



Comhairle Contae Mhaigh Eo
Mayo County Council

VOLUME 5

Environmental Reports

Appropriate Assessment Conclusion Statement



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ENVIRONMENTAL REPORTS



Mayo County Development Plan 2022-2028 Appropriate Assessment Conclusion Statement

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1 Introduction

This Statement forms part of the Appropriate Assessment (AA) of the adopted Mayo County Development Plan (CD) 2022 - 2028 ('The Plan'). This Concluding Statement is the final stage of the AA process.

The Mayo CDP 2022–2028 is a statutory document containing guidelines as to how Mayo should develop over the plan period. The adopted CDP provides the overall strategy for the proposed planning and sustainable development within the plan area in the context of the National Planning Framework – Project Ireland 2040, and Regional Spatial Economic Strategy for the Northern and Western Region 2020 – 2032. Mayo County Strategic Environmental Assessment and Strategic Flood Risk Assessment are also taken into account when assessing the County Development Plan.

The NIR assessed the potential impacts that may occur through the implementation of the Plan. General mitigation measures have been provided in the NIR to reduce and avoid significant effects on European Sites. Additionally, where actions may occur in the implementation of the policies and objectives outlined in the Plan, project level assessment of works will be required.

1.1 AA Conclusion Statement

Non-Statutory AA guidance¹ states "is recommended that planning authorities include a clear and discrete AA Conclusion Statement as a distinct section in the written statement of the plan separate to the SEA statement."

This guidance recommends that the following issues are addressed by the AA Conclusion Statement:

- Summary of how the findings of the AA were factored into the Plan (see Section 2);
- A determination that the Plan as adopted will not have an adverse effect on the integrity of European Sites (provided at Section 4); and
- The NIR (the AA/NIR accompanied by this AA Conclusion Statement and has informed the AA Determination – see Section 4).

As recommended, this AA Conclusion Statement addresses the above issues, where possible.

2 How the Findings of the Appropriate Assessment Were Factored into the Mayo CDP 2022-2028

The purpose of this section is to present a summary of how environmental considerations and consultation have informed the plan preparation process.

The Plan was prepared in an iterative manner whereby the Plan and AA documents have informed subsequent versions of the other. The findings of the AA were integrated into the Plan through mitigation measures, and provisions were made to allow robust planning and project level Appropriate Assessment to play a role in the protection of the Natura Network.

¹ DoEHLG, 'Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities.' (Department of the Environment, Heritage and Local Government, rev 2010 2009)

2.1 The CDP

138 Natura 2000 sites were screened for potential impacts as they were determined to be within at least one of the zones of influence identified. Following the source-pathway-receptor model 33 of these sites were considered to have no functional pathway present, and were then excluded from potential impact, but 105 Natura sites were considered to be within, or hydrologically connected to the County, and thus may be impacted by measures implemented within the County Development Plan.

The precautionary principle was adhered to in the carrying out of this assessment. ~835 policies and objectives were screened as part of the in initial Draft Plan, with 160 objectives screened as part of the Material Amendments (See Section 2.1.1).

Table 2.1: Most relevant mitigation Measures included in the Plan.

Mitigation measures included in the Plan	
NEP 1	To support the protection, conservation and enhancement of natural heritage of County Mayo, including the protection of the integrity of European sites, that form part of the Natura 2000 Network, the protection of Natural Heritage Areas, proposed Natural Heritage Areas Ramsar Sites, Nature Reserves and Wild Fowl Sanctuaries (and other designated sites including any future designations).
NEO 4	To protect and enhance biodiversity and ecological connectivity in County Mayo, including woodlands, trees, hedgerows, semi-natural grasslands, rivers, streams, natural springs, wetlands, stonewalls, geological and geo-morphological systems, other landscape features and associated wildlife, where these form part of the ecological network.
NEO 11	<p>To have regard to the policies and guidance of National Parks and Wildlife Service of the DoEHLG in respect of proposed developments, where it is possible that such development may impact on a designated European or national site or a site proposed for designation. Rephrase</p> <p>To ensure that the impact of development within or adjacent to national designated sites, Natural Heritage Areas, Ramsar Sites and Nature Reserves likely to result in significant adverse effects on the designated site is assessed by requiring the submission of an Ecological Impact Assessment prepared by a suitably qualified professional, which should accompany planning applications.</p>

Additionally, inherent mitigation was present in other policies. In other cases policies and objectives of the Plan will increase the levels of environmental protection afforded to European sites and their conservation objectives. These policies included:

- NEP 17 to NEP 22 and NEO 34-40 for the Protection of Waterbodies and Watercourses
- NEP 23, NEO 41 for the Protection of Air Quality
- NEO 42, NEO 43 Reduction in Light Pollution
- NEP 9-10, NEO 15-16 Protection of native peatland habitats will positively impact on Natura 2000 Sites

Where potential effects were identified, the following solutions were considered:

- amending an objective or policy of the Draft Plan so that significant effects on European sites are avoided.
- including a caveat or conditional approach to indicate that before certain policies or objectives are implemented certain things have to happen so that when implemented, will have no significant effect, or adversely impact on the integrity of a European site.
- recommending that additional mitigation policies be included or that certain objectives/policies be rejected so as to ensure that significant adverse effects on the Conservation Objectives of European sites are avoided.

Note: Please note – the reference numbers listed in the above section refer to the policy and objectives as listed in the initial Draft Mayo County Development Plan 2021-2027.

2.1.1 Material Amendments

Approximately 160 Material Amendments to the Plan were assessed for impact. The majority of the adjustments were screened out, but 33 Material Amendments were screened in, as well zoning changes and indicative road routes. It was considered that the Plan contained sufficient inherent mitigation that, combined with project level assessment and mitigation within the AA process that Natura 2000 sites would not be impacted for 19 of the Material Amendments.

However, given the changes in core strategy and policies and objectives with reference to 14 of the proposed amendments, it was not considered possible to rule out negative impact from the Plan on Natura 2000 sites within the zone of influence of the Plan. The cumulative effect of such changes at a core strategy level was not possible to assess, in the absence of a coherent alternative strategy that evaluated the scale and nature and location of developments. Additionally, the ancillary impacts that could be associated with such a strategy change cannot be assessed with the present information.

The detailed Plan preparation process undertaken by the Planning Department facilitated zoning that avoids inappropriate development being permitted in areas of high ecological sensitivity in the initial Draft Plan. However, in the case of the Material Amendments some new zoning or zoning changes were considered to be within the Zone of Influence for potential impact on Natura Sites, without due consideration for alternatives provided.

3 Public Consultation:

The Draft Plan consultation stage was originally advertised to take place from December 23rd, 2020 until March 16th, 2021. 1,267 submissions were received during this Draft Plan consultation period, of which 5 no. were subsequently withdrawn (See Appendix I of the CE Report).

Councillors agreed to extend the Development Plan review period on the 26th of July 2021, following a commencement order to extend the plan process arising from Covid disruptions (Section 9A of Planning & Development Act (amendment) 2021).

The Elected Council Members, having considered the Draft Mayo County Development Plan 2021-2027 and the Chief Executive's Report on submissions received, resolved, following Council meeting dated 15th February 2022, to amend the Draft Plan. These amendments constitute a material alteration to the Draft Mayo County Development Plan 2021-2027. Mayo County Council screened the Proposed Material Amendments and has determined that Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA) are required with respect to certain Proposed Material Amendments.

The proposed Material Amendments, the associated SEA Screening Determination and SEA Environmental Report, AA Screening Determination and AA Natura Impact Report were available for public display from Tuesday 29th March 2022 until 4.00pm on Tuesday 26th April 2022 (both dates inclusive).

The SEA and AA did not recommend a number of material alterations be included in the MCDP, particularly those relating to Chapters Two and Three, please see Chapter 11 of the updated NIR for further assessment and commentary.

4 AA Determination Statement

See overleaf.

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