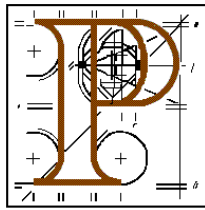


An Bord Pleanála



Inspector's Report

Development: Mulranny Pier Enhancement

Location: Mulranny, Co Mayo.

Local Authority: Mayo County Council

Type of Case: Application for approval under Section 177AE(2) of the Planning & Development Act 2010.

Prescribed Bodies: Heritage Council
An Taisce
Department of Arts Heritage & the Gaeltacht
Inland Fisheries Ireland
Department of Agriculture Food & the Marine,
Department of Transport Tourism & Sport,
Department of Communications, Climate Action & Environment
Department of Housing Planning & Local Government (Foreshore)
Department of Cultural Heritage & the Gaeltacht
Fáilte Ireland

An Comhairle Ealaíon

Date of inspection: 6th July 2017

Inspector: Bríd Maxwell

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1.0 INTRODUCTION

1.1 In May 2017 Mayo County Council sought the approval of the Board under Section 177AE(3) of the Planning and Development Act 2000¹ for the Mulranny Pier Enhancement Works comprising a floating pontoon and pedestrian gangway, the widening of the existing slipway alongside the pier. Proposed also are levelling and surfacing works to the turning / parking area. A Natura Impact Statement has been prepared in respect of the proposed development. On 24th May 2017 the Board requested further information relating to a construction method statement. On 4th September the Board requested a further information relating to the potential indirect effects arising from increased capacity and usage and a clarification of the consent process with respect to work on the foreshore.

1.2 Section 177AE(6) of the Act requires that the Board, prior to making its decision in respect of a local authority development which requires an appropriate assessment, consider the Natura Impact Statement NIS submitted, any submissions or observations in respect of the proposed development and other information furnished in accordance with subsection (5) of the Act, relating to:

- (i) The likely effects of the proposed development on the environment,
- (ii) The likely consequences for proper planning and sustainable development in the area in which the proposed development is situated, and
- (iii) The likely significant effects of the proposed development on European sites.

1.3 As the competent authority the Board is also responsible for completing and recording the appropriate assessment in respect of the proposed

¹ As inserted by Section 57 of the Planning and Development (Amendment) Act 2010 and as amended by the Environmental (Miscellaneous Provisions) Act 2011 and the European Union (Environmental Impact Assessment) Regulations 2011.

development. This report therefore considers the NIS submitted, the submissions and observations made in respect of the development and other information that has been submitted in respect of it and comprises:

- An assessment of the likely effects of the development on the environment,
- A planning assessment of the proposed development, and
- An appropriate assessment of the proposed development.

1.4 On the basis of the above, this report recommends whether or not the Board should grant approval to the County Council for the proposed development.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The site is located south of the N59 and the scenic coastal village of Mulranny on the northern shore of Clew Bay which is approximately 16km to the west of Newport at the junction of the Corraun Achill Peninsula and the Mayo Mainland. The village acts as a gateway to Achill and the Mullet peninsula as well as functioning as a small service centre for the surrounding rural hinterland. The village is somewhat of a walking and cycling hub in the county with loop walks and links to the Western Way and is located along the Great Western Greenway. Mulranny Village is set within outstanding natural scenery, comprising dramatic mountain ranges and rugged coastline. The land on the northern side of the village rises steeply in an obvious contrast to that on the southern side of the village where land falls away steeply towards the sea.

2.2 Mulranny pier is situated 2.5km south of the village centre and is accessed via a local road running south of the N59 and also is accessed via the old Victorian causeway originally built as part of the

Great Western Railway Hotel from the village centre. The wider landscape comprises coastal habitats including saltmarsh, sand and mudflats. Mulranny Blue Flag beach is located approximately 350m to the west of the pier.

2.3 Mulranny Pier is used by local private boat owners and, with the exception of a single local crab potting fishing boat, does not support commercial fishing vessels. Vessel traffic is low (typically less than 10 vessel movements per day during spring/summer and less than 1 in autumn and winter. The inner harbour comprises intertidal mud/sand flats that almost entirely dry out at low tide. Vessels access the inner harbour via a relatively shallow channel that runs alongside the pier. Having regard to the restricted access (i.e. shallow channel, tidal environment) vessels are limited to small or medium craft (10 – 15m in length).

2.4 The site is located partly within the Clew Bay Complex Special Area of Conservation (SAC) and in total there are eight SACs two SPAs and one NHA within 15km of the proposed project namely:

- Clew Bay Complex SAC (Site Code 200110)
- West Connacht SAC (Site Code 002998)
- Owenduff / Nephin Complex SAC (Site Code 199701)
- Bellacragher Saltmarsh SAC (Site code 199909)
- Lough Gall Bog SAC (Site Code 199511)
- Corraun Plateau SAC (Site Code 199610)
- Oldhead Woods SAC (Site Code 199508)
- Clare Island Cliffs SAC (Site Code 199904)
- Owenduff / Nephin Complex SPA (Site code 004098) and
- Clare Island SPA (Site code 004136)

2.5 Photographs and annotated maps provided in Appendix I describe the site and location in some detail.

3.0 PROPOSED DEVELOPMENT

- 3.1 The development involves the installation of a floating pontoon and gangway, construction of a new slipway parallel to the existing pier and levelling and surfacing of a turning / parking area. The stated purpose of the Mulranny Pier Enhancement project is to facilitate improved access and ease of sea vessel movement from Mulranny Bay area into and from Clew Bay.
- 3.2 In response to the Board's request for additional information it was outlined that the enhancement works are proposed to allow better and safer access for existing boat traffic at the pier and harbour and will not make the pier and harbour accessible to larger craft nor increase the capacity of the harbour and pier. It is considered that any potential for additional use arising from improved safety will be modest. The provision of a maximum of two additional berths alongside the floating pontoon is the only increase in mooring capacity at the site.
- 3.3 The floating pontoon is to be constructed below the low water mark on the lower shore near the existing moorings. The floating pontoon which will be attached to a pedestrian gangway which in turn will be anchored to a concrete base (3m x 3m) positioned on boulder and cobble substrate above the high water line. The floating pontoon will be attached to 5 no pile structures inserted into sediments to depths of approximately 4m in the lower intertidal zone using rotary core drilling. The existing slipway, which runs alongside the pier, measuring approximately 3m wide and 29m long is to be widened to approximately 6m along its entire length using a mixture of boulder, cobble and concrete, similar to the existing structure materials. The off-road land between the proposed gangway and slipway comprises an artificial surface of consolidated gravel and cobble substrate and concrete. This area will be levelled and surfaced using concrete to

provide a turning / parking area. A small concrete footpath will be constructed between the gangway and the turning /parking area.

- 3.4 The schedule and programme of works is set out in its various stages and methods of construction are outlined in detail in the construction method statement submitted in response to the Board's request for additional information. The piles to which the floating pontoon will be attached will be driven into place using rotary boring (twisting into place). The rotary piling operations will be undertaken over approximately two working days using floating marine plant as required. A temporary contractor compound will be set up on the turning parking area. The precast concrete anchor block (measuring approximately 2m x 2m x 2m will be positioned above the high water line on the infill substrate area by Mayo County Council employees using a 3t mini digger. A pedestrian gangway leading from the pontoon will be secured to the pre cast concrete anchor block. The widening of the slipway to 6m along its entire length will be constructed using a combination of pre-cast concrete blocks which will comprise the retaining wall. Area between the retaining wall and existing slipway will be infilled using locally sourced hardcore infill and capped using in-situ poured concrete (depth of concrete layer 150mm). Parking area will be surfaced with a 150mm layer of concrete and area returned to original use. A 2m wide 150mm depth concrete path will be cast in situ between the parking area and pontoon pedestrian gangway. All concrete will be cast in situ. Plant and material will include a 13t excavator and 3t mini digger. Track mounted plant will be used to position the floating pontoon on the lower shore. Floating plant will be used to insert the piles in the lower intertidal area. I note that proposed development does not include dredging.
- 3.5 As regards the timing and duration of works, it is anticipated that the works will take approximately 8 weeks to complete. All works are proposed to be carried out outside the wintering bird season.

- 3.6 Certain elements of the works are situated on the foreshore and will require foreshore license / lease in relation to proprietary / infrastructure aspects. ²

4.0 LOCAL AUTHORITY'S SUBMISSION

- 4.1 The Local Authority's submission includes a screening for Environmental Impact Assessment and a Natura Impact Statement compiled by RPS and a report from the Senior Planner Mayo County Council. Following requests for additional information by the Board responses were provided in the form of an EIA Screening Addendum Report and NIS Addendum reports.
- 4.2 The Senior Planner's report considers the proposal in the context of the Policies and Objectives of the Mayo County Development Plan 2014-2020. In reference to Section 3 Infrastructure Strategy, in particular to policy PH-01 Ports Harbours Piers, the stated objective of the Council is to develop and improve ports, harbours, piers, slipways and associated shore facilities and access, including those that can be shared by leisure, tourism, fishing, renewable energy and aquaculture, 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. The report notes that while the Mulranny Pier Enhancement Works are not specifically referred to in Table 3 – Priority Infrastructure Projects for Mayo 2014-2020, the project meets the policies and objectives of Mayo County Development Plan 2014-2020. It is therefore concluded that the Mulranny Pier Enhancement Project will give effect to those policies and objectives and facilitate the

² As clarified in response to the Board's request for additional information which indicated that on 6th October 2017 Mayo County Council initiated the consent application process by submission of pre application consultation request for consent under the Foreshore Act 1933 (as amended).

implementation of the development plan as required under Section 14 of the Planning and Development Acts 2000-2016. It is asserted that the proposal is in conformity with Mayo County Development Plan 2014-2020 and is consistent with the proper planning and sustainable development of the area.

4.3 The Natura Impact Statement (as supplemented by addendum reports) completed by RPS Consultants sets out the detailed information to inform the Appropriate Assessment of the project including stage one information to inform screening and stage two appropriate assessment. The AA screening report determined that there is not sufficient certainty to reach a finding of no significant effect with respect to a number of the qualifying interests of a number of protected sites (namely Clew Bay SAC, the West Connacht SAC, Owenduff / Nephin Complex SAC, the Owenduff / Nephin Complex SPA, and the Clare island SPA. Qualifying Interests for Annex IV Species for which potential impacts cannot be screened out are also considered in the NIS. Relevant Annex IV species include otter (*lutra lutra*) and all cetaceans species.

4.4 Screening for Appropriate Assessment determined that the project is not likely to have significant in combination effects with other known plans or projects. The proposed project is not likely to have significant effects on the qualifying interests of the following six (of ten) European sites located within the 15km buffer zone:

Owenduff / Nephin Complex SAC (Site code 199701)

Bellacragher Saltmarsh SAC (Site code 199909)

Lough Gill Bog SAC (Site Code 199511) #

Corraun Plateau SAC (Site Code 199610)

Oldhead Woods SAC (Site Code 199508) and

Clare Island Cliffs SAC (Site code 199904)

4.5 The NIS report concludes that there is not sufficient certainty to reach a finding of no significant effect with respect to a selection of Qualifying interest of the following

- West Connacht SAC (Site Code 002998)
- Owenduff / Nephin Complex SPA (Site Code 004098)
- Clew Bay Complex SAC (Site Code 200110) and
- Clare Island SPA (Site Code 004136)

5.0 OBSERVATIONS

5.1 Under Section 177AE(4)(a) the local authority published a notice regarding the proposed development in the Mayo News on May 9th 2017. In addition, the following prescribed bodies were notified regarding the application:

- Inland Fisheries Ireland
- Department of Arts, Heritage and the Gaeltacht
- An Taisce
- The Heritage Council

5.2 A submission was received from Inland Fisheries Ireland (and subsequently reiterated in submission received on 26th October 2017 following circulation of further information response). Comments are summarised as follows:

- Inland Fisheries Ireland asserts that Mulranny Strand provides good habitat for dogfish, flounder, ray, turbot and bass and Clew Bay is very popular with boat anglers for a wide variety of marine species noting also location within the Clew Bay Complex SAC. This part of Clew Bay has been allocated “good ecological status” in the River Basin Management Plan but has been identified as being at risk of not maintaining this status, and therefore requires high level of protection. No run off from machine or concrete mixing areas should enter Clew Bay. Concrete pouring only in dry weather conditions. Monitoring to

ensure no accidental discharge to the marine environment. Bunding of fuel oils greases and hydraulic fluids. Drip tray and hydrocarbon spill kits to be provided. Measures to prevent the spread of invasive species. Method statements to be provided one month prior to commencement.

5.3 In light of the nature and location of the proposed development, the Board requested submissions / observations from the following bodies:

- Department of Agriculture Food & the Marine
- Department of Transport Tourism & Sport
- Department of Communications, Climate Action & Environment
- Department of Housing Planning & Local Government (Foreshore)
- Department of Culture Heritage & the Gaeltacht
- Fáilte Ireland
- An Comhairle Ealaíon

No submissions or observations were made by any of the bodies other than Inland Fisheries Ireland.

6.0 LEGISLATIVE CONTEXT.

6.1 Habitats Directive 92/43/EEC

6.1.1 Article 6(3) of the EU Habitats Directive (as amended) on the conservation of natural habitats and wild fauna and flora requires the competent authority to carry out an appropriate assessment of any plan or project which is likely to have a significant effect on a Natura 2000 site, prior to any decision being made to allow the project to proceed.

6.1.2 Natura 2000 sites in Ireland comprise Special Areas of Conservation (including candidate SACs) and Special Protection Areas. SACs are selected for the conservation and protection of habitats listed in Annex I and species (other than birds) listed in Annex II of the Habitats Directive (92/43/EEC) and their habitats. SPAs are sites which have

been selected for the conservation and protection of bird species listed on Annex I of the Birds Directive and regularly occurring migratory species and their habitats.

6.2 Local Natura 2000 Designations.

6.2.1 The site is partly within the

- Clew Bay Complex SAC (Site Code 200110).

6.2.2 The following Natura 2000 sites are located within 15km of the site.

- West Connacht SAC (Site Code 002998)
- Owenduff / Nephin Complex SAC (Site Code 199701)
- Bellacragher Saltmarsh SAC (Site code 199909)
- Lough Gall Bog SAC (Site Code 199511)
- Corraun Plateau SAC (Site Code 199610)
- Oldhead Woods SAC (Site Code 199508)
- Clare Island Cliffs SAC (Site Code 199904)
- Owenduff / Nephin Complex SPA (Site code 004098) and
- Clare Island SPA (Site code 004136)

Beyond 15km I note a number of other Natura 2000 sites including:

- Blacksod Bay Broadhaven SPA
- Bills Rock SPA
- Keel Machair Menaun Cliffs SAC
- Achill Head SAC
- Doogort Machair SAC
- Croaghaun / Slievemore SAC
- Newport River SAC

6.3 Planning and Development Acts 2000 (as amended).

6.3.1 Section 177AE of the Planning and Development Acts 2000-2010 as amended deals with appropriate assessment for development carried out by or on behalf of local authorities.

- Section 177AE(2) requires that any proposed development in which an appropriate assessment is required, shall not be carried out unless it has been approved by the Board with or without modifications.
- Section 177V(3) requires that a competent authority may only give consent for a proposed development (or land use plan) only after having determined that the proposed development (or land use plan) shall not adversely affect the integrity of the European site.
- Section 177AE(5) enables the Board to seek further information from the local authority or to make alterations to a proposed development.
- Prior to making any decision, Section 177AE(6) requires the Board to consider the NIS submitted, any observations in respect of the proposed development and any other information furnished in respect of it relating to (a) the likely effects of the development on the environment, (b) the likely consequences for the proper planning and sustainable development of the area and (c) the likely significant effects of the proposed development on a European site.
- Section 177AE(8) enables the Board to approve the proposed development, approve the development with modifications, attach conditions to an approval or refuse to approve the development.
- Under Section 177AE(10) the Board cannot subject a proposed development for which an integrated pollution control licences or waste licence is required, to conditions which are for the purposes of controlling emissions from the operation or cessation of the activity.

6.4 Appropriate Assessment

6.4.1 Guidance on appropriate assessment is set out in the European Commission document:

'Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4)

of the Habitats Directive 92/43/EEC. European Commission 2002 and in the Department of Environment's *'Appropriate Assessment of Plans and Projects in Ireland. Guidance for Planning Authorities'*. December 2009. Revised February 2010.

6.4.2 I note also EC Guidance Document on the Implementation of the Birds and Habitats Directives in estuaries and coastal zones with particular attention to port development and dredging (EC 2011).

6.5 Environmental Impact Assessment.

6.5.1 As regards Environmental Impact Assessment, I note the following classes set out in Schedule 5 of Part 2 of the Planning and Development Regulations 2001, as amended which provide that an Environmental Impact Statement shall be prepared in respect of a planning application for the following development:

- *Class 1(g) "Reclamation of land from the sea, where the area of reclaimed and would be greater than 10 hectares"*
- *Class 10e and 10k "New or extended harbours and port installations, including fishing harbours, not included in Part 1 of the Schedule, where the area, or additional area, of water enclosed would be 20 hectares or more, or which would involve the reclamation of 5 hectares or more of land or which would involve the construction of additional quays exceeding 500m in length."*
- *10(k) "Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example of dikes, moles, jetties and other sea defence works, where the length of coastline on which works would take place would exceed 1 kilometre, but excluding the maintenance and reconstruction of such works or works required for emergency purposes."*

- *12(b) Sea water marinas where the number of berths would exceed 300 and freshwater marinas where the number of berths would exceed 100.”*

6.5.2 Article 120(2) of the Planning and Development Regulations 2001 (as amended) requires that where a local authority proposes to carry out a sub threshold development which would be located on or in a European Site the local authority concerned shall decide whether the development would or would not be likely to have significant effects on the environment of such site area or land as appropriate.

6.5.3 The EIA Directive (2014/52/EU) entered into force on 15th May 2014 with a requirement that it be transposed into national legislation by 16th May 2017. Articles 4(4) (5) and (6) significantly amend the procedure for EIS screening determination. The information to be set out by the developer is set out in Annex IIA including a description of the project, a description of the location of the project, with particular regard to the environmental sensitivity of geographical areas likely to be affected a description of the aspects of the environment likely to be significantly affected by the project a description of any likely significant effects. In determining whether an EIA is required the competent must state main reasons for conclusion with reference to the relevant criteria in Annex III relating to:

- Characteristics of proposed development
- Location of proposed development
- Type and Characteristics of potential impacts

6.5.4 I note that the Local Authority carried out a screening exercise and determined that that EIA is not required in respect of the development therefore the application was lodged under the provisions of Section 177AE of the Planning and Development Act 2000 (as amended).

6.6 Planning Policy Context.

6.6.1 The Mayo County Development Plan 2014 to 2020 refers.

- Mulranny falls within the category of “Other Towns and Villages” in terms of the core strategy and Retail strategy.
- The landscape appraisal of Co Mayo places the site within the Achill and Clare Island Complex.
- The R319 Regional road from Mulranny to south of Bunacurry is located on a route with significant view of coastline, river bank and lake shoreline.
- The Site is located within Policy Area 1 Mountaine Coastal Zone.
- Economic Development Strategy sets out policies and objectives in terms of Marine Resources, Aquaculture and Fishing. MF-01 It is an objective of the Council to support the sustainable development of the marine sector and subject to government policy to prepare a Marine Strategy for County Mayo.
- Priority Infrastructure Projects for Co Mayo are set out in Table 3 which includes an extensive list of harbours and piers. Mulranny pier is not included as a priority project.

The **Mulranny Village Design Statement**, launched in April 2012 and compiled by Mayo County Council and The Heritage Council includes proposals to strengthen connections to and promote enjoyment of the sea, beaches and causeway around Mulranny. Reference is made to the need for attention to accessibility in relation to the pier.

7.0 ASSESSMENT

7.1 Having regard to the nature of the proposed development and to the site context and character, and based on the details submitted in respect of the scale and form of the proposed development the

following assessment sets out to address the potential planning and environmental impacts arising.

7.2 Under the provisions of Section 177AE(6) there are specific requirements for the Board to consider in assessing applications of this nature namely,

- (a) The likely effects on the environment
- (b) The likely consequences for the proper planning and sustainable development of the area and
- (c) The likely significant effects of the proposed development on any European sites.

Having regard to the EIA screening report lodged by the applicant, I also comment on this in my assessment of the likely effects on the environment below. Accordingly, I propose to assess the current application before the Board under the three broad headings.

7.3 Likely Consequences for the proper planning and development of the area

7.3.1 Given the scale of the existing pier facility at Mulranny, it does not feature in the context of national policy documents for instance National Port Policy 2013, Department of Transport Tourism and Sport which introduces categorisation of the commercial ports sector into ports of National Significance (Tier 1 and Tier 2) and ports of Regional Significance.

7.3.2 Within the Mayo County Development Plan 2014-2020, the settlement hierarchy defines Mulranny as another town and village for which it is the policy of the Council to support its sustainable development and growth. The County Development Plan sets out the policy PY-02 to provide or facilitate the provision of high quality sustainable infrastructure to serve the economic and social needs of the County.

7.3.3 In terms of landscape character, the site is within the Achill and Clare Island Complex and within Policy Area 1 Montaine coastal zone. In terms of the landscape sensitivity matrix, the area is categorised as being of medium low sensitivity to road projects (a comparable development) and I this landscape sensitivity classification is in my view reasonable. Given the limited and low rise nature of the development and its character, I consider that the development will not have a significant visual impact on the integrity, distinctiveness and visual character of the area.

7.3.4 As regards Section 3, the Infrastructure Strategy as set out in the Mayo County Development Plan 2014-2020 the stated objective PH01 is “to develop and improve ports, harbours, piers, slipways and associated shore facilities and access, including those that can be shared by leisure, tourism, fishing, renewable energy and aquaculture, 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. I note that Table 3 sets out priority infrastructure project and includes a list of 11 piers / harbours within the county but does not refer specifically to Mulranny Pier. The Mulranny Village Design statement includes proposals to strengthen connections to and promote enjoyment of the sea, beaches and causeway around Mulranny. Reference is made to the need for attention in relation to accessibility to the pier.

7.3.5 In relation to Marine Resources Aquaculture and Fishing MF01 is the objective to support the sustainable development of the marine sector and subject to government policy to prepare a marine strategy for County Mayo to include marine spatial planning, leisure, tourism, aquaculture, fishing and renewable energy.

7.3.6 The proposed pier enhancement will clearly boost the areas infrastructure and tourism industry and having reviewed the policy context I conclude that the development is generally supported by the generic policies of the county Development Plan although not specifically referenced as a priority project. As

noted the enhancement works are proposed to allow better and safer access for existing boat traffic and will not increase the capacity to any significant degree. Having regard to the foregoing on the basis of the detailed consideration of the application I consider that the proposed development is in accordance with the policies and objectives of the Mayo County Development Plan 2014-2020 and in accordance with the proper planning and sustainable development of the area.

7.4 Likely Effects on the Environment.

7.4.1 As previously noted the Local Authority carried out a screening exercise and determined that that EIA is not required in respect of the development therefore the application was lodged under the provisions of Section 177AE of the Planning and Development Act 2000 (as amended). The likely effects of the development on the various environmental receptors will include the following;

Population & Human Health	Short term increase in localised dust air pollution disruption during construction Access Health and safety Increased intensity of usage Navigation safety
Biodiversity	Temporary / Permanent loss of habitat Disturbance to birds, animals, fish Impact on Benthic communities, sediment release and deposition Adverse impact on food sources Invasive Species Increased Marine traffic
Soil	Local Disturbance during construction

Water	Increase pollution potential during construction and operation
Air, climate, noise	Localised short term increase in noise, dust and air pollution during construction Increased intensity
Land	Removal of vegetation Landscape Local Impact Visual Impact
Material Assets	Increase in traffic congestion during construction and operation Access
Cultural Heritage	Subsurface archaeology.
Vulnerability to risk of major incidents or disasters	Medium / Low
Interactions	Population / air /climate/noise/ material assets – localised disturbance during construction period. Biodiversity – loss of habitat, food sources. Disturbance.

7.4.2 The likelihood of significant environmental effects of the proposed development on the Natura 2000 sites is dealt with in the Natura Impact Statement and below in the Appropriate Assessment. Notably the site is located partly within the Clew Bay Complex SAC. As the applicant has lodged an EIA screening report this also has informed my assessment. On the basis of the detailed consideration, and having regard to the characteristics of the proposed development, the location of the proposed development and the characteristics of the potential impacts, I would concur with the conclusion that an Environmental Impact Assessment is not warranted.

7.4.3 As regards scale of the proposal the footprint of Mulranny pier enhancement is not considered significant in size. The maximum footprint of the floating pontoon, pedestrian gangway, piles, infill area and slipway extension is

estimated to be 400m². The existing turning / parking area which will be levelled and surfaced measures approximately 100m² while the pathway providing access from the turning parking area to the pontoon pedestrian gangway will be approximately 30m². In terms of use of natural resources, the limited use of natural resources including water, masonry, concrete and hydrocarbons for construction machinery. As regards pollution there is negligible risk of accidental release and input to the environment of sediment chemicals or other waste material.

7.4.4 Disturbance during construction will be temporary minor and not significant and there is no predicted significant nuisance during operational phase. Risk of accident is improbable and not likely to be significant. Based on information provided there are no other plans or projects which could result in cumulative or in combination impacts to environmental factors and associated receptors.

7.4.5 In terms of the location of the development there will be limited disturbance to the existing natural resources and with the exception of limited permanent loss and/or change of habitat in the immediate area of the proposed works, and adherence to best practice construction and mitigation measures the potential impacts to the environment are deemed to be minor and not significant. As a result of construction activities there will be a relatively small, but permanent loss of intertidal habitat however, this loss /change of habitat will not significantly fragment the habitat nor negatively impact the integrity of the habitat and/or system as a whole. Furthermore, the loss/change of habitat area will not negatively impact the habitat's ability to withstand and recover from on-going and future disturbances.

7.4.6 As regards the characteristic of potential impacts no significant impacts are identified as a result of the proposed project construction phase in relation to the geographical area or surrounding population. Any minor impacts which may occur will be mitigated for through best practice measures. Impacts are envisaged to be minor and of low complexity. The minor impact which may occur as a result of construction works are predicted to be once off. Habitats

disturbed during construction have a high probability of regeneration. As regards proximity and interconnectivity of Natura 2000 sites the aspects of the project projected to cause potential impact are identified as noise disturbance from construction activities including rotary drilling, impact to water quality and habitats due to release of sediment chemicals or other waste material pollution during construction periods. The permanent loss of habitat within the footprint of the proposed works, and the potential for structures to act to change local hydrodynamic conditions thereby altering local sediment depositional or erosional processes are considered not to be significant.

7.4.7 On the matter of potential impact on cultural heritage it is noted that there are no recorded archaeological monuments within 5km of the proposed works and therefore significant impact on archaeological or cultural heritage is not envisaged.

7.4.8 As regards flood risk and management, it is noted that recurring flood events have taken place east of the proposed development along the access road that links the pier to the local road L1404 where the access road has been subjected to flooding during high tides and when the existing breakwater has been overtopped. A second flood prone area is located on the N59 east of Mulranny where the road and surrounding land become inundated with runoff during heavy periods of rain. These flood areas are remote from the Mulranny pier site and given the water compatible nature of the development the issue of flooding is not significant.

7.4.9 As regards impact on population it is not likely that construction works will create significant negative impact on residents on the basis of distance to residential property, the temporary nature of construction works and restricted footprint. While there will be a short term impact arising from construction traffic it is considered minor and temporary.

7.4.10 The operational phase will provide an improved public amenity and facilitate access and ease of vessel movement from the Mulranny harbour area into

and from Clew Bay. Operational risks from boats would be comparable to the existing pier. The response to the Board's request for additional information regarding the potential for increased intensity of usage confirmed that the proposed development is intended to allow for better and safer access to existing boat traffic at the pier and harbour and will not make the pier and harbour accessible to larger craft nor increase capacity of the pier. While improvements may attract additional boat users any increase in vessel traffic is predicated to be modest. I note that the existing pattern of usage at Mulranny Pier is of a low level of intensity. (Typically less than 10 vessel movements per day in spring / summer and less than 1 in autumn / winter) and any increase is not likely to give rise to significant impacts.

7.4.11As regards biodiversity, the impacts due to construction will be minor, following implementation of best practice and mitigation measures and impact will not be significant. The potential for structures to act to change the local hydrodynamic conditions is considered, in terms of the potential for altering local sediment depositional or erosional processes and given its limited footprint it is not considered to be significant.

7.4.12The most significant potential impacts arising relate to biodiversity and are discussed in greater detail in relation to the appropriate assessment below. Construction phase impacts are well identified in the documentation and sufficiently addressed in proposed mitigation measures. Most potential impacts associated with the construction phase of the project are highly localised and small scale. Having regard to the small scale of the development and the limited duration of the construction phase which is envisaged to last approximately 8 weeks, it is not considered that significant adverse impacts on the environment will occur. Operational phase impacts will be comparable with those at the existing pier.

7.5 Likely Significant Effects on a European Site - Appropriate Assessment.

7.5.1 Appropriate Assessment (AA) considers whether the plan or project alone or in combination with other projects or plans will adversely affect the integrity of a European site in view of the site's conservation objectives and includes consideration of any mitigation measures necessary to avoid, reduce or offset negative effects. This determination must be carried out before a decision is made or consent given for the proposed development. Consent can only be given after it has been determined that the proposed development would not adversely affect the integrity of a European site in view of the site's conservation objectives

7.5.2 Guidance on appropriate assessment is set out in the European Commission's '*Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*' (European Commission 2002) and in the Department of the Environment's '*Appropriate Assessment of Plans and Projects in Ireland. Guidance for Planning Authorities*', (December 2009, revised February 2010).

7.5.3 The following assessment sets out to:

- Identify of European Sites which could be potentially affected using the Source Pathway Receptor Model
- Identify the Conservation Objectives for these sites
- Examine the Predicted Impacts on sites and assess whether these impacts would likely be significant.
- Assess likely significant impacts against the conservation objectives. Assess whether these impacts would be likely to be significant
- Consider cumulative and in-combination effects
- Consider Mitigation
- Assess Residual Effects
- Appropriate Assessment Conclusion

7.5.4 Identification of European Sites which could be potentially affected using the Source Pathway Receptor Model

7.5.4.1 The Application is accompanied by a Natura Impact Statement compiled by RPS. The Stage 1 screening identifies 10 Natura 2000 sites within 15km of the proposed development namely

- Clew Bay Complex SAC (Site Code 200110)
- West Connacht SAC (Site Code 002998)
- Owenduff / Nephin Complex SAC (Site Code 199701)
- Bellacragher Saltmarsh SAC (Site code 199909)
- Lough Gall Bog SAC (Site Code 199511)
- Corraun Plateau SAC (Site Code 199610)
- Oldhead Woods SAC (Site Code 199508)
- Clare Island Cliffs SAC (Site Code 199904)
- Owenduff / Nephin Complex SPA (Site code 004098) and
- Clare Island SPA (Site code 004136)

7.5.4.2 The Stage 1 Screening Assessment determined that the proposed project is not likely to have significant effects on the qualifying interests of the following European sites located within the 15km buffer zone:

- Bellacragher Saltmarsh SAC (Site code 199909)
- Lough Gall Bog SAC (Site Code 199511)
- Corraun Plateau SAC (Site Code 199610)
- Oldhead Woods SAC (Site Code 199508) and
- Clare Island Cliffs SAC (Site code 199904)

The potential for likely interactions is discounted as the sites are remote from the proposed works and there is no pathway for interaction of the proposed works with relevant qualifying interests. The Stage 1 Screening for Appropriate Assessment determines that the project is not likely to have significant in combination effects with other known plans or projects.

7.5.4.3 There is not sufficient certainty to reach a finding of no significant effect with respect to a selection of Qualifying interests of the following

- Clew Bay Complex SAC (Site Code 200110)
- West Connacht SAC (Site Code 002998)

- Owenduff / Nephin Complex SPA (Site Code 004098)
- Clare Island SPA (Site Code 004136) and
- Owenduff / Nephin Complex SAC (Site code 199701)

7.5.4.4 Having reviewed the detail of the application, I would concur with the conclusion of the screening assessment that the Natura 2000 sites of relevance for consideration in terms of the Appropriate Assessment having regard to the source pathway receptor model and the nature, scale and effect of the proposed development, distance and relationship to European Sites and their conservation objectives and qualifying interests are Clew Bay Complex SAC (Site Code 200110), West Connacht SAC (Site Code 002998), Owenduff / Nephin Complex SPA (Site Code 004098), Clare Island SPA (Site Code 004136) and Owenduff / Nephin Complex SAC (Site code 199701).

7.5.4.5 For AA screening purposes, in accordance with general practice the 15km likely zone of impact as recommended by the Department of Environment Heritage and Local Government's document Appropriate Assessment of Plans and Project Guidance for Planning Authorities 2009 was adopted in the AA screening document and I would consider that this is appropriate in terms of construction phase impacts. In accordance with the precautionary principle European sites more than 15km from the project may need to be considered having regard to the likely impacts of the project and the sensitivities of environmental receptors. I would note in relation to the indirect consequences arising from intensity of usage and marine traffic any potential for indirect effects to outlying Natura 2000 sites on the basis of information provided with regard to capacity, a significant increase in marine traffic is not likely to arise therefore adverse indirect effects to outlying Natura 2000 sites are not predicted.

7.5.5 Identification of the Conservation Objectives for the sites identified

7.5.5.1 The **Clew Bay Complex SAC** site synopsis notes that

“Clew Bay is a wide, west-facing bay on the west coast of Co. Mayo. It is open to the westerly swells and winds from the Atlantic, with Clare Island giving only a small amount of protection. This drumlin landscape was formed during the last glacial period when sediments were laid down and smoothed over by advancing ice. The sea has subsequently inundated the area, creating a multitude of islands. The geomorphology of the bay has resulted in a complex series of interlocking bays creating a wide variety of marine and terrestrial habitats. The site is a Special Area of Conservation (SAC) selected for the following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive (* = priority; numbers in brackets are Natura 2000 codes):

- [1140] Tidal Mudflats and Sandflats
- [1150] Coastal Lagoons*
- [1160] Large Shallow Inlets and Bays
- [1210] Annual Vegetation of Drift Lines
- [1220] Perennial Vegetation of Stony Banks
- [1330] Atlantic Salt Meadows
- [2110] Embryonic Shifting Dunes
- [2120] Marram Dunes (White Dunes)
- [21A0] Machairs (* in Ireland)
- [91A0] Old Oak Woodlands
- [1013] Geyer's Whorl Snail (*Vertigo geyeri*)
- [1355] Otter (*Lutra lutra*)
- [1365] Common (Harbour) Seal (*Phoca vitulina*)

The juxtaposition within Clew Bay of a wide variety of habitats, including 10 listed on Annex I of the E.U. Habitats Directive, and the combination of important flora and fauna, including one Red Data Book plant and three animals listed on Annex II of the E.U. Habitats Directive, make this a site of considerable national and international importance.

The Conservation Objectives for the Clew Bay Complex SAC Version 1, 19th July 2011 notes the overall aim of the habitats directive is to maintain or restore the favourable conservation status of habitats and species of community interest. Favourable conservation status of a habitat is achieved when:

- its natural range, and area it covers within that range, are stable or increasing, and
- the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and
- the conservation status of its typical species is favourable.

The favourable conservation status of a species is achieved when:

- population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and
- the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and
- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

7.5.5.2 The West Connacht Coast SAC. This site consists of a substantial area of marine waters lying off the coasts of Counties Mayo and Galway. Comprising two parts, in its northern component the site extends from the coastal waters off Erris Head westwards beyond Eagle Island and the Mullet Peninsula in Co. Mayo. From there it extends southwards immediately off the coast as far as the entrance to Blacksod Bay. In its southern component, the site stretches from Clare Island and the outer reaches of Clew Bay at Old Head and continues southwards off the Mayo coast to the Connemara coast near Clifden and Ballyconneely, Co Galway. Predominantly coastal in nature, the site extends westwards into Atlantic continental shelf waters up to approximately 7-11 km from the mainland, although in its southern component it remains mostly inshore of the main islands: Clare Island, Inishturk, Inishbofin and Inishshark. Its area contains subtidal waters fringing these and other islands, as well as islets and rocky skerries off the Co. Mayo and Co. Galway coasts.

The site is a Special Area of Conservation (SAC) selected for the following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive (* = priority; numbers in brackets are Natura 2000 codes):

[1349] Bottle-nosed Dolphin (*Tursiops truncatus*)

The Conservation Objectives for the West Connacht Coast SAC Version 1, 1st November 2015, notes the overall aim of the habitats directive is to maintain or restore the favourable conservation status of habitats and species of community interest.

7.5.5.3 Clare Island SPA. Clare Island lies at the entrance to Clew Bay, in Co. Mayo, and some 5 km from the mainland. The island has a diverse geology, being composed of Dalradian sandstones and shales, Carboniferous sandstones, shales and conglomerates, and a variety of Silurian rocks. The site comprises all of the cliffs on the island, a length of approximately 10 km, as well as the land adjacent to the cliff edge (inland for 300 m) and the adjacent marine waters (to distances of 200 m or 500 m, depending on auk distribution). The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: Chough, Fulmar, Shag, Kittiwake, Common Gull, Guillemot and Razorbill.

Clare Island is one of the top seabird sites in the country, having nationally important populations of seven species, including the largest population of Fulmar in the country. It is also of note for the diversity of breeding seabirds, with 13 species breeding regularly. The site also has a nationally important population of Chough and contains nesting Peregrine – the occurrence of these two species is of note as they are listed on Annex I of the E.U. Birds Directive.

The Conservation objectives for the Clare Island SPA are the generic conservation objectives dated 15/8/2016 refer to the need to maintain or restore favourable conservation condition of the Annex 1 habitat and or Annex II species for which the SAC has been selected applies to the site.

7.5.5.4 Owenduff/Nephin Complex SAC.

This large area of relatively intact blanket bog and mountains incorporates the catchment of the Owenduff River and much of the Nephin Beg Mountain range, and is situated in Co. Mayo. Lough Feeagh, which is located approximately 5 km north-west of Newport Town, lies in the south-east corner of the site. From here, the site extends northwards to the Owenmore River and almost to the town of Bangor Erris, and westwards to the townland of Ballycroy.

Within the site, the terrain varies enormously from the peaks of the Nephin Beg Mountains, which reach a maximum altitude of 717 m, to areas where the land slopes westwards to the floodplain of the Owenduff River. The upper slopes of the mountains in the Owenduff/Nephin complex carry wet heath and cliff vegetation, and patches of upland grassland are frequent. The presence of small corrie lakes and rock basin lakes adds to the habitat diversity of the mountains. Along its southern and eastern limits, the site is bounded by coniferous plantations and/or the high mountain slopes of the Nephin Bogs. Along its northern and western margins, the site is fringed by agricultural land reclaimed from bog or from wet floodplain vegetation.

The site is a Special Area of Conservation (SAC) selected for the following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive (* = priority; numbers in brackets are Natura 2000 codes):

[3110] Oligotrophic Waters containing very few minerals

[3160] Dystrophic Lakes

[3260] Floating River Vegetation

[4010] Wet Heath

[4060] Alpine and Subalpine Heaths

[5130] Juniper Scrub

[7130] Blanket Bogs (Active)*

[7140] Transition Mires

[1106] Atlantic Salmon (*Salmo salar*)

[1355] Otter (*Lutra lutra*)

[1393] Slender Green Feather-moss (*Drepanocladus vernicosus*)

[1528] Marsh Saxifrage (*Saxifraga hirculus*)

The Owenduff/Nephin Complex is one of the best and largest examples of intact blanket bog in the country. The range and quality of habitats present here is excellent, and a number of rare and protected plant and animal species occur. The Owenduff River system is the largest in the country which remains virtually free of conifer plantations. The site is a striking wilderness of bog and mountain, a unique landscape which is of international ecological importance. The Conservation objectives are the generic conservation objectives 15/8/2016 which refer to the overall aim of the Habitats Directive to maintain or restore the favourable conservation status of habitats and species of community interest.

7.5.5.5. Owenduff/Nephin Complex SPA.

This large area of relatively intact blanket bog and mountains incorporates the catchment of the Owenduff River and much of the Nephin Beg Mountain range in Co. Mayo. Lough Feeagh, which is located approximately 5 km north-northwest of Newport, lies at the south-east corner of the site. From here, the site extends northwards to the Owenmore River and almost to the town of Bangor Erris, and westwards to the townland of Ballycroy. Within the site the terrain varies enormously, from the peaks of the Nephin Beg Mountains, which reach a maximum altitude of 717 m, to the low-lying floodplain of the Owenduff River in the western sector. Along its southern and easterly limits, the site is bounded by coniferous plantations and/or the high mountain slopes of the Nephin Bogs. Along its northern and western margins, the site is fringed by agricultural land reclaimed from bog or from wet floodplain vegetation.

The Owenduff/Nephin Complex SPA provides one of the best examples of blanket bog and upland bird communities in the country. Of particular importance is that there are four regularly-occurring species that are listed on Annex I of the E.U. Birds Directive (Greenland White-fronted Goose, Merlin, Peregrine and Golden Plover), as well as a good population of Red Grouse. Much of the site is a National Park and the Owenduff catchment is a Ramsar Convention site. The generic Conservation objectives dated 15/8/2016 refer.

7.5.6 Prediction of Impacts and impact significance

7.5.6.1 The NIS provides for an evaluation through scientific examination of evidence and data of whether or not qualifying features of the Natura 2000 sites should be selected for further assessment is based on the potential for significant adverse effect on the integrity of the Natura site in view of the site's conservation objectives. The likelihood of significant effects to the Natura 2000 site from the project in the absence of mitigation would arise from the following.

- Noise disturbance from construction activities including rotary drilling
- Impact to water quality and habitats due to release of sediment, chemicals or other waste material pollution during construction periods
- Permanent loss of habitat / habitat alteration within the footprint of the proposed works.
- Structures may act to change local hydrodynamic conditions, thereby altering local sediment depositional or erosional processes.
- Introduction of invasive species
- Physical disturbance and compaction of sediments due to mooring vessels.
- Impact on water quality and habitat due to release of chemicals or waste / pollution from vessels.
- Noise disturbance from vessel activity.

7.5.6.2 The qualifying features of the Clew Bay SAC (001482) that are identified as relevant in terms of potential for significant impact are:

- Mudflats and sandflats not covered by seawater at low tide [1140]
- Large Shallow Inlets and bays [1160]

- *Phoca vitulina* (harbour Seal) [1365]
- Otter (*Lutra lutra*) [1355]

7.5.6.3As regards Mudflats and sandflats not covered by seawater at low tide [1140] and Large shallow inlets and Bays [1160], in terms of the short term construction phase there is potential for impact to the conservation objectives of the site due to risk of accidental input of chemical and waste pollution. However, in light of the project design using best construction measures, the risk of impact occurring is deemed to be low and not significant. As regards permanent loss of habitat, within the footprint of the works, there is potential for impact to the conservation objectives of the site as a result of construction of the floating pontoon, piles infill area and slipway extension. During the operational phase of the project the pontoon will rest on the sediment surface at low water causing compaction and further permanent loss of Sandy mud with polychaete and bivalves community complex habitat. During the construction phase, benthic communities in the vicinity of the works may be impacted by the release and deposition of sediment while during the operational phase localised changes in hydrodynamic regime due to the installed structures altering local sediment depositional or erosional process thereby affecting nearby benthic community types. There will be a loss of a maximum of 400m² (or approximately 0.01% of intertidal sandy mud habitat within the Annex I habitat of mudflats not covered by seawater at low tide 1140. Notably NPWS 2011³ guidance states that ‘continuous disturbance of each community type should not exceed an approximate area of 15%.’ It is asserted within the NIS, that given the relatively small proportional loss of habitat associated with the proposed pier enhancement works, potential impacts to Annex I habitat are deemed to be not significant. Given the low level of traffic activity at the pier and as works will not give rise to significant increase in boating activity, significant physical disturbance to habitats or accidental input of chemical or waste pollution are not likely to give rise to

³ NPWS 2011. Clew Bay Complex SAC (site code 001482) Conservation objectives supporting document – marine habitats and species, Version 1 June 2011. https://www.npws.ie/sites/default/files/publications/pdf/1482_Clew%20Bay%20Complex%20SAC%20Marine%20Supporting%20Doc_V1.pdf

significant impact on habitats. I consider that the arguments as set out are reasonable. Given that the Annex I habitat is already impacted on by the established pier and mooring operations and activities at this location, it is considered that based on the available scientific evidence and having regard to the site specific local factors the additional impact arising is minor in the overall context and the loss of habitat is not significant.

7.5.6.4 The potential for introduction of invasive species by way of contaminated vehicle and equipment and material is addressed and mitigation measures and management proposals are outlined.

7.5.6.5 As regards the potential for structures to act to change local hydrodynamic conditions thereby altering local sediment depositional or erosional processes, the proposed works which have a small physical footprint are located in an extremely confined shallow low energy environment. Given the combination of shallow confined water and small physical footprint I do not consider that the proposed works will significantly alter tide dynamics and/ or alter coastal or depositional or erosional processes and the naturalness of nearby sedimentary habitats. Potential impacts to Annex I Habitat and constituent community types are therefore deemed to be not significant.

7.5.6.6 As regards impacts to qualifying species *phoca vitulina* (Harbour seal) [1365] and *lutra lutra* (otter) [1355] there is potential for impact in terms of noise disturbance from construction activities. Mitigation measures are required in terms of noise impact in marine mammals. As regards impacts on water quality due to release of sediment, chemicals or other waste material, there is potential for impact due to accidental input of chemical and waste pollution. Given the nature and scale of the proposed project and level of plant required potential impacts from non routine works are likely to be not significant. Therefore, potential impacts to Annex II species are deemed to be not significant. Construction operations will be carried out in daylight thereafter risk of interaction with otter is likely to be minimal. Should disturbance occur it is unlikely to result in population level impacts. As regards operational impacts, given the low level of traffic activity at the pier and as

works are not expected to result in significant increases in boating activity it is not considered that the development will give rise to injury or disturbance to species.

7.5.6.7As regards the assessment of potential impacts to qualifying interests of Ownduff / Nephin Complex SAC the qualifying interest species are *lutra lutra* Otter [1355] and *salmo salar* salmon [1106]. The potential exists for impacts in terms of noise disturbance from construction activities including rotary drilling. It is proposed that these works will be carried out in daylight and therefore the risk of interaction is minimal. Should disturbance occur it is highly unlikely to result in population level impacts. As regards risk of accidental spillage of chemicals and waste pollution this is a negligible risk. Operational impacts are not considered to be significant.

7.5.6.8As regards potential impacts to conservation objectives of qualifying interests of West Connacht SAC (002998) the relevant qualifying interest species are *Tursiops truncatus* (common bottlenose dolphin [1349]. Noise disturbance from construction is identified as a potential risk and mitigation is identified as a requirement. Other potential impacts on water quality including risk of accidental input of chemical and waste pollution are not significant. Operational impacts are not predicted to be significant.

7.5.6.9As regards impacts on qualifying interest of Clare Island Cliffs SPA (004136) and Owenduff / Nephin Complex SPA (004098) the relevant qualifying interest species are Fulmar (*Fulmaris glacialis*) [A009], Shag (*Phalacrocrax aristotelis*) [EA018], Common Gull (*Larus canus*) [A182], Kittiwake (*Rissa tridactyla*) [A188], Guillemot (*Uria aalge*) [A199], Razorbill (*Alca torda*) [A200], Chough (*Pyrrhocorax pyrrhocorax*) [A346] Merlin (*Falco columbarius*) [A098] and Golden Plover (*Pluvialis apricaria*) [A140]. It is noted that the immediate area of the works has not been identified as a sensitive breeding or feeding area for the species for which the Clare Island Cliffs SPA and Owenduff Nephin Complex SPA have been designated however, the main potential for disturbance is particularly to wintering species. This will be avoided by conducting construction works outside the wintering bird season. The

resulting risk of impact occurring is low and not significant. Risk of accidental chemical input and waste pollution is considered to be negligible. Impact arising from permanent loss of habitat within the footprint of the works is not significant on the designated bird species. The potential for structures to act to change local hydrodynamic conditions thereby altering local sediment depositional or erosional processes is not significant given the small physical footprint and location within a confined shallow environment.

7.5.6.10 Given the low level of activity at the pier and as the works are not likely to result in significant increase in boating activity it is concluded that the proposed development will not give rise to disturbance impacts and the risk of direct and indirect pollution is low and not significant.

7.5.7 Cumulative and in Combination Effects

7.5.7.1 I note that Mayo County Development Plan 2014-2020 has been subject to Appropriate Assessment. A review of Mayo County Council Planning System there are no active planning applications adjacent to the proposed project. There are not specific zoning provisions relating to land in the vicinity of the site. The Mulranny Village Design Statement sets out vision for the village aimed at establishing a village centres, a greenway hub, improving the causeway and pedestrian linkages to the sea. On the basis of the information provided there is no identified potential for significant cumulative and in combination effects. Indirect effects arising from improved capacity and usage have been assessed and are not considered to be significant.

7.5.8 Mitigation

7.5.8.1 In terms of noise mitigation identified as necessary to mitigate impact on two marine mammal species, *Phoca vitulina* (Harbour Seal) qualifying interest of the Clew Bay SAC and *Tursiops truncatus* (common bottlenose dolphin) qualifying interest of the West Connacht SAC, it is anticipated that the noise

associated with rotary boring will follow levels reported by Willis *et al* (2010)⁴ of near shore marine drilling activity. Using water column hydrophone readings Willis et al. (2010) demonstrated that sound pressure levels_{0-peak} hold from near shore marine drilling activity decreased with distance from source.

7.5.8.2 It is asserted that Noise levels produced by rotary boring are anticipated to be below levels which are considered injurious to the hearing of cetaceans. The proposed project is located in an extremely confined shallow water environment. The combination of shallow confined water body and soft seabed leads to significant noise attenuation. Elevated noise levels from drilling will therefore be confined to an area close to source. Should marine mammals migrate into the area any potential interactions are deemed to be non significant, temporary and minor in nature. Significant impacts on the condition of breeding, moult and resting haul used by *Phoca vitulina* within the Clew Bay Complex SAC can be discounted as they are remote from the proposed project.

7.5.8.3 Noise levels close to the source are above temporary threshold shifts for cetaceans and seals and may lead to localised temporary behavioural avoidance responses in marine mammals. To minimise any potential interactions with marine mammals, specific mitigation measures are proposed and best practice guidelines proposed include:

- A marine mammal observer will keep watch for 39 minutes prior to drilling activities for any signs of marine mammal activity, Boring will not commence if marine mammals are in close enough proximity (100m) of the site. In the event of marine mammal species reacting to the sound emanating from the construction activity, activities will be delayed until mammals are observed to be at least 100m from the site. Should a marine mammal approach within 100m of the activity at any stage activities will be stopped and not resume until animals are at least 100m from the site.

⁴ M. R. Willis, M. Broudic, M. Bhurosah, I. Masters (ICOE 2010) https://www.icoe-conference.com/publication/noise_associated_with_small_scale_drilling_operations/

- Best practice guidelines including Guidance to manage the risk to marine mammals from manmade sound sources in Irish waters will be adhered to with a view to preventing any negative impacts to qualifying interests.
- Best practice measures in relation to the appointed contractor's construction environmental management plan and Construction method statement, including measures to mitigate the potential threat of introduction of invasive species.

7.5.9 Residual Effects

7.5.9.1 The submitted NIS and addendum reports predicts that there is no likelihood of significant direct or indirect negative impacts to qualifying interest of protected European sites assessed within 15km of the proposed project. While there is the possibility of some interactions with marine mammal species (*Phoca vitulina*) Harbour seal and *Tursiops truncatus* (common bottlenose dolphin) which may migrate into the area where construction activity is taking place, any such interactions are likely to result in behavioural avoidance responses which would be temporary and minor in nature. The employment of operational control measures and required best practice procedures will reduce both the risk of interaction occurring and the level of impact.

7.5.9.2 In terms of Annex IV species the potential for impact mirrors that outlined in reference to marine mammals. Operational control measures and robust and effective mitigation measures are proposed for the avoidance and minimisation of impacts on European sites. Given the operational controls measures and required industry Best Practice procedures to be employed, the short duration of the proposed drilling activity (approximately 2 days) and the infrequent dredging (occurring every 5 years required), any effect on marine mammals as a result of the proposed project are deemed to be minor and temporary. I note that dredging does not form part of the proposed works. Given that the pier enhancement works will not result in significant increases in boating activity significant impacts arising, from the operational phase, on

the integrity of the Natura 2000 sites is not predicted. On this basis it is concluded that provided that the mitigation measures are implemented in full it is not anticipated that significant impacts will result to the qualifying features identified and therefore will not have an adverse impact on the integrity of the Natura 2000 sites.

7.5.9.3 As regards the Clew Bay Complex SAC and overlap with the following Annex I Habitat qualifying interests for which the SAC is designated; shallow inlets and bays [1160] and Mudflats and sandflats not covered by water at low tide [1140] given the relatively small proportional loss of habitat associated with the proposed pier enhancement works and the fact that this habitat is already impacted upon by the established development at the site and as significant increased boating activity is not predicted it is considered that potential impacts to Annex I habitat are not significant.

7.5.9.4 It is therefore concluded, beyond reasonable scientific doubt that the proposed project incorporating mitigation will not give rise to significant impacts, either individually or in combination with other plans and project in a manner which adversely affects the integrity of any European site within the Natura 2000 network as a result of the proposed pier enhancement project at Mulranny.

7.6.9.5 The conclusions of the NIS and addendum documents are in general reasonable and it is not expected that the proposed works will result in an adverse residual impact on the Natura 2000s in view of the sites' conservation objectives.

7.8 Conclusions:

7.8.1 I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans and projects would not adversely affect the

integrity of the European sites Clew Bay Complex SAC (Site Code 200110), the West Connacht SAC (Site Code 002998), the Owenduff / Nephin Complex SPA (Site Code 004098), the Clare Island SPA (Site Code 004136) and the Owenduff / Nephin Complex SAC (Site code 199701) or any other European Site in view of the sites' conservation objectives.

8.0 RECOMMENDATION

I recommend that the Board approves the proposed development subject to the reasons and considerations below and subject to conditions requiring compliance with the submitted details and with the mitigation measures as set out in the NIS.

Certain elements of the works are situated on the foreshore and will require a foreshore license / lease. ⁵

REASONS AND CONSIDERATIONS

In coming to its decision, the Board had regard to the following:

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (c) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- (d) the conservation objectives, qualifying interests and special conservation interests for the Clew Bay Complex SAC (Site Code 200110), the West Connacht SAC (Site Code 002998), the

^{5 5} As clarified in response to the Board's request for additional information which indicated that on 6th October 2017 Mayo County Council initiated the consent application process by submission of pre application consultation request for consent under the Foreshore Act 1933 (as amended).

Owenduff / Nephin Complex SPA (Site Code 004098), the Clare Island SPA (Site Code 004136) and the Owenduff / Nephin Complex SAC (Site code 199701)

- (e) the policies and objectives of the Mayo County Development Plan, 2014-2020,
- (f) the nature and extent of the proposed pier enhancement works as set out in the application for approval,
- (g) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement and NIS addendum reports,
- (h) the submissions and observations received in relation to the likely effects on the environment, and on the likely significant effects of the proposed development on the European Sites, and
- (i) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

Appropriate Assessment:

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the, Clew Bay Complex SAC (Site Code 200110) West Connacht SAC (Site Code 002998), Owenduff / Nephin Complex SPA (Site Code 004098), Clare Island SPA (Site Code 004136) and Owenduff / Nephin Complex SAC (Site code 199701) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board

completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the Clew Bay Complex SAC (Site Code 200110) West Connacht SAC (Site Code 002998), Owenduff / Nephin Complex SPA (Site Code 004098), Clare Island SPA (Site Code 004136) and Owenduff / Nephin Complex SAC (Site code 199701), in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

In completing the appropriate assessment, the Board accepted and adopted the screening and the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the site's conservation objectives.

Proper Planning and Sustainable Development and likely effects on the environment:

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the community in the vicinity, would provide an improved

pier, would not give rise to a risk of pollution, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area and would not interfere with the existing land uses in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the eleventh day of May 2017 and further information submitted on the twenty third day of June 2017 and seventeenth day of October 2017, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The County Council and any agent acting on its behalf shall implement in full the mitigation measures contained in the Natura Impact Statement and Natura Impact Statement addendum reports submitted with the application.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of a European Site.

3. The County Council and any agent acting on its behalf shall ensure that all plant and machinery used during the works should be

thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

Reason: In the interest of the proper planning and sustainable development of the area and to ensure the protection of the European sites.

4. A suitably qualified ecologist shall be appointed by the County Council to oversee the site set-up and construction of the proposed development and the ecologist shall be present on site during construction works. Upon completion of works, an audit report of the site works shall be prepared by the appointed ecologist and submitted to the County Council to be kept on record.

Reason: In the interest of nature conservation, to prevent adverse impacts on the European sites and to ensure the protection of the Annex I habitats and Annex II species and their Qualifying Interests for which the sites were designated.

Brid Maxwell,
Planning Inspector.
5th January 2018