

AA CONCLUSION STATEMENT
FOR THE
TUAM LOCAL AREA PLAN 2018-2024
(AS AMENDED ON 31ST JANUARY 2019)

for: Galway County Council

Aras an Chontae
Prospect Hill,
Co. Galway



by: CAAS Ltd.

1st Floor,
24-26 Ormond Quay,
Dublin 7



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Section 1 Introduction and Background

1.1 Introduction

This is the Appropriate Assessment (AA) Conclusion Statement for the Tuam Local Area Plan 2018-2024. The obligation to undertake AA derives from Article 6(3) and 6(4) of the Habitats Directive 92/43/EEC as transposed into Irish legislation by the European Communities (Birds and Natural Habitats) Regulations 2011, as amended, and the Planning and Development Act 2000, as amended. AA is a focused and detailed impact assessment of the implications of a strategic action (such as a plan or programme) or project, alone and in combination with other strategic actions and projects, on the integrity of any European Site in view of its conservation objectives. This AA Conclusion Statement should be read in conjunction with the following documents which accompany the Plan including the AA Natura Impact Report (NIR) and SEA documents.

1.2 Legislative Requirements in relation to AA

In carrying out the AA for the LAP, the Part XAB of the Planning and Development Act 2000, as amended, requires, inter alia, that the Council consider the matters arrayed in the first column on Table 1.1 below. The second column identifies how these issues have been addressed.

Table 1.1 Matters taken into account by the AA

Matter specified by the Regulations	How addressed by AA
(a) the NIR	An NIR accompanies this AA Conclusion Statement and the Plan
(b) any other plans or projects that may, in combination with the plan or project under consideration, adversely affect the integrity of a European Site (see Section 2)	Throughout the NIR, particularly Sections 2.3 and 3.4 of the NIR
(c) any supplemental information furnished in relation to any such report or statement	This AA Conclusion Statement supplements the NIR that provides additional detail on European Sites
(d) if appropriate, any additional information sought by the authority and furnished by the applicant in relation to a Natura Impact Report	The NIR has taken into account submissions received during the Plan/AA-preparation process – see Section 2 of this Statement
(e) any information or advice obtained by the public authority	
(f) if appropriate, any written submissions or observations made to the public authority in relation to the application for consent for proposed plan or project	
(g) any other relevant information	

In addition to the above, the Regulations require that the Council makes available for inspection a determination regarding the outcome of the assessment with respect to effects on the integrity of European Sites (the text from this determination is provided at Section 4 of this AA Conclusion Statement).

1.3 AA Conclusion Statement

The Department of Arts, Heritage and the Gaeltacht's non-Statutory AA guidance states that (Section 4.14) 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 LAP;
- Reasons for choosing the Plan as adopted, in the light of other reasonable alternatives considered as part of the AA process;
- A declaration that the Plan as adopted will not have an adverse effect on the integrity of European Sites; and
- The NIR.

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

Section 2 How the findings of the AA were factored into the Tuam LAP

Various environmental sensitivities and issues have been communicated to the Council through the SEA and the AA. By integrating all related recommendations into the Plan, the Council have ensured that both the beneficial environmental effects of implementing the Plan have been and will be maximised and that potential adverse effects have been and will be avoided, reduced or offset. Integration of AA considerations into the Plan was achieved through:

1. Consultations

Various submissions were made on the Draft Plan, Proposed Material Alterations and associated environmental assessment documents while these documents were on public display. On foot of two submissions from the Department of Culture, Heritage and the Gaeltacht, the AA NIR was updated to provide further detail on the rational and scientific literature used to produce the content.

2. Consideration of alternatives

Consideration of and integration of environmental considerations into alternatives for the Plan will further contribute towards the protection and management of the environment – including European Sites (see Section 3 of this Statement).

3. Integration of individual AA-related provisions into the Plan

Various provisions have been integrated into the text of both the Local Area Plan and the Galway County Development Plan through the SEA and AA processes e.g.:

Measures from the Local Area Plan

- Objective DS 4 – European Sites Network and Habitats Directive Assessment
- Objective DS 8 – Flood Risk Management and Assessment
- Objective DS 9 – Climate Change & Adaptation
- Objective CF 9 – Amenity Network
- Objective ED 6 – Tourism Development
- Objective UD 4 – Green Network and Landscaping
- Objective TI 4 – Road Schemes/Road Improvements Policy NH 1 – Natural Heritage, Landscape and Environment
- Objective NH 1 – European Sites
- Objective NH 2 – Protected Habitats and Species
- Objective NH 3 – Natural Heritage Areas and Proposed Natural Heritage Areas
- Objective NH 4 – Impact Assessments
- Objective NH 5 – Biodiversity & Ecological Networks
- Objective NH 6 – Water Resources
- Objective NH 7 – Wetlands, Springs, Rivers and Streams
- Objective NH 8 – Riparian Zones
- Objective NH 9 – Trees and Hedgerows
- Objective NH 10 – Geological and Geo-morphological Systems
- Objective NH 11 – Control of Invasive and Alien Species
- Objective NH 12 – Consultation with Environmental Authorities
- DM Guideline NH 1 – Control of Invasive Species & Bio-Security Measures
- Objective NH 13 - Construction Environmental Management Plan
- Objectives LU 8, 9, 12 and 13 – relating to land use zoning
- Policy FL 1 and Objectives FL 1 to 11 – relating to Flood Risk Management
- DM Guideline FL 1 – Flood Zones and Appropriate Land Uses
- DM Guideline FL 2 – Structural and Non-Structural Risk Management Measures in Flood Vulnerable Zones
- DM Guideline WQ 1 – Water Bodies and Watercourses

Measures from the Galway County Development Plan as varied

- Policies FL 1, FL 2, FL 3, FL 4, FL 5, NHB 1, NHB 2, NHB 3, NHB 4, NHB 5, NHB 6 and NHB 7; Objectives DS 6, DS 9, EQ1, EQ 4, ICT 1, NH 10, NHB 1, NHB 2, NHB 3, NHB 4, NHB 5, NHB 6, NHB 7, NHB 11, NHB12, NHB 13, NHB 14, AFF 5, AFF 6 AFF9, CS 4, WS 1, WS 2, WS 7, WS 9, WS 11, WW 1, WW 7, FL 1, FL 2, FL 3, FL 4, FL 5, FL 6, DS 6, DS 7, DS 8, DS 9, DS10 and RA 1; and DM Standard 27: Surface Water Drainage & Flooding

In addition to these measures, the AA informed the adoption and modification of certain Material Alterations. 27 Material Alterations were proposed after public display of the Plan. These Material Alterations were considered by the AA process. Proposed Material Alterations No. 1 and 11 (MA1 and MA11) included the zoning of lands within the Lough Corrib SAC boundary with uses that would have the potential to adversely affect the SAC. MA1 and MA11 were subsequently modified at adoption to exclude areas within the SAC thereby removing the potential for adverse effects. Following adoption, a January 2019 Ministerial Direction resulted in removing zoning from the entirety of MA11 lands.

Section 3 Consideration of Alternatives

3.1 Summary of Alternatives Considered

Alternative 1: Even Development

- Tuam to reach population allocation, resulting in balanced orderly development and implementation of the core strategy as contained in Chapter 2 of the Galway County Development Plan 2015-2021.
- The infrastructure required to be in place to achieve the growth targets is already in place or planned.
- Residential Development to take place on R1 lands in the lifetime of the Plan, unless a comprehensive justification is provided for alternative residential lands.
- Community development facilities to be developed in tandem with economic and residential growth.
- Town Centre developments would be developed in a planned and coordinated manner focused within the town centre.
- Industry would occur in the periphery close to existing infrastructure.
- Opportunity sites identified with clear design and proposed uses identified.
- Open Space and Recreational Lands would be preserved.

Alternative 2: Sporadic Development

- Tuam to reach population allocation, resulting in balanced orderly development and implementation of the core strategy as contained in Chapter 2 of the Galway County Development Plan 2015-2021.
- Additional infrastructure would be required to accommodate sporadic development, more than would be required for Alternative 1 'Even Development'.
- Residential Development to take place on R1 and R2 lands in the lifetime of the Plan, unless a evidence based justification is provided for alternative residential lands.
- Industry would occur at locations including those close to residential development.
- Creation of neighbourhood centres throughout the Plan area and associated dispersal of Town Centre, commercial development and local services.
- Town centre development would be sporadic and uncoordinated around the Town centre zonings.
- Opportunity sites are identified but no clear guidance on the design parameters or uses identified.

Alternative 3: Haphazard Development

- Tuam to reach population allocation, resulting in balanced orderly development and implementation of the core strategy as contained in Chapter 2 of the Galway County Development Plan 2015-2021.
- Additional infrastructure would be required to accommodate sporadic development, more than would be required for Alternative 1 'Even Development' or Alternative 2 'Sporadic Development', development would have to be serviced by private waste water treatment systems which would have to be properly maintained.
- Residential development would occur on a piecemeal and haphazard basis.
- Town centre development would be permitted on a number of different zonings and not concentrated in the Town centre.
- No opportunity sites identified-laissez faire attitude in relation to development.
- Each application would be considered on its own merits and no land use zoning is provided for.

3.2 Summary of Assessment for Alternatives

By:

- Concentrating Residential development across a sufficient number of sites, close to the Town Centre;

- Providing for Town Centre developments in a planned and coordinated manner, focused within the town centre;
- Using existing or planned infrastructure;
- Providing for Industrial development in the periphery, close to existing infrastructure;
- Identifying opportunity sites with clear design and proposed uses identified; and
- Preserving Open Space and Recreational Lands

Alternative 1 'Even Development' would result in the greatest degree of significant positive effects and least degree of potential conflicts (including with respect to European Sites).

By:

- Concentrating Residential development across a larger number of sites than in comparison to Alternative 1, including some sites that are further away from the existing Town Centre;
- Creating neighbourhood centres throughout the Plan area and associated dispersal of Town Centre, commercial development and local services;
- Providing for Town Centre developments in a sporadic and uncoordinated manner around town centre/Neighbourhood Centre zonings;
- Using existing, planned and additional infrastructure;
- Providing for Industrial development at locations including close to Residential lands; and
- Identifying opportunity sites but with no clear guidance on the design parameters or uses identified

Alternative 2 'Sporadic Development' would result in a relatively moderate degree of significant positive effects and a relatively moderate degree of potential conflicts (including with respect to European Sites). In comparison to Alternative 2, development would be spread out over a greater number of sites, some not currently serviced and some Residential sites further from the settlement centre. Additional infrastructure would be required to accommodate sporadic development, more than would be required for Alternative 1 'Even Development' and there would be higher conflicts between existing and proposed uses.

By:

- Not identifying opportunity sites;
- Following a 'laissez faire' approach in relation to development, with each application considered on its own merits and no land use zoning would be provided for;
- Necessitating development to be serviced by private waste water treatment systems that would have to be properly maintained.

Alternative 3 'Haphazard Development' would result in the least degree of significant positive effects and greatest degree of potential conflicts (including with respect to European Sites). Development would be spread out over the entire area associated with the settlement. Although requirements – including those relating to environmental protection/management and sustainable development – would have to be complied with, the potential for cumulative adverse effects would be significantly higher with this alternative.

All of the alternatives would help to sustain existing sustainable rural management practices - and the communities who support them - to ensure the continuation of long established managed landscapes and the flora and fauna that they contain.

The Selected Alternative that emerged from the planning/SEA process, was placed on public display as the "Draft Plan" and eventually adopted was Alternative 1: Even Development. This alternative was selected and developed by the Planning Team and placed on public display by the Council having regard to both:

1. The environmental effects which were identified by the SEA and are detailed above; and
2. Planning - including social and economic - effects that also were considered by the Council.

The text based and mapped provisions of the Plan (see accompanying Plan documents) facilitate the achievement of Alternative 1 'Even Development'.

Section 4 Content of the Determination¹

**Appropriate Assessment Determination under:
the Planning and Development Act 2000 (as amended)**

for the:

Tuam Local Area Plan 2018-2024

An Appropriate Assessment (AA) determination has been made by Galway County Council regarding the Tuam Local Area Plan 2018-2024, following changes that were made to the Plan on foot of a January 2019 Ministerial Direction.

The Planning and Development Act 2000, requires, inter alia, a determination to be made as to whether the Tuam Local Area Plan 2018-2024 warrants the undertaking of AA. An AA determination [pursuant to Article 6(3) of the Habitats Directive as to whether or not a plan or project would adversely affect the integrity of a European site and the Planning and Development Act 2000 (as amended)] is being made by Galway County Council.

In carrying out this AA, the Council is taking into account the relevant matters specified under Part XAB of the Planning and Development Act 2000 (as amended), including:

- The existing Galway County Development Plan 2015-2021 (and associated AA reports);
- Written submissions made on the LAP and associated documents while they were on public display; and
- The Natura Impact Report (which considers other plans and projects and has taken into account changes arising from submissions and observations received during public display).

It is determined that the risks to the safeguarding and integrity of the qualifying interests, special conservation interests and conservation objectives of all European Sites have been addressed by the inclusion of achievable mitigation measures within Tuam LAP and those in the existing CDP. These prioritise the avoidance of effects in the first place and will reliably mitigate these effects where these cannot be avoided. In addition, any lower level plans and projects arising through the implementation of the LAP will themselves be subject to relevant stages of AA when further details of design and location are known.

Having incorporated these mitigation commitments; it is considered that the the Tuam Local Area Plan 2018-2024 will not result in effects on the ecological integrity of any European Site².

¹ The determination document accompanies this and other Plan related documents.

² Except as provided for in Section 6(4) of the Habitats Directive, viz. There must be:

- a) no alternative solution available,
- b) imperative reasons of overriding public interest for the plan to proceed; and
- c) Adequate compensatory measures in place.