

# **Castlebar Town and Environs Local Area Plan 2023-2029 Local Area Plan 2024-2030 AA Conclusion Statement**

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# 1 Introduction

This Statement forms part of the Appropriate Assessment (AA) of the adopted Castlebar Town and Environs Local Area Plan 2023-2039 ('The Plan'). This Concluding Statement was written at the final stage of the AA process.

The Castlebar Town and Environs Local Area Plan 2023-2029 Local Area Plan 2024-2029 is a statutory document containing policies, objectives, standards and guidelines as to how Castlebar Town and Environs Local Area Plan 2023-2029 should develop over the plan period. A Natura Impact Report (NIR) has been prepared by JBA Consulting on behalf of Mayo County Council to inform the Appropriate Assessment procedure to be conducted by Mayo Co. Co. as the competent authority on the Plan.

The NIR determined the potential impacts that may occur through the implementation of the Plan. General mitigation measures have been provided in the NIR to prevent 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, particularly in the location of Castlebar River, which is the main pathway to the River Moy SAC.

Providing the recommended mitigation measures are implemented, it is concluded that the Plan, including the Material Alterations that are adopted following Ministerial Direction, will not have any significant effects on designated European sites, alone or in combination with other plans or projects.

The purpose of this Concluding Statement is to summarise how the AA was integrated with the various stages of the Plan process in order to ensure that the ecological implications of the Plan do not impact upon any areas designated as European Sites.

## 1.1 AA Conclusion Statement

Non-Statutory AA guidance (Department of Environment, Heritage and Local Government, 2009) states that it *"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 is 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.

The AA Conclusion Statement has been prepared in line with the requirements of Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) on the Conservation of Natural Habitats and of Wild Fauna and Flora; the Planning and Development Act 2000 (as amended); and the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477/2011). It is also informed by guidance documents listed in Section 1 of the NIR, including the Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, Department of Environment, Heritage and Local Government (2010) and Office of the Planning Regulator: OPR Practice Note PN01 - Appropriate Assessment Screening for Development Management (2021).

## **2 How the Findings of the Appropriate Assessment Were Factored into the Castlebar Town and Environs Local Area Plan**

The Plan was prepared in an iterative manner whereby the Plan and AA documents have informed subsequent versions of the other. During this process, the findings of the AA were integrated into the Plan through mitigation measures. This ensures that there will be no significant effects to the integrity of any European site identified within the Zone of Influence of the plan area, from implementation of the Plan.

A source-pathway-receiver model was used to determine which European sites could be potentially impacted as a result of implementation of the Plan. For this NIR, the Zone of Influence was determined to be within 15km of the Plan area. A total of eleven European Sites are located within 15km. The AA Screening identified that the LAP could potentially have significant adverse effects on the following sites:

- Lough Conn and Lough Cullin SPA
- River Moy SAC

### **Screening of sites and policies**

The AA Screening Process screened in the above - Lough Conn and Lough Cullin SPA (via disturbance to birds through tourism policies) and River Moy SAC, via a hydrological connection.

A second screening process was then conducted on the policies themselves, and many policies and objectives were screened out given the lack of applicability to the source-pathway-receiver model used. The objectives and policies of Castlebar Town and Environs Local Area Plan 2023-2029 that have the potential to affect European sites are outlined in full in the NIR. Of the policies and objectives, 25 were screened in for potential impact using screening categories for development policies adapted from The Habitats Regulations Assessment Handbook, UK (DTA, 2021). Additionally Land-Use Zoning and Opportunity sites were assessed for possible connections to European Sites. The Screening Assessment sits alongside the Local Transport Plan for Castlebar, and the two assessments were in light of each other in terms of the development of travel infrastructure within the LTP, zoning and opportunity sites within the LAP.

The elements of the Plan with potential for significant impact as identified have been further examined and rationale provided for their inclusion i.e. why they were screened in.

Protective Policies and objectives within the plan provide inherent protection to the European sites e.g. Designated Sites Policies NEP1 and NEP2. NEP 2 directly protects European sites by safeguarding the integrity of the Qualifying Interests and Conservation Objectives of the European sites "Seek to ensure that new plans or projects would not result in significant climatic impacts on European sites because of their scale, resource or transportation requirements, operation or emissions, either cumulatively or in combination with other development".

A further six specific policies and objectives provide indirect support or protection to nature and biodiversity. Both categories of mitigation are necessary to provide for a coherent Natura 2000 network.

Additionally, this plan is underpinned by the existing environmental protection measures contained in the Mayo County Development Plan 2022 -2028 of which any proposals arising from the Plan will be required to demonstrate compliance with Mayo Development Plan policies on Biodiversity, Designated and Non-Designated Sites Policies Designated Sites and Habitats Directive – NEP 1 which directly protects designated sites. This will ensure that any projects/plans likely to have significant effects on European Sites (either individually or in combination with other plans or projects) are subject to the appropriate assessment process and will not be permitted under the Plan unless they comply with Article 6 of the Habitats Directive.

The precautionary principle was adhered to in the carrying out of this assessment.

## **Potential Impacts**

Impacts of the plan such as changes in water quality associated with impacts from development, disturbance to ex-situ Annex I habitat which may be functionally connected to the SAC or supporting QI species, disturbance relating to increased tourism, air pollution from construction, transportation or development emissions etc. They can include long-term effects associated with the operational phase of proposed developments or general population growth, and short-term effects arising from construction phases. The relative importance of these potential impacts will vary from site to site depending on the conservation objectives.

An assessment of the potential in-combination effects of the Plan is also provided in the NIR. This includes high level Regional and National, as well as current major plans and projects taking place within Castlebar.

Using the mitigation hierarchy, 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.
- Provision for high quality mitigation and monitoring at project level.

## **Mitigation**

Mitigation measures that are provided in the NIR will be implemented throughout the entire extent of the execution of projects that may stem from the Plan. General ecological mitigation measures are provided through the policies themselves, providing inherent mitigation within the Plan itself e.g. NEP 1 and NEP 2 Designated Sites Policies.

Mitigation also includes measures to be implemented at the consenting process stage, pre-construction, construction and monitoring for any projects that may arise as a result of the Plan. This will be implemented through following the standard AA process as project level, as determined by the competent authority and use of best practice guidelines via the planning process procedures at a project level.

Mitigation is also provided through general policies that protect the environment at a local level – this supports Article 10 of the Habitats Directive, which provides for protection for ecological corridors and stepping stones in supporting the European Sites. Examples of this are in NEP 3, 4 and 5, as well as overall standards outlined in IESP 11, and through overall policies that result in a lowering of emissions (such as reduced reliance of car usage, in conjunction with the LTP).

Inclusion of new policies and objectives incorporated iteratively through the plan development process. These strengthen protection at the plan level e.g. DSP8, which specifically gives provision for environmental assessments at the project level.

All these types of mitigation combine to provide support to the protection of the European sites.

Provided the recommended mitigation measures are implemented, it can be concluded that this Plan will not adversely impact on the European sites, either alone or in-combination with other plans, projects or policies.

## 2.1 Iterative Process of preparation of the Castlebar Town and Environs Local Area Plan with Appropriate Assessment at each stage

In February 2022 the Draft Castlebar & Environs Local Area Plan 2023-2029 Written Statement along above was published, alongside the environmental assessments associated with the Plan – the Strategic Environmental Assessment and the Appropriate Assessment (Natura Impact Report). The draft Plan on public display from Tuesday 28th February 2023 to Tuesday 11th April 2023. Commentary from both members of the public and from consulting bodies were received.

The draft Plan and accompanying documents were displayed on the County Council's dedicated online public consultation portal at: <https://consult.mayo.ie/en/consultation/draft-castlebar-town-environs-local-area-plan-2023-2029>

During this consultation period submissions and observations were invited. Following the consultation period Written submissions or observations in respect of the Draft LAP, the SEA Environmental Report, AA Natura Impact Report and Strategic Flood Risk Assessment (SFRA) for Castlebar made to the Planning Authority during such period were collated. In total 46 submissions/observations were received during the public consultation period, including 11 from prescribed authorities/Key Stakeholders.

None of the submissions received directly related to the Natura Impact Report for the Plan. However, where advice was sought (or where relevant) commentary was made on submissions in order to inform the Chief Executives (CE's) Report.

Following the consultations period a CE's report and recommendations based on the submissions were generated. Following a review of submissions by the local council a number of Material Alterations were proposed to be made to original Draft Castlebar Local Area Plan. All proposed material amendments were subjected to plan level Appropriate Assessment to provide advice to the council relating to their potential for impact on the European sites.

Material Alterations were placed on display and public submissions were invited. Submissions reviewed by JBA and response/advice provided in Chief executives report on potential effects to Natura 2000 sites, both in relation to policy changes and in relation to proposed zoning changes (both by council members, and the public).

The members considered the Material Alterations again in December 2023, and most of the proposed Material Alterations were approved and published alongside the AA Screening for the Material Alterations.

An updated Ministerial Direction was issued in May 1st 2024 so as to rectify the matter in a manner that, in the opinion of the Minister, will ensure that the Castlebar Town & Environs Local Area Plan 2023-2029 sets out an overall strategy for the proper planning and sustainable development and meets the requirements of the Act.

The Direction requires as follows:

- a) *A Provide a clear core strategy table which sets out the area and quantum of housing to be delivered on lands zoned Town Centre, Existing Residential and New Residential. Appropriate densities shall be applied to demonstrate anticipated yield.*
- b) *Reinstate the following zoning objectives and associated text to that of the draft Local Area Plan.*
  - i) *Material Alterations 10, 12, 14 and 21 – i.e. the subject lands revert to Agriculture from New Residential*
  - ii) *Material Alterations 13 and 17 – i.e. the subject lands revert to Enterprise & Employment, and Agriculture from New Residential.*
  - iii) *Material Alterations 15 & 18 – i.e. the subject lands revert to Enterprise & Employment from New Residential.*
- c) *Delete the following zoning objective from the adopted Local Area Plan, i.e. the subject lands are unzoned:*

i) *Land zoned Enterprise & Employment at Cloonagh (Site EE 1) located to the southwest of Saleen Lough and to the immediate east of the rail line and apply all necessary consequential updates to the text of the plan consistent with the forgoing.*

To conclude, each stage of the process was assessed individually (e.g. the draft Plan, the submissions, material alterations etc.) to provide iterative input to the Plan. The Final NIR is fully updated with all changes, takes into account the material alterations, as well as the Ministerial Direction; the NIR is reflective of the final plan and final land use zonings.

### **3 Conclusion**

Mayo Co. Co. having examined the NIR of the Castlebar Town and Environs Local Area Plan 2023-2029 along with submissions and observations received, are in agreement with the conclusion of the NIR.

Mayo Co. Co. have determined that having incorporated mitigation measures, the Plan, it will not have a significant adverse effect on the integrity of European sites either alone or in combination with other plans and projects. This is based on best scientific knowledge, including the nature of potential impacts that may arise from the Plan and the implementation of mitigation measures proposed therein.

### **4 AA Determination Statement**

See overleaf.