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Comhairle Chontae na Gaillimhe
Galway County Council

23/60

19/04/2023

Coillte Teoranta
c/o MKO
Tuam Road
Galway
H91 VW84

Re: Planning Reference No. **23/60** – PERMISSION For a ten-year planning permission consisting of: i.) The felling/removal of some 343 hectares of conifer plantation for the purposes of peatland restoration and the establishment of native woodland. ii.) Measures to restore and rehabilitate approximately 281 hectares of Atlantic blanket bog and heathland that is currently planted with lodgepole pine and Sitka spruce forests and managed for commercial forestry. iii.) Conversion of 62 hectares of conifer forestry to native woodland. iv.) Main peatland restoration measures will include tree removal, drain blocking (manual and mechanical) and ground reprofiling. v.) The control of existing invasive species on site and continued control during the restoration works to prevent their spread. vi.) Drain-blocking all existing artificial drainage and artificial land drains currently existing within the peatland restoration areas in order to restore the high water table which is necessary for blanket bog growth. vii.) Provision of silt traps at outflows to block the pathway to the Twelve Bens/Garraun Complex Special Area of Conservation. viii.) Deer fencing to protect 62 hectares of proposed native woodland. ix.) Provision of a Harvest Management Phasing Plan for the proposed project. x.) Provision of new internal access road extending to 1.58 km. xi.) Across the site there will be 4 no. temporary water-crossings constructed in order to facilitate the harvesting of the timber at the site. xii.) Provision of informational signage. xiii.) Resurfacing of up to 8.23 km of existing forestry roads. xiv.) Resurfacing of existing car park to facilitate public access. xv.) Installation of water monitoring stations for real time water monitoring during operations. xvi.) Cutting of roadside trees to improved sightline visibility at site entrance. xvii.) The application is supported by an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) at Derryclare and Cloonnacartan Co. Galway

A Chara,

With reference to the above application, I am to inform you that the information submitted is not adequate to enable a decision to be made.

In accordance with the provisions of Article 33 of the Planning and Development Regulations, 2001, as amended, you are hereby required to submit the additional information as set out on the attached Schedule.

Your application will not be further processed until confirmation of the above is received. A complete response should be submitted. Please note where Maps, Drawings, Plans or Documents are required, two copies have to be submitted.

As a result of this Request the appropriate period for making a decision on your application is now the period of 4 weeks from the date upon which you comply with this Request. Should you fail to comply with this Request your planning application shall be declared withdrawn after a period of *six months* from date of this Request.

Please note that in accordance with the provisions of Article 35 of the Planning & Development Regulations 2001, as amended you may be required to give notice in an approved newspaper and erect a new site notice following the submission of the further information or revised plans if it is considered that the information, evidence, revised drawings, plans or particulars received, as appropriate, contain significant additional data, including information in relation to effects on the environment. You will be informed of any requirements regarding publication of a newspaper notice following inspection of the information submitted. Your response in this regard will be required within a very short timeframe. The period for determining the application will run from the date of receipt by the Planning Authority of the revised notices.

Mise le meas,



**For Director of Services/
Don Stiúrthóir Seirbhísí**

SCHEDULE OF FURTHER INFORMATION REQUIRED

Item 1.

The submitted drawings do not fully and clearly represent the proposed development, please provide the following drawings for the purpose of clarity.

- a. Site Plan - should clearly demonstrate both the existing and proposed land uses including those within the blue edge boundary- indicating the retained commercial forestry extents, new forestry, wet heath and blanket bog.
- b. The sightlines have not been submitted in accordance with the required standard as set out in DM Standard 28 of the Galway County development Plan 2022-2028
 - i. Please submit a revised site layout plan that indicates visibility of 70m in both directions from the proposed access to the site, from a 2.4m setback from the road edge, and measured along the near road edge, at an object height of between 1.05m from the access to 0.6m at the sightline distance.
 - ii. Where works are required in order to facilitate the provision of adequate sight distances, lands within the sight distance triangles shall be within the control of the applicant and shall be subject of a formal agreement with the adjacent landowner which ensures certainty that the applicant is in a position to comply with the relevant condition and or standard.
 - iii. The full extent of the roadside remedial works, the required consent for same and associated mapping of lands required for the provision and maintenance of sightlines outlined in blue on a site location map and site layout plan is therefore required to be submitted by the applicant.
- c. A drawing demonstrating each harvest block/ unit demonstrating the proposed phasing scheme including the schedule of works for both tree felling, any replanting and proposed restoration works of the project site should be provided.
- d. An individual drawing of each harvest block/sub-unit demonstrating existing/proposed gradient details, peat depths, saturation levels and precise proposed methodology in each of proposed drain blocking, site reprofiling including finished ground levels, involved in the restoration/replanting scheme specific to each sub-unit.
- e. Drawings need to clearly demonstrate at an appropriate scale the layout at the entrance to the site including full car park details & location of proposed signage

- f. Full mapped details of the extent of the 8.23 km of resurfacing of internal roads works proposed and the 1.58km of new internal access road should be provided.

Item 2.

The site of the proposed development is located surrounded by The Twelve Bens/Garraun Complex SAC, within c2km from Maumturk Mountains SAC and Connemara Bog Complex SAC and SPA, and within a distance of 15km of 9 no. other designated European site for rare and threatened flora and fauna across the European Union (i.e. Natura 2000 network of sites), which are protected under the EU Habitats Directive (92/43/EEC) & EU Birds Directive (79/409/EEC, as amended by Directive 2009/147/EC) and the European Communities (Natural Habitats) Regulations 1997, as amended by the European Communities (Birds and Natural Habitats) Regulations 2011. The protection of these European sites is further reinforced in the Galway County Development Plan, 2022-2028, which was subject to a Natura Impact Report NIR and includes the following provisions to protect European Sites: Policy Objective NHB 1, Policy Objective NHB 2, Policy Objective NHB 3, Policy Objective NHB 4, Policy Objective WR 1 Water Resources, and DM Standard 50. Based on the information included with the planning application, and the concerns identified by the Planning Authority in relation to the potential direct, indirect and cumulative impacts which include Annex I habitat loss and damage, uncertainties in terms of mitigation measures proposed, deficiencies in the information contained in the NIS concerning potential impacts of the project on Qualifying interests of the European Sites. The planning authority in conjunction with the application of the precautionary principle, consider that adverse effects on the integrity and conservation objectives of the European sites in the vicinity, cannot be ruled out, as a result of the proposed project. Therefore, the Planning Authority requires the applicant to provide and update the submitted NIS accordingly including the following required information:

- a. Full Bird Survey Report, focusing on breeding bird or winter /wetland bird surveys paying particular attention to Merlin, Golden Plover, Common Gull and Cormorant. (Merlin identified as breeding on island on Lough Inagh) Bird Surveys guidance should be followed – Institute of Ecology and Environmental Management Guidance Document states;
“It is however, an underlying presumption of these guidelines that bird surveys (breeding/non-breeding) should always be scoped in unless robust justification can be provided as to why they are not required. This presumption is due to the wide range of habitats that may be of value to bird species, seasonal variations in habitat use and/or value, the mobility of bird species and the potential sensitivity of bird species to a range of impacts that may result from development projects.” Appropriate seasonal bird surveying shall be carried out and submitted.
- b. Bat Survey Report, including the use of transect surveys and static detectors, any required mitigation measures identified for bat species.

- c. Aquatic Survey for all water courses within the site, due to the significance of Lough Inagh as an important salmonid lake and the hydrological connections between the site and European Sites
- d. Mammal surveys (including any required mitigation during construction and in a post development scenario), including the use of trail cameras
- e. Full detailed explanation of the recreational use of the existing site and proposed use during operation and post-completion stages, any trails, locations of trails within and adjoining the site, use of fishing facilities at Lough Derryclare and Lough Inagh, this should include any required mitigation measures to protect the proposed bog landscape from humans, animals and any identified protected habitats/ species. (This should also be updated in the EIAR)

The issue of mobile species using this 567ha site is not fully addressed in the absence of dedicated surveys. For each field survey undertaken provide: Brief description of methodology/method, Names and qualifications of surveyors, Date(s) of surveys, Study area, Weather conditions at time of survey(s) and time of day (if relevant), Reference to relevant guidance document (where appropriate), Explanation of any departures from recommended guidance. Limitations Note: Where multiple survey visits have been undertaken, dates, times and weather conditions of surveys can be provided in a table in an appendix. Note: Detailed descriptions of survey method can be provided in an appendix.

Item 3.

Based on the information submitted in the Environmental Impact Assessment Report and as identified in the Environmental Impact Assessment carried out by the Planning Authority, it is considered that the EIAR submitted has not presented a sufficient level of information and assessment in relation to impacts on Population and Human health, Biodiversity (with particular attention to Habitats and Birds Directives), Land, soil, water (in particular the risks of peat instability and impact on water quality), air and climate, Material assets, cultural heritage and the landscape, and the interaction between the above, for the competent authority to make an EIA determination that there is an acceptably low likelihood of environmental effects of a magnitude which would have a significant effect on sensitive environmental receptors as a result of the proposed development and mitigation proposed as part of the submitted EIAR. Therefore, the applicant is requested to address the following deficiencies within the submitted document:

- a. The Irish Peat Conservation Council (IPCC) raised concerns within their initial scoping response regarding the adequacy of current “best practice approaches” to assessing peat strength and stability, these have been found wanting, owing to numerous landslides across the country. This in combination with the concerns raised by the DHLGH regarding using untried and untested methods of peat restoration in an upland area of the west of Ireland; the applicant is requested to provide sufficient supporting evidence demonstrating the trialing and testing of the proposed methods, including the provision of likewise case studies, providing the Local Authority with robust scientific evidence that the proposed methodologies of drain blocking, damming, drain reprofiling, stump flipping, surface smoothing, stump

mulching and cross-tracking and do not pose detrimental risks of peat disturbance, peat erosion, peat stability and water quality impacts as a direct result of the development. The supporting evidence should be comprehensive and include the appropriateness of the proposed drain blocking using dams on slopes of greater than 6 degrees, the project proposes these works on slopes of 10 degrees which is contrary to current recommendations and untested in Ireland. Please comprehensively address this concern.

- b. The applicant should have monitored the water quality within and connected to the site in more detail to ascertain baseline quality information to inform both the EIAR and in the assessment of risk in relation to the Appropriate Assessment. Baseline data should be collected over an appropriately representative period, combining both manual and automatic monitoring triggered by flow and submitted in support of the application.
- c. It is noted that the rainfall data utilised to demonstrate the pluvial impact of water drainage across the site relies on data from a monitoring station in Claremorris and data collated from Met Eireann from 1965-1985, where the extents of extreme rainfall as a result of climate change would not have been recorded. This information gap alongside the relatively high levels of existing peat saturation combined with the proposed drain blocking, removal of trees & exposure of bare peat needs to be adequately analysed and studied to determine the risks posed and mitigation required to protect peat stability on-site and avoid any resultant impact on Population and Human health, biodiversity, land, soil and water quality as well as in the adjoining SAC. The applicant is requested to provide site specific standard rainfall data from recent monitoring carried out over an appropriate period across the application site, this should collate alongside the peat depths, saturation levels in corresponding months and results of the FRA. (requested on item d)
- d. The application site including post operational needs to be fully assessed against the increased flood risk posed by the change of use of the land, including the changes to the management of the existing water courses and drainage flows within the application site. The FRA should examine the additional loading to the existing surface water features within the site, the ability of each harvest block to accommodate the predicted rainfall, including saturation rates of the peat, the structural capacity of the proposed dams (at the various locations) to accommodate predicted extreme pluvial events, as well as assessing the adequacy of the proposed silt traps and fencing and any additional mitigation measures which may be required
- e. The inhouse nature of site selection (other stakeholders are not listed) is limited. Justification demonstrating the precautionary approach was applied to site selection criteria in light of the many challenges of the Derryclare site including high status rivers, surrounded by European Sites, important salmonid lake, steep topography and extensive variability in peat depth should be adequately demonstrated in the EIAR. Please address this concern also referring to alternative conservation and rewetting solutions including solutions on lower slopes.

- f. The submitted documentation makes no mention of Himalayan Balsam in the invasive species report, nor are the areas of identified invasive species mapped including bush size and density across the application site, showing their proximity to watercourse and/or potential spreading by the proposed works in each harvest block/sub-unit.
- g. There is an absence of detail in relation to the assessment of potential operational stage impacts from invasive species, re-seeding conifers and grazing animals, public usage and any proposed management to deal with these factors.
- h. It is noted the Derryclare Nature Reserve could expand and the native woodland proposed is adjacent to this Nature Reserve. Additional detail on the woodland habitats including potential ancient woodland indicator species and soil descriptions for Areas A to D in the main EIAR would be useful to ascertain the viability of native woodland establishment in the identified plots.

Item 4.

The applicant is required to provide satisfactory information associated with the proposed development with respect to traffic volumes, traffic routes to and from the site, reference to potential impacts to local and national road network and junctions where a Transport and Traffic Assessment is required as well as a road safety audit. Any advance directional signage required for road safety measures, The absence of ground bearing investigation results to confirm suitability of proposed carrying capacity of internal roadway routes & associated structure analysis whereby extensive works are required in predominantly Peat type soil stratum.

- a. The applicant is requested to provide clearly identified haul routes proposed to fully assess the public road network being potentially impacted including determination of structure Analysis on the existing roadways to the subject site. All culverts and structures crossed over by HGV's or potential abnormal weight loads should be highlighted in reports which gives details of their structural adequacy.
- b. The applicant is requested to provide auto track analysis at the site entrance and within proposed internal layout.

Item 5.

The applicant is requested to address the following gaps of information and inconsistencies within the submitted information:

- a. The application contains two separate and contradictory methods of construction for the new 1.58km of internal access roads, the EIAR and the Geotechnical and peat stability Assessment, please finalise proposed methodology.
- b. Please provide precise data relating to the excavation of peat from site to facilitate the new internal access road construction and/or peat excavated from re-profiling, the volumes involved, the means of transport and re-use/disposal within the site of elsewhere.
- c. The CEMP should include a section summarising key environmental sensitivities including habitats and water courses as well as all mitigation measures to allow for reporting and monitoring to GCC as a standalone document. This project would require a properly qualified Ecological Clerk of Works, Roles and responsibilities should be clearly defined within the CEMP.

