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The Secretary
An Bord Pleanála
64 Marlborough Street
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Friday, 16th May 2025
[By Post]

Dear Sir / Madam

RE: SECTION 5 REFERRAL IN RELATION TO LANDS AT DERRINUMERA, NEWPORT, CO. MAYO

MAYO COUNTY COUNCIL (SECTION 5) PLANNING REFERENCE: P25/118

1.0 INTRODUCTION

1.1 The Referral & Questions Posed

The Planning Partnership, Chapel Street, Castlebar, Co. Mayo, F23 WF84, acting on behalf of Cunningham Civil & Marine Ltd., Unit 4, Cedar Hill, Cedar Park, Westport, Co. Mayo, F28 K635 (also the owner of the premises in question), hereby refer to An Bord Pleanála the Declaration of Mayo County Council, dated 23rd April 2025 (see Appendix A), under the provisions of Section 5 (3) (a) of the *Planning and Development Acts 2000-2025*.

The nature of the specific questions to be determined is detailed below along with our Declaration Cover Letter regarding the status of same (see also Appendix B), including a review of the local Planning Authority Declaration and the appropriate fee of €220.

The purpose of the declaration application (and this referral) was (and is) to confirm our clients understanding that **no planning permission** is required in respect of the works in question.

Specifically, the Referrer sought the Council's determination, and now seeks the Board's determination, as to whether;

1. *Upgrading and expansion of internal road/track way and forestry fire break network;*
2. *Clearance of area of fire damaged forestry and ground cover;*
3. *Use as materials / equipment storage area; and,*
4. *Modification to pre-existing entrance to local road.*

are exempted development under various provisions of the Planning and Development Acts 2000-2024 and/or Planning & Development Regulations, 2001-2025.

The Applicant / Referrer now seeks the Board's determination as to whether these works **are exempted development** under various classes of the *Planning & Development Regulations, 2001-2025* and/or various provisions of Section 4 of the *Planning and Development Acts 2000-2025*.

1.2 Declaration by the Local Planning Authority

As noted above, the local Planning Authority issued a Declaration on the 23rd of April 2025 stating:

> *"Mayo County Council wishes to point out having regard particularly to:*
>
> *(a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended,*
>
> *(b) Articles 6 and 9, in particular Article 9(1)(a)(iii) and Article 9(1)(a)(viiB) of the Planning and Development Regulations, 200 l, as amended,*
>
> *(c) The record forwarded to Mayo County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended,*
>
> *(d) The planning history of the site.*
>
> ***AND WHEREAS** Mayo County Council has concluded that:*
>
> - *The works; 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 to pre-existing entrance to local road at Derrinumera, Newport, Co. Mayo, **is development**.*
> - *Having particular regard to Article 9(1)(a)(iii) and Article 9(1)(a)(viiB) of the Planning & Development Regulations 2001, as amended, the development **is not exempted development**.*
>
> ***AND WHEREAS** Mayo County Council has concluded that the said development: 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 to pre-existing entrance to local road at Derrinumera, Newport, Co. Mayo, **is not exempted development**."* [Mayo County Council Emphasis]

We also refer to the accompanying Planners Report prepared by the local Planning Authority (Appendix C), extracts of which are noted as follows:

> *"Having carried out a site inspection on 14/04/2025, it is noted that **the site is currently in use as a commercial / industrial storage compound / yard and that the development subject of this application has already been carried out**.*
>
> *Having regard to the site visit, the particulars submitted with the application and planning history of the development site as outlined above Planning Ref P24/60756, **it is considered that the development was carried out in connection with the commercial enterprise** described above which is a commercial / industrial storage compound currently located on the site. Therefore, **the development subject of this Section 5 Declaration is not considered to be in connection with any previous commercial forestry or agricultural use** of development the site.*
>
> *The development includes a vehicular access adjacent to the junction between the L54213 and the R311 Strategically Important Regional Road. It is noted that this is a staggered junction which is located immediately east of a blind bend on the R311. Article 9 (1)(a) (iii) of the Planning & Development Regulations 2001 (as amended) applies in this instance as **the possibility of adverse impacts on traffic safety or the obstruction of other road users at this location cannot be excluded**.*

As stated, the Newport River SAC (Site Code 002144) is located close to the site (north and west), as per the Mayo County Council G.I.S mapping system. ***It is noted that the Environment Section, Mayo County Council stated in a submission on P24/60756 that the proposal should be subject to an NIS****. With Regard to Article 9 (l)(a)(viiB)) of the Planning and Development Regulations, it is* ***reasonable to conclude*** *that on the basis of the information available, the planning history of the site and the existing development on site that the proposed development individually and in combination with other plans or projects* ***may be likely to have a significant effect on any European site*** *and that the need Appropriate Assessment Stage 2 may apply with respect to the current referral case.*

Having regard to the above, I am satisfied that the general question raised in this referral can be determined as follows:
- *The works are development*
- *The works fall within the Restrictions on Exemptions outlined in Article 9 (l}(a) (iii) and Article 9(1)(a)(viiB) as outlined above, and therefore does not constitute exempted development."* [Our Emphasis]

Arising from the above, we note in summary a number of key highlights:

- The Planning Authority consider that the works were to enable a non-forestry activity, rather than a combination of land management and also in part facilitating a non-forestry activity, the latter being the Referrer's position;
- The Planning Authority does not appear to have actually assessed the status of the works in terms of the specific exemptions, rather have generally 'disqualified' the subject matter of the Declaration by virtue of the restrictions on exemptions under Article 9 and the above position re. land use;
- Inappropriate reliance is placed on the Article 9 restrictions in our opinion;
- In addition, the burden of proof in terms of the Article 9 restrictions is not in our opinion met; and,
- Emphasis is placed on an invalidated planning application (*Reg. Ref: P24/60756*) which included the works subject to the Declaration as part of a larger project, however a larger project should not be used as a proxy for consideration of the potential impacts of a smaller project.

These issues are highlighted in the following grounds of referral in greater detail, and form important aspects of the overall grounds.

2.0 GROUNDS OF REFERRAL

We note that the underlying merits of the Referrer's case are set out in detail in the original Section 5 Declaration Cover Letter (see Appendix C) which are not restated herein to avoid duplication (save the summary in Section 2.1 below), though the Board are requested to consider same in full as part of this Referral, not least as the local Planning Authority have not considered each element of the application exhaustively (e.g. by placing emphasis on presumed restrictions / disqualifiers rather than fully testing the exemptions in each of the 4 no. questions posed).

2.1 Summary of Section 5 Declaration Case

The elements in question are as follows:

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

As noted in the previously submitted 'Newport Yard' Report of Works prepared by the Applicant, works were undertaken to upgrade and enhance the pre-existing forestry road network within the site, and the arrangement of fire breaks within the site (not least as a large area of the site had been subject to fire damage from a previous event).

In terms of exempted development provisions, we consider that these works could fall within Section (1) (h), (i) and (ia) of the *Planning & Development Acts, 2000-2024* and/or *Classes 8F / 8G / 13* of the *Planning & Development Regulations, 2001-2025*.

2) Clearance of area of fire damaged forestry and ground cover

As noted in the previously submitted 'Newport Yard' Report of Works prepared by the Applicant, a central area of the overall forest has been cleared, which area was we understand mostly barren and being subject to areas of failed and or fire damaged tree planting. The ground cover was removed and stockpiled. The footprint of clearance and stockpiling amounts to c. 2.7 hectares (c. 1.7 and 1.0 hectares respectively).

In terms of exempted development provisions, we consider that these works could fall within Section (1) (h), (i) and (l) of the *Planning & Development Acts, 2000-2024* and/or *Class 8F* of the *Planning & Development Regulations, 2001-2025*.

3) Use as materials / equipment storage area

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 Applicants wider contracting work in the region. The footprint of use amounts to c. 1.7 hectares.

In terms of exempted development provisions, we consider that these works could fall within Section (1) (l) of the *Planning & Development Acts, 2000-2024* and/or *Class 16* of the *Planning & Development Regulations, 2001-2025*.

4) Modification to pre-existing entrance to local road

As set out in the previously submitted 'Newport Yard' Report of Works prepared by the Applicant, difficulties were 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.

In terms of exempted development provisions, we consider that these works could fall within *Section (1) (h)* and/or *(ia)* of the *Planning & Development Acts, 2000-2024* and/or *Classes 9* and/or *13* of the *Planning & Development Regulations, 2001-2025*.

2.2 The Issue of the Presumed Catalyst for the Works

As noted above, the Declaration decision appears to have effectively 'disqualified' all of the works in question from being eligible under the cited exempted development provisions on the basis that the Planning Authority deem that the works were solely for the purpose of creation of a commercial / industrial storage compound / yard.

The Referrer has been clear as to the extent to which the site has been in part used as a Civil & Marine Works Contractor Depot however that acknowledgement should not be conflated with the reality that the works to the site, much like any land holding, evolved on an incremental basis, and for a number of purposes / to a number of benefits.

In the first instance, there was a clear and obvious rationale and need for works to be carried out to the forestry, for forestry / land management and no other reason.

The fact that additional works took place facilitating site diversification should not undermine the underlying validity of much of the works would have in any case been necessary and/or appropriate purely for forestry / land management.

In this regard, it would be reasonable to adopt a granular approach to the works (i.e. item nos. 1-4) and identify which parts the Board deem to be for the purposes of forestry / land management and which (if any) they deem to be for in excess of same.

For examples, in respect of item nos. 1-4, we suggest as follows:

1. *Upgrading and expansion of internal road/track way and forestry fire break network* – this would have been appropriate and necessary for forestry / land management purposes in and of itself;

2. *Clearance of area of fire damaged forestry and ground cover* – this would have been substantially appropriate and necessary for forestry / land management purposes in and of itself;

3. *Use as materials / equipment storage area* – this would have been appropriate and necessary for forestry / land management purposes in and of itself where it related to the activities / management of the site itself; and,

4. *Modification to pre-existing entrance to local road* – this would have been appropriate and necessary for forestry / land management purposes in and of itself.

A 'blanket' approach is not however appropriate in our opinion, hence the Declaration is questioned in this regard.

In addition, we note that in respect of a principal exempted development provision (Section (1) (h) of the *Planning & Development Acts, 2000-2025*), the issue of land use is not necessarily relevant, as the exemption does not relate to forestry and or land management, rather is an exemption that applies to any and all land uses.

2.3 Reliance on Article 9 of the Planning & Development Regulations

As demonstrated in the Declaration and the Planners Assessment, weighted significance has been given by the local Planning Authority to the issue of Article 9 of the Regulations and the related restrictions therein.

These restrictions relate to the issue of Appropriate Assessment and Public Safety as per Article 9 *(1)(a)(iii)* and *Article 9(1)(a)(viiB).*[1]

Separate to the substance of the above two criteria however (Sections 2.5 & 2.6 elaborate on same), is the issue of the jurisdiction of Article 9 in the first instance. The local Planning Authority rely heavily on same in its Declaration.

However, we note that Article 9 is not in fact reckonable in the context of Section 4(1) (h), (i), (ia) and (l) of the *Planning & Development Acts* exemptions, as has been categorically established over many years in numerous referral decisions by An Bord Pleanála, and as was highlighted in the original Declaration application.

As a result, reliance on Section 4 of the *Planning and Development Acts* provides immunity from restrictions or limitations as may be applied under the *Regulations*.

An Bord Pleanála (in *Ref: PL29S.RL.2120*) confirmed same, stating: *"...the restrictions on exemption contained in Article 9 of the Planning and Development Regulations, 2001 ... do not restrict any exempted development under section 4(1) of the Planning and Development Act, 2000".*

Therefore, the Board are obliged to disregard Article 9 it its entirety (in respect of those exempted development provisions).

In doing so, this necessitates a significantly different perspective to that of the local Planning Authority in its approach to the determination of the Declaration, and the omission of any reliance on Article 9 (in respect of those exempted development provisions).

2.4 Appropriate Assessment Restriction on Exemptions

We note that separate to the issue of Article 9 restrictions, the Planning Acts place further restrictions on works *"if an appropriate assessment* [NIS] *of the development is required".*

Those restrictions relate to Section 4(1) (a), (i), (ia) and (l) of the *Planning & Development Acts*, but not expressly to Section 4(1) (h), hence the Board in its determination will be required to consider each element of works in terms of each exempted development provision on its own merits and having regard to the specificity of each provision and the applicability or non-applicability of AA restrictions.

[1] i.e. 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 ... (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.*

2.5 The Need for an NIS

In the first instance we reiterate that the Planning Authority's view on the need for an NIS as being (inappropriately) based on a different (and larger) project to the project in question in the Declaration, i.e. a larger project for which permission was sought previously (and invalidated).

We note the outcome of that case (*Reg. Ref: P24/60756*) is not accepted by the Applicant, who is in the process of preparing a further panning application, with further evidence / analysis, to overcome the issue leading to the invalidation.

In the first instance however we submit that the absence of consideration of the specific nature of the project subject to the Declaration application is wholly inappropriate.

In relation to the substance of the matter, in terms of the actual potential for impact / risk to Natura 2000 sites, etc. we refer to the enclosed Appropriate Assessment Screening Report (Appendix D) and Hydrological Risk Assessment (Appendix E) commissioned by the Applicant.

These assessments also consider the larger project inclusive of the works subject to this Referral.

These assessments demonstrate that the planning authorities concerns regarding both the larger project and the matters subject to this referral have been addressed, in that if there was any lack of evidence or data in previous determinations, that has now been resolved.

The enclosed reports are conclusive that the larger project, inclusive of the works subject to this Referral would not require an NIS / Appropriate Assessment and can be screened out, and thus can be disregarded in terms of restricting otherwise available planning exemptions.

2.6 The Issue of Public Safety

As noted above, the Planning Authority considered (presumably limited to item no. 4) that restrictions applied due to the access location and *"the possibility of adverse impacts on traffic safety or the obstruction of other road users at this location cannot be excluded".*

Firstly, we reiterate that the restriction in question Article 9 *(1)(a) (iii)* is irrelevant to a number of the exempted development provisions in question, as detailed above.

Secondly, we note that the burden of proof is not that 'a possibility cannot be excluded' as such a test is wholly excessive and not related to Article 9 *(1)(a) (iii)* itself which includes a far more specific test, i.e. that (paraphrasing): *development shall not be exempted development if the carrying out of such development would endanger public safety by reason of traffic hazard or obstruction of road users.*

Article 9 *(1)(a) (iii)* expressly requires that the development would endanger public safety, not that it 'could'.

The Planning Authority have offered no assessment as to whether the works subject to the declaration would meet that test, if the restriction was to apply in the first instance.

Finally, we reiterate that the access in question was a pre-existing access point, rather than a newly created access point.

3.0 CONCLUSION

We trust that the Board will find this referral in order and we look forward to receipt of an acknowledgement at your earliest convenience.

In short, we consider that the Declaration should be set aside for a number of reasons, including but not necessarily limited to:

- The over-emphasis on the presumed catalyst for the works and lack of appreciation of the necessity for the works for forestry / land management;
- The jurisdiction of Article 9 restrictions;
- The substitution of a larger project for the subject project in consideration of the effects of the works subject to the declaration;
- The need for Appropriate Assessment (Stage 2 NIS) of the project; and,
- The actual 'would' vs. 'could' Public Safety 'test' re. the Article 9 *(1)(a) (iii)* restriction and the pre-existing nature of the access point.

Please revert to us should you require further clarification in relation to any aspect of this referral and we look forward to an early and favourable decision.

Yours faithfully,

F ntan Morrin
Principal
The Planning Partnership

Encl.

Appendix A

Mayo County Council Section 5 Declaration (*Reg. Ref: 25/118*)

Comhairle Contae Mhaigh Eo
Mayo County Council

A: Áras an Chontae, Caisleán an Bharraigh, Contae Mhaigh Eo, F23 WF90
T: 094 9064000 F: 094 9023937
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Ár dTag./ Our Ref.
Do Thag./ Your Ref.

P25/118

PER REGISTERED POST

23 April, 2025

The Planning Partnership,
Chapel Street,
Castlebar,
Co. Mayo
F23 WF84

Re: P25/118 - Declaration under Section 5 for the 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 and modification to pre-existing entrance to local road at Derrinumera, Newport, Co. Mayo - Cunningham Civil & Marine Ltd

Dear Sir,

I refer to your request of a Declaration under Section 5 of the Planning & Development Act, 2000.

Mayo County Council wishes to point out having regard particularly to:

(a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended,

(b) Articles 6 and 9, in particular Article 9(1)(a)(iii) and Article 9(1)(a)(viiB) of the Planning and Development Regulations, 2001, as amended,

(c) The record forwarded to Mayo County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended,

(d) The planning history of the site.

AND WHEREAS Mayo County Council has concluded that:

- The works; 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 to pre-existing entrance to local road at Derrinumera, Newport, Co. Mayo, **is development.**

- Having particular regard to Article 9(1)(a)(iii) and Article 9(1)(a)(viiB) of the Planning & Development Regulations 2001, as amended, the development **is not exempted development.**

AND WHEREAS Mayo County Council has concluded that the said development: 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 to pre-existing entrance to local road at Derrinumera, Newport, Co. Mayo, **is not exempted development.**

Yours sincerely,

Fiona Fay

p.p. **MARY GORDON, A.O.**
PLANNING SECTION

Copy to. Cunningham Civil & Marine Ltd., Unit 4, Cedar Hill, Cedar Park, Westport, Co. Mayo, F28 K635

DC/BF

Appendix B

Section 5 Declaration Application Cover Letter

the planning partnership

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Planning Section
Mayo County Council
The Green
Castlebar
Co. Mayo

Monday, 31st March 2025
[By Hand]

Dear Sir/Madam,

RE: SECTION 5 DECLARATION APPLICATION IN RELATION TO LANDS AT DERRINUMERA, NEWPORT, CO. MAYO

1.0 INTRODUCTION & SUMMARY

The Planning Partnership, Chapel Street, Castlebar, Co. Mayo have been retained by Cunningham Civil & Marine Ltd., Unit 4, Cedar Hill, Cedar Park, Westport, Co. Mayo, F28 K635 (the owner of the premises in question) to prepare this application.

In broad terms, we note the works and activities relate to the Applicant's management of a commercial forestry property purchased in recent times.

The Applicant hereby seeks a Declaration from Mayo County Council under Section 5 of the *Planning and Development Acts, 2000-2024* to confirm their understanding that **no planning permission** is required in respect of the works and activities in question.

The scenario in question is detailed below along with our planning opinion regarding the status of same, along with relevant drawings and documentation and the statutory fee of €80.

The elements include:

1) Upgrading and expansion of internal road/track way and forestry fire break network;
2) Clearance of area of fire damaged forestry and ground cover;
3) Use as materials / equipment storage area; and,
4) Modification to pre-existing entrance to local road.

The Applicant seeks the Planning Authority's determination as to whether these works and activities **are exempted development** under various provisions of the *Planning and Development Acts 2000-2024* and/or *Planning & Development Regulations, 2001-2025*.

We trust that the Planning Authority can concur that the works are exempted development and use is not development, however should any queries arise, please do not hesitate to contact us.

We also ask that the Planning Authority determine each element of the above list individually as well as cumulatively, i.e. should any element be of concern, we request that the determination clarify / isolate same in order to confirm the status of the remaining elements.

2.0 THE SITE & CONTEXT

2.1 The Subject Site

The overall subject site measures approx. 41 hectares (outlined in Figure 1 below). Any boundaries illustrated herein are indicative in nature and do not purport to define the precise site extents.

The boundaries of this application are considerably lesser, measuring a total red line area of c. 5.6 hectares. The extent of area to be used (i.e. Question no. 3) is further reduced, representing c. 1.7 hectares.

The subject lands were privately planted for commercial forestry in the late 1980's by previous owners. Typically such plantations have a c. 30 year life cycle from planting to harvesting.

The Applicant purchased the subject site in 2022, where its condition was in a poor state of repair. Areas of fire damaged forestry were prevalent, with poor access infrastructure and the absence of adequate fire breaks, etc.

The Applicant set about carrying out necessary maintenance to protect the remaining woodland asset, and otherwise sought to utilise parts the site for materials / equipment storage, as such was complementary to the initial maintenance works, and would be complementary to the longer term harvesting of the lands in due course.

Figure 1: Aerial View of Site Context (Boundaries Approximately Outlined in Red) – Not to Scale

Source: Google Maps

2.2 Planning History

From a review of the current (online) planning register, we note a number of planning files arise in respect of the southwest corner, including *Reg. Ref: 05/3019* where permission was granted for a dwelling on the site. Other references noted include *Reg. Ref's: 80/2002* and *81/0726*.

The former relates to a 1980 application for outline permission for two dwellings, which we understand was granted permission. The latter relates to a 1981 application for outline permission for four dwellings, which we understand was granted permission by Mayo County Council and later upheld by An Bord Pleanála (having been appealed by An Taisce) albeit for two units.

More recently, *Reg. Ref: 24/60756* which related to some of the same works / activity referenced herein was invalidated by the local Planning Authority, the reason for which is currently being resolved with a view to relodging an application for the same scope of works in the immediate short term.

We note a difference of opinion on the matter of Appropriate Assessment, which is to be resolved through the production of additional supporting evidence in the forthcoming planning application.

We note that the lodgement of a planning application does not estopp the applicants / land owners exempted development rights in this regard, as per *Fingal County Council -v- William P. Keeling & Sons Ltd., [2005]IESC55 (2005).*

2.3 Land Use

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 development carried out to date, was and is intended to align and be complementary with that longstanding trajectory for the subject site.

The pre-existing or 'before' land use is therefore not agricultural but rather commercial forestry, which has commercial and industrial characteristics, in terms of intensity of use, maintenance activities, and the longer term harvesting activities.

The 'proposed' use in relation to a portion of the lands, i.e. Question no. 3, is to include use as materials / equipment storage area in part related to the works themselves on site, and in part related to the Applicants wider contracting work in the region.

3.0 THE WORKS / ACTIVITY & EXEMPTED DEVELOPMENT PROVISIONS

3.1 Details of theWorks & Activity

The works and activity, as summarised above, are noted below.

Works are defined in the *Planning and Development Acts 2000-2021* as: ***""works" includes any act or operation of construction,*** *excavation, demolition, extension,* ***alteration, repair or renewal*** *..."* [Our emphasis].

The 'act' of 'Development' is defined under Section 3 of the *Planning and Development Acts 2000-2021* as: ***""development" means,*** *except where the context otherwise requires,* ***the carrying out of any works*** *on, in, over or under land or the making of any material change in the use of any structures or other land."* [Our emphasis].

The elements in question are as follows:

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

   As noted in the enclosed 'Newport Yard' Report of Works prepared by the Applicant, works were undertaken to upgrade and enhance the pre-existing forestry road network within the site, and the arrangement of fire breaks within the site (not least as a large area of the site had been subject to fire damage from a previous event).

2) **Clearance of area of fire damaged forestry and ground cover**

   As noted in the enclosed 'Newport Yard' Report of Works prepared by the Applicant, a central area of the overall forest has been cleared, which area was we understand mostly barren and being subject to areas of failed and or fire damaged tree planting. The ground cover was removed and stockpiled. The footprint of clearance and stockpiling amounts to c. 2.7 hectares (c. 1.7 and 1.0 hectares respectively).

3) **Use as materials / equipment storage area**

   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 Applicants wider contracting work in the region. The footprint of use amounts to c. 1.7 hectares.

4) **Modification to pre-existing entrance to local road**

   As set out in the enclosed 'Newport Yard' Report of Works prepared by the Applicant, difficulties were 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.

3.2 Primary Legislation

Section 4 (1) of the *Planning and Development Act 2000-2024* states:

> *"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 or works consisting of land reclamation or reclamation of estuarine marsh land and of callows, referred to in section 2 of that Act."* [Our emphasis]

Section 4 (1) of the *Planning and Development Act 2000-2023* provides broad exemptions, and ones which are not restricted by Articles 6, 9 or 10 of the *Planning and Development Regulations 2001-2025*. In effect, reliance on Section 4 of the *Planning and Development Act 2000-2021* provides immunity from restrictions or limitations as may otherwise be relevant under the *Regulations*.

An Bord Pleanála (in *Ref: PL29S.RL.2120*) confirmed same, stating: *"...the restrictions on exemption contained in Article 9 of the Planning and Development Regulations, 2001 ... do not restrict any exempted development under section 4(1) of the Planning and Development Act, 2000".*

3.3 Secondary Legislation

Various articles and classed of the *Planning & Development Regulations, 2001-2025* also provide substantive exempted development provisions, including:

> *"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.*
>
> *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.****"*

CLASS 9
*The **construction, erection, renewal or replacement**, other than within or bounding the curtilage of a house, of **any gateor gateway**.*

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. 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**. 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."*

[Our emphasis]

The above list is not necessarily exhaustive, rather represents the primary potentially relevant exempted development provisions.

4.0 THE 'QUESTIONS' FOR THIS SECTION 5 DECLARATION APPLICATION

4.1 Question 1 – Upgrading and expansion of internal road/track way and forestry fire break network

In terms of exempted development provisions, we consider that these works could fall within Section (1) (h), (i) and (ia) of the *Planning & Development Acts, 2000-2024* and/or *Classes 8F / 8G / 13* of the *Planning & Development Regulations, 2001-2025* as listed above, insofar as the works:

- Could be considered to be maintenance, improvement or other alteration of any structure[1], being works which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character[2] of the structure or of neighbouring structures hence Section (1) (h) applies;

- Could be considered to be development consisting of works ancillary to the thinning of forestry development, and thinning itself, in providing the necessarily legibility though the forest to enable orderly management of the forest hence Section (1) (i) (and Article *8F*) applies; and,

- Could be considered to be construction, maintenance or improvement of private / internal roads that serve the forest, and/or works ancillary to such construction, maintenance or improvement hence Section (1) (ia) (and Article *8G* and *Class 13*) applies.

[1] Defined in the Planning & Development Acts, 2000-2022 as: *"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..."*
[2] Which, in the judgement of Finley C.J. in the case of Cairnduff v O'Connell (1986) I.R. 73, was described as: *""Character" as provided for in the subsection relates to shape, colour, design, ornamental features and layout of the structure concerned and is not dependent upon the use to which the structures are being made at any particular time."*

4.2 Question 2 – Clearance of area of fire damaged forestry and ground cover

In terms of exempted development provisions, we consider that these works could fall within Section (1) (h), (i) and (l) of the *Planning & Development Acts, 2000-2024* and/or *Class 8F* of the *Planning & Development Regulations, 2001-2025* as listed above, insofar as the works:

- Could be considered to be maintenance, improvement or other alteration of any structure[3], being works which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character[4] of the structure or of neighbouring structures hence Section (1) (h) applies;

- Could be considered to be development consisting of works ancillary to the felling of forestry development, and felling itself, in clearance of failed / fire damaged areas hence Section (1) (i) (and Article *8F*) applies; and/or,

- Could be considered to be development relating to works referred to in the *Land Reclamation Act, 1949*, i.e. *"works" refers to the following or any of them: ... (b) land reclamation ... (h) any operations ancillary to the foregoing"* hence Section (1) (l) applies.

4.3 Question 3 – Use as materials / equipment storage area

In terms of exempted development provisions, we consider that these works could fall within Section (1) (l) of the *Planning & Development Acts, 2000-2024* and/or *Class 16* of the *Planning & Development Regulations, 2001-2025* as listed above, insofar as the works:

- Could be considered to be development relating to works referred to in the *Land Reclamation Act, 1949*, i.e. *"works" refers to the following or any of them: ... (b) land reclamation ... (h) any operations ancillary to the foregoing"* hence Section (1) (l) applies; and/or,

- Could be considered to be development relating to the erection, construction or placing on land on which development consisting of works (other than mining) had been carried out 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[5] hence Class 16 applies.

4.4 Question 4 – Modification to pre-existing entrance to local road

In terms of exempted development provisions, we consider that these works could fall within *Section (1) (h)* and/or *(ia)* of the *Planning & Development Acts, 2000-2024* and/or *Classes 9* and/or *13* of the *Planning & Development Regulations, 2001-2025* as listed above, insofar as the works:

- Could be considered to be development relating to *works for the maintenance, improvement or other alteration of any structure, being works 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* hence Section 4 (1) (h) applies;

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[3] Defined in the Planning & Development Acts, 2000-2022 as: *"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..."*

[4] Which, in the judgement of Finley C.J. in the case of Cairnduff v O'Connell (1986) I.R. 73, was described as: *""Character" as provided for in the subsection relates to shape, colour, design, ornamental features and layout of the structure concerned and is not dependent upon the use to which the structures are being made at any particular time."*

[5] We note in relation to the requirement that *"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"* the Applicant considers the activity only paused pending an outcome of the current enforcement case, and the Applicant considers the works undertaken to be only partially completed.

- Could be considered to be development relating to *development that consists of the maintenance or improvement of a road that serves a forest or woodland, or works ancillary to such construction, maintenance or improvement* Section 4 (1) (ia) applies;

- Could be considered to be development relating to the construction, erection, renewal or replacement, other than within or bounding the curtilage of a house, of any gate or gateway hence Class 9 applies; and/or,

- Could be considered to be development relating to the repair or improvement of any private street, road or way hence Class 13 applies.

5.0 CONCLUSION

The Applicant seeks the Planning Authority's determination as to whether the works in question **are exempted development** under the *Planning and Development Acts 2000-2024* and the *Planning & Development Regulations, 2001-2025* as set out above.

We trust that we have provided adequate information in this regard and should further information be required we are in a position to assist. We look forward to an early and favourable determination in respect of the questions raised.

I trust the above is of interest and should you have any queries or wish to discuss further please do not hesitate to contact me.

Yours faithfully

Fintan Morrin
Principal
The Planning Partnership

Encl.

Appendix C

Section 5 Declaration Planners Assessment (*Reg. Ref: 25/118*)

Planner's Report on application under
Section 5 of the Planning and Development Act 2000 (as amended)

Reference Number:	25/118
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for 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 to pre-existing entrance to local road.
Name of Applicant:	Cunningham Civil and Marine Ltd
Location of Development:	Derrinumera, Newport, Co Mayo

WHEREAS a question has arisen as to whether the following works; 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 to pre-existing entrance to local road at Derrinumera, Newport, Co Mayo **is or is not development and is or is not exempted development.**

I have considered this question, and I have had regard particularly to –

(a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
(b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended
(c) The record forwarded to Mayo County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.
(d) The planning history of the site

Site Location & Development Description
The subject site is located in Derrinumera, Newport, Co Mayo

The site is served by the L54213 local level road with the site access located adjacent to the junction with the R311 Regional Road. The Newport River SAC (Site Code 002144) is located close to the site (north and west), as per the Mayo County Council G.I.S mapping system. A site inspection was carried out on 14/04/2025 which found that the site is currently in use as a commercial/industrial storage compound/yard which includes a very large volume of heavy-duty construction plant, vehicles, machinery, construction materials, vehicle parts and other various heavy-duty items relating to the civil engineering/marine contracting business.

The development consists of the following (as stated in the application submitted):

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 to pre-existing entrance to local road

Planning History

P24/60756 – Permission for development (and retention of development) comprising a Civil & Marine Works Contractor Depot at Derrinumera, Newport, Co. Mayo. Permission for retention of development is sought for: 1) Upgrading and expansion of internal road/track way and forestry fire break network; 2) Clearance of area of fire damaged forestry and ground cover, for use as materials / vehicle / equipment storage area; and, 3) All associated and ancillary works and development. Permission for development is sought for: 4) Consolidation of upgraded and expanded internal road/track way network, including widening, provision of drainage features and removal/decommissioning of sections; 5) Provision of new vehicular access to public road (removing recently constructed alternative access) and associated works including gated entrance way; 6) Clearance of additional area of fire damaged forestry and ground cover, for use as materials / vehicle / equipment storage area; and, 7) All associated and ancillary works and development including staff welfare

facilities and surface water drainage infrastructure. – the file was returned incomplete, it was determin edthat the Planning Authority could not deal with the application under **Part III, Section34 (12) of the Planning and Development Act, 2000** as Mayo Co. Council, as the Competent Authority deemed that the works that were the subject of retention warranted the carrying out of a full Appropri ate A ssessment

Section 154 En forcement N otice

Section 154 Enforcement Notice issued on 16th December 2024: the alleged unauthorised change of u seof lands from forestry/agriculture to use as a commercial storage compound.

Relevant statut ory provisions

Plannin gand Development Acts 2000 (as amended)

Section 2. -(1)

"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)

In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 4 (1) of the Act defines certain types of development as being 'exempted development'.

Section 4 (2) of the Planning and Development Act provides that the Minister, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations.

Planning and Development Regulations, 2001as amended

Article 6 (1)

Subj ectto article 9, development of a class specified in column 1 of Part 3 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 3 opposite the mention of that class in the said column 1.

Article 9 (1) applies;
Development to which article 6 relates shall not be exempted development for the purposes of the Act

(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 deve bpment would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

The question to be determined in this Section 5 referral is whether the development: 1) Upgrading and expansion of internal road/track way and forestry fire break. 2) Clearance of area of fire damaged forestry and grou ndcover. 3) Use as material/equipment storage area and 4) modification to pre-existing entrance to local road at Derrinumera, Newport, Co Mayo, is or is not development and is or is not exempted development. Having considered the definition of both "works" and "d evelopment" outlined above, I would deem that the proposed development constit utesworks and is therefore **development.**

Planning Assessment:

Having carried out a site inspection on 14/04/2025, it is noted that the site is currently in use as a commercial/industrial storage compound/yard and that the development subject of this application has already been carried out.

P24/60756 *Permission for development (and retention of development) comprising a Civil & Marine Works Contractor Depot at Derrinumera, Newport, Co. Mayo. Permission for retention of development is sought for: 1) Upgrading and expansion of internal road/track way and forestry fire break network; 2) Clearance of area of fire damaged forestry and ground cover, for use as materials / vehicle / equipment storage area; and, 3) All associated and ancillary works and development. Permission for development is sought for: 4) Consolidation of upgraded and expanded internal road/track way network, including widening, provision of drainage features and removal/decommissioning of sections; 5) Provision of new vehicular access to public road (removing recently constructed alternative access) and associated works including gated entrance way; 6) Clearance of additional area of fire damaged forestry and ground cover, for use as materials / vehicle / equipment storage area; and, 7) All associated and ancillary works and development including staff welfare facilities and surface water drainage infrastructure.*

Having regard to the site visit, the particulars submitted with the application and planning history of the development site as outlined above Planning Ref P24/60756, it is considered that the development was carried out in connection with the commercial enterprise described above which is a commercial/industrial storage compound currently located on the site. Therefore, the development subject of this Section 5 Declaration is not considered to be in connection with any previous commercial forestry or agricultural use of development the site.

Article 9 (Restrictions on exemptions)

Article 9 *(1)(a) (iii) endanger public safety by reason of traffic hazard or obstruction of road users,*

The development includes a vehicular access adjacent to the junction between the L54213 and the R311 Strategically Important Regional Road. It is noted that this is a staggered junction which is located immediately east of a blind bend on the R311. Article 9 (1)(a) (iii) of the Planning & Development Regulations 2001 (as amended) applies in this instance as the possibility of adverse impacts on traffic safety or the obstruction of other road users at this location cannot be excluded.

Article 9(1)(a)(viiB) States...

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,

As stated, the Newport River SAC (Site Code 002144) is located close to the site (north and west), as per the Mayo County Council G.I.S mapping system. It is noted that the Environment Section, Mayo County Council stated in a submission on P24/60756 that the proposal should be subject to an NIS. With Regard to Article 9 (1)(a)(viiB)) of the Planning and Development Regulations, it is reasonable to conclude that on the basis of the information available, the planning history of the site and the existing development on site that the proposed development individually and in combination with other plans or projects may be likely to have a significant effect on any European site and that the need Appropriate Assessment Stage 2 may apply with respect to the current referral case.

Having regard to the above, I am satisfied that the general question raised in this referral can be determined as follows:

- The works are development
- The works fall within the Restrictions on Exemptions outlined in Article 9 *(1)(a) (iii)* and *Article 9(1)(a)(viiB)* as outlined above, and therefore does not constitute exempted development.

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 and ground cover. 3) Use as material/equipment storage area and 4) modification to pre-existing entrance to local road at Derrinumera, Newport, Co Mayo **is or is not development and is or is not exempted development, I have considered this question, and I have had regard particularly to –**

(a) Sections 2, 3, 4 and 5 of thePlanning and Development Act, 2000, as amended
(b) Articles 6 and 9, in particular Article 9(1)(a)(iii) and Article 9(1)(a)(viiB) of the Planning and Development Regulations, 2001, as amended,
(c) The record forwarded to Mayo County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.
(d) The planning history of the site

AND WHEREAS I have concluded that

- The works; 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 to pre-existing entrance to local road at Derrinumera, Newport, Co Mayo is development

- Having particular regard to Article 9(1)(a)(iii) and Article 9(1)(a)(viiB) of the Planning & Development Regulations 2001, as amended, the development is not exempted development.

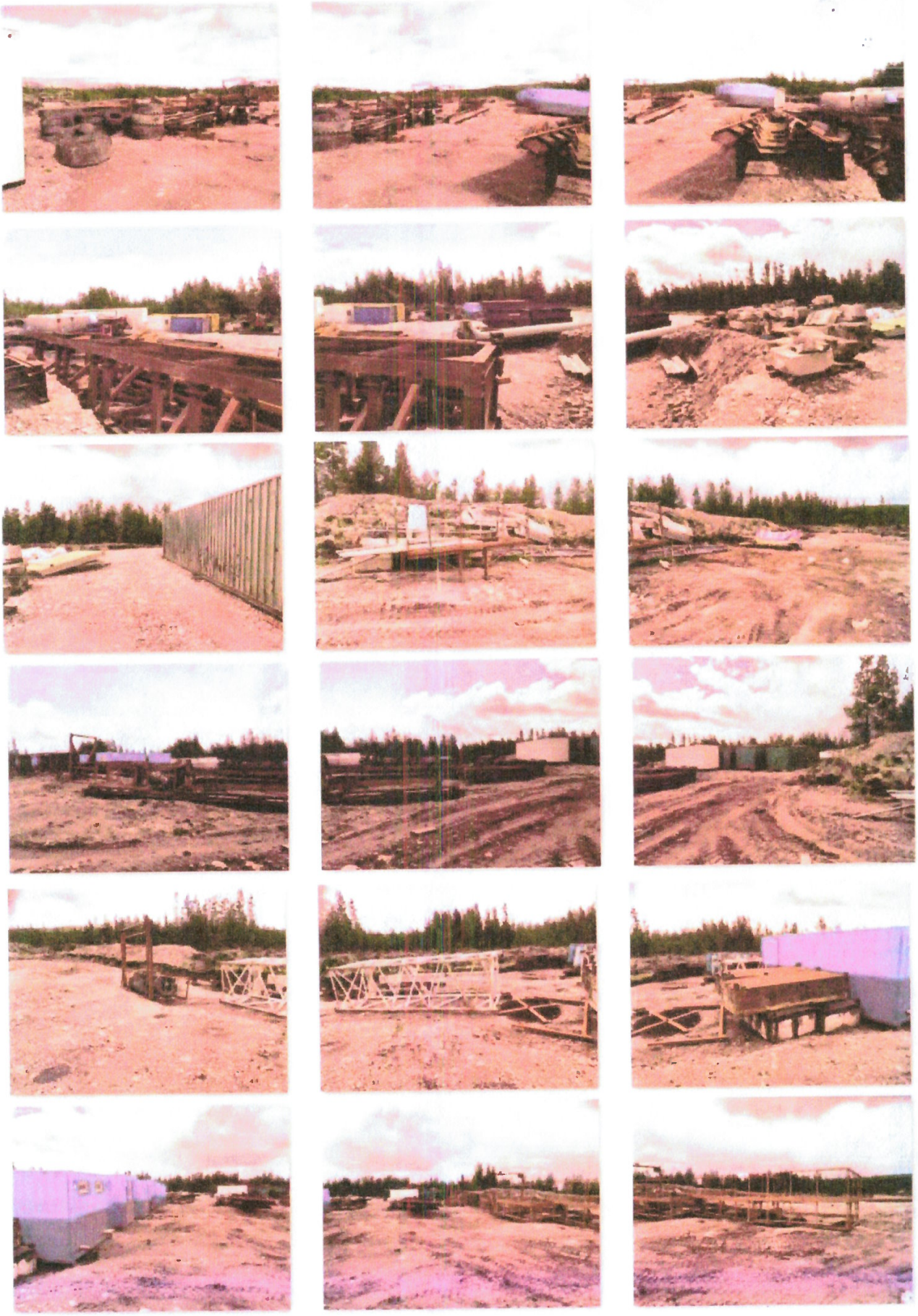
AND WHEREAS I have concluded that the said development: 1) Upgrading and expansion of internal road/track way and forestry fire break. 2) Clearance of area of fire damaged forestry and ground cover. 3) Use as material/equipment storage area and 4) modification to pre-existing entrance to local road at Derrinumera, Newport, Co Mayo **is not exempted development,** and I recommend that a declaration to that effect should be issued to the applicant.

Declan Clarke

Declan Clarke,
Assistant Planner
15/04/2025

15/044/2025

Brendan Munnelly
Senior Executive Planner








Appendix D

Appropriate Assessment Screening Report

ALTEMAR

Marine & Environmental Consultancy

Appropriate Assessment Screening for a Proposed Civil & Marine Works Contractor Depot at Derrinumera, Newport, Co. Mayo.

14th May 2025

Prepared by: Bryan Deegan (MCIEEM) of Altemar Limited.
On behalf of: Cunningham Civil & Marine Limited

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Document Control Sheet			
Project	Appropriate Assessment Screening for a Civil & Marine Works Contractor Depot Development at Derrinumera, Newport, Co. MayoNewport Yard, Newport, Co. Mayo		
Report	Appropriate Assessment Screenin g		
Date	14th May 2025		
Version	Author	Reviewed	Date
Draft 01	Bryan Deegan	Ga le O'Farrell	14th M ay2025
Plann ing	Bryan Deegan		14th May 2025

Table of Contents

Introduction

The following Appropriate Assessment (AA) (Screening Stage) has been prepared by **Altemar Ltd.** at the request of Cunningham Civil & Marine Limited.

The project relates to an application for Permission for development proposed to be carried out (and retention of development already carried out) comprising a Civil & Marine Works Contractor Depot at existing Forestry Plantation at Derrinumera, Newport, Co. Mayo.

As per the enclosed Hydrological Risk Assessment, the project, where the context allows, have been described as the *Pre-Construction Phase* (i.e. works and use already undertaken/occuring), the *Construction Phase* (works proposed to be undertaken) and the *Operational Phase* (the proposed day to day use of the site).

An Appropriate Assessment is an assessment of the potential effects of a proposed project or plan, on its own, or in combination with other plans or projects, on one or more European sites (Special Areas of Conservation (SAC) or Special Protection Areas (SPA).

The AA Screening stage examines the likely significant effects of the proposed development, either on its own, or in combination with other plans and projects, upon a European site and considers whether, on the basis of objective scientific evidence, it can be concluded, in view of best scientific knowledge and the conservation objectives of the relevant European sites, that there are not likely to be significant effects on any European site.

Altemar Ltd.

Since its inception in 2001, Altemar has been delivering ecological and environmental services to a broad range of clients. Operational areas include: residential; infrastructural; renewable; oil & gas; private industry; Local Authorities; EC projects; and, State/semi-State Departments. Bryan Deegan, the managing director of Altemar, is an Environmental Scientist and Marine Biologist with 30 years' experience working in Irish terrestrial and aquatic environments, providing services to the State, Semi-State and industry. He is currently contracted to Inland Fisheries Ireland as the sole "External Expert" to environmentally assess internal and external projects. He is also chair of an internal IFI working group on environmental assessment. Bryan Deegan (MCIEEM) holds a MSc in Environmental Science, BSc (Hons.) in Applied Marine Biology, NCEA National Diploma in Applied Aquatic Science and a NCEA National Certificate in Science (Aquaculture).

Background to the Appropriate Assessment

The Habitats Directive 92/43/EEC (together with the Birds Directive (2009/1477/EC)) forms the cornerstone of Europe's nature conservation policy. The Directive protects over 1000 animals and plant species and over 200 "habitat types" which are of European importance. In the Habitats Directive, Articles 3 to 9 provide the legislative means to protect habitats and species of European Community interest through the establishment and conservation of an EU-wide network of conservation sites (NATURA, 2000). These are Special Areas of Conservation (SACs) designated under the Habitats Directive and Special Protection Areas (SPAs) designated under the Birds Directive), Article 6(3) and 6(4) of the Habitats Directive set out the decision-making tests for plans and projects likely to affect European sites (Annex 1.1). Article 6(3) establishes the requirement for Appropriate Assessment:

"Any plan or project not directly connected with or necessary to the management of the [EUROPEAN] site but likely to have a significant effect thereon, either individually or in combination with other plans and projects, shall be subjected to appropriate assessment of its implications for the site in view of the site's conservation objectives. In light of the conclusions of the assessment of the implication for the site and subject to the provisions of paragraph 4, the component national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public."

As outlined in "Managing European sites, The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC" (European Commission, 21 November 2018) *"The purpose of the appropriate assessment is to assess the implications of the plan or project in respect of the site's conservation objectives, either individually or in combination with other plans or projects. The conclusions should enable the competent authorities to ascertain whether the plan or project will adversely affect the integrity of the site concerned. The focus of the appropriate*

assessment is therefore specifically on the species and/or the habitats for which the European site is designated."

As outlined in the EC guidance document on Article 6(4) (January 2007)[1]:

"Appropriate assessments of the implications of the plan or project for the site concerned must precede its approval and take into account the cumulative effects which result from the combination of that plan or project with other plans or projects in view of the site's conservation objectives. This implies that all aspects of the plan or project which can, either individually or in combination with other plans or projects, affect those objectives must be identified in the light of the best scientific knowledge in the field.

Assessment procedures of plans or projects likely to affect European sites should guarantee full consideration of all elements contributing to the site integrity and to the overall coherence of the network, both in the definition of the baseline conditions and in the stages leading to identification of potential impacts, mitigation measures and residual impacts. These determine what has to be compensated, both in quality and quantity. Regardless of whether the provisions of Article 6(3) are delivered following existing environmental impact assessment procedures or other specific methods, it must be ensured that:

- *Article 6(3) assessment results allow full traceability of the decisions eventually made, including the selection of alternatives and any imperative reasons of overriding public interest.*
- *The assessment should include all elements contributing to the site's integrity and to the overall coherence of the network as defined in the site's conservation objectives and Standard Data Form, and be based on best available scientific knowledge in the field. The information required should be updated and could include the following issues:*
    - *Structure and function, and the respective role of the site's ecological assets;*
    - *Area, representativity and conservation status of the priority and nonpriority habitats in the site;*
    - *Population size, degree of isolation, ecotype, genetic pool, age class structure, and conservation status of species under Annex II of the Habitats Directive or Annex I of the Birds Directive present in the site;*
    - *Role of the site within the biographical region and in the coherence of the European network; and,*
    - *Any other ecological assets and functions identified in the site.*
- *It should include a comprehensive identification of all the potential impacts of the plan or project likely to be significant on the site, taking into account cumulative impacts and other impacts likely to arise as a result of the combined action of the plan or project under assessment and other plans or projects.*
- *The assessment under Article 6(3) applies the best available techniques and methods, to estimate the extent of the effects of the plan or project on the biological integrity of the site(s) likely to be damaged.*
- *The assessment provides for the incorporation of the most effective mitigation measures into the plan or project concerned, in order to avoid, reduce or even cancel the negative impacts on the site.*
- *The characterisation of the biological integrity and the impact assessment should be based on the best possible indicators specific to the European assets which must also be useful to monitor the plan or project implementation."*

[1] European Commission. (2007).Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC – Clarification of the concepts of: alternative solutions, imperative reasons of overriding public interest, compensatory measures, overall coherence, opinion of the commission;

Stages of the Appropriate Assessment

This Appropriate Assessment screening was undertaken in accordance with the European Commission Methodological Guidance on the provision of Article 6(3) and 6(4) of the 'Habitats' Directive 92/43/EEC (EC, 2001), Part XAB of the Planning and Development Act 2000, as amended, in addition to the December 2009 publication from the Department of Environment, Heritage and Local Government; 'Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities' and the European Communities (Birds and Natural Habitats) Regulations 2011. In order to comply with the above Guidelines and legislation, the Appropriate Assessment process must be structured as follows:

1) Screening stage:
    - Description of plan or project, and local site or plan area characteristics;
    - Identification of relevant European sites, and compilation of information on their qualifying interests and conservation objectives
    - Identification and description of individual in combination effects likely to result from the proposed project;
    - Assessment of the likely significance of the effects identified above. Exclusion of sites where it can be objectively concluded that there will be no likely significant effects; and,

      Conclusions
2) Appropriate Assessment (Natura Impact Statement):
    - Description of the European sites that will be considered further;
    - Identification and description of potential adverse impacts on the conservation objectives of these sites likely to occur from the project or plan; and,
    - Mitigation Measures that will be implemented to avoid, reduce or remedy any such potential adverse impacts
    - Assessment as to whether, following the implementation of the proposed mitigation measures, it can be concluded, beyond all reasonable scientific doubt, that there will be no adverse impact on the integrity of the relevant European Site in light of its conservation objectives"
    - Conclusions.

If it can be demonstrated during the AA screening phase (Stage 1), that the proposed project will not have a significant effect, whether alone or in combination with other plans or projects, on the conservation objectives of a European site, then no further AA (Stage 2) will be required. It is important to note that there is a requirement to apply a precautionary approach to AA screening. Therefore, where effects are possible, certain or unknown at the screening stage, AA will be required.

In addition, it should be noted that Article 6(3) of the Habitats Directive must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an AA of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site.

Stage 1 Screening Assessment

Management of the Site

The plan or project is not directly connected with, or necessary to the management of NATURA 2000 sites.

Description of the Proposed Project

Permission for development (and retention of development) comprising a Civil & Marine Works Contractor Depot at existing Forestry Plantation at Derrinumera, Newport, Co. Mayo.

Permission for retention of development is sought for:

1) Upgrading and expansion of internal road/track way and forestry fire break network (*Pre-Construction Phase*);
2) Clearance of area of fire damaged forestry and ground cover, for use as materials / vehicle / equipment storage area (*Pre-Construction Phase*); and,
3) All associated and ancillary works and development (*Pre-Construction Phase*).

Permission for development is sought for:

4) Consolidation of upgraded and expanded internal road/track way network, including widening, provision of drainage features and removal/decommissioning of sections (*Construction Phase*);

5) Provision of new vehicular access to public road (removing recently constructed alternative access) and associated works including gated entrance way (*Construction Phase*);

6) Clearance of additional area of fire damaged forestry and ground cover, for use as materials / vehicle / equipment storage area (*Construction and Operational Phases*);

7) Provision of staff welfare facilities (*Construction and Operational Phases*);

8) Surface water drainage infrastructure (*Construction Phase*); and,

9) All associated and ancillary works and development (*Construction Phase*).

The proposed site location, site outline and site layout plan are demonstrated in figures 1-4.

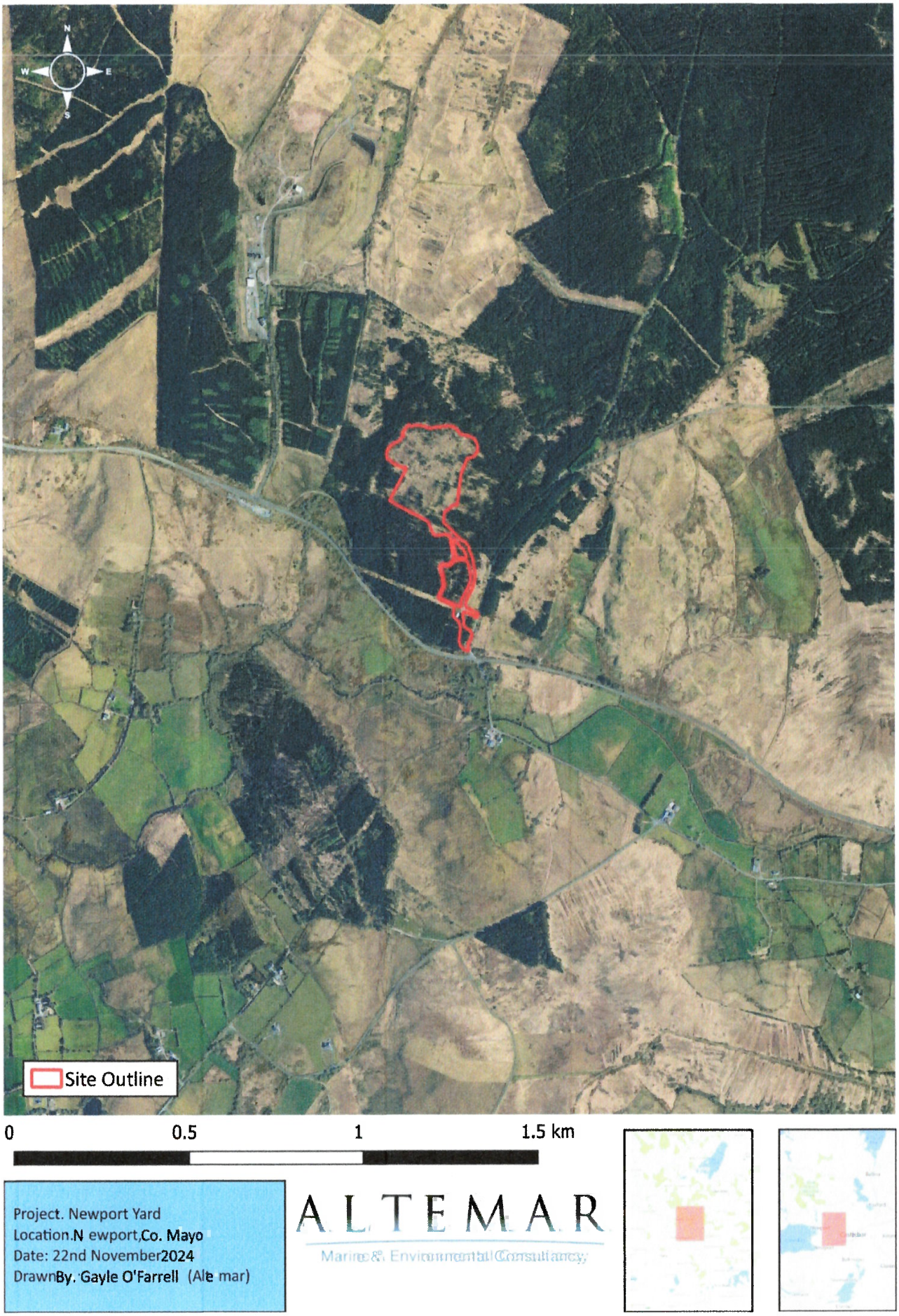

Figure 1. *Site outline and location context.*

Figure 2. *Site outline*

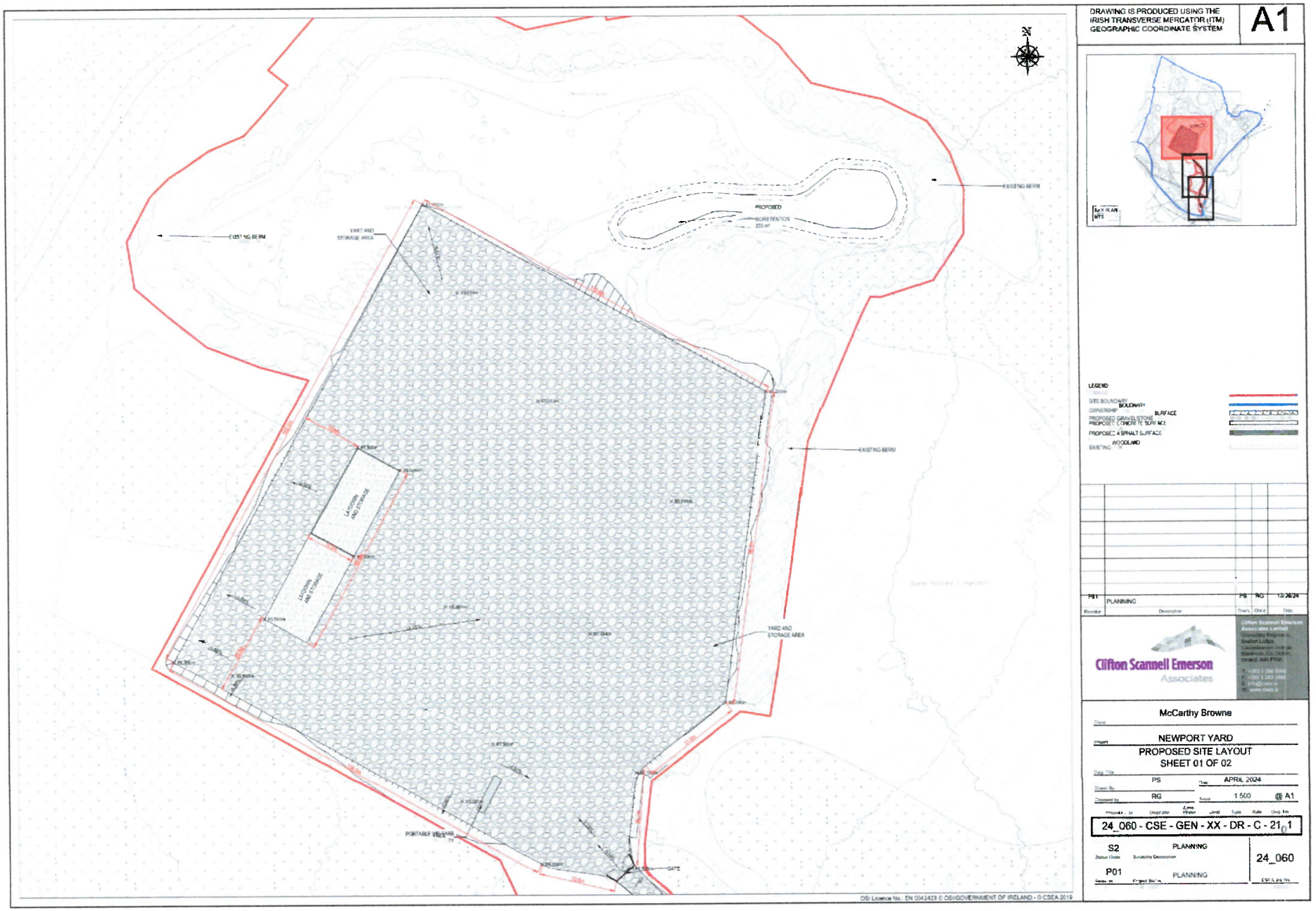

Figure 3. *Proposed Site Plan- sheet 1*

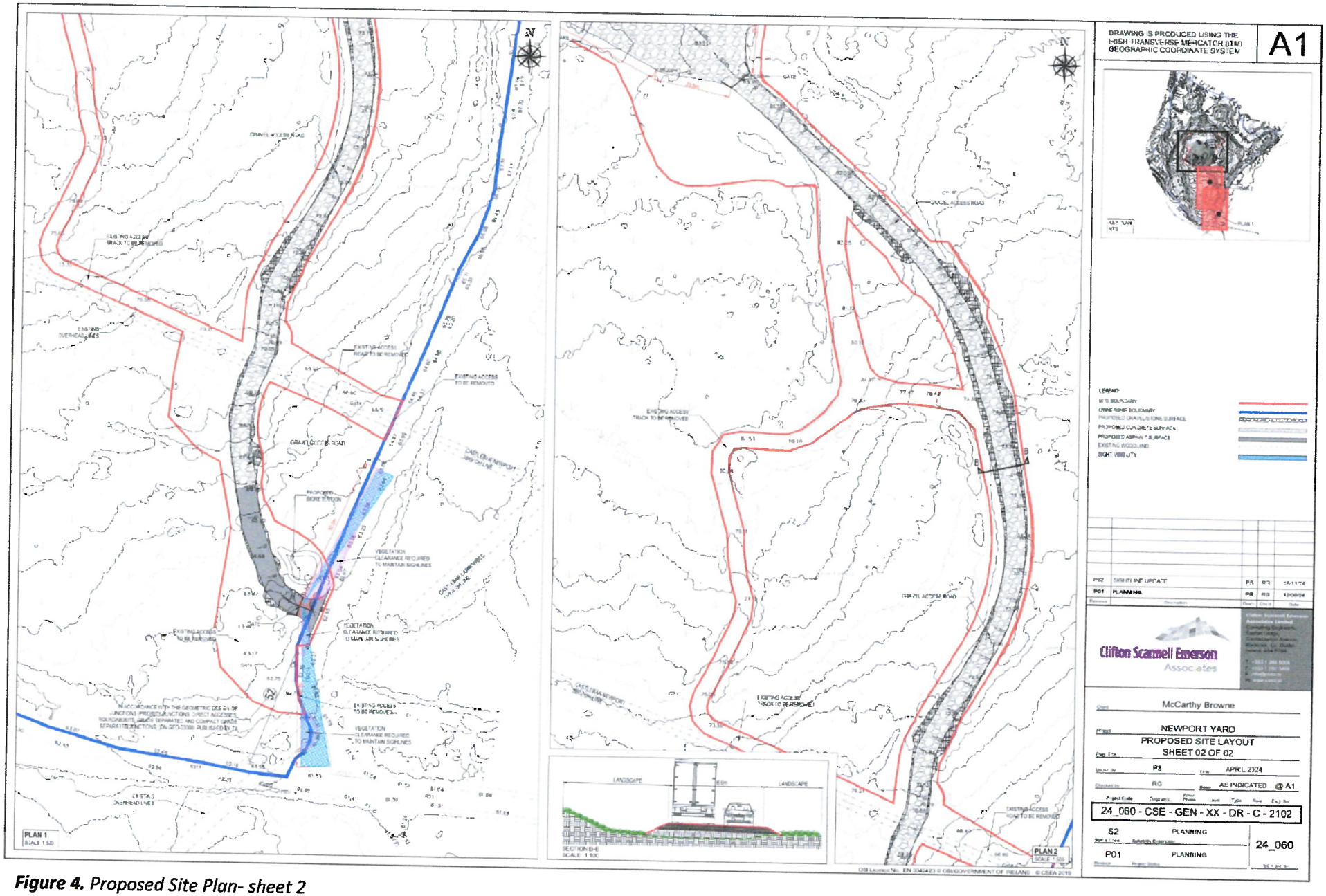

Figure 4. *Proposed Site Plan- sheet 2*

Drainage

A Civil and Structural Engineering Services Report has been prepared by Clifton Scannell Emerson Associates to accompany this planning application. This report outlines the following drainage strategy for the proposed development:

Existing Surface Water Drainage

'The original site is a greenfield and all the surface water is percolated into the ground or directed to the existing land ditches to be directed to the nearest watercourse.'

Proposed Surface Water Drainage

The proposed drainage includes standard compliance measures that include petrochemical interception. These measures are standard measures that would be in place to comply with Water Pollution Acts. These measures would be in place to protect watercourses and would be in place notwithstanding any potential pathway to Natura 2000 sites. The Engineering Services Report outlines the following:

'The surface water run-off from the laydown areas will be collected via gullies and directed to a positive and sealed underground network. It will then pass the petrol interceptor to eliminate the risk of hydrocarbon contamination. The surface water will then be directed to a filter and infiltration trench prior to be discharged into a bioretention pond where it will be temporarily stored while percolates into the ground.

Run-off from the yard area will percolate into the ground and any buildup of water will be directed to the proposed filter train via surface gradients and collected by the same.

The proposed bioretention pond has been designed based on a 1:100 years storm event and an additional 20% of climate change allowance.'

Wastewater Drainage

'According to Uisce Éireann's (Irish Water) existing service records there is no wastewater drainage infrastructure located in the R311 or L51241.The yard will include a portable welfare facility that will be maintained by the provider. The portable welfare facility will include canteen area with seating for up to 12 people and toilets. The facility will be maintained on a weekly basis. The maintenance regime will include the refilling of the water tank and the emptying of the wastewater tank, which will be disposed by the service provider at a suitable location."

Flood Risk Assessment

"The stage 1 of the flood risk assessment identified that the main source of flood risk is fluvial and from the existing Owennabrockagh River (EPA name). However, stage 1 has placed the site in flood zone C which confirms its appropriateness to be developed. The magnitude of the proposed development and the works associated with it indicate that there will be no impact on the current flood risk identified by OPW."

The proposed drainage layout is demonstrated in figures 5 & 6

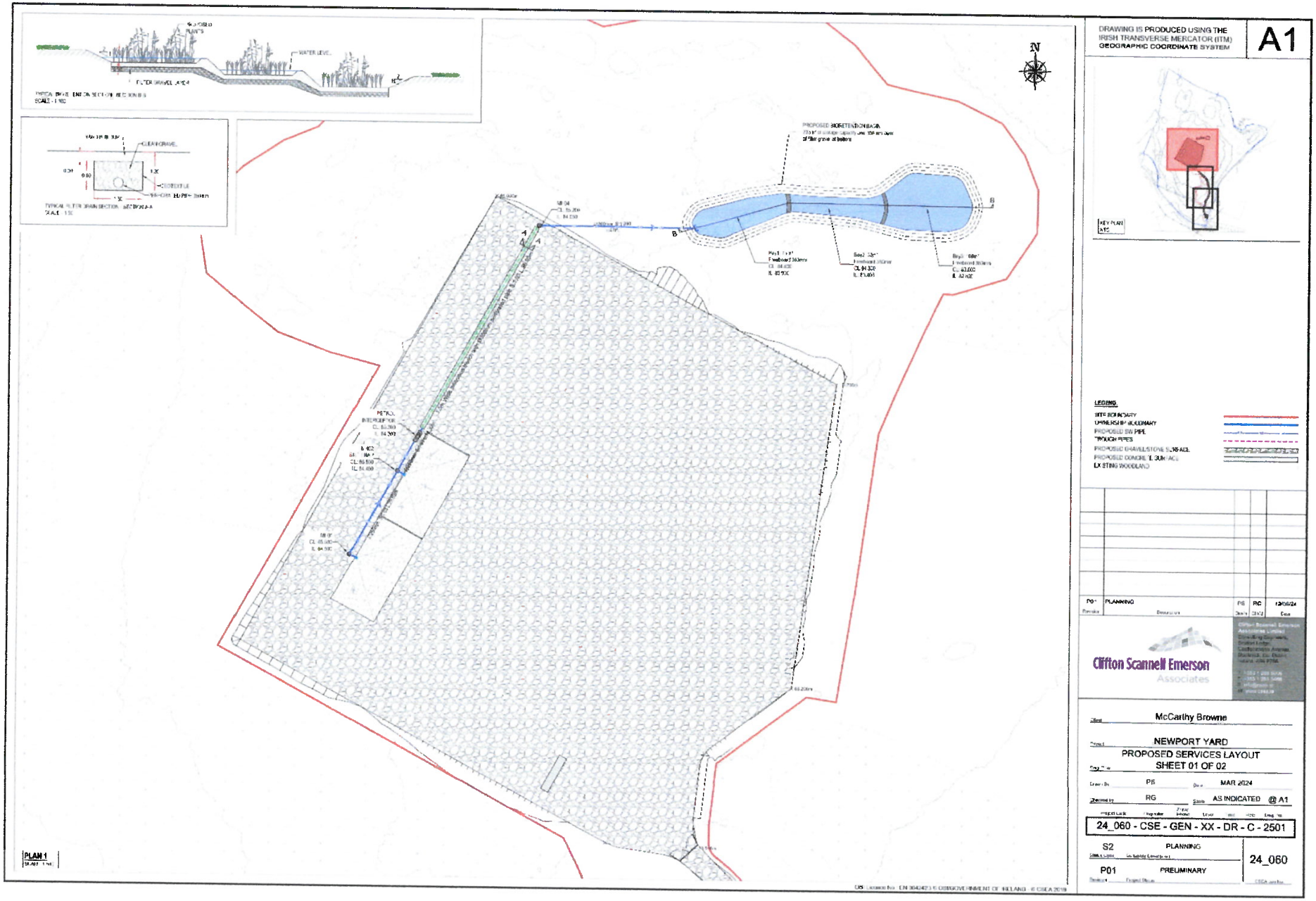

Figure 5. *Proposed Drainage Layout- sheet 1*

Figure 6. *Proposed Drainage Layout- sheet 2*

Hydrological and Hydrogeological Qualitative Risk Assessment

A Hydrological and Hydrogeological Qualitative Risk Assessment was prepared by AWN. The assessment considers the likely impact of pre-construction, construction and operation impacts (construction run-off and domestic sewage) from the proposed development on water quality and overall water body status within the Clew Bay transitional waterbody (where the relevant European Sites are located), and Newport River including bathing water locations. A site visit was carried out by AWN hydrogeologist on 11 March 2025.
The report states that *"The potential for offsite migration due to any construction discharges is low as there is no significant pathway in the aquifer and all construction water is passed through treatment installed prior to discharge offsite*

i. There would be a potential pathway to the underlying aquifer through the bedrock via vertical migration. The site is underlain by a 'Locally Important Aquifer'. This aquifer is characterised by discrete local fracturing with little connectivity rather than large, connected fractures which are more indicative of Regional Aquifers. As such, flow paths are generally local.

ii. There is an indirect hydrological linkage for construction and operation run-off from the site to the Clew Bay Coastal waterbody which is the site of Clew Bay Complex SAC via the Owennabrockagh River and Derrinumera Stream located to the south and west of the site, respectively.

iii. There is an indirect hydrological linkage for construction and operation run-off from the site to the Newport River SAC (Natura 2000 SAC site) via the Glaiswhy River located to the north of the site.

iv. Given that the proposed development does not generate foul effluent, there is no pathway for foul sewage or wastewater to any receiving waterbody or Natura 2000 / Conservation or protection site."

In relation to the risk of impact the report concludes: *"A conceptual site model (CSM) has been prepared following a desk top review of the site and surrounding environs. Based on this CSM, plausible Source-Pathway-Receptor linkages have been assessed assuming an absence of any control measures intended to avoid or reduce harmful effects of the proposed project in place at the proposed development site.*
During construction and operation phases there is a source pathway linkage between the proposed development site and Clew Bay (SAC/pNHA). However, there is no potential for exceedance of water quality objectives as outlined in S.I. No. 272 of 2009, S.I. No. 386 of 2015 and S.I. No. 77 of 2019) as there is permitted attenuation and treatment on site during construction and operation.
There is no direct source pathway linkage between the Proposed Development site and any Natura 2000 sites (i.e. Clew Bay Complex SAC). There is indirect source pathway linkage from the Proposed Development through the surface water drainage design / strategy which discharges to ground.
Even disregarding the operation of design measures including an attenuation (bioretention pond) system and petrol interceptors on site, it is concluded that there will be imperceptible impacts from the Proposed Development to the water bodies due to emissions from the site stormwater drainage infrastructure to the wider drainage network. It should be noted the proposal also includes and employs control measures which serve to provide a degree of attenuation and petrol interceptors as part of best practice project design, and these features will provide additional filtration from the site to the drainage network.
It is concluded that there is a no pollutant linkages as a result of the construction or operation of the Proposed Development which could result in a water quality impact which could alter the habitat requirements of the Natura 2000 sites within and associated with Clew Bay and the hydrologically connected Atlantic Ocean.
Surface Water Monitoring conducted in associated with Derrinumera Landfill on the Glaishwy stream upstream of the landfill site and downstream of the subject Newport Yard development. Results show that levels of Ammoniacal Nitrogen obtained between January 2020 and May 2024 range from 0.02mg/L to 0.10mg/L which reflect background levels which do not seem to be influenced or elevated by the Newport Yard land clearance works which has been completed to date between November 2022 and finished in July 2023.
Finally, and in line with good practice, appropriate and effective standard control measures will be included in the construction design, management of construction programme and during the operational phase of the proposed development. With regard the construction phase, adequate control measures will be incorporated in the Construction Environmental Management Plan (CEMP). These specific measures will provide further protection to the receiving soil and water environments. However, the protection of downstream European sites is not entirely reliant on these measures, and they have not been taken into account in this assessment."

Identification of Relevant Natura 2000 Sites

The proposed development site is not within a European site. As outlined in Office of the Planning Regulator (2021) *"The zone of influence of a proposed development is the geographical area over which it could affect the receiving environment in a way that could have significant effects on the Qualifying Interests of a European site. This should be established on a case-by-case basis using the Source- Pathway-Receptor framework and not by arbitrary distances (such as 15 km)."*

A key factor in the consideration as to whether or not a particular European site is likely to be affected by a development is its distance from the location of the subject site. It is generally, but not necessarily, the case that the greater the distance from the plan or project the smaller the likelihood of impacts. In this case, the nearest European site to the subject site is 2.8 km away (Newport River SAC) (Figure 7). The nearest watercourse to the subject site is the Owennabrockagh River (Owennabrockagh_010_) located 111m south of site. Surrounding the site are tributaries of the Owennabrockagh River. In relation to groundwater as outlined in the Hydrological Risk Assessment *"There would be a potential pathway to the underlying aquifer through the bedrock via vertical migration. The site is underlain by a 'Locally Important Aquifer'. This aquifer is characterised by discrete local fracturing with little connectivity rather than large, connected fractures which are more indicative of Regional Aquifers. As such, flow paths are generally local."* In addition, the report states that *"Even disregarding the operation of design measures including an attenuation (bioretention pond) system and petrol interceptors on site, it is concluded that there will be imperceptible impacts from the Proposed Development to the water bodies due to emissions from the site stormwater drainage infrastructure to the wider drainage network."* Surface water discharge from the hard standing on site will be directed to onsite bioretention ponds via a sealed underground network, where it will be temporary stored prior to discharging to ground. The remainder of the site will be free draining locally to ground.

A site pollutant assessment was carried out on site on the 15th April 2024 to assess the potential signs of pollution of downstream SACs via the Owennabrockagh River caused works on site. This assessment concluded that *'no silt or petrochemical were noted to have entered the watercourses North and South of the site.'* The site pollutant assessment report can be seen in Appendix I. The works on site did not result in impacts on adjacent watercourses that lead to Natura 2000 sites. No direct pathway exists to Natura 2000 sites, The ZoI of the proposed project would be seen to be restricted to the site outline, with potential for minor localised noise and lighting impacts during construction which do not extend significantly beyond the site outline nor are they likely to have any significant effects on any European sites.

Despite a lack of direct hydrological connection to European Sites, but in the interest of carrying out a thorough assessment in line with the Habitats Directive, and the precautionary principle, the area of assessment was expanded beyond the ZoI to include designated sites within 15km of the proposed development site, and sites beyond 15km with the potential for a hydrological connection. This was done in the interest of ensuring that any pathways, however indirect or remote, were considered. All European sites within 15km are listed in Table 1. The qualifying interests, and the potential impact of the proposed development on each European site and qualifying interest, are screened out in Table 2. No potential impacts are foreseen on European sites beyond 15km as there is no direct or indirect pathways to these sites. As outlined in the Hydrological Impact Assessment *"It is concluded that there is a no pollutant linkages as a result of the construction or operation of the Proposed Development which could result in a water quality impact which could alter the habitat requirements of the Natura 2000 sites within and associated with Clew Bay and the hydrologically connected Atlantic Ocean."*

SACs within 15km of the proposed development site are demonstrated in Figure 7. SPAs within 15km of the proposed development site are demonstrated in Figure 8.

Table 1. Proximity to designated sites of conservation importance.

Site Code	NATURA 2000 Site	Distance
Special Areas of Conservation		
IE002144	Newport River SAC	2.8 km
IE001482	Clew Bay Complex SAC	6.8 km
IE002298	Rivers Moy SAC	8.7 km
IE000534	Owenduff/Nephin Complex SAC	9.5 km
IE000471	Brackloon Woods SAC	14.2 km
Special Protection Areas		
IE004098	Owenduff/Nephin Complex SPA	10.6 km

Table 2. Initial screening of NATURA 2000 sites within 15km and NATURA 2000 sites within 15km with potential of hydrological connection to the proposed development

NATURA Code	Name	Screened IN/OUT	Details/Reason
Special Areas of Conservation			
IE002144	Newport River SAC	**OUT**	**Conservation Objectives** The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level. **Qualifying Interests** *Margaritifera margaritifera* (Freshwater Pearl Mussel) [1029] *Salmo salar* (Salmon) [1106] **Potential Impact** The proposed development is located 2.8 km from this SAC. There is no 'direct' Source-Pathway linkage between the proposed development site and the SAC. Surface water drainage from the hard standing on site will be directed to onsite bioretention ponds where it will be temporaily stored prior to discharging to ground. The HRA states that *"It is concluded that there is a no pollutant linkages as a result of the construction or operation of the Proposed Development which could result in a water quality impact which could alter the habitat requirements of the Natura 2000 sites within and associated with Clew Bay and the hydrologically connected Atlantic Ocean."* In addition the HRA notes *" High risk of migration to bedrock and low risk of migration off site through poorly connected fracturing within the bedrock (Locally Important Aquifer) rock mass. 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.* *No potential for local temporary exceedances of statutory water quality standards the Natura 2000 sites"* No potential impact is foreseen. There is no direct pathway from this site to the SAC. The construction of the proposed development will not impact on the conservation interests of the site. In the absence of mitigation, no significant effects on the qualifying interests of this SAC are likely. The operation of the proposed development will not impact on the conservation interests of the site. In the absence of mitigation, no significant effects on the qualifying interests of this SAC are likely. **No significant effects are likely.**
IE001482	Clew Bay Complex SAC	**OUT**	**Conservation Objectives** The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable

NATURA Code	Name	Screened IN/OUT	Details/Reason
			conservation status of those habitats and species at a national level. **Qualifying Interests** Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220] Atlantic salt meadows *(Glauco-Puccinellietalia maritimae)* [1330] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes) [2120] Machairs (* in Ireland) [21A0] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] *Lutra lutra* (Otter) [1355] *Phoca vitulina (*Harbour Seal) [1365] **Potential Impact** The proposed development is located 6.8 km from this SAC. There is no 'direct' Source-Pathway linkage between the proposed development site and the SAC. Surface water drainage from the hard standing on site will be directed to onsite bioretention ponds where it will be temporaily stored prior to discharging to ground. The HRA states that *"It is concluded that there is a no pollutant linkages as a result of the construction or operation of the Proposed Development which could result in a water quality impact which could alter the habitat requirements of the Natura 2000 sites within and associated with Clew Bay and the hydrologically connected Atlantic Ocean."* In addition the HRA notes *" High risk of migration to bedrock and low risk of migration off site through poorly connected fracturing within the bedrock (Locally Important Aquifer) rock mass. 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.* *No potential for local temporary exceedances of statutory water quality standards the Natura 2000 sites"* No potential impact is foreseen. There is no direct pathway from this site to the SAC. The construction of the proposed development will not impact on the conservation interests of the site. In the absence of mitigation, no significant effects on the qualifying interests of this SAC are likely. The operation of the proposed development will not impact on the conservation interests of the site. In the absence of mitigation, no significant effects on the qualifying interests of this SAC are likely. **No significant effects are l ikely**

NATURA Code	Name	Screened IN/OUT	Details/Reason
	River Moy SAC	**OUT**	**Conservation Objectives:** The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level. **Qualifying Interests** Lowland hay meadows *(Alopecurus pratensis, Sanguisorba officinalis)* [6510] Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the *Rhynchosporion* [7150] Alkaline fens [7230] Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles [91A0] *Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)* [91E0] *Austropotamobius pallipes* (White-clawed Crayfish) [1092] *Petromyzon marinus* (Sea Lamprey) [1095] *Lampetra planeri* (Brook Lamprey) [1096] *Salmo salar* (Salmon) [1106] *Lutra lutra* (Otter) [1355] **Potential Impacts** The proposed development is located 8.7 km from this SAC. There is no 'direct' or Source-Pathway linkage between the proposed development site and the SAC. Surface water drainage from the hard standing on site will be directed to onsite bioretention ponds where it will be temporaily stored prior to discharging to ground. The HRA states that *"It is concluded that there is a no pollutant linkages as a result of the construction or operation of the Proposed Development which could result in a water quality impact which could alter the habitat requirements of the Natura 2000 sites within and associated with Clew Bay and the hydrologically connected Atlantic Ocean."* In addition the HRA notes *" High risk of migration to bedrock and low risk of migration off site through poorly connected fracturing within the bedrock (Locally Important Aquifer) rock mass. 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.* *No potential for local temporary exceedances of statutory water quality standards the Natura 2000 sites"* No potential impact is foreseen. There is no direct pathway from this site to the SAC. The construction of the proposed development will not impact on the conservation interests of the site. In the absence of mitigation, no significant effects on the qualifying interests of this SAC are likely. The

NATURA Code	Name	Screened IN/OUT	Details/Reason
			operat on of the proposed development will not impact on the conservation interests of the site. In the absence of mitigation, no significant effects on the qualifying interests of this SAC are likely. **No significant effects are likel y**
IE000534	Owenduff/Nephin Complex SAC	**OUT**	**Conservation Objectives** The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level. **Qualifying Interests** Oligotrophic waters containing very few minerals of sandy plains *(Littorelletalia uniflorae)* [3110] Natural dystrophic lakes and ponds [3160] Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation [3260] Northern Atlantic wet heaths with *Erica tetralix* [4010] Alpine and Boreal heaths [4060] *Juniperus communis* formations on heaths or calcareous grasslands [5130] Blanket bogs (* if active bog) [7130] Transition mires and quaking bogs [7140] *Salmo salar* (Salmon) [1106] *Lutra lutra* (Otter) [1355] *Saxifraga hirculus* (Marsh Saxifrage) [1528] *Hamatocaulis vernicosus* (Slender Green Feather-moss) [6216] **Potential Impact** The proposed development is located 9.5 km from this SAC. There is no 'direct' Source-Pathway linkage between the proposed development site and the SAC. Surface water drainage from the hard standing on site will be directed to onsite bioretention ponds where it will be temporaily stored prior to discharging to ground. The HRA states that *"It is concluded that there is a no pollutant linkages as a result of the construction or operation of the Proposed Development which could result in a water quality impact which could alter the habitat requirements of the Natura 2000 sites within and associated with Clew Bay and the hydrologically connected Atlantic Ocean."* In addition the HRA notes *" High risk of migration to bedrock and low risk of migration off site through poorly connected fracturing within the bedrock (Locally Important Aquifer) rock mass. 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.* *No potential for local temporary exceedances of statutory water quality standards the Natura 2000 sites"*

NATURA Code	Name	Screened IN/OUT	Details/Reason
			No potential impact is foreseen. There is no direct pathway from this site to the SAC. The construction of the proposed development will not impact on the conservation interests of the site. In the absence of mitigation, no significant effects on the qualifying interests of this SAC are likely. The operation of the proposed development will not impact on the conservation interests of the site. In the absence of mitigation, no significant effects on the qualifying interests of this SAC are likely. **No significant effects are likely**
IE000471	Brackloon Woods SAC	**OUT**	**Conservation Objectives:** The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level. **Qualifying Interests** Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles [91A0] **Potential Effects** The proposed development is located 14.2 km from this SAC. There is no 'direct' or 'indirect' Source-Pathway linkage between the proposed development site and the SAC. Surface water drainage from the hard standing on site will be directed to onsite bioretention ponds where it will be temporaily stored prior to discharging to ground. The HRA states that *"It is concluded that there is a no pollutant linkages as a result of the construction or operation of the Proposed Development which could result in a water quality impact which could alter the habitat requirements of the Natura 2000 sites within and associated with Clew Bay and the hydrologically connected Atlantic Ocean."* In addition the HRA notes *" High risk of migration to bedrock and low risk of migration off site through poorly connected fracturing within the bedrock (Locally Important Aquifer) rock mass. 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.* *No potential for local temporary exceedances of statutory water quality standards the Natura 2000 sites"* No potential impact is foreseen. There is no direct pathway from this site to the SAC. The construction of the proposed development will not impact on the conservation interests of the site. In the absence of mitigation, no significant effects on the qualifying interests of this SAC are likely. The operation of the proposed development will not impact on the conservation interests of the site. In the absence of mitigation, no significant effects on the qualifying interests of this SAC are likely. .

NATURA Code	Name	Screened IN/OUT	Details/Reason
			No significant effects are likely

Special Protection Areas			
IE004098	Owenduff/Nephin Complex SPA	**OUT**	**Conservation Objectives** The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level. **Qualifying Interests** Merlin *(Falco columbarius)* [A098] Golden Plover (*Pluvialis apricaria)* [A140] **Potential Impact** The proposed development is located 10.6 km from this SPA. There is no 'direct' or 'indirect' Source-Pathway linkage between the proposed development site and the SPA. Surface water drainage from the hard standing on site will be directed to onsite bioretention ponds where it will be temporaily stored prior to discharging to ground. The HRA states that *"It is concluded that there is a no pollutant linkages as a result of the construction or operation of the Proposed Development which could result in a water quality impact which could alter the habitat requirements of the Natura 2000 sites within and associated with Clew Bay and the hydrologically connected Atlantic Ocean."* In addition the HRA notes *" High risk of migration to bedrock and low risk of migration off site through poorly connected fracturing within the bedrock (Locally Important Aquifer) rock mass. 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.* *No potential for local temporary exceedances of statutory water quality standards the Natura 2000 sites"* No potential impact is foreseen. There is no direct pathway from this site to the SPA. The construction of the proposed development will not impact on the conservation interests of the site. In the absence of mitigation, no significant effects on the qualifying interests of this SPAare likely. The operation of the proposed development will not impact on the conservation interests of the site. In the absence of mitigation, no significant effects on the qualifying interests of this SPA are likely. **No significant effects are likely**

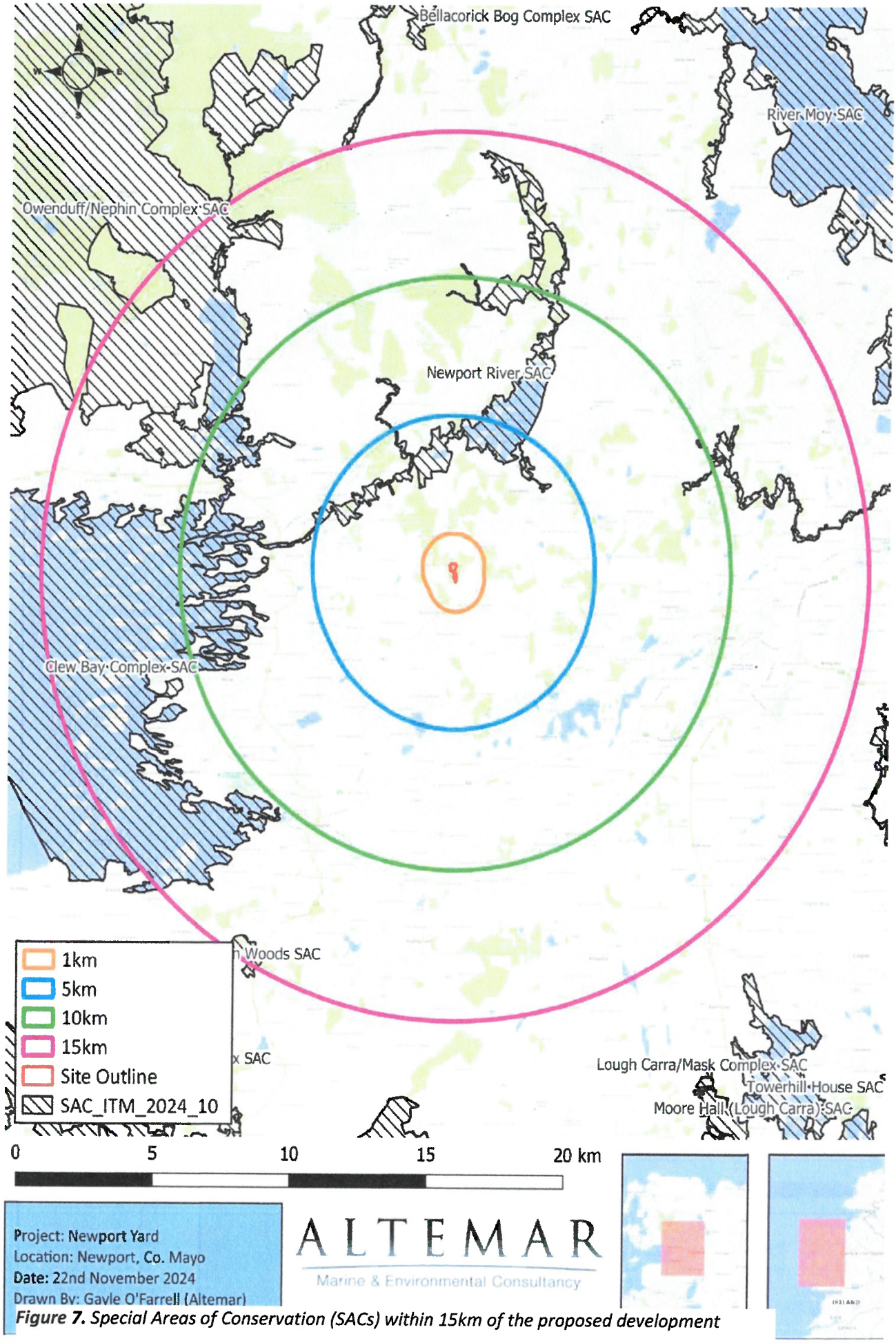

***Figure 7.** Special Areas of Conservation (SACs) within 15km of the proposed development*

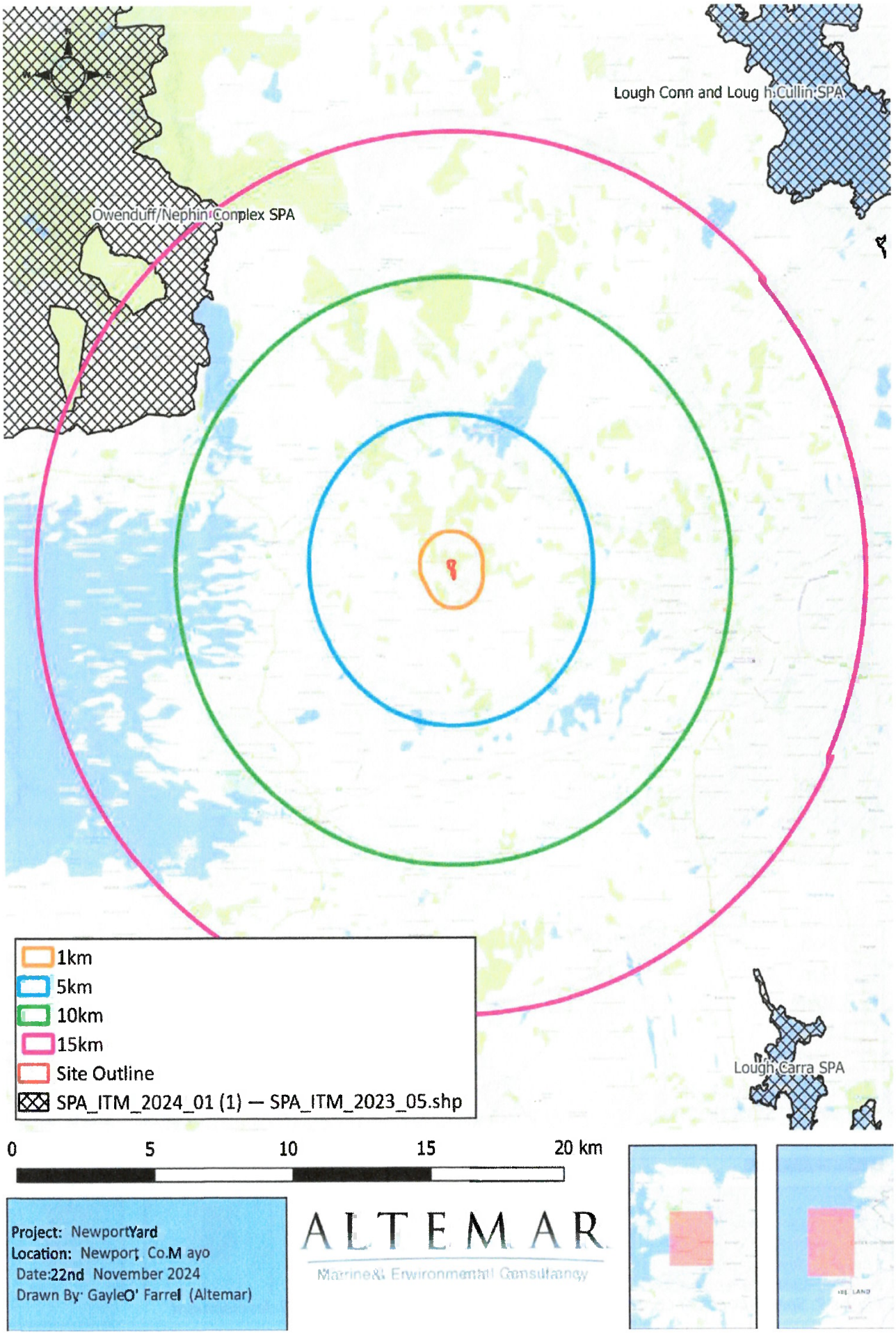

Figure 8. *Special Protection Areas (SPAs) within 15km of the proposed development*

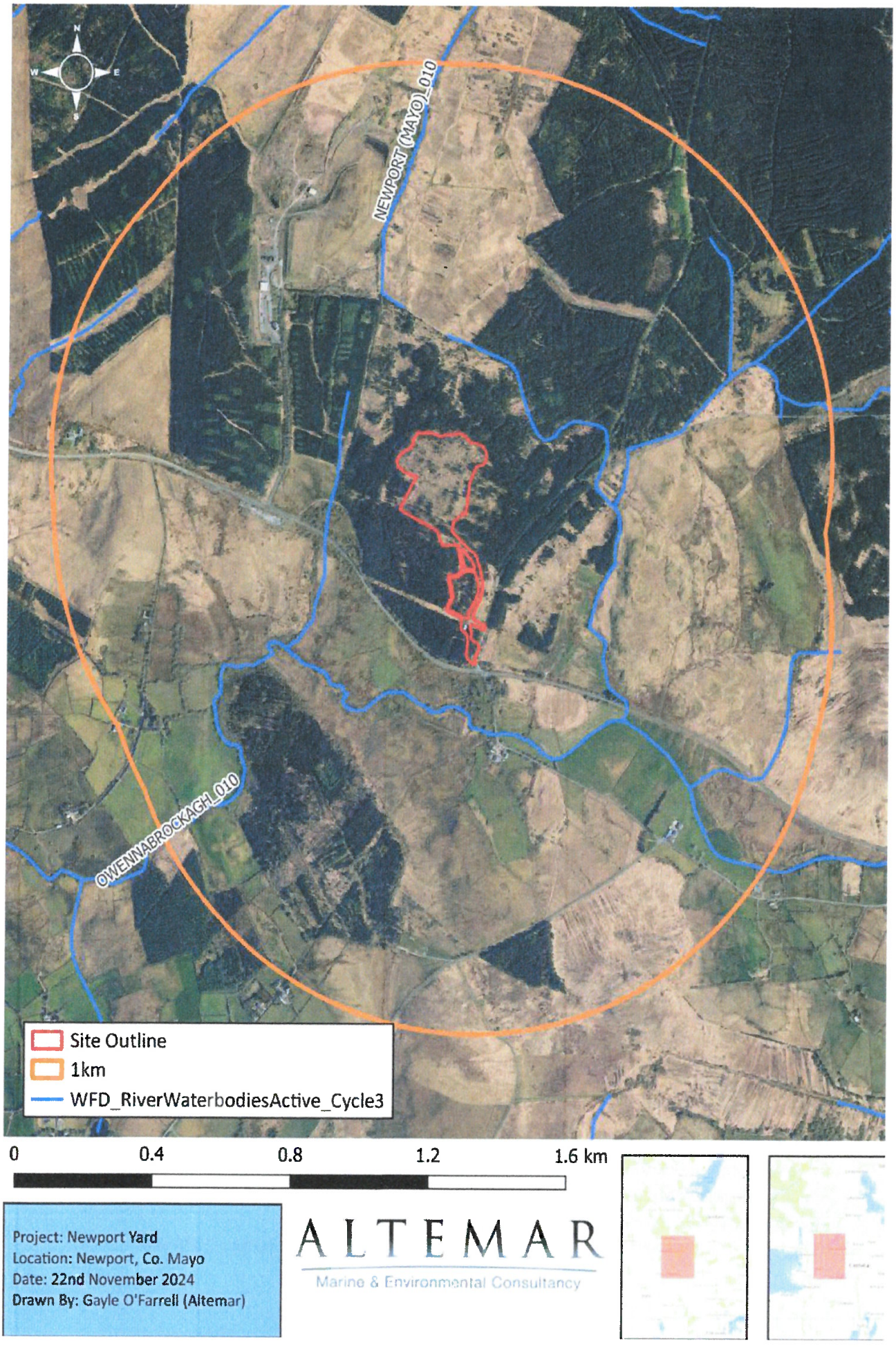

Figure 9. *Watercourses within 1km of the proposed development*

In-Combination Effects

The following is a list of planning application(s) as identified on theDepa rtment of Housing, Local Government and Heritage's 'National Planning Application Database' portal (Table 3)[2]:

Table 3. In-combination effects considered

Ref. No.	Address	Proposal
23278	Cuilmore, Cartron , Newport	construction of an extension to the front and side of the existing dwelling house with first floor roof windows alon gwith alterations and modifications to elevations
22677	CARTRON, NEWPORT	CONSTRUCT DWELLING HOUSE TOGETHER WITH ALL ANCILLLARY SITE WORKS
23242	Carton, Newport, Co. M ayo	construct dwelling house and domestic garage with connection to proprietary effluent treatment system t ogether with associated site services
23116	Derrin Loura, Islandeady , Castlebar	Section 5 Declaration: construction of a slatted sheep shed with underground slurry storage tank along with all associated site works

Based on a review of the planning application viewer there are no developments of significance proposed in proximity of the proposed development. Given this, it is considered that in combination effects with other existing and proposed developments in proximity to the application area would be unlikely, neutral, not significant and localised. It is concluded that no significant effects on Natura 2000 sites will be seen as a result of the proposed development alone or combination with other projects.

No projects in the vicinity of the proposed development would be seen to have a significant in combination effect on Natura 2000 sites.

Conclusions

The proposed development site is located within a rural environment. The nearest European site is the Newport River SAC (2.8km). The nearest watercourse is located 111m south and east of the site (Owennabrockagh River).

Surface water runoff from hard standing will be directed to onsite bioretention ponds where it will be temporarily stored before percolating into the ground.

There is no 'direct' Source-Pathway linkage between the proposed development site and any Natura 2000 sites. In the absence of mitigation, no significant effects on Natura 2000 sites are likely. Standard measures in compliance with Water Pollution Acts. These measures would be in place weather or not there is an indirect pathway to designated sites. No specific mitigation is required to prevent impacts on these sites.

Having taken into account, the previously carried out (*Pre-Construction Phase*) works, the buffer of the neighbouring habitat (primarily bog), the surface water drainage from the proposed development (*Construction & Operational Phases*), the distance between the proposed development to designated conservation sites, lack of direct hydrological pathway or biodiversity corridor link to conservation sites, it is concluded that the proposed development would not give rise to any significant effects to designated sites.

The previous works, construction and operation of the proposed development will not impact on the conservation objectives of qualifying interests of European sites.

Notably the Environment Department of Mayo County Council previously considered that there was "insufficient detail to screen out the connectivity to the EU protected site" however subsequently additional detail and clarification has been provided (herein and as part of the accompanying information in particular the Hydrological Risk Assessment (HRA). Key issues arising from same and otherwise include:

1. Mitigation measures are not proposed, only 'standard construction methods', in keeping with well (and legally) established principles, e.g. under Court of Justice of the European Union (CJEU) issued its decision in a recent case, Eco Advocacy CLG v An Bord Pleanála and Keegan Land Holdings Limited ([2021] IEHC 265
2. The HRA confirms that the site and project are not directly linked to Natura 2000 sites

[2] https://housinggovie.maps.arcgis.com/apps/webappviewer/index.html?id=9cf2a09799d74d8e9316a3d3a4d3a8de

3. The HRA confirms that any indirect links are not sufficient to create a viable pathway to designated sites.The HRA confirms that groundwater vulnerability would also not create a viable pathway to designated sites.

This report presents a Stage 1 Appropriate Assessment Screening for the Proposed Development, outlining the information required for the competent authority to screen for appropriate assessment and to determine whether or not the Proposed Development, either alone or in combination with other plans and projects, in view of best scientific knowledge, is likely to have a significant effect on any European or European site.

Based on the content of this report, the competent authority is enabled to conduct a Stage 1 Screening for Appropriate Assessment and consider whether, in view of best scientific knowledge and in view of the conservation objectives of the relevant European sites, the Proposed Development, individually or in combination with other plans or projects is likely to have a significant effect on any European site.

Data Used for AA Screening

NPWS site synopses and conservation objectives of sites within 15km were assessed. The most recent SAC and SPA boundary shapefiles were downloaded and overlaid on ESRI road maps and satellite imagery. Details of the site visit and assessment of potential effects on habitats is seen in Appendix I.

Findings of No Significant Effects Report

Details of Project	Appropriate Assessment Screening for a Proposed Civil & Marine Works Contractor Depot at Derrinumera, Newport, Co. Mayo.
Name and Location of NATURA 2000 Sites Within 15km	Clew Bay Complex SAC Brackloon Woods SAC Newport River SAC River Moy SAC Owenduff/Nephin Complex SAC Owenduff/Nephin Complex SPA
Project Description	Permission for development (and retention of development) comprising a Civil & Marine Works Contractor Depot at existing Forestry Plantation at Derrinumera, Newport, Co. Mayo.
Is the Project directly connected with the management of the NATURA 2000 site?	No
Details of any other projects or plans that together with this project could affect the NATURA 2000 site	None
The assessme ntof si gnificant effects	
Describe how the project is likely to affect the NATURA 2000 site	No significant effect predicted
Response to consultation	N/A
Data collected to carry out the assessment	Supporting NPWS data.
Who carried out the assessment	Altemar Ltd.
Sources of data	NPWS website, standard data form, conservation objectives data of the site and references outlined in the AA Screening Report.
Explain why the effects are not considered significant	Having taken into consideration the distance to the nearest Natura 2000 site, the lack of direct hydrological pathway or biodiversity corridor link to conservation sites and the proposed foul and surface water drainage strategy, it is concluded that this development would not give rise to any significant effects on designated sites.
Level of assessment completed	St age 1 Screening
Overall conclusions	On the basis of the content of this report, the competent authority is enabled to conduct a Stage 1 Screening for Appropriate Assessment and consider whether, in view of best scienti ficknowledge and in view of the conservation objectives of the relevant European sites, the Proposed Development, individually or in combination with other plans or projects is not likely to have a si gnificant effect on any European site.

References

1. Department of Environment Heritage and Local Government Circular NPW 1/10 and PSSP 2/10 on Appropriate Assessment under Article 6 of the Habitats Directive – Guidance for Planning Authorities March 2010.
2. Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government 2009; www.npws.ie/publications/archive/NPWS_2009_AA_Guidance.pdf
3. Managing NATURA 2000 Sites: the provisions of Article 6 of the Habitats Directive 92/43/EEC, European Commission 2000; ec.europa.eu/environment/nature/Natura2000/management/docs/art6/provision_of_art6_en.pdf
4. 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; ec.europa.eu/environment/nature/Natura2000management/docs/art6/Natura_2000_assess_en.pdf
5. Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC – Clarification of the concepts of: alternative solutions, imperative reasons of overriding public interest, compensatory measures, overall coherence, opinion of the commission; ec.europa.eu/environment/nature/Natura2000/management/docs/art6/guidance_art6_4_en.pdf
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7. The Status of EU Protected Habitats and Species in Ireland. www.npws.ie/publications/euconservationstatus/NPWS_2007_Conservation_Status_Report.pdf
8. NPWS (2017) Conservation Objectives: Owenduff/Nephin Complex SAC [000543]. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.
9. NPWS (2017) Conservation Objectives: Mweelrea/Sheeffry/Erriff Complex SAC [001932]. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.
10. NPWS (2019) Conservation Objectives: Newport River SAC [002144]. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.
11. NPWS (2021) Conservation Objectives: Brackloon Woods SAC [000471]. Version 1. National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht.
12. NPWS (2011) Conservation objectives for Clew Bay Complex SAC [001482]. Generic Version 8.0. Department of Housing, Local Government and Heritage.
13. NPWS (2022) Conservation Objectives: Owenduff/Nephin Complex SPA [004098]. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, and the Gaeltacht.

ALTEMAR

Marine & Environmental Consultancy

Appendix I, Site assessment report for proposed project at Newport, Co. Mayo.

21st November 2024

Prepared by: Emma Peters
On behalf of: Cunningham Civil & Marine Limited

Document Control Sheet			
Client	Cunningham Civil & Marine Limited		
Project	Civil & Marine Works Contractor Depot Development at Derrinumera, Newport, Co. MayoNewport Yard, Newport, Co. Mayo		
Report	Site pollutant assessment report for proposed project at Ashbridge, Co. Mayo.		
Date	21st November 2024		
Version	Author	Reviewed	Date
	Emma Peters	Bryan Deegan	21st November 2024

Altemar Ltd.
Since its inception in 2001, Altemar has been delivering ecological and environmental services to a broad range of clients. Operational areas include: residential; infrastructural; renewable; oil & gas; private industry; Local Authorities; EC projects; and, State/semi-State Departments. Bryan Deegan, the managing director of Altemar, is an Environmental Scientist and Marine Biologist with 28 years' experience working in Irish terrestrial and aquatic environments, providing services to the State, Semi-State and industry. He is currently contracted to Inland Fisheries Ireland as the sole "External Expert" to environmentally assess internal and external projects. He is also chair of an internal IFI working group on environmental assessment. Bryan Deegan (MCIEEM) holds a MSc in Environmental Science, BSc (Hons.) in Applied Marine Biology, NCEA National Diploma in Applied Aquatic Science and a NCEA National Certificate in Science (Aquaculture).
This report has also been prepared by ecologist, Emma Peters BSc Environmental Science. Emma is skilled in bat detection through static detector surveys, dusk emergence, and down re-entry surveys and is a member of Bat Conservation Ireland. She is skilled in habitat identification, native and non-native species identification and ecological conservation, having experience in mitigation measures in ecological assessment.

The site:
Is largely a conifer plantation on histosol soil. Southeast of the site is the Derrinumera landfill. Surrounding the site are tributary of the Owennabrockagh_010_ watercourse. This watercourse leads to the Clew Bay complex SAC and the Newport River SAC.

Works previously carried out:
The site was assessed for potential effects or vectors of effects on Natura 2000 sites, caused by recent works on site. The site works involve the clearing of conifer plantation and addition of gravel to make a hardstanding to store machinery. The main potential issues of concern would be silt and petrochemical pollutants entering the streams proximate to the site which could potentially negatively effect Natura 2000 sites.

Site visit findings:
During the site visit on the 15th of April 2024, it was evident that the ground has been highly disturbed. Large mounds of peaty (Histosol) soil (Figure 5) had been cleared away and stored into heaps along the boundary if the site works. This, in turn created large pools of water (Figure 17). Each pool was inspected for signs of petrochemicals. During the site survey no signs of petrochemicals were noted in pools or areas present within the work area. Due to the works that had been carried out, large amounts of silt were exposed (Figure 18) and had been compacted most likely due to the large machinery used onsite.
The conifer plantation had a blanket bog peat soil base which was inspected for silt and petrochemical contamination. The vegetation was dense directly outside of the cleared area and consisted of Juniper (*Juniperus communis subsp. communis*), heather (*Calluna vulgaris*), gorse (*Ulex europaus*), sedges (*Carax sp.*), rush (*Juncus sp.*), lousewort (*Pedicularis sylvatica*), willow (*Salix sp.*) samplings, red bog-moss (*Sphagnum rubellum*), hard fern (*Blechnum spicant*) and various lichens possibly *Cladonia sp.* Silt was running off from water gathering on site however, water traversing channels from site to the stream north of the site was perfectly clear and silt free with no signs of petrochemicals beyond 5m (Figure 9 & 10). The peaty soils are acting as a filter, trapping the silt and allowing the water to flow though.
During the inspection of the South portion of the site, the site runoff flowing south was muddy with silt in the runoff channel (Figure 11 & 12.). As the runoff traversed downstream it spread out and meandered becoming very shallow and heavily braided (many smaller flows of runoff breaking away from the main channel but eventually rejoining again.)(Figure 13). This allowed silt to settle before leaving the site. A braid of this stream pooled along the access road was being used by tadpoles (Figure 15). This area had the highest amount of herbaceous vegetation onsite, although species poor. This type of habitat with vegetation and pooled water is sought after by amphibian species, in particular frogs in Ireland. The water was noted clear approximately halfway down from the area of works (Figure 14). Species along the edges of the woodland and disturbed areas included ribwort plantain (*Plantago lanceolata*), water doc (*Rumex hydrolapathum*), brambles (*Rubus fruticosus agg*), *Fescue sp.* and great willowherb (*Epilobium hirsutum*).
Due to the nature of the substrate, no silt or petrochemical were noted to have entered the watercourses North and South of the site.

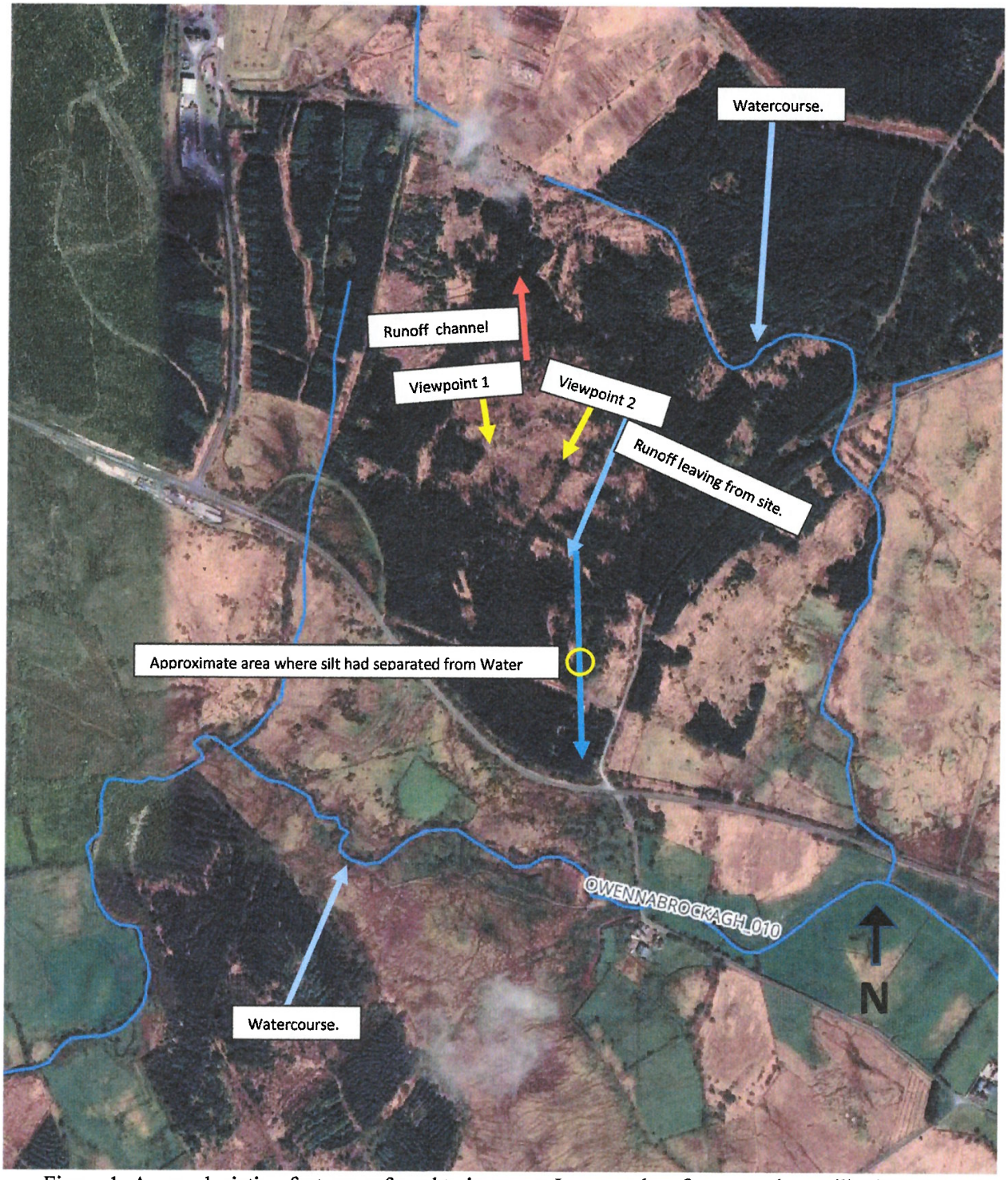

Figure 1. A map depicting features referred to in report. Images taken from google satellite imagery. Viewpoints 1 & 2 are demonstrated figures 7 & 8.

Figure 2. Gravel access road leading to site.

Figure 3. Forest on peat soil surrounding the site.

Figure 4. Storage area.

Figure 5. Peaty soil.

Figure 6. Bog with dispersed watercourse on South slope of site facing east.

Figure 7. Viewpoint one, Positioned North looking south over the site.

Figure 8. Viewpoint 2, Positioned Northeast of the site looking South.

Figure 9. Water pooling at north edge of the site.

Figure 10. Drainage channel north of the site.

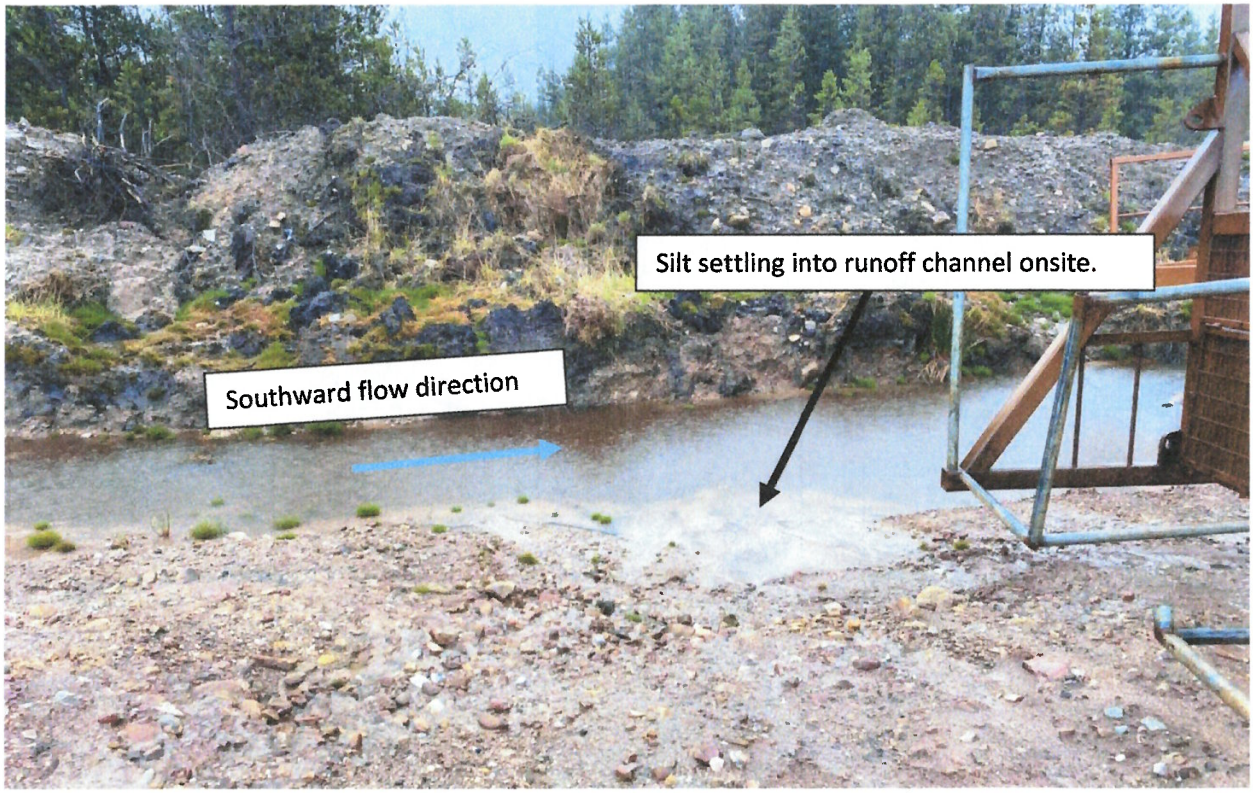

Figure 11. Silt entering drainage runoff channel onsite.

Figure 12. Muddy runoff channel along the southside of the main area of works onsite.

Figure 13. Runoff channel beginning to travel south, downhill and off site. The runoff channel is beginning to braid here.

F'igure14 .Water running clear approximatel yhalfw aydown the access road .

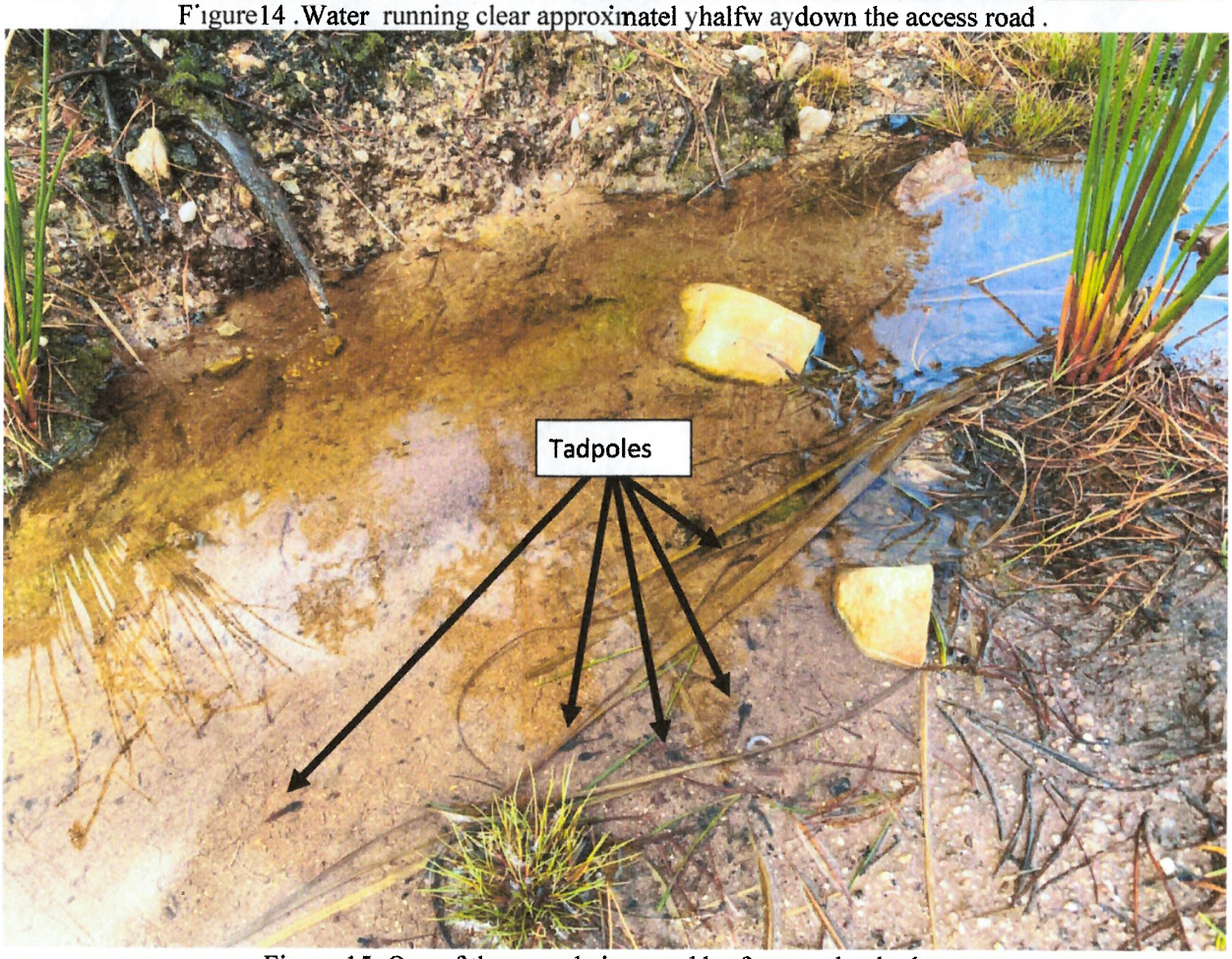

Figure 15. One of the areas being used by frogs and tadpoles.

Figure 16. Water pooling onsite.

Figure 17. Water pooling North of the site.

Figure 18. Demonstration of silty, disturbed soil meeting the interface of the undisturbed area of peaty soil.

Appendix E

Hydrological Risk Assessment

REPORT

Trinity Consultants

awnconsulting

Hydrological and Hydrogeological Qualitative Risk Assessment

Civil & Marine Works Contractor Depot at Derrinumera, Newport, Co. Mayo

CLIENT	DOCUMENT REFERENCE	DATE
Cunningham Civil & Marine Limited	257501.0119WR01	16 May 2025

AWN Consulting Ltd, The Tecpro Building, IDA Business & Technology Park, Clonshaugh, Dublin 17, D17 XD90

DOCUMENT CONTROL SHEET

Document Co ntrol Sheet	
Our Reference	257501.0119WR01
Original Issue Date	16 May 2025
Client:	Cunningham Civil & Marine Limited
Client Address:	

Revision	Revision Date	Description
A	1 April 2025	Internal review
B	16 May 2025	Issued to the Client

Details	Written by	Approved by
Signature		
Name	Luke Maguire/ Rashaqat Ali Siddiqui	Marcelo Allende
Title	Environmental Consultants	Principal Hydrological Consultant
Date	16 May 2025	

Disclaimer
This report considers the specific instructions and requirements of our client. It is not intended for third-party use or reliance, and no responsibility is accepted for any third party. The provisions in this report apply solely to this project and should not be assumed applicable to other developments without review and modification.

ENVIRONMENT
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QUALITY
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1. INTRODUCTION

1.1 Background

AWN have been requested by Cunningham Civil & Marine Limited to carry out a Hydrological and Hydrogeological Qualitative Risk Assessment for a development at an existing site composed of forestry plantation and brownfield lands located in Derrinumera, Co. Mayo.

The site is currently used for forestry purposes. The site is characterized by open undulating land with a historic agricultural function. Currently, the lands are undeveloped and entirely unoccupied by any building structures. The overall land hold encompasses 41.8 Hectares and is boarded on the south by the R311 and the L54214. The site development area (red line boundary) is c. 5.58 Hectares. The site development area is bounded by forest plantation from all directions (refer to Figure 1-1 below).

The lands are relatively flat and level in some portions of the site. The site occupies elevated ground at which topography is characterized by gentle / minor localized undulations and a gradient whereby land generally falls / slopes in all directions from the site towards the low-lying land which surrounds the site.

The site has been subject to recent construction / modification whereby works started in November 2022 and finished in July 2023. In June 2023, works started on clearing out the proposed material storage area. An a rea was marked out to be stripped down to bedrock level. The soil was removed and was stockpiled around the perimeter of the cleared area. There was a depth of between 300mm – 600mm of soil in this area. All soil was removed from the hatched area shown in Figure 1-2 below. The open area at the top end of the site is to be used as a storage yard. The approximate area of the storage yard is 22,000 square meters. These works are associated in this report with the pre-construction phase of the development.

F igure 1-1. Site Locaton Map

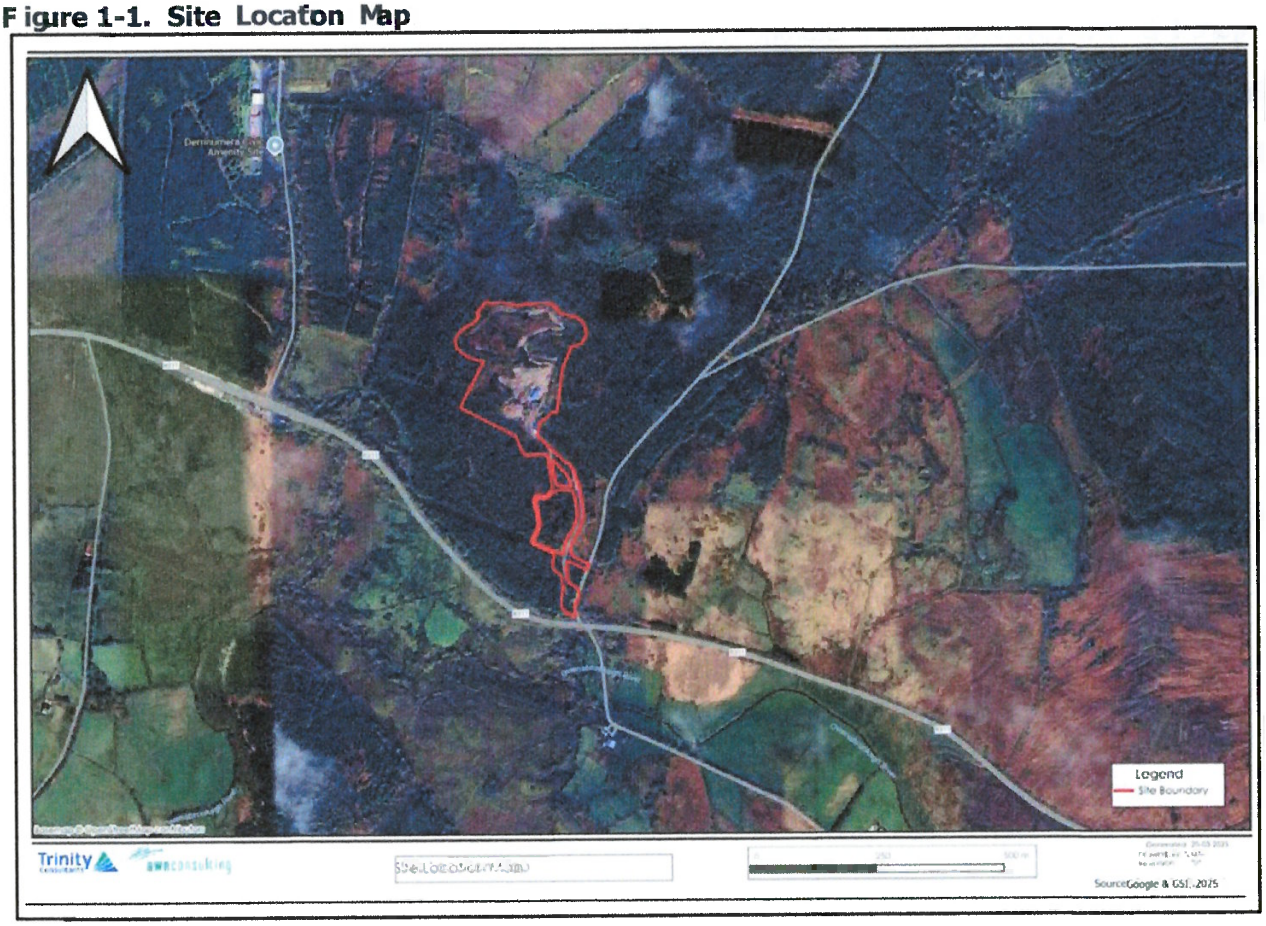
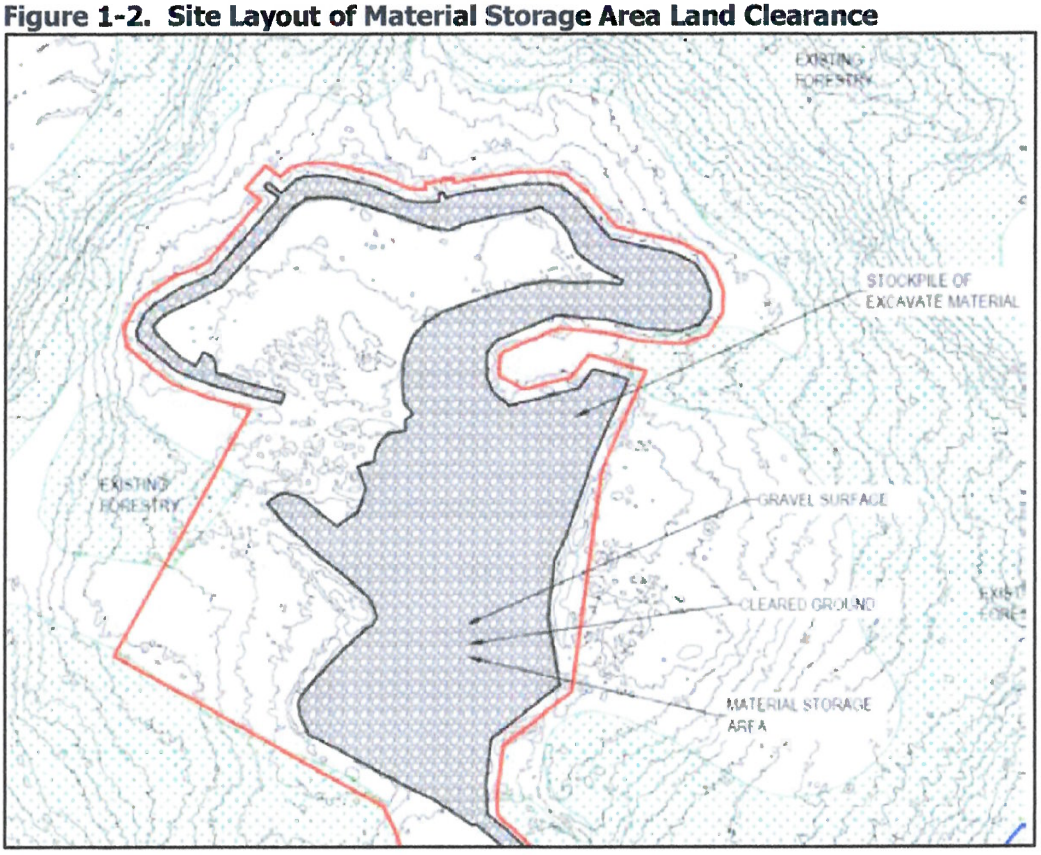


Figure 1-2. Site Layout of Material Storage Area Land Clearance



The proposed residential development seeks permission for development (and retention of development) comprising a Civil & Marine Works Contractor Depot at Derrinumera, Newport, Co. Mayo.

Permission for retention of development is sought for:

- Upgrading and expansion of internal road/track way and forestry fire break network;
- Clearance of area of fire damaged forestry and ground cover, for use as materials/vehicle/ equipment storage area; and,
- All associated and ancillary works and development.

Permission for development is sought for:

- Consolidation of upgraded and expanded internal road/track way network, including widening, provision of drainage features and removal/decommissioning of sections;
- Provision of new vehicular access to public road (removing recently constructed alternative access) and associated works including gated entrance way;
- Clearance of additional area of fire damaged forestry and ground cover, for use as materials / vehicle / equipment storage area; and,
- All associated and ancillary works and development including staff welfare facilities and surface water drainage infrastructure.

The potential impacts on the receiving water environment considered are:

- The management of surface water run-off and accidental leaks during the clearing works already carried out at the site, hereafter the pre-construction phase.
- The management of surface water run-off and accidental oil leaks during construction phase.

- Connection to stormwater sewer during operation. Due to the nature of the proposed development, it has been assumed that there will be no bulk oil storage during the operational phase.

1.2 Objective of the Report

The scope of this desktop review is to assess the potential for any likely significant impacts on receiving waters and protected areas during works already carried out, projected construction phase or post development once operational/occupied, in the absence of taking account of any standard control measures intended to avoid or reduce harmful effects of the proposed project.

In particular, this review considers the likely impact of pre-construction, construction and operation impacts (construction run-off and domestic sewage) from the proposed development on water quality and overall water body status within the Clew Bay transitional waterbody (where the relevant European Sites are located), and Newport River including bathing water locations. The assessment relies on information regarding construction and design provided by CSEA Engineering Planning Report (May, 2024), as follows:

- Engineering Planning Report. Newport Yard. Clifton Scannell Emerson Associates (CSEA, 2024)

This report was prepared by Luke Maguire, and Rashaqat Ali Siddiqui.

Luke Maguire (BSc) is an Environmental Consultant and Geoscientist with experience in Environmental Impact Assessment (EIAR), Hydrological & Hydrogeological Risk Assessment, Flood Risk Assessment, WFD Assessment reporting, contaminated land assessment, groundwater monitoring, Ground Gas Monitoring and WFD Assessment Reporting. Luke holds a B.Sc. in Geoscience (Geology, Hydrology, Geochemistry, Geophysics, Climate and Environmental studies) from Trinity College University of Dublin.

Rashaqat Ali Siddiqui (BSc, MSc, MIT) is a hydrogeologist with over 6 years' experience in water resource management and impact assessment. He has a Masters in Hydrogeology and is a former Education Secretary of the Irish chapter for the Association of Hydrogeologists (IAH). Ali's specialist area of expertise is water resource management, Site investigation and monitoring, Contaminated land Assessment, hydrological assessment and environmental impact assessment.

1.3 Hydrological Setting

There is no artificial drainage within the site boundary. The site is composed of forestry plantation and brownfield lands which has been cleared and excavated down to bedrock level, therefore at present all drainage is to ground whereby surface water and rainfall, is generally percolated to ground through the site via grass and soil under the influence of gravity or directed to the existing land ditches which direct and convey flow to the nearest watercourse.

The current EPA watercourse mapping does not include any existing streams or watercourses identified within the proposed development site boundaries. The nearest watercourse to the subject site is the Owennabrockagh River located c.100m south of site. Surrounding the site are tributaries of the Owennabrockagh River.

As shown in Figure 1-3 below, a tributary of the Owennabrockagh River, known as the Derrinumera Stream is located c.130m to the west of the site at the point of closest proximity. This stream flows in a southerly direction before joining the Owennabrockagh River. From here, the Owennabrockagh River subsequently flows in an alternating west to south-westerly direction (meandering along its course) while merging with multiple river waterbodies downstream, before ultimately discharging (outfall) to the Inner Clew Bay Coastal Waterbody.

As depicted in Figure 1-3 below, the Glaishwy Stream rises circa 250m to the North of the site at the point of closest proximity. This river waterbody flows in a northern direction before discharging to the Beltra

Lough approximately 4.1km north (linear distance) of the site, which forms part of the Newport River SAC Natura 2000 conservation area.

A key factor in the consideration as to whether or not a particular European site is likely to be affected by a development is its distance from the location of the subject site. It is generally, but not necessarily, the case that the greater the distance from the plan or project the smaller the likelihood of impacts.

According to the NPWS (2025) on-line database there are no special protected areas within, adjacent to or in the immediate vicinity of the subject development site. The development site is not located within or directly adjacent to any Natura 2000 site. The closest European listed sites are as follows (refer also to Figure 1-4 blow):

- Newport River SAC (Site Code: IE002144) c.2.8 km north of the site;
- Clew Bay Complex SAC (Site Code: IE001482) c. 6.8 km southwest of the site;
- River Moy SAC (Site Code: IE002298) c. 8.7 km northeast of the site.

The site currently has no direct hydrological connection / linkage with the designated European sites listed above. However, the site does have indirect hydrological pathway or connection with the above listed areas of protection and conservation as they are located hydrologically downgradient of the proposed development site.

The development would have an indirect hydrological connection to the Clew Bay Complex SAC (IE001482) through overland flow and local drainage network through the Derrinumera Stream and Carrowtootagh although via an extremely lengthy distance and pathway and therefore a significant dilution factor in the Owennabrockagh River and the river catchment downstream.

The proposed development would also have an indirect hydrological connection to the Newport River SAC through overland flow and local drainage network through the Glaishwy Stream and albeit via an extremely lengthy distance / pathway and a significant dilution factor in the Owennabrockagh River and the river catchment downstream. Refer to sections 3.1-3.4 below for further detail on the Source Pathway Receptor (S-P-R) linkages to the above mentioned conservation / protection areas.

A site visit was carried out by AWN hydrogeologist on 11 March 2025. The site is located on a the top of the hill and the topography is dipping in all directions with the maximum dip to the west. During the site visit it was identified that the depth topsoil varied from 0.2 metres below ground level (mbgl) to 0.7 mbgl across the site followed by weathered bedrock. The depth of weather bedrock ranged from 0.2mbgl to 1.2m. Competent rock was encountered was encountered between 1.2mbgl to a maximum excavation depth of 3mbgl metres in the southern section of the site as shown in Plate 1-1 to 1-3.

Ponding was encountered across the site, but it was difficult to ascertain if the ponding was a result of groundwater influx into the site or lack of infiltration of surface water runoff as shown in Plate 1-4 and Plate 1-5. Although no surface water courses transverses the site, an unnamed stream is located circa 100m north of the proposed works site boundary and flows in south easterly direction before discharging into Owennabrockagh River. Surface water runoff off follows topography and flows in all directions due to the site setting. Majority of the runoff from the northern section of the site flows towards the Glaishwy and the unnamed Stream. During the site visit, it was also identified that temporary drainage channels run across the field in an easterly direction towards L54213. Although, the field drain was completely dry during the site visit as shown in Plate 1-6.

Artificial drainage was established on site to manage any access surface water runoff and ponding on site, the drainage channel runs along the eastern section of the site before discharging into the heavily wooded area to the east of the site as shown in Plate 1-7.

Figure 1-3. Local Hydrological Environment in the context of the site (Source: EPA, 2025)

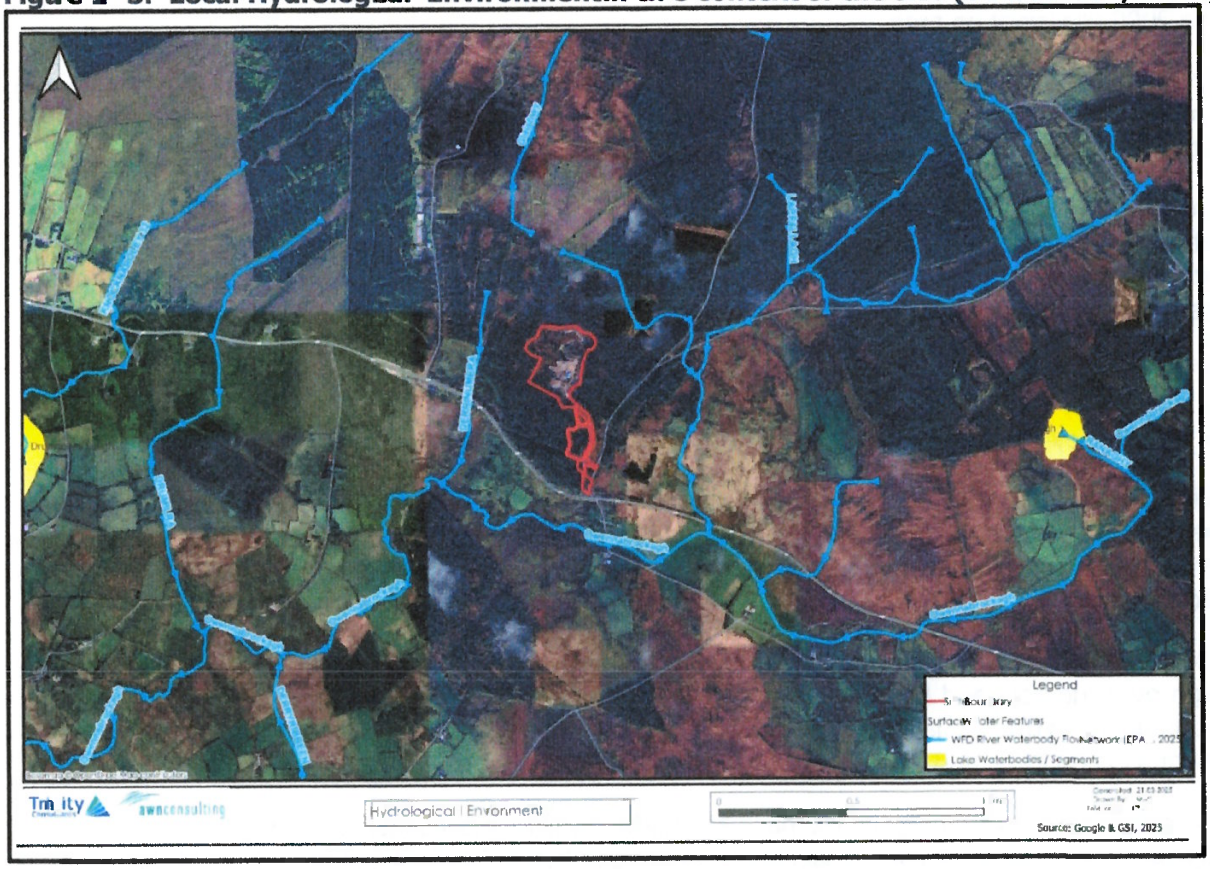


Figure 1-4. Natura 2000 Conservation & Protection Areas (Source: NPWS, 2025)

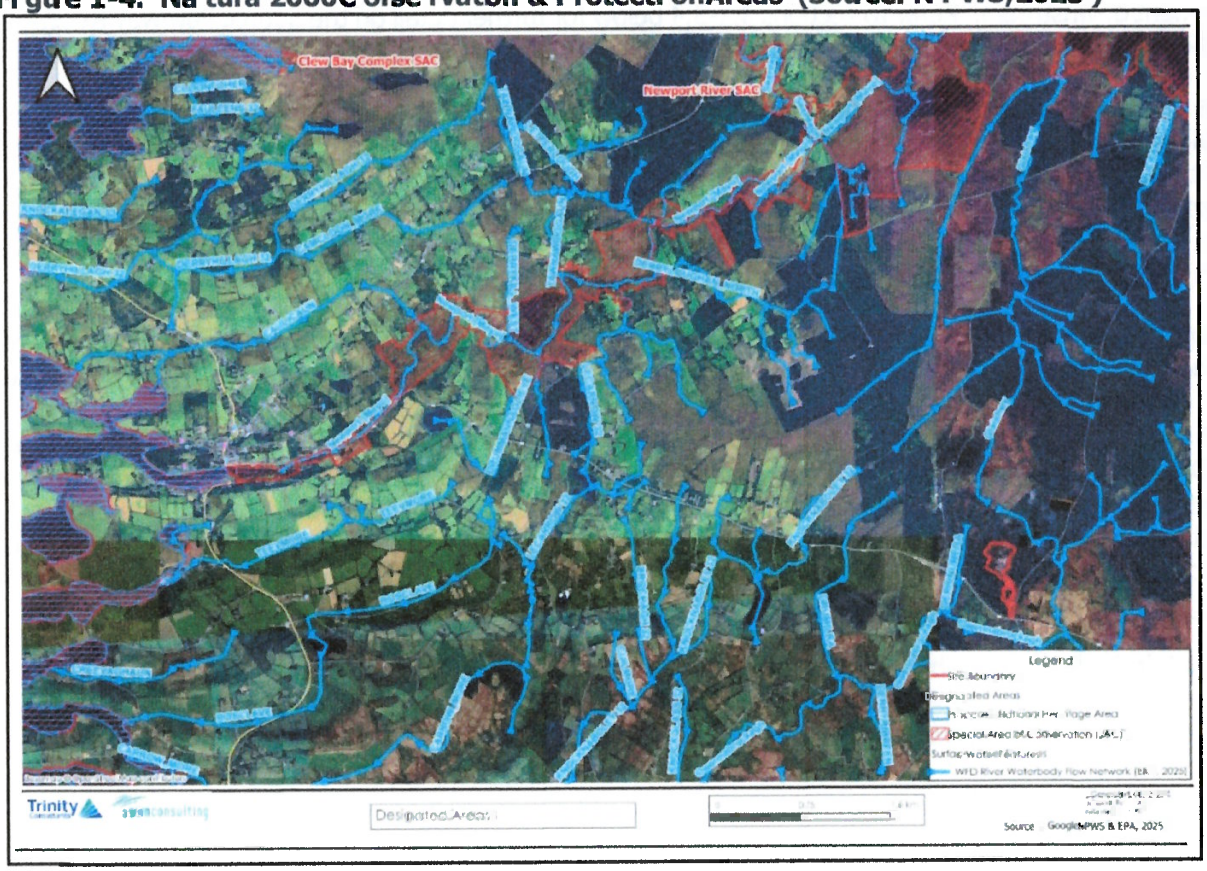


Plate 1-1. Local Geological Environment (AWN, 2025)

Plate 1-2. Local Geological Environment (AWN, 2025)

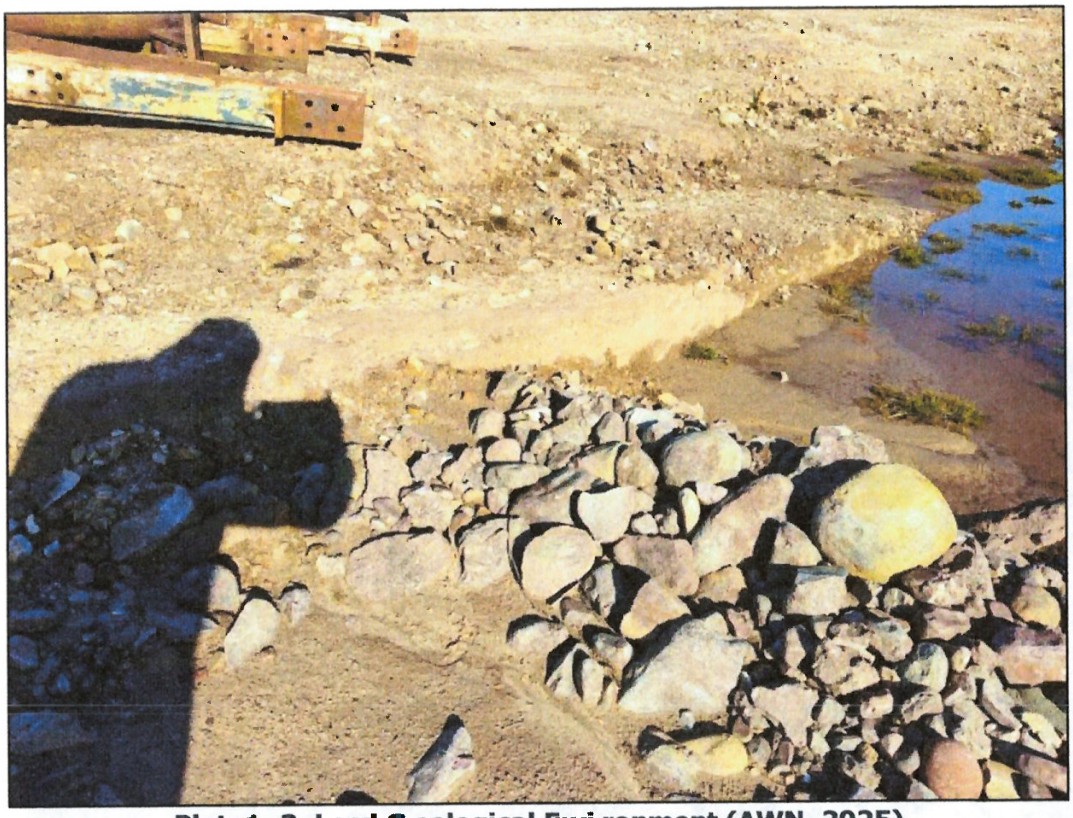


Plate1- 3. Local Geological Environment (AWN, 2025)

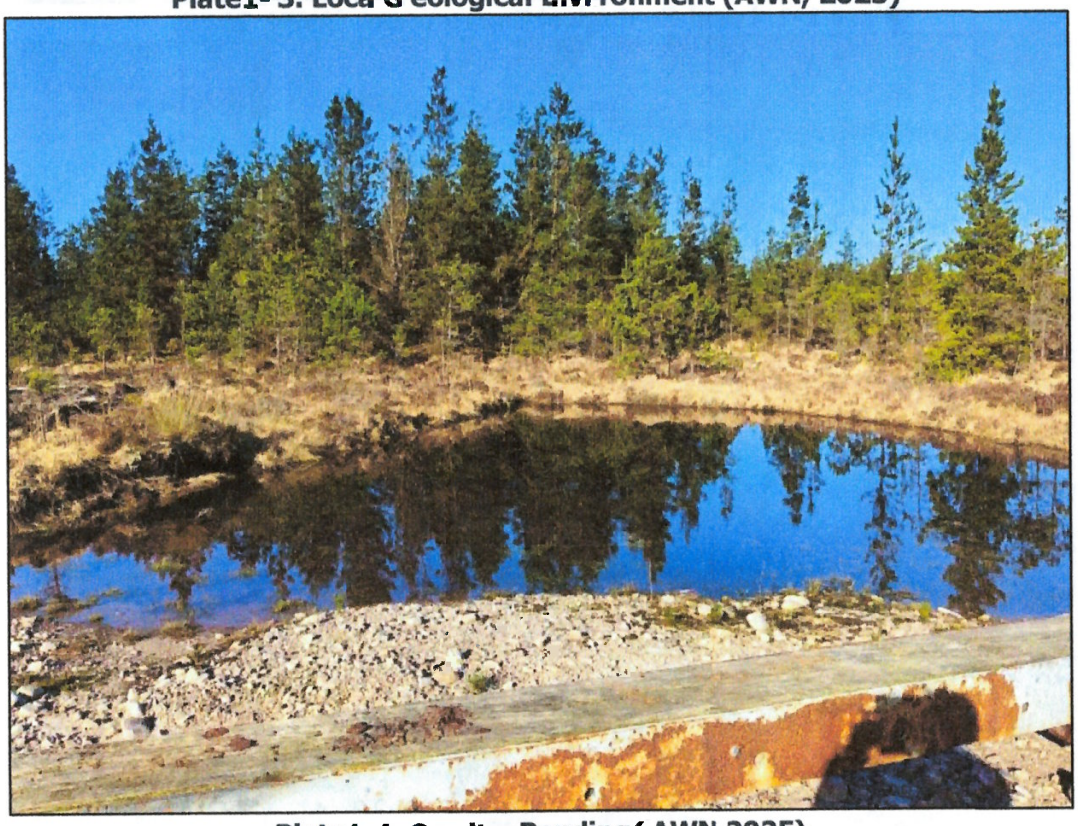


Plate1-4. On site Ponding(AWN 2025)

Plate 1-5. On site Ponding (AWN 2025)

Plate 1-6. Seasonal Su rfaceWater Drain Ea stof the Site towardsL 54213 (AWN, 2025)

Plate 1-7. Artificial Field Drain located East of the Site (AWN, 2025)

1.4 Description of Existing and Proposed Drainage

Existing and Proposed Surface Water Drainage

According to the EPA mapping database there are no water courses on, or directly adjacent to, the development site, no drainage ditches, bodies of standing water or habitats which could be described as wetlands.

Currently, there is one artificial drainage within the site boundary currently as described in Section 1.3 above. The site is characterized as forestry plantation with brownfield lands, therefore at present all drainage is to ground whereby surface water and rainfall, is generally percolated to ground through the site via grass and soil under the influence of gravity.

According to the Clifton Scannell Emerson Associates Engineering Services Report (2024) the surface water run-off from the laydown areas will be collected via gullies and directed to a positive and sealed underground network. It will then pass the petrol interceptor to eliminate the risk of hydrocarbon contamination. The surface water will then be directed to a filter and infiltration trench prior to be discharged into a bioretention pond where it will be temporarily stored while percolates into the ground. There will be no direct connection to existing watercourses.

Run-off from the yard area will percolate into the ground and any buildup of water will be directed to the proposed filter train via surface gradients and collected by the same. The proposed bioretention pond has been designed based on a 1:100 years storm event and an additional 20% of climate change allowance.

During construction, surface water discharge from the site will be managed and controlled for the duration of the construction works, until the permanently attenuated surface water drainage system of the proposed site is complete. A temporary positive drainage system shall be installed prior to the commencement of the construction works to collect surface water runoff by the site during construction. Accordingly, all drainage will be treated prior to discharge to ground. No direct discharges made to storm or land drains where there is potential for cement or residues in discharge.

According to the site specific AA Screening conducted by Altemar Marine & Environmental Consultancy (2024), a site pollutant assessment was carried out on site on the 15th April 2024 to assess the potential signs of pollution of downstream SACs via the Owennabrockagh River caused works on site. This assessment concluded that 'no silt or petrochemical were noted to have entered the watercourses North and South of the site.' The works on site did not result in impacts on adjacent watercourses that lead to Natura 2000 sites.

Refer to the Engineering Services Report (CSEA, 2024) for further details.

Flood Risk

Examination of recorded past / historic flood events as detailed on floodinfo.ie (OPW) shows no records of historical flooding within / adjacent to the site boundary.

Floodinfo.ie (formerly floodmaps.ie) was consulted to identify flood risk and historical flooding events within the vicinity of the site. Predictive flood maps involving detailed hydraulic modelling of river waterbodies was undertaken as part of the National CFRAM study, which places the site entirely within Flood Zone C i.e., the probability of flooding is low (less than 0.1% AEP or in 1 in 1000 year) for both river (fluvial) and coastal flooding, which indicates low flood risk. Therefore, any flood events will not cause flooding of the Proposed Development, and the development will not affect the flood storage volume or increase flood risk elsewhere.

Existing and Proposed Waste Water Drainage

The site has no existing foul loading as it has historically been greenfield land comprising of forest cover.

According to Uisce Éireann's (Irish Water) existing service records there is no wastewater drainage infrastructure located in the R311 or L51241.The yard will include a portable welfare facility that will be maintained by the provider. The portable welfare facility will include canteen area w th seating for up to 12 people and toilets. The facility will be maintained on a weekly basis. The maintenance regime will include the refilling of the water tank and the emptying of the wastewater tank, which will be disposed by the service provider at a suitable location.

During the operational phase there will be no discharge from the site to the public foul sewer and subsequently no connection to any Wastewater Treatment Plant or discharge to any river, transitional or coastal waterbody.

2. ASSESSMENT OF BASELINE WATER QUALITY, RIVER FLOW AND WATER BODY STATUS

A reliable Conceptual Site Model (CSM) requires an understanding of the existing hydrological and hydrogeological setting. This is described below for the proposed development site and surrounding hydrological and hydrogeological environs.

2.1 Hydrological Catchment Description

The proposed development site is located within the Hydrometric Area No. 32 (HA 32) of the Irish River Network and lies within the Erriff-Clew Bay Catchment (Catchment ID: 32), and the Carrowtootagh River sub-catchment (WFD name: Carrowtoothagh_SC_010, Id 32_6).

Currently, there is no artificial drainage within the site boundary. The site is composed of forestry plantation and former greenfield lands which has been cleared and excavated down to bedrock level, therefore at present all drainage is to ground whereby surface water and rainfall, is generally percolated to ground through the site via grass and soil under the influence of gravity or directed to the existing land ditches which direct and convey flow to the nearest watercourse.

The current EPA watercourse mapping does not include any existing streams or watercourses identified within the proposed development site boundaries. Additionally, historical mapping records do not indicate any watercourses within the proposed development site. The site is composed of forestry plantation and brownfield lands and is devoid of any surface waterbodies.

There are no water courses on, or directly adjacent to the development site. No drainage ditches, bodies of standing water or habitats which could be described as wetlands exist onsite. Early Historical maps dated from 1829 to the early 20th century coupled with historical aerial imagery dated from 1995 to the present day indicate / show that the subject development site has been unoccupied by any building structures and has contained no river waterbodies or watercourses within its boundary.

The nearest watercourse to the subject site is the Owennabrockagh River (Owennabrockagh_010, EU Code IE_WE_32O040500) located c.100m south of site. Surrounding the site are tributaries of the Owennabrockagh River.

As shown in Figure 1-3 above, a tributary of the Owennabrockagh River, known as the Derrinumera Stream is located c.130m to the east of the site at the point of closest proximity. This stream generally flows in a southerly direction before it merges / joins (confluence point) the Owennabrockagh River. From here, the Owennabrockagh River subsequently flows in an alternating west to south-westerly direction (meandering along its course) while merging with multiple river waterbodies downstream, before ultimately discharging (outfall) to the Inner Clew Bay Coastal Waterbody (EU Code: IE_WE_350_0000) and in turn to the hydrologically connected Atlantic Ocean.

As also depicted in Figure 1-3 above, the Glaishwy stream (Newport(Mayo)_010, EU Code: IE_WE_32N010020) source rises circa 250m to the North of the site at the point of closest proximity. This river waterbody flows in a northern direction before discharging to the Beltra Lough approximately 4.1km north (linear distance) of the site.

The EPA assess the water quality of rivers and streams across Ireland using a biological assessment method, which is regarded as a representative indicator of the status of such waters and reflects the overall trend in conditions of the watercourse. The biological indicators range from Q5 - Q1. Level Q5 denotes a watercourse with good water quality and high community diversity, whereas Level Q1 denotes very low community diversity and bad water quality.

The most recent status recorded by the EPA in the water quality monitoring station located on the Owennabrockagh River mentioned above is classified as Q4 Brackish – 'Good' WFD Status (2023), indicating an unpolluted waterbody which indicates satisfactory condition (EPA / Catchments.ie, 2025).

In accordance with the WFD, each river catchment within the former RBD was assessed by the EPA and a water management plan detailing the programme of measures was put in place for each. The Owennabrockagh River Waterbody (Owennabrockagh_010) is presently classified by the EPA as having 'Good' WFD water quality status (2016-2021 period) and is 'Not At Risk'. This condition is attributed to good biological and ecological status or potential, particularly Invertebrate status or potential (Catchments.ie, 2025).

The Glaishwy River Waterbody (Newport (Mayo)_010) is presently classified by the EPA as having 'Moderate' WFD water quality status (2016-2021 period) and is 'At Risk' of not achieving good status. This condition is attributed to 'moderate' biological and ecological status or potential, particularly Invertebrate status or potential, coupled with high Nitrogen Conditions (Nitrate & Ammonium) and Phosphorous Conditions, specifically Orthophosphate (Catchments.ie, 2025).

It should be noted that the proposed development does not involve any wastewater / foul effluent discharge during the operational phase, and subsequently not have a measurable impact on the overall water quality within Clew Bay coastal waterbody and the North Atlantic and therefore would not have an impact on the current Water Body Status (as defined within the Water Framework Directive).

Surface Water Monitoring has been conducted in associated with Derrinumera Landfill which is located c. 450m northwest of the site. The Glaishwy river passes 50m to the east of the landfill site and flows into Beltra Lough 3km north of the landfill. The focus monitoring location for the subject development is Monitoring Point SW1 as shown in Plate 2-1 which is located on the Glaishwy stream upstream of the landfill site and downstream of the subject Newport Yard development. Summary of results obtained between January 2020 and May 2024 are as follows (refer to graphs depicted in Figure 2-1 below):

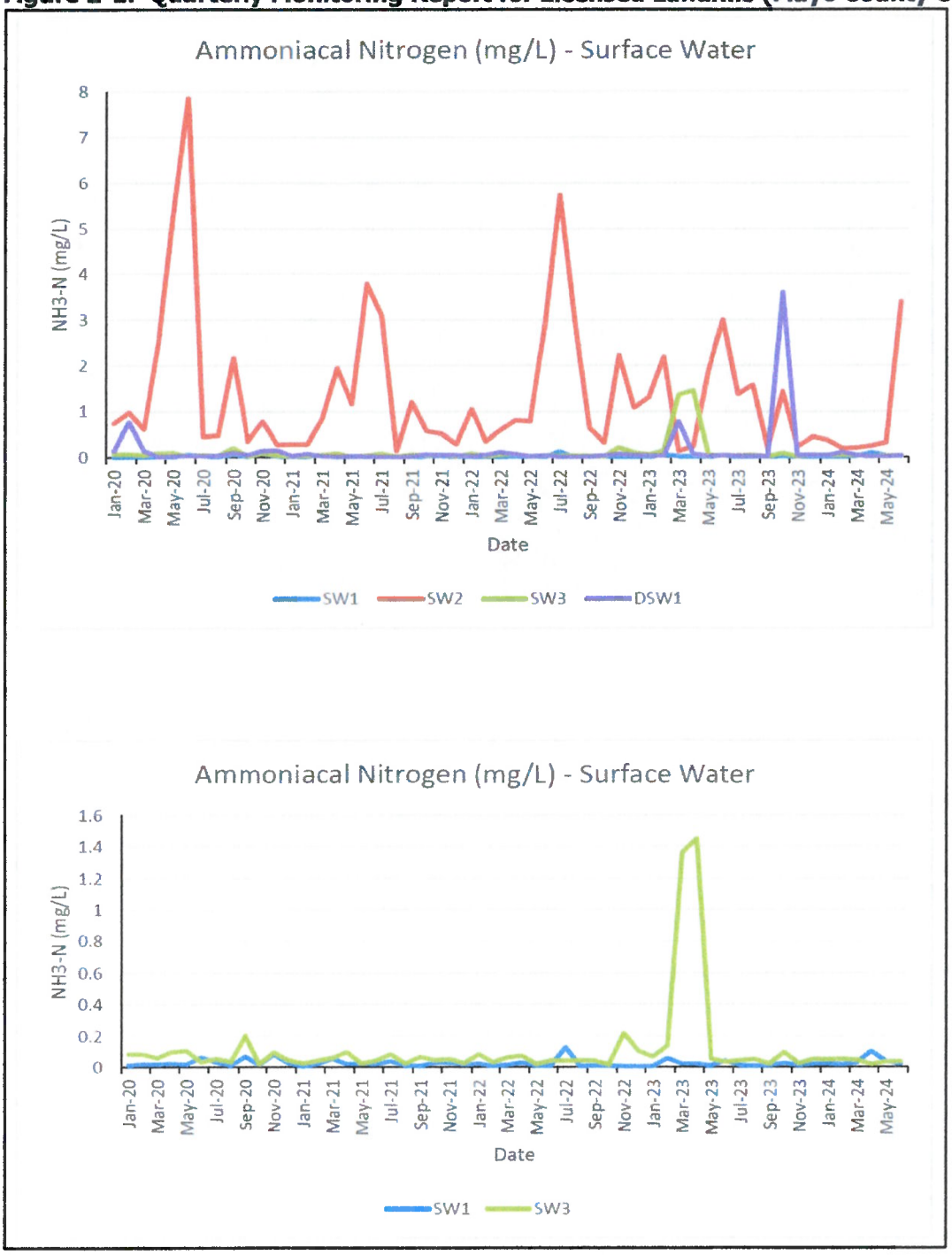
- Ammoniacal nitrogen results for the period range from 0.02mg/L to 0.10mg/L which reflect a background level which do not seem to be influenced or elevated by the Newport Yard land clearance works done to date.
- pH levels are consistently low and are typical of the surrounding landscape type i.e. blanket bog and afforestation.

It should be noted that works have been undertaken on the subject site during the following dates:

- Existing Access to Site: 27th July 2022.
- Creating an access road up towards the cleared area: 8th-14th August 2022.
- Material Storage Area: 5th-30th June 2023.
- New Access Gate: 12th, 13th & 14th June 2023.

As can be seen in Figure 2-1 below, there is no correlation between the dates of the works carried out at the subject site and any alteration to surface water qulity, demonstrating that there are no previous effects of the works at the site on the overall hydrological environment.

Figure 2-1. Quarterly Monitoring Report for Licensed Landfills (Mayo County Council, 2024)



a. Note: Monitoring Point SW1 is located on the Glaishwy stream upstream of the site and is considered the background monitoring location. SW2 is located downstream of the facility on the Glaishwy stream. SW3 is located at Glaishwy bridge further downstream.

Plate 2 -1. SW1Mon itoringPoint Location (AWN,2025)

2.2 Aquifer Description & Superficial Deposits

Inspection of Mapping from the Geological Society of Ireland (GSI, 2025 http://www.gsi.ie, accessed on 11-03-2025) indicates the bedrock geology of the site and the surrounding area is dominated by rocks classified as Quartzite-clast conglomerate of the Croaghmoyle Formation.

The GSI database does not indicate any geological (tectonic) faulting traversing the site however the GSI database indicates faulting within surrounding area and vicinity of subject development development.

The GSI also classifies the principal aquifer types in Ireland as:

- Lk - Locally Important Aquifer – Karstified.
- Ll - Locally Important Aquifer - Bedrock which is Moderately Productive only in Local Zones.
- Lm - Locally Important Aquifer - Bedrock which is Generally Moderately Productive.
- Pl - Poor Aquifer - Bedrock which is Generally Unproductive except for Local Zones.
- Pu - Poor Aquifer - Bedrock which is Generally Unproductive.
- Rkd - Regionally Important Aquifer (karstified diffuse).

The bedrock aquifer underlying the site according to the GSI (www.gsi.ie/mapping) National Draft Bedrock Aquifer Map is classified as a (LI) Locally Important Aquifer – Bedrock which Moderately Productive only in Local Zones. The site is not underlain by any gravel aquifers.

According to the GSI Teagasc mapping database public data viewer (2025), above bedrock the predominant / principle soil type underlying the site and immediate surrounding area is AminPD - Mineral poorly drained (Mainly acidic), which belong to the Surface water Gleys / Ground water Gleys soil group which are derived chiefly from Tills of Devonian Sandstone (mainly non-calcareous) parent materials.

The Quaternary geological period extends from around 1.5 million years ago to the present day. This can be further sub-divided into the Pleistocene Epoch, which covers the Ice Age period, and which extended up to 10,000 years ago and the Holocene Epoch, which extends from that time to the present day.

The quaternary subsoil type located at the proposed development is predominately classified as TDSs – Till derived from Devonian sandstones.

The land clearance works undertaken in June and July 2023 revealed that there was a depth of between 300mm – 600mm of soil in this area of the clearing out the proposed material storage area. The ground underneath was mixture of sandstone and bedrock.

Aquifer / groundwater vulnerability is a term used to represent the intrinsic geological and hydrogeological characteristics that determine the ease with which groundwater may be contaminated generally by human activities. Due to the nature of the flow of groundwater through bedrock in Ireland, which is almost completely through fissures/ fractures, the main feature that protects groundwater from contamination, and therefore the most important feature in the protection of groundwater, is the subsoil (which can consist solely of/ or of mixtures of peat, sand, gravel, glacial till, clays or silts).

The GSI currently denotes a 'High' (H) vulnerability classification underlaying the majority of the proposed development site thereby indicating an overburden (subsoil) thickness ranging from 3-5m of low permeability soils. Refer to Figure 2.1 below.

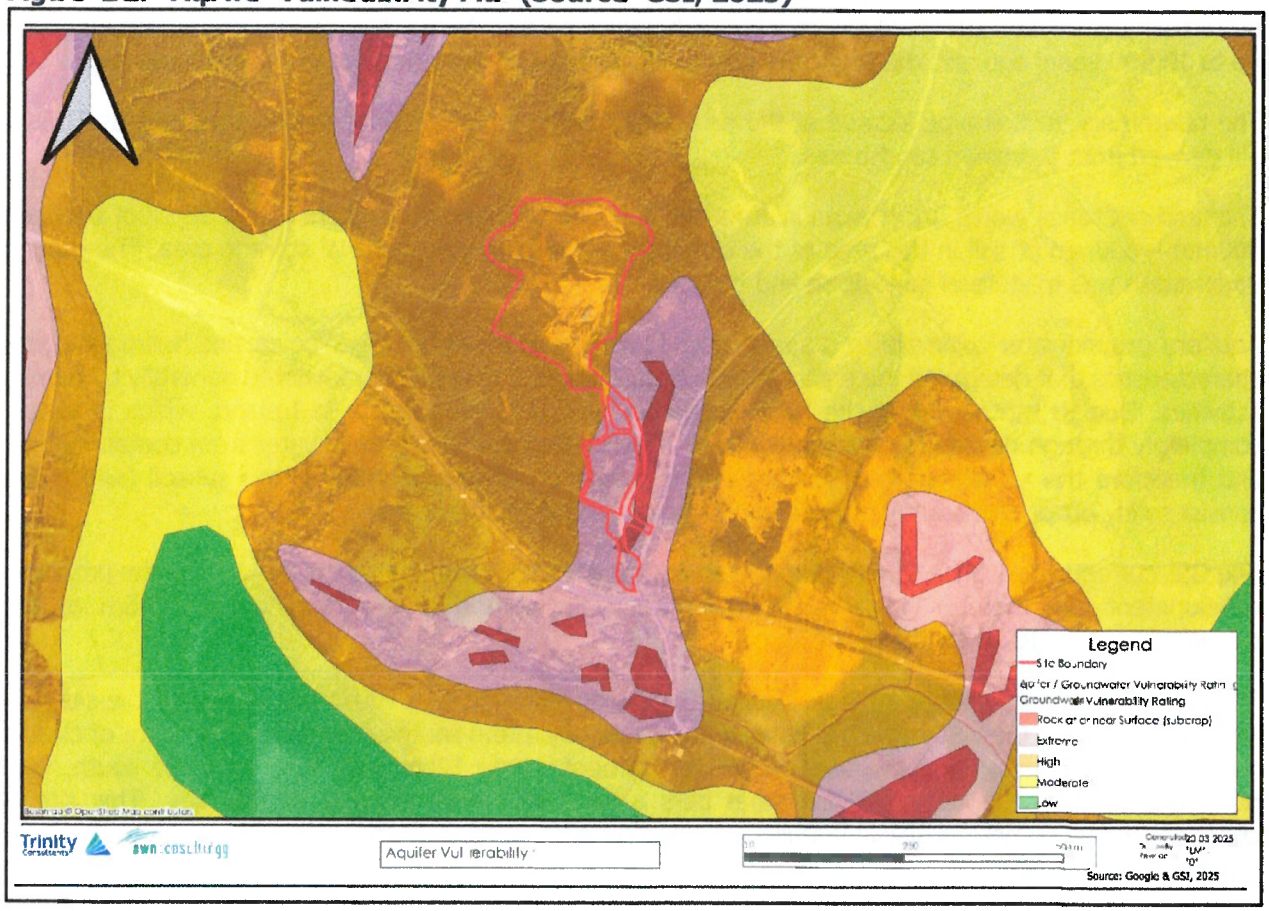
The GSI database shows that multiple audited Geological Heritage sites within the vicinity of the site, the nearest of which is Clew Bay which is located approximately 110m south of the site at the point of closest proximity. This site comprises a west-facing embayment, some 12km wide from north to south, with numerous drumlin islands, spits and sand bars around the inner margins of the bay. This site is characterised by numerous glacial features drowned drumlin, erosional action, drumlin swarm, hummocky moraines, dunes, spits.

The Inferred regional groundwater flow would most likely be to the west / southwest towards the west coast (Clew Bay and Newport Bay).

The GSI database presently lists no karst features in the immediate vicinity of the subject site and significant or extensive karstification would not be expected in this type of bedrock.

The GSI currently displays varied aquifer vulnerability across the wider vicinity of development site. The GSI indicates some large, localized zones of 'Extreme' vulnerability and areas of outcrop or near surface subcrop are dispersed across the surrounding lands, the nearest of which are located to the southeast and northwest of the site.

Figure 2-2. Aquifer Vulnerability Map (Source: GSI, 2025)



3. CONCEPTUAL SITE MODEL

A conceptual site model (CSM) is developed based on a good understanding of the hydrological and hydrogeological environment, plausible sources of impact and knowledge of receptor requirements. This in turn allows possible Source Pathway Receptor (S-P-R) linkages to be identified. If no S-P-R linkages are identified, then there is no risk to identified receptors.

3.1 Assessment of Plausible Sources

Potential sources during both the pre-construction, construction and operational phases are considered. For the purposes of undertaking the potential of any hydrological/ hydrogeological S-P-R linkages, all potential sources of contamination are considered without taking account of any control measures intended to avoid or reduce harmful effects of the proposed project i.e. a worst-case scenario. Construction sources (short-term) and operational sources (long-term) are considered below.

Pre-Construction Phase

The following potential sources are considered plausible risk scenarios associated with the works already carried out at the site:

i. Hydrocarbons leakage may have occurred in the absence of control measures in place.

ii. Clearance works required soil excavation and removal. Unmitigated run-off could have contained high concentration of suspended solids and therefore, potential of siltation in the run-off, in the absence of control measures in place.

It should be noted that, although these sources are plausible, there has been no evidence of contamination at the site as based on the AA Screening prepared by Altemar and AWN site inspection. Surface water monitoring conducted at the Derrinumera Landfill shows no alteration to the surface water quality flowing towards Newport River SAC.

With regard of siltation, as the existing runoff channel traversed downstream it spread out and meandered becoming very shallow and heavily braided (many smaller flows of runoff breaking away from the main channel but eventually rejoining again). This allowed silt to settle before leaving the site. The peaty soils act as a filter, trapping the silt and allowing the water to flow though.

Construction Phase

The following potential sources are considered plausible risk scenarios for the proposed construction site:

iii. Hydrocarbons or any hazardous chemicals will be stored in specific bunded areas. Refuelling of plant and machinery will also be carried out in bunded areas to minimise risk of any potential being discharged from the site. As a worst-case scenario, a rupture of a 1,000-litre tank to ground is considered in this analysis which disregards the effect of bunding. This would be a single short-term event.

iv. Leakage may occur from construction site equipment. As a worst-case scenario an unmitigated leak of 300 litres is considered. This would be a single short-term event.

v. Use of wet cement is a requirement during construction. Run-off water from recent cemented areas will result in highly alkaline water with high pH. As this would only occur during particular phases of work this is again considered as a single short-term event rather than an ongoing event.

vi. Construction requires soil excavation and removal. Unmitigated run-off could contain a high concentration of suspended solids, siltation and contaminants such as hydrocarbons during

earthworks, given the presence of contamination beneath the site according to site investigations. These could be considered intermittent short-term events, i.e. on the basis that adequate standard control measures which are already incorporated in the Construction Environmental Management Plan (CEMP) fail.

vii. During the excavations for the development, no significant long-term dewatering is expected.

Operational Phase

The following sources are considered plausible post construction:

i. The Proposed Development does not require any bulk chemical storage and therefore the potential for water quality impact is negligible.

ii. Leakage of petrol/ diesel fuel may occur from individual cars in parking areas; run-off may contain a worst-case scenario of 70 litres for example.

iii. The stormwater drainage system follows control measures including petrol interceptor, filter and infiltration trench prior to be discharged into a bioretention pond. This system has been designed in order to discharge following the characteristics of a greenfield run-off (or equivalent) into the ground surface. As such the potential for silt laden runoff is low. It should be noted that the worst-case scenario (70 litres) under consideration here disregards the effect of these control measures.

iv. SUDS features such as bioretention pond, filter drains, road gullies, and the underground network will provide a surface water treatment train and promote source control throughout the development while also providing attenuation storage at source.

v. The proposed development will not generate any foul effluent and hence will not discharge to any Wastewater Treatment Plant (WWTP).

3.2 Assessment of Pathways

The following pathways have been considered within this assessment with impact assessment presented in Section 3.4:

The potential for offsite migration due to any construction discharges is low as there is no significant pathway in the aquifer and all construction water is passed through treatment installed prior to discharge offsite

i. There would be a potential pathway to the underlying aquifer through the bedrock via vertical migration. The site is underlain by a 'Locally Important Aquifer'. This aquifer is characterised by discrete local fracturing with little connectivity rather than large, connected fractures which are more indicative of Regional Aquifers. As such, flow paths are generally local.

ii. There is an indirect hydrological linkage for construction and operation run-off from the site to the Clew Bay Coastal waterbody which is the site of Clew Bay Complex SAC via the Owennabrockagh River and Derrinumera Stream located to the south and west of the site, respectively.

iii. There is an indirect hydrological linkage for construction and operation run-off from the site to the Newport River SAC (Natura 2000 SAC site) via the Glaiswhy River located to the north of the site.

iv. Given that the proposed development does not generate foul effluent, there is no pathway for foul sewage or wastewater to any receiving waterbody or Natura 2000 / Conservation or protection site.

3.3 Assessment of Receptors

The receptors considered in this assessment include the following:

i. Underlying bedrock aquifer.
ii. Newport River SAC (Site Code: IE002144) c.4.1km North of the site; at the point of closest proximity.
iii. Clew Bay Complex SAC (Site Code: IE001482) c. 6.8 km southwest of the site;at the point of closest proximity.

Other nearby Natura 2000 Sites within the region of the subject development but are located further away were excluded from the assessment due to their distance from the subject site, the potential loading of contaminant from the site (risk scenarios presented in Section 3.1) and significant dilution factor through its pathway.

River Moy SAC (Site Code: IE002298) is located c. 8.7 km Northeast of the site; This feature is hydrologically and hydrogeologically upgradient of the site and therefore will not be impacted by the proposed development.

3.4 Assessment of Source-Pathway-Receptor Linkages

The proposed development site has no direct hydrological pathway or connection to any of the above listed areas of protection and conservation which are located downgradient of the proposed development site.

Given that there are no watercourses, streams or drainage ditches within or adjacent to the site there is currently no direct hydrological connection to the Clew Bay SAC conservation/protection areas. The proposed development would have an indirect hydrological connection to ground through the proposed local stormwater design / strategy and drainage. Connectivity to any Natura 2000 or protection sites would involve an extremely lengthy hydrological pathway and a significant dilution factor downstream/ downgradient.

The proposed development has indirect hydrological connections/ linkages to the Clew Bay Complex SAC and Newport River SAC via the local drainage and proposed surface water design, albeit the source pathway linkage is over a significant distance allowing for significant attenuation and large dilution factor within the river catchment and estuary. The surface water run-off from the laydown areas will be collected via gullies and directed to a positive and sealed underground network. It will then pass the petrol interceptor to eliminate the risk of hydrocarbon contamination. The surface water will then be directed to a filter and infiltration trench prior to being discharged into a bioretention pond where it will be temporarily stored while percolating into the ground. There will be no direct connection to existing watercourses. Run-off from the yard area will percolate into the ground and any buildup of water will be directed to the proposed filter train via surface gradients and collected by the same. Table 3-1 below summarises the plausible pollutant linkages (S-P-R) considered as part of the assessment and a review of the assessed risk is also summarised below.

Pre-Construction Phase

During the clearance works already carried out at the site there is plausible source of contamination due to hydrocarbons spillage and siltation. Site inspection carried out by Altemar and AWN does not show any evidence of contamination downstream. In addition, the evidence of water testing nearby during the period of works (as referred above/below) demonstrates that no contamination occurred in the wider area. Therefore, it can be concluded that that potential source of contamination did not in fact occur.

Construction Phase

The potential for impact on the aquifer is low based on the absence of any bulk chemical storage on site. Any silt-laden stormwater from construction or hydrocarbon-contaminated water from a construction vehicle leak/tank leak will be attenuated and treated through the permitted attenuation via bioretention ponds and hydrocarbon interceptor on site. No exceedance of water quality objectives as outlined in S.I. No. 272 of 2009, S.I. No. 386 of 2015 and S.I. No. 77 of 2019) is likely by the time the stormwater reaches any nearest Natura 2000 Sites which would involve a large dilution factor (Clew Bay Complex SAC and Newport River SAC, c. 6.8 km and 4.1 km (linear) downgradient of the site).

Operational Phase

During operation, the potential for a release is low as there is no bulk fuel/chemical storage and no silt laden run-off. Stormwater will be collected by a drainage system which includes control measures and an attenuation system comprising a bioretention pond prior to discharge to ground. In addition, the potential for hydrocarbon discharge is quite minimal based on an individual vehicle (70 litres) leak being the only source for hydrocarbon release. However, even if the operation of the proposed control measures are excluded from consideration, there is no likely impact above water quality objectives as outlined in S.I. No. 272 of 2009, S.I. No. 386 of 2015 and S.I. No. 77 of 2019) in the worst case scenarios described above at section 3.2 and there will be no significant effect on any European site. The volume of contaminant release is low and combined with the significant attenuation and treatment through interceptors on site and within the stormwater drainage network, hydrocarbons will dilute to background levels with no likely impact above water quality objectives as outlined in S.I. No. 272 of 2009, S.I. No. 386 of 2015 and S.I. No. 77 of 2019 at any Natura 2000 sites.

The Engineering services report acknowledges that a number of standard design control measures will be put in place to minimise the likelihood of any spills entering the water environment to include the design of the car park / roadways with hydrocarbon interceptors. In the event of an accidental leakage of oil from the parking areas, this will be intercepted by the drainage infrastructure proposed. It is proposed to ultimately discharge surface water from the proposed development, post attenuation to ground. No further mitigation measures are to be required during the operational phase.

No likely significant cumulative impacts are predicted in relation to the hydrological environment as a result of the proposed development in combination with other existing, permitted or proposed developments. All the operational cumulative developments are required to manage discharges in accordance with S.I 272/2009 and 77/2019 amendments. As such there will be no cumulative impact to surface water quality and therefore there will be no cumulative impact on the Surface Waterbody Status. The operation of the proposed development is concluded to have a long-term, imperceptible significance with a neutral impact on surface water quality.

It can be concluded that the in-combination effects of surface water arising from the Proposed Development taken together with that of other permitted developments will not be significant based on the in-combination low potential chemical and sediment expected loading. Therefore, based on the loading considered in the worst case scenarios mentioned in Section 3.1 above during construction and operation phases, there is subsequently no potential for impact on downgradient Natura 2000 habitats (those within and associated with the Clew Bay and Newport River, which is located approximately 6.8 and 4.1 km west and north of the site, respectively (linear distance at the point of nearest proximity).

The proposed development design includes a surface water drainage system for this development which has been designed as a sustainable urban drainage system and uses a bioretention pond and hydrocarbon interceptors. Therefore, the risk of accidental discharge has been adequately addressed through design.

The assessment has also considered the effect of cumulative events, such as release of sediment laden water combined with a hydrocarbon leak on site (1,000 litres as a worst-case scenario during the construction phase). As there is treatment train incorporated on site during the construction / operational phase and further assimilation and dilution factor between the site and the Natura 2000 sites (Clew Bay and Newport River, which is located approximately 6.8 and 4.1 km west and north of the site, respectively)

it is concluded that no perceptible impact on water quality would occur at the Natura 2000 sites as a result of the construction or operation of this Proposed Development.

It can also be concluded that the cumulative or in-combination effects of effluent arising from the Proposed Development with that of other permitted proposed developments, or with development planned pursuant to statutory plans in the wider area will be negligible as there is no proposed connection to any wastewater treatment facility, given that the foul / wastewater drainage involves the emptying of the wastewater tank, which will be disposed by a licenced service provider at a suitable location.

According to the Clifton Scannell Emerson Associates Engineering Services Report (2024) the surface water run-off from the laydown areas will be collected via gullies and directed to a positive and sealed underground network. It will then pass the petrol interceptor to eliminate the risk of hydrocarbon contamination. The surface water will then be directed to a filter and infiltration trench prior to be discharged into a bioretention pond where it will be temporarily stored while percolates into the ground. There will be no direct connection to existing watercourses.

Table 3-1 below presents a summary of the risk assessment undertaken.

Table 3-1. Pollutant Linkage Assessment (without control measures)

Source	Pathways	Receptors Considered	Risk of Impact
Construction Impacts			
Unmitigated leak from an oil tank to ground/ unmitigated leak from construction vehicle (1,000 litres worst case scenario).	Pathway to the underlying locally important aquifer as bedrock exposed during construction. This aquifer is characterised by discrete local fracturing with little connectivity rather than large, connected fractures which are more indicative of Regional Aquifers. As such, flow paths are generally local.	The aquifer underlying the northeast portion of the site is classified as a (LI) Locally Important Aquifer – Bedrock which is Moderately Productive in Local Zones. The subject development site is not underlain by any gravel aquifers.	High risk of migration to bedrock and low risk of migration off site through poorly connected fracturing within the bedrock (Locally Important Aquifer) rock mass. 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.
Discharge to ground of runoff water with High pH from cement process/ hydrocarbons from construction vehicles/run-off containing a high concentration of suspended solids	Discharge following treatment on site through silt remediation prior to discharge to ground	Newport River SAC, Clew Bay SAC Natura 2000 site & Clew Bay pNHA	No potential for local temporary exceedances of statutory water quality standards the Natura 2000 sites
Operational Impacts (Summary)			
Discharge to ground of hydrocarbons from carpark leak (70 litres worst case scenario)	Pathway through stormwater drainage system (including retention pond) to Clew Bay SAC (distance source-receptor approx. 6.8km). Pathway through surface water drainage to Newport River SAC (distance source-receptor approx. 4.2km)	The aquifer underlying the site. Newport River SAC, Clew Bay SAC Natura 2000 site & Clew Bay pNHA	No perceptible risk – taking into account the extent of loading of contaminant, distance between the source and nearby receptor, treatment on site (retention pond), no likely impact above water quality objectives as outlined in S.I. No. 272 of 2009, S.I. No. 386 of 2015 and S.I. No. 77 of 2019. 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.

4. CONCLUSIONS

A conceptual site model (CSM) has been prepared following a desk top review of the site and surrounding environs. Based on this CSM, plausible Source-Pathway-Receptor linkages have been assessed assuming an absence of any control measures intended to avoid or reduce harmful effects of the proposed project in place at the proposed development site.

During construction and operation phases there is an indirect source pathway linkage between the proposed development site and Clew Bay (SAC/pNHA). However, there is no potential for exceedance of water quality objectives as outlined in S.I. No. 272 of 2009, S.I. No. 386 of 2015 and S.I. No. 77 of 2019) as there is permitted attenuation and treatment on site during construction and operation.

There is no direct source pathway linkage between the Proposed Development site and any Natura 2000 sites (i.e. Clew Bay Complex SAC). There is indirect source pathway linkage from the Proposed Development through the surface water drainage design / strategy which discharges to ground.

Even disregarding the operation of design measures including an attenuation (bioretention pond) system and petrol interceptors on site, it is concluded that there will be imperceptible impacts from the Proposed Development to the water bodies due to emissions from the site stormwater drainage infrastructure to the wider drainage network. It should be noted the proposal also includes and employs control measures which serve to provide a degree of attenuation and petrol interceptors as part of best practice project design, and these features will provide additional filtration from the site to the drainage network.

It is concluded that there is a no pollutant linkages as a result of the construction or operation of the Proposed Development which could result in a water quality impact which could alter the habitat requirements of the Natura 2000 sites within and associated with Clew Bay and the hydrologically connected Atlantic Ocean.

Surface Water Monitoring conducted in associated with Derrinumera Landfill on the Glaishwy stream upstream of the landfill site and downstream of the subject Newport Yard development. Results show that levels of Ammoniacal Nitrogen obtained between January 2020 and May 2024 range from 0.02mg/L to 0.10mg/L which reflect background levels which do not seem to be influenced or elevated by the Newport Yard land clearance works which has been completed to date between November 2022 and finished in July 2023.

Finally, and in line with good practice, appropriate and effective standard control measures will be included in the construction design, management of construction programme and during the operational phase of the proposed development. With regard the construction phase, adequate control measures will be incorporated in the Construction Environmental Management Plan (CEMP). These specific measures will provide further protection to the receiving soil and water environments. However, the protection of downstream European sites is not entirely reliant on these measures, and they have not been taken into account in this assessment.