a Hydrological Risk Assessment prepared by Trinity Consultants and AWN Consulting and the Newport Yard Report prepared by Cunningham Civil and Marine Ltd

6.2. Planning Authority Response

None received.

7.0 Statutory Provisions

7.1. Planning and Development Act, 2000 (as amended)

Section 2(1) states that

“structure” means inter alia “any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and— (a) where the context so admits, includes the land on, in or under which the structure is situate....

““works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure”.

Section 3(1) states that *““development” means—*

(a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or

(b) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021)”.

Section 4(1) states that “The following shall be exempted developments for the purposes of this Act—

... (h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

(i) development consisting of the thinning, felling or replanting of trees, forests or woodlands or works ancillary to that development, but not including the replacement of broadleaf high forest by conifer species;

(ia) development (other than development consisting of the provision of access to a national road within the meaning of the Roads Act 1993) that consists of— (I) the construction, maintenance or improvement of a road (other than a public road) that serves a forest or woodland, or (II) works ancillary to such construction, maintenance or improvement....

(l) development consisting of the carrying out of any of the works referred to in the Land Reclamation Act, 1949, not being works comprised in the fencing or enclosure of land which has been open to or used by the public within the ten years preceding the date on which the works are commenced ...

Section 4 (2) (a) states that “*The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act...*

(b) Regulations under paragraph (a) may be subject to conditions and be of general application or apply to such area or place as may be specified in the regulations.

(c) Regulations under this subsection may, in particular and without prejudice to the generality of paragraph (a), provide, in the case of structures or other land used for a purpose of any specified class, for the use thereof for any other purpose being exempted development for the purposes of this Act”.

Section 4 (3) states that “*A reference in this Act to exempted development shall be construed as a reference to development which is— (a) any of the developments*

specified in subsection (1) or (1A), or (b) development which, having regard to any regulations under subsection (2), is exempted development for the purposes of this Act”.

Section 4(4) states that “Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required”.

7.2. Planning and Development Regulations, 2001

Article 6(1) states that “Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1”.

Article 8F Development (other than the replacement of broadleaf high forest by conifer species) that is licensed or approved under section 6 of the Forestry Act 2014 (No. 31 of 2014) and that consists of –

(a) the thinning, felling or replanting of trees, forests or woodlands, or

(b) works ancillary thereto,

shall be exempted development.

Article 8G Development (other than development consisting of the provision of access to a national road within the meaning of the Roads Act 1993 (No. 14 of 1993)) that is licensed or approved under section 6 of the Forestry Act 2014 (No. 31 of 2014) and that consists of -

(a) the construction, maintenance or improvement of a road (other than a public road within the said meaning), that serves a forest or woodland, or

(b) works ancillary thereto,

shall be exempted development.

Article 9(1) states that “Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—

...(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,....

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site...

Schedule 2 – Part 1

Exempted Development – General

CLASS 9

The construction, erection, renewal or replacement, other than within or bounding the curtilage of a house, of any gate or gateway.

This is subject to the following restriction – *The height of any such structure shall not exceed 2 metres.*

CLASS 13

The repair or improvement of any private street, road or way, being works carried out on land within the boundary of the street, road or way, and the construction of any private footpath or paving.

This is subject to the following restriction – *The width of any such private footpath or paving shall not exceed 3 metres.*

CLASS 16

The erection, construction or placing on land on, in, over or under which, or on land adjoining which, development consisting of works (other than mining) is being or is about to be, carried out pursuant to a permission under the Act or as exempted development, of structures, works, plant or machinery needed temporarily in connection with that development during the period in which it is being carried out.

This is subject to the following restriction – *Such structures, works, plant or machinery shall be removed at the expiration of the period and the land shall be reinstated save to such extent as may be authorised or required by a permission under the Act.*

8.0 Assessment

8.1. Is or is not development

8.1.1. The first matter to be determined is whether the proposal, or part thereof, constitutes development or not. I will take each part of the works, as described, separately.

(1) Upgrading and expansion of internal road/track way and forestry fire break

8.1.2. The Newport Yard Report notes that an internal route was created up towards the cleared area to the north and that the alignment was chosen to limit the number of trees that had to be removed. It notes that the removed trees remain beside the route and that soil and fill removed were cast to the side or stockpiled nearby. The report states that this was required as the newly built route was unsuitable for use by articulated vehicles. It notes that the S shaped route is to be decommissioned and the straight route is to remain in place and it will be restored to its previous state.

8.1.3. In relation to the fire break, the Newport Yard Report notes that this was created in the 1990s. This commences opposite the access gate and cuts through a small section of the forest in a northern direction and joins with an internal route within the site to the north.

8.1.4. I note that in Section 3.1 of the applicant's initial submission it was stated that works were undertaken in this regard and while these works have not been clearly outlined, I am satisfied that there is sufficient information such that I can determine that construction and possibly also excavation, alteration and other works were required in this regard. Accordingly, I consider that this element meets the definition of development.

(2) Clearance of area of fire damaged forestry, ground cover and ground level changes

- 8.1.5. Section 3.1 of the applicant's submitted Newport Yard Report notes that c.1.7ha was cleared in a central area which is described as previously understood to be barren and subject to "*areas of failed and or fire damaged tree planting*". A further 1ha was used for stockpiling of the removed ground cover. While these works have not been clearly outlined, from my visit I observed the clearance had taken place and that also some excavation and the provision of a hardcore surface had been undertaken such that the ground levels have been changed and there were also mounds of hardcore/earth. Based on this and the applicant's description of the works, I consider that this would include excavation, clearance, infilling and significant alteration such that I consider it to be works. Accordingly, I consider that this element meets the definition of development.

(3) Use as materials/equipment storage area

- 8.1.6. In Section 3.1 of the applicant's submitted report it states that "*further to the clearance of the area in question, the area has been used for the storage of materials / equipment, in part related to the works themselves on site, and in part related to the Applicant's wider contracting work in the region. The footprint of use amounts to 1.7 hectares*". Based on the submitted information and my site visit I consider this area relates to the storage of materials / equipment for the applicant's civil and marine works contracting business with no significant related forestry machinery storage noted.
- 8.1.7. Therefore I consider that a change of use from forested and/or partially cleared forest area to use for the storage of mainly marine contracting related machinery to have taken place. In planning terms, this new use is significantly different from forestry related use as it gives rise to the requirement to transport the machinery for storage to and from the site, it creates a significantly different visual impact both in type and scale that is more akin to an industrial storage typology of development and there is potential for associated environmental impact due to related run-off of non natural materials including oils and fuels.
- 8.1.8. It also has given rise to a requirement for a new vehicular entrance and internal roads in the site, one of which is required to cater for the movements of articulated

lorries which appear to be associated with the storage function on site. This, in my opinion, gives rise to a significant scale of greater impact in terms of potential for pollution, visual impact on the site and large vehicular movements to and from the site. In this regard, I consider that it constitutes a material change in the use of the land given that storage for such contracting is materially different from storage for forestry purposes or if the previous land use was for either forestry related activity or agriculture. Accordingly, I consider that this element meets the definition of development.

(4) modification of pre-existing entrance to local road:

- 8.1.9. In Section 3.1 of the applicant's submitted report it states that "*a secondary pre-existing gateway was chosen to be upgraded to overcome*" issues with the usability of the primary access. I note from my site visit that this is a new vehicular access on to a local road in close proximity to its junction with the R311 regional road. The Newport Yard Report states that this new access gate and road was constructed for articulated lorries to gain access to the site. While there is limited information submitted in relation to this matter, particularly before and after drawings, I am satisfied that regardless of the lack of specifications, the upgrade of this access required construction or alteration and extension such that it constitutes works. Accordingly, I consider that this element meets the definition of development.
- 8.1.10. Given that I consider the other four elements of the proposal above to constitute either works or a material change of use, then it follows that each of the four referral matters meet the definition of "*development*" under Section 3(1) of the 2000 Act, as amended.

8.2. Is or is not exempted development

- 8.2.1. The second matter to be determined is whether the proposal, or part thereof, constitutes exempted development or not. I will take each part of the four parts of the proposal, as described, separately. To note, the referral asserts that notwithstanding use of part of the site as a civil and marine depot, each of the works would have been appropriate and necessary for forestry / land management in and of itself.

(1) Upgrading and expansion of internal road/track way and forestry fire break

8.2.2. I note that per the submitted Newport Yard Report prepared by Cunningham Civil and Marine Ltd. and Figure 1 therein, this refers to the following elements:

- The internal route shown in light blue which leads from the existing entrance north of the access close to the R311, up to the north-west and then it turns to the right and heads north and joins another internal route (this is also noted to be to prevent forest fire per the Existing Site Layout plan drawing);
- The internal route shown in orange in Figure 1, which leads north from the southern part of the adjacent route shown in blue and which branches in two to the north before it connects to the open area within the forest used for storage; and
- The internal route shown in black in Figure 1 from the southern “upgraded access” to the north where it meets the blue route.

8.2.3. While I note that overhead photos have been included in the report in relation to this element and within the Appropriate Assessment Screening Report, no drawings other than site layout and location plans have been submitted. The submitted drawings are noted to be at A1 but are A3 drawings such that they cannot be scaled. I note that accurate scale drawings would be required to determine the exact extent and width of the road. I will therefore assess this matter based on the limited available information and my observations on-site.

8.2.4. In relation to the exemptions available under the 2000 Act as amended and Section 4(1)(h), I note the reference to a “structure” is applicable to a road/track and that the wording refers to works to a pre-existing structure. However, the roads/tracks in this case are new such that I do not consider this exemption to be applicable.

8.2.5. In relation to Section 4(1)(i) which refers to thinning and felling of trees, forests or woodlands , or works ancillary to such activity, the applicant’s submission in relation to these works states that this relates to works “*undertaken to upgrade and enhance the pre-existing forestry road network within the site and the arrangement of fire breaks within the site*”. These works, from my site visit and the documentation presented, as they relate to the internal roads and tracks are applicable to the exemption in my view.

- 8.2.6. Having reviewed the submitted documentation including overhead photos and maps, while noting the absence of detailed information in relation to the works and the exact areas applicable, for example the widths of the routes, having observed the routes through the site I consider them to be internal roads/tracks and that they can serve the forest and be used for its management. I note this while noting that these routes could also be used for the applicant's contracting business which these routes connect to the storage area thereof..
- 8.2.7. Similar to the above, I also consider that the exemption criteria is met under Section 4(1)(ia) in relation to works for the construction of a road that serves a forest and ancillary works.
- 8.2.8. In relation to Section 4(1)(l) and the works referred to in the Land Reclamation Act 1949, I do not consider that this is applicable noting the type of works listed in Section 1 thereof, e.g. construction and improvement of water courses and field drainage.
- 8.2.9. In relation to the 2001 Regulations, Articles 8F and 8G refer to forestry related works licences or approved under the Forestry Act 2014. However, I note from the documentation submitted that no evidence of a licence or approval under the Forestry Act has been submitted such that I do not consider this applicable.
- 8.2.10. I do not consider Class 9 applicable as the above works do not refer to a gateway. I do not consider Class 13 applicable as while the works relate to both upgrade and expansion of a private road or way, it cannot be determined that the route does not exceed 3 metres in width based on the submitted documentation I do not consider Class 16 applicable as these works do not relate to structures, works, plant or machinery.
- 8.2.11. In relation to the exemption criteria under Sections 4(1)(i) and 4(1)(ia) of the Act, noting my above assessment, I am satisfied that these exemption criteria are satisfied in respect of the upgrading and expansion of the subject internal road/track ways and forestry fire break.

(2) Clearance of area of fire damaged forestry, ground cover and ground level changes

- 8.2.12. I note that per the submitted Newport Yard Report prepared by Cunningham Civil and Marine Ltd. and Figures 1 and 11 therein, that this refers to part of the central area within the forest where there is no tree cover and part of which is used for storage. I note this area is not only clear of forestry but that it is substantially covered in hard fill and as stated in the Newport Yard Report, excavation occurred whereby it was “*stripped down to bedrock level*” and the ground level was reduced.
- 8.2.13. I note that Section 2.3 of the submitted report states that “*we understand that the overall site was originally planted for commercial forestry, with areas within being either unsuccessful in terms of growth or being subject to fire, leading to a rather ‘patchy’ coverage at present. This situation led to the initiation of works on the site, to clear certain areas, and to avail of the opportunity to use such space for beneficial purposes, e.g. in support of the off-site civil and marine business of the Applicants...the pre-existing or ‘before’ land use is therefore not agricultural but rather commercial forestry*”.
- 8.2.14. In relation to the felling/thinning of the trees and associated clearance of damaged forestry in this area I note that there is an exemption for such type of works under Section 4(1)(i) of the 2000 Act. However, I note that this exemption does not provide for the alteration of ground levels not required therefor, which I consider would be beyond the scope of this exemption. I note the reference to clearance of ground cover, however the works also included the excavation and alteration of ground levels such that I do not consider that it meets the exemption criteria. I consider that the felling/thinning of the trees in this case also included the excavation and alteration of the ground levels which is a significantly greater magnitude of works that just forest related clearance.

In relation to Section 4(1)(l) and the works referred to in the Land Reclamation Act 1949, I do not consider that this is applicable noting the type of works listed in Section 1 thereof, e.g. construction and improvement of water courses and field drainage.

Accordingly, I do not consider the exemption criteria under the Act to be met in relation to the clearance of the area of fire damaged forestry given that it

substantially relates to the alteration of the ground cover by means of excavation, change in ground levels and deposit of hard standing materials in this area, i.e. the changes in the ground levels and the excavation are not exempt

- 8.2.15. In relation to the 2001 Regulations, Articles 8F and 8G refer to forestry related works licences or approved under the Forestry Act 2014. However, I note from the documentation submitted that no evidence of a licence or approval under the Forestry Act has been submitted such that I do not consider this applicable.
- 8.2.16. I do not consider Class 9 applicable as the above works do not refer to a gateway. I do not consider Class 13 applicable as the works relates to the expansion of a road rather than the clearance of an area of forest. I do not consider Class 16 applicable as these works do not relate to structures, works, plant or machinery.
- 8.2.17. Based on the level of information submitted, I do not consider the exemption criteria to have been met in relation to the clearance of fire damaged forestry, ground cover and ground level changes given the significant associated excavation and deposit works such that the criteria under Sections 4(1)(i) and 4(1)(ia) the Act have not been met. .

(3) Use as material/equipment storage area

- 8.2.18. I note that the submitted Newport Yard Report prepared by Cunningham Civil and Marine Ltd. and Figures 1 and 11 therein, refers to part of the central cleared area within the forest, particularly the east gravel part of this area as being used for storage. While I note that overhead photos have been included in the report in relation to this element and within the Appropriate Assessment Screening Report, no drawings other than site layout plans have been submitted. I note the plans submitted are not sufficient to accurately define the subject area.
- 8.2.19. In relation to the use of a c.1.7ha area of the site for the storage of materials/ equipment which the applicant states are "*in part related to the works themselves on site, and in part related to the Applicant's wider contracting work in the region*" and Section 4(1)(h), I do not consider this applicable as it refers to works rather than the use of land. In relation to Section 4(1)(i) which refers to works related to trees / forestry, I consider that this is not applicable as the subject matter refers to the use of land.

- 8.2.20. From my site inspection and having viewed the material on the file, I do consider that the storage use, notwithstanding the lack of detailed drawings supplied, is not associated with forestry to any significant extent given its use for the storage of construction marine enterprise /engineering type use. I note that the yard area holds construction machinery, plant, vehicles, storage containers and related equipment and materials associated with the marine contracting business of the applicant. Based on this I consider that all of the subject storage area is not associated with forestry. On my site visit I noted no felling, thinning or replanting activity to which such storage could relate or be ancillary to. On this basis, the use of the subject area cannot therefore be considered exempted development.
- 8.2.21. I do not consider that the exemption is applicable under Section 4(1)(ia) in relation to works for the construction of a road that serves a forest and ancillary works. In relation to Section 4(1)(l) and the works referred to in the Land Reclamation Act 1949, I do not consider that this is applicable noting the type of works listed in Section 1 thereof, e.g. construction and improvement of water courses and field drainage. Accordingly, I do not consider the exemption criteria under the Act to be met in relation to the above works.
- 8.2.22. In relation to the 2001 Regulations, Articles 8F and 8G refer to forestry related works licences or approved under the Forestry Act 2014. However, I note from the documentation submitted that no evidence of a licence or approval under the Forestry Act has been submitted such that I do not consider this applicable.
- 8.2.23. I do not consider Class 9 and Class 13 applicable as this matter does not relate to works but rather the use of the land. I note the Class 16 exemption refers to the placement of structures, works, plant or machinery needed in connection temporarily with a permitted development or an exempted development. However, the placement of equipment/machinery in this regard in the cleared storage area is not temporary and no evidence has been put forward that it relates to a permission or an exempted activity.
- 8.2.24. The parts of the works that relate to forestry such as thinning or felling, per Section 4(1)(i) also allow for *ancillary* works to that development. However, I do not consider this to be applicable given that I observed no storage associated with forestry such that there is no forestry related activity that these can be considered ancillary to. I

also do not consider the nature of the storage use to be temporary or to be connected with an existing permission such that the exemption criteria of Class 16 are not applicable for these works. I also do not consider the other parts of the land use that relate to the applicant's contracting work to relate to forestry and these are not exempted development.

8.2.25. I note the exemption criteria have not been met in relation to Section 4(1)(h),(i), (ia) or (l) of the Act or in relation to the Regulations. I do not consider the use of the area as a material/equipment storage area to be exempted development.

(4) modification of pre-existing entrance to local road

8.2.26. According to the applicant's submission this element arises from "*difficulties encountered in terms of the usability of the primary pre-existing access route, and a secondary pre-existing gateway was chosen to be upgraded to overcome same*". Noting the submitted site layout plans, the upgraded access refers to the southern most access closest to the R311 referred to as the "upgraded access" on the Site Location Map.

8.2.27. The submitted report prepared by Cunningham Civil and Marine Ltd states that "*new gates were erected behind the existing field gates and a new access road was constructed to the existing access route*". Based on historic photos from the road (Google Streetview 2011), these works appear to refer to the opening of a new access from the local road and the upgrading of the pre-existing field/forest access gate and entrance including by the widening of the entrance, the construction of a new access between the gate and the local road and by the inclusion of associated gates of unspecified height. Given the previous gate, it may not be considered to be a new gate. However, I note the absence of before and after drawings and the absence of a road/track from the local road to the previous gate and absence of internal road/track linking with the previous gate.

8.2.28. In relation to the modification of the existing entrance to the local road and Section 4(1)(h), noting the significant difference between the new gates and the previous gate, I consider that the new gates materially affect the external appearance of the previous gate so as to render the appearance inconsistent with the character of the previous gate such that this exemption is not available in my opinion.

- 8.2.29. In relation to Section 4(1)(i) which refers to thinning and felling of trees, forests or woodlands ancillary to that development, this refers to actions in relation to removal of trees and associated ancillary works, I note that the entrance as stated in the application documentation is to provide for articulated vehicles to gain access to the site and that it is also an additional vehicular entrance to the forest such that I do not consider this exemption applicable.
- 8.2.30. I do not consider that the exemption criteria is met under Section 4(1)(ia) in relation to works to the entrance to the local road as the exemption criteria relate to road improvements and works rather than entrance works/improvements. In relation to Section 4(1)(l) and the works referred to in the Land Reclamation Act 1949, I do not consider that this is applicable noting the type of works listed in Section 1 thereof, e.g. construction and improvement of water courses and field drainage. Accordingly, I do not consider the exemption criteria under the Act to be met in relation to the above works.
- 8.2.31. In relation to the 2001 Regulations, Articles 8F and 8G refer to forestry related works licences approved under the Forestry Act 2014. However, I note from the documentation submitted that no evidence of a licence or approval under the Forestry Act has been submitted such that I do not consider this applicable.
- 8.2.32. I note the Class 9 exemption refers to the “*construction, erection, renewal or replacement...of any gate or gateway*”. I note that a gateway also meets the definition of an entrance, and I note that from my site visit I was able to establish that an upgraded entrance/gateway has been formed notwithstanding the absence of drawings to confirm the dimensions of same. I consider that “construction” or “renewal” of any gateway could refer to the upgrade of an existing access including by its widening. In relation to any gates, this exemption provides that the height of any such structure shall not exceed two metres.
- 8.2.33. Based on my site visit where I observed the gates, I cannot be sure they are less than two metres in height and I note this has not been demonstrated on the file. I note no elevation drawings confirming the design and height of the gates has been submitted in addition to the absence of drawings detailing the new entrance and the previously existing gate such that it cannot be established that the exemption criteria are met.

8.2.34. I do not consider Class 13 applicable as the works relate to alteration of an entrance rather than improvements to a private road. I do not consider Class 16 applicable as these works do not relate to structures, works, plant or machinery.

8.2.35. In summary, I note the exemption criteria have not been met in relation to the Act or in relation to the Regulations such that I do not consider the modification of the pre-existing entrance to a local road to be exempted development.

8.3. **Restrictions on exempted development**

“(1) Upgrading and expansion of internal road/track way and forestry fire break, (2) Clearance of area of fire damaged forestry, ground cover and ground level changes, (3) Use as material/equipment storage area, and (4) modification of pre-existing entrance to local road

8.3.1. I have noted above that I do not consider the above works under items 2, 3 and 4 do not meet the exemption criteria under the Act or the Regulations. In relation to the upgrading and expansion of the internal road network, I note that restrictions apply to the exemption criteria per Section 4(4) of the Act and per Article 9(1) (viiB). This exemption for item 1 would not apply if an Appropriate Assessment (and EIA in the case of the Act) of the development is required. In this regard, I note that the subject site is c.2.75km south of Newport River Special Area of Conservation (SAC) (site code 002144).

8.3.2. The P.A. considered such an AA to be required. This was on the basis of an internal environment officer’s report in relation to a withdrawn planning application for retention for a Civil & Marine Works Contractor Depot which, having reviewed this application, I note included a greater scope of works than the subject referral application. The applicant notes that the works which are the matter of this referral form part of the applied for development but only part of it..

8.3.3. As part of the appeal, the applicant has submitted an Appropriate Assessment Screening Report and a Hydrological Risk Assessment.

Appropriate Assessment Screening

8.3.4. Based on my assessment in Appendix 3 below, I consider that 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, the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Newport River SAC (site code 002144) and Clew Bay Complex SAC (site code 001482) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

8.3.5. This determination is based on:

- The nature of the works.
- The distance from the European sites and the lack of direct ecological pathways or connections thereto.
- The submitted AA Screening Report and Hydrological and Hydrogeological Risk Qualitative Assessment report.
- National Parks and Wildlife Service data.

8.3.6. Accordingly, as I consider that Appropriate Assessment is not required, the restriction in relation to this for the exemptions available under the 2000 Act and under the 2001 regulations do not apply in this case.

8.3.7. EIA Screening

8.3.8. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices 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.

8.3.9. Accordingly, as I consider that EIA is not required, the restriction in relation to this for the exemptions available under the 2000 Act do not apply.

8.3.10. Other Restrictions

8.3.11. I note there are no other applicable restrictions in relation to the exemptions I have noted to be available under Sections 4(1)(i) and 4(1)(ia) of the 2000 Act, as

amended, for the upgrading and expansion of the internal road/track way and forestry fire break.

9.0 Recommendation

9.1. Based on my above assessment I recommend that the Commission should decide this referral in accordance with the following draft order.

WHEREAS a question has arisen as to whether (1) Upgrading and expansion of internal road/track way and forestry fire break, (2) Clearance of area of fire damaged forestry, ground cover and ground level changes, (3) Use as material/equipment storage area, and (4) modification of pre-existing entrance to local road; is or is not development or is or is not exempted development:

AND WHEREAS Cunningham Civil and Marine Limited requested a declaration on this question from Mayo County Council and the Council issued a declaration on the 23rd day of April, 2025 stating that the matter is development and is not exempted development:

AND WHEREAS Cunningham Civil and Marine Limited referred this declaration for review to An Coimisiún Pleanála on the 19th day of May, 2025:

AND WHEREAS An Coimisiún Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Section 4(1)(h), (i), (ia) and Section 4(4) of the Planning and Development Act, 2000, as amended,

- (d) Articles 6(1), 8F, 8G and 9(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) the planning history of the site,
- (g) the pattern of development in the area:

AND WHEREAS An Coimisiún Pleanála has concluded that

(1) Upgrading and expansion of internal road/track way and forestry fire break is development and is exempted development as it constitutes the carrying out of works related to forestry which comes within the meaning of development in Section 3(1) of the Planning and Development Act, 2000, as amended, is within the scope of Section 4(1)(i) and/or 4(1)(ia) of the Planning and Development Act, 2000, as amended, and does not come within the scope of Articles 6(1), 8F, 8G and 9(1) and Class 9, Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended;

(2) Clearance of area of fire damaged forestry, ground cover and ground level changes, which works include extensive ground level change, is development and is not exempted development as it constitutes the carrying out of works which comes within the meaning of development in Section 3(1) of the Planning and Development Act, 2000, as amended, is not within the scope of Sections 4(1)(h), 4(1)(i) and/or 4(1)(ia) of the Planning and Development Act, 2000, as amended, given the associated and combined ground level changes, and does not come within the scope of Articles 6(1), 8F, 8G and 9(1) and Class 9, Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended;

(3) Use as material/equipment storage area is development and is not exempted development, as it constitutes a material change of use which is

not related to forestry or other permitted or exempted activities, which comes within the meaning of development in Section 3(1) of the Planning and Development Act, 2000, as amended, is not within the scope of Sections 4(1)(h), 4(1)(i) and/or 4(1)(ia) of the Planning and Development Act, 2000, as amended, and does not come within the scope of Articles 6(1), 8F, 8G and 9(1) and Class 9, Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended;

(4) modification of pre-existing entrance to local road is development and is not exempted development as it constitutes the carrying out of works comes within the meaning of development in Section 3(1) of the Planning and Development Act, 2000, as amended, is not within the scope of Sections 4(1)(h), 4(1)(i) and/or 4(1)(ia) of the Planning and Development Act, 2000, as amended, and is not within the scope of Articles 6(1), 8F, 8G and 9(1) and Class 9, Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended.

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the 1) Upgrading and expansion of internal road/track way and forestry fire break, is development and is exempted development and that the (2) Clearance of area of fire damaged forestry, ground cover and ground level changes, (3) Use as material/equipment storage area, and (4) modification of pre-existing entrance to local road is development; and is not exempted development.

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

4th February 2026

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	ABP-322559-25
Proposed Development Summary	1) Upgrading and expansion of internal road/track way and forestry fire break, (2) Clearance of area of fire damaged forestry and ground cover, (3) Use as material/equipment storage area, and (4) modification of pre-existing entrance to local road;
Development Address	Derrinnumera, Newport, 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 development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 1 (d) (ii) Replacement of broadleaf high forest by conifer species, where the area involved would be greater than 10 hectares. (iii) Deforestation for the purpose of conversion to another type of land use, where the area to be deforested would be greater than 10 hectares of natural woodlands or 70 hectares of conifer forest.

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)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Appendix 2

Form 2 - EIA Preliminary Examination

Case Reference	ABP-322559-25
Proposed Development Summary	1) Upgrading and expansion of internal road/track way and forestry fire break, (2) Clearance of area of fire damaged forestry and ground cover, (3) Use as material/equipment storage area, and (4) modification of pre-existing entrance to local road.
Development Address	Derrinnumera, Newport, 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. Area cleared of fire damaged forestry and ground cover is c.2.7ha (c.1.7 and 1.0 respectively). Area of storage of materials is c.1.7ha. The subject site is c.5.6ha within a larger overall site of c.41ha.
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 The site is located within a woodland/forest and is c.2.75km south of Newport River SAC with no direct ecological hydrological connections from the site to same (see AA Screening Appendix 3 which rules out the likelihood of significant effects on European sites). I note the absence of other sensitive receptors such as in relation to historic, cultural or architectural heritage.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity,	Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects. No significant effects given the relatively modest land take in the context of the threshold of 10 hectares of natural woodlands or 70 hectares of conifer forest.

duration, 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 Standard AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Brief description of project		1) Upgrading and expansion of internal road/track way and forestry fire break, (2) Clearance of area of fire damaged forestry and ground cover, (3) Use as material/equipment storage area, and (4) modification of pre-existing entrance to local road.		
Brief description of development characteristics and potential impact mechanisms		Area cleared of fire damaged forestry and ground cover is c.2.7ha (c.1.7 and 1.0 respectively). Area of storage of materials is c.1.7ha. The subject site is c.5.6ha within a larger overall site of c.41ha. The site is located within a woodland/forest and is c.2.75km south of Newport River SAC (site code 002144) with an absence of direct ecological pathways or hydrological connections from the site to same.		
Screening report		Y – AA Screening prepared by Altemar, author Bryan Deegan (MCIEEM) dated 14/05/2025.		
Natura Impact Statement		N		
Relevant submissions		None.		
A Hydrological and Hydrogeological Qualitative Risk Assessment was also submitted prepared by Trinity Consultants and AWN Consulting. Also see Figure 1 of Appendix 1 of AA Screening report.				
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
Newport River SAC (site code 002144)	Margaritifera margaritifera	c.2.75km	Potential pathway to the underlying aquifer with little connectivity, flow	Yes

	(Freshwater Pearl Mussel) [1029] Salmo salar (Salmon) [1106] Conservation Objectives , NPWS, 6 th August 2019		paths are noted to be local. The development does not generate foul effluent. Indirect hydrological link from construction and operation run-off via the Glaiswhy River to the north of the site.	
Clewbay Complex (site code 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] Perennial vegetation of stony banks [1220] Atlantic salt meadows (Glauco-Puccinellietalia maritima) [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]	c.6.3km	Indirect link via surface water drainage discharge to ground and via the Owennabrockagh River and Derrinumera Stream to the south and west of the site (c.110m away). The development does not generate foul effluent.	Yes

	<p>Lutra lutra (Otter) [1355]</p> <p>Phoca vitulina (Harbour Seal) [1365]</p> <p>Conservation Objectives, NPWS, 19th July 2011</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

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: Newport River SAC (site code 002144)</p> <p><u>QI List</u> Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Salmo salar (Salmon) [1106]</p>	<p>Direct: None, no direct link/pathway.</p> <p>Indirect: Potential negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution.</p>	<p>The submitted HRA notes a high risk of migration to bedrock and low risk of migration off site through poorly connected fracturing within the bedrock. Noting standard construction methods, there is no likely impact on the status of the aquifer/off site migration due to low potential loading and discrete nature of fracturing reducing off site migration. It also notes no potential for local temporary exceedance of legal water quality standards. No pollution linkages from construction or operation of the development that could</p>

		<p>have a water quality impact “which could alter the habitat requirements of the Natura 2000 sites within.</p> <p><i>In the absence of mitigation there would be no changes to habitat quality/ function and no habitat loss/ modification. No likely impacts on the qualifying interests of the SAC”.</i></p>
	Likelihood of significant effects from proposed development (alone): N	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? N	
	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p>Site 2: Clewbay Complex SAC (site code 001482).</p> <p><u>QI list:</u> 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 (Glaucopuccinellietalia maritimae) [1330] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with</p>	<p>Direct: None, no direct link/pathway.</p> <p>Indirect: Potential negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution.</p>	<p>The HRA notes no pollutant linkages as a result of the construction of operation which could result in water quality impact which could alter the habitat requirements associated with Clew Bay. Noting standard construction methods, it also notes a high risk of migration to bedrock and low risk of migration off site through poorly connected fracturing within the bedrock. No likely impact on the status of the aquifer/off site migration due to low potential loading and discrete nature of fracturing reducing off site migration. It also notes no potential for local temporary exceedance of legal water quality standards.</p> <p>In the absence of mitigation, imperceptible impacts on the SAC and no likely impacts on the qualifying interests of the SAC. In the absence of mitigation there would be no changes to habitat quality/</p>

<p>Ammophila arenaria (white dunes) [2120]</p> <p>Machairs (* in Ireland) [21A0]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Phoca vitulina (Harbour Seal) [1365]</p>		<p>function and no habitat loss/ modification.</p>
	<p>Likelihood of significant effects from proposed development (alone): N</p>	
	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects? N</p>	
<p>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</p>		
<p>I note that under reg. ref. 24/60756 the Planning Authority concluded that that development could not be screened having regard to potential impacts on ground water. I note that this included an expanded list of works. I note the subject referral is accompanied by an updated AA Screening Report prepared by a qualified person which includes an updated Site Assessment Report and a Hydrological and Hydrogeological Qualitative Risk Assessment. I consider that these reports adequately consider potential groundwater pathways to European sites and conclude that there is no direct source-pathway linkage from the subject site to the European sites.</p> <p>Having regard to the location of the site and the detailed technical reports on the file, I conclude that the proposed development (alone) would not result in likely significant effects on Newport River SAC (site code 002144) and Clew Bay Complex SAC (site code 001482). 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. No mitigation measures are required to come to these conclusions.</p>		

Screening Determination

Finding of no likely significant effects

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 Newport River SAC (site code 002144) and Clew Bay Complex SAC (site code 001482) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature of the works.
- The distance from the European sites and the lack of direct ecological pathways or connections thereto.
- The submitted AA Screening Report and Hydrological and Hydrogeological Risk Qualitative Assessment report.
- National Parks and Wildlife Service data.