

**Planning Ref. No.:**

**2360**

**Description of development:**

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)

**Location:**

**Derryclare and Cloonnacartan, Co. Galway**

**Applicant(s):**

**Coillte Teoranta**

**Date of site visit:**

**20/03/2023 - Site notice present**



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## **1.0 Site Description & History**

The site of the proposed development is located on the western side of the R344 approximately 5km to the north west of Recess. The application site is an existing Coillte conifer plantation which was primary planted in the 1960's, sections of the site have been periodically harvested in the intervening years. The total site area subject to the application is 343 ha's, the approximate total site area under the ownership of Coillte is approximately 571 ha's. The site is accessed by a single vehicle width rough access track with a rough hardstanding area at the south of the gated access. The access track also provides access for the fishing on the banks on Lough Derryclare.

The site lies in an ecologically sensitive area, while the site itself is not the subject of any designations, it sits immediately abounding The Twelve Bens/Garraun Complex Special Area of Conservation (SAC) and proposed Natural heritage Area (NHA). The site drains into Lough Inagh and Lough Derryclare, which form part of the Twelve Bens/Garraun Complex. In addition, the Maumturk Mountains SAC is located across Lough Inagh from the site. The Derryclare nature reserve is located adjoining the southern boundary of the site, these 19ha state own lands were established under S.I. No. 177/ 1980 in order to preserve the scientific interest of this ecosystem.

The existing access to the site is off Regional Road R344, the surrounding landscape is generally characterised by mountainous peaks and undulating slopes and is primarily rural in character with a few sparsely located private dwellinghouses in the vicinity. The closest residential property is approximately 40 metres from the access point of application site.

There is a substantial track of conifer planting to the east of Lough Inagh opposite application site. The surrounding low lying landscape is predominantly blanket bog,

## **2.0 Planning Application History**

### **Applications on-site:**

There are no recent planning permissions on the application site.

### **Historic planning applications on-site:**

**29153- Temporary permission Granted:** Permission to extract, crush, wash, screen and store quartz rock, in the townland of Derryclare. (1978)

**Forestry Licence's on-site- GY27-FL0051** (19.93ha) Coillte Clearfell Approved 21/12/2020

### **Applications adjacent to the site:**

**54620 Granted-** permission for erection of two no. fisherman's huts in the townland of Ballinafad and Derryclare (1987)

**57466 Granted-** Permission for Trout hatchery in the townland of Derryclare (1988)

**14295 Granted:** Permission to (a) demolish part of the rear of the existing dwellinghouse. (b) construct a new single storey extension to the rear of the dwellinghouse and (c) provide a new proprietary effluent treatment unit and percolation area to replace the existing inferior system along with all associated services (Gross floor area 266.95sqm)

**13570 Granted:** Permission to (a) construct a protective open porch at front door of existing dwellinghouse, (b) remove lifetime enurement clause attached to previously approved planning permission (reference no. 00/3122 refers (gross floor space 5.28sqm)

**023875 Granted:** Permission to alter approved plans ref. (00/3122) by constructing single storey extension to rear of existing building

**003122 Granted:** Permission to renovate and restore 'Hazel Lodge', an existing partially roofed single storey structure and to construct a new septic tank and percolation area

### 3.0 Pre-planning

The application details indicate that a pre-planning has taken place in the form of a preliminary on-site meeting with Council representatives.

### 4.0 Legislation, Planning Policy and Guidance

#### EU Biodiversity Strategy 2030

The European Commission has adopted the new EU Biodiversity Strategy for 2030 and an associated Action Plan (annex) - a comprehensive, ambitious, long-term plan for protecting nature and reversing the degradation of ecosystems. It aims to put Europe's biodiversity on a path to recovery by 2030 with benefits for people, the climate and the planet. It aims to build our societies' resilience to future threats such as climate change impacts, forest fires, food insecurity or disease outbreaks, including by protecting wildlife and fighting illegal wildlife trade.

EU Member States are to put biodiversity on the path to recovery by 2030 and step up the protection and restoration of nature. This will be done by improving and widening the network of protected areas and by developing an ambitious EU Nature Restoration Plan.

#### EU Nature Restoration Strategy

The plan is for EU countries to put in place effective restoration measures to restore degraded ecosystems, in particular those with the most potential to capture and store carbon and to prevent and reduce the impact of natural disasters.

#### EU Habitats Directive (92/43/EEC)

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires an appropriate assessment of the likely significant effects of the proposed development on its own and in combination with other

plans and projects. This document requires competent authorities to carry out an appropriate assessment of plans and projects which may have an effect on a European Site.

#### EU (Birds and Natural Habitats) Regulations, 2011

These regulations consolidate the EC (Natural Habitats) Regulations 1997 to 2005 and the EC (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, and address transposition failures identified in recent judgements.

#### National Biodiversity Action Plan 2017-2021

The Plan sets out actions through which a range of government, civil and private sectors will undertake to achieve Ireland's 'Vision for Biodiversity' and follows on from the work of the first and second National Biodiversity Action Plans, a fourth plan is currently in preparation.

The Plan sets out a number of objectives with corresponding actions to ensure biodiversity and ecosystems in Ireland are conserved and restored, delivering benefits essential for all sectors of society and that Ireland contributes to efforts to halt the loss of biodiversity and the degradation of ecosystems in the EU and globally.

#### Climate Action Plan 2021

Irish Land Use, Land Use Change and Forestry (LULUCF) sector has been a net source of GHG emissions in all years from 1990 to 2019, in contrast with our European partner countries. The rehabilitation of degraded peatlands to a condition in which they regain their ability to deliver specific ecosystem services has considerable potential for initial mitigation gains, and future carbon sequestration. Included in the actions of the Climate Action Plan is a proposal to: *Undertake further research to assess the potential to sequester, store and reduce emissions of carbon through the management, restoration and rehabilitation of peatlands as outlined in the National Peatlands Strategy.*

#### National Peatlands Strategy 2015

The National Peatlands Strategy represents a major opportunity for all stakeholders involved to ensure that they are managed in a manner that strengthens Ireland's contribution to the fight against climate change.

#### Best practice in Raised Bog restoration in Ireland, 2017

These Guidelines are intended to offer guidance to any group or person interested in restoration and management of raised bogs to ensure a consistent approach is applied maximizing the successful rehabilitation of damaged raised bogs.

#### Irish Wildlife Act 1976 (As amended)

The aims of the Wildlife Act, 1976, are to provide for the protection and conservation of wild fauna and flora, to conserve a representative sample of important ecosystems, to provide for the development and protection of game resources and to regulate their exploitation, and to provide the services necessary to accomplish such aims.

## The Planning System and Flood Risk Management, 2009

These Guidelines seek to provide for the comprehensive consideration of flood risk in the preparation of regional, development and local plans and in the determination of planning applications. The Guidelines require the planning system to avoid development in areas at risk of flooding, adopt a sequential approach to flood risk management when assessing the location of new development based on avoidance, reduction and mitigation of flood risk and incorporate flood risk assessment into the process of making decisions on planning applications and appeals.

### **National Planning Framework:**

The NPF supports in principle the afforestation of non-performing agricultural land, it acknowledges the importance of the forestry industry to our economy as well as the carbon sequestration potential of the industry.

*National Policy Objective 23: Facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.*

The NPF also seeks to promote initiatives which can help reduce our carbon footprint, supporting low carbon development. The plan seeks the development of Ireland as a circular economy and bio economy where the value of all products, materials and resources is maintained for as long as possible and waste is significantly reduced or even eliminated.

*National Policy Objective 54: Reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions.*

In relation to peatlands, the NPF states: *Considering the significant amount of peatlands in the ownership of semi-State bodies, a medium to longer-term strategic national land use plan for peatlands in State ownership will be prepared in order to manage their most appropriate future use, building on the existing National Peatlands Strategy and other national policy related to peatlands conservation and management.*

### **Regional Planning Policy**

#### **Regional Spatial & Economic Strategy for the North-West 2020-2032**

Our forestry is diverse in its make-up and encompasses large areas of native woodland, which are both privately and publicly owned, as well as commercially planted swathes of our countryside. Coniferous forest comprises around 3.7% land cover type in our region, with transitional woodland-scrub making up approx. 4.5%. This is below the national level of 10.7% and substantially below the EU average of 38%.

#### ***RPO 5.22***

*To protect and conserve our designated peatlands and bogs for reasons of biodiversity, ecosystem services, carbon sinks, areas of habitat importance, amenity and landscape value.*

### Local Planning Policy

The **Galway County Development Plan 2022-2028** is the strategy for the proper planning and sustainable development of the functional area of Galway County. The following are considered relevant in this case:

- Chapter 4 Rural Living and Development  
Section 4.11 Forestry
- Chapter 7 Infrastructure, Utilities and Environmental Protection
- Chapter 8 Tourism and Landscape
- Chapter 10 Natural Heritage, Biodiversity and Green/Blue Infrastructure  
Section 10.6 Natural Heritage and Biodiversity
  - Chapter 12: Architectural, Archaeological and Cultural Heritage
  - Chapter 13: The Galway Gaeltacht and Islands
- Chapter 14 Climate Change, Energy and Renewable Resource  
Section 14.6 Flooding
- Chapter 15 Development Management Standards

#### **F 1                      National Policy**

To support National policy in relation to forestry in order to develop an internationally competitive and sustainable forest sector that provides a full range of economic, environmental and social benefits to society, subject to normal planning criteria.

#### **F 2                      Sustainable Development**

To encourage the development of a well-managed sustainable forestry sector, which is compatible with the protection of the environment including the avoidance of likely significant effects on European sites (SACs and SPAs) and is planted, managed and harvested in accordance with the Forest Service Guidelines for Landscape, Forest Harvesting and Environmental, Archaeology, Biodiversity and Water Quality.

#### **F 3                      Native Woodlands**

To ensure that existing native woodlands are protected and enhanced and, where appropriate, encourage the conversion of coniferous forest to native woodlands with a focus on opportunities for habitat linkage and wider eco-services.

#### **F 4                      Forestry Development**

To encourage forestry and forestry related development, as a means of diversifying from traditional agriculture activity with a preference for native species.

#### **F5                      Deforestation**

To promote the avoidance of deforestation or commercial afforestation within European sites unless directly relating to the management of the site for its qualifying interests.



**F6                      Afforestation**

The development of afforestation shall not take place within 100m of residential units.

**NR 3                      Traffic and Transport Assessment (TTA) and Road Safety Audit (RSA)**

Require all applications for significant development proposals which have the potential to impact on the National Road Network to be accompanied by a Traffic and Transport Assessment (TTA) and Road Safety Audit (RSA), carried out by suitably competent persons, in accordance with the TII's Traffic and Transport Assessment Guidelines and TII Publications (Standard) GE-STY-01024 (Road Safety Audit) respectively.

**NHB 1                      Natural Heritage and Biodiversity of Designated Sites, Habitats and Species**

Protect and where possible enhance the natural heritage sites designated under EU Legislation and National Legislation (Habitats Directive, Birds Directive, European Communities (Birds and Natural Habitats) Regulations 2011 and Wildlife Acts) and extend to any additions or alterations to sites that may occur during the lifetime of this plan.

Protect and, where possible, enhance the plant and animal species and their habitats that have been identified under European legislation (Habitats and Birds Directive) and protected under national Legislation (European Communities (Birds and Natural Habitats) Regulations 2011 (SI 477 of 2011), Wildlife Acts 1976-2010 and the Flora Protection Order (SI 94 of 1999).

Support the protection, conservation and enhancement of natural heritage and biodiversity, 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, Wild Fowl Sanctuaries (and other designated sites including any future designations) and the promotion of the development of a green/ ecological network.

**NHB 2                      European Sites and Appropriate Assessment**

To implement Article 6 of the Habitats Directive and to ensure that Appropriate Assessment is carried out in relation to works, plans and projects likely to impact on European sites (SACs and SPAs), whether directly or indirectly or in combination with any other plan(s) or project(s). All assessments must be in compliance with the European Communities (Birds and Natural Habitats) Regulations 2011. All such projects and plans will also be required to comply with statutory Environmental Impact Assessment requirements where relevant.

**NHB 3                      Protection of European Sites**

No plans, programmes, or projects etc. giving rise to significant cumulative, direct, indirect or secondary impacts on European sites arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall be permitted on the basis of this Plan (either individually or in combination with other plans, programmes, etc. or projects.\*

**NHB 7                      Mitigation Measures**

Require mitigating measures in certain cases where it is evident that biodiversity is likely to be affected. These measures may, in association with other specified requirements, include

establishment of wildlife areas/corridors/parks, hedgerow, tree planting, wildflower meadows/marshes and other areas. With regard to residential development, in certain cases, these measures may be carried out in conjunction with the provision of open space and/or play areas.

**NHB 11            Increases in Visitor Numbers to Semi-Natural Areas, Visitor and Habitat Management**

Seek to manage any increase in visitor numbers in order to avoid significant effects including loss of habitat and disturbance, including ensuring that any new projects, such as greenways, are a suitable distance from ecological sensitivities, such as riparian zones.

Where relevant, the Planning Authority and those receiving permission for development under the Plan shall seek to manage any increase in visitor numbers and/or any change in visitor behaviour in order to avoid significant effects, including loss of habitat and disturbance. Management measures may include ensuring that new projects and activities are a suitable distance from ecological sensitivities. Visitor/Habitat Management Plans will be required for proposed projects as relevant and appropriate.

**WR 1                Water Resources**

Protect the water resources in the plan area, including rivers, streams, lakes, wetlands, springs, turloughs, surface water and groundwater quality, as well as surface waters, aquatic and wetland habitats and freshwater and water dependant species in accordance with the requirements and guidance in the EU Water Framework Directive 2000 (2000/60/EC), the European Union (Water Policy) Regulations 2003 (as amended), the River Basin District Management Plan 2018 – 2021 and other relevant EU Directives, including associated national legislation and policy guidance (including any superseding versions of same) and also have regard to the Freshwater Pearl Mussel Sub-Basin Management Plans.

**P 1                  Protection of Peatlands**

Ensure that peatland areas which are designated (or proposed for designation) as NHAs, SACs or SPAs are conserved for their ecological, climate regulation, education and culture, archaeological potential including any ancient walkways (toghers) through bogs.

**P 2                  Best Practice in Peatland conservation and management**

Work in partnership with relevant stakeholders on all suitable peatland sites to demonstrate best practice in sustainable peatland conservation, management and restoration techniques and to promote their heritage and educational value subject to Ecological Impact Assessment and Appropriate Assessment Screening, as appropriate.

**P 3                  Framework Plans**

Seek to support relevant agencies such as Bord na Mona in advancing rehabilitation works for the peatlands and related infrastructure, to provide for the future sustainable and environmentally sensitive use of peatlands sites including for amenity purposes.

**IS 1                Control of Invasive and Alien Invasive Species**

It is a policy objective of the Planning Authority to support measures for the prevention and eradication of invasive species.

## **IS 2                      Invasive Species Management Plan**

Ensure that proposals for development do not lead to the spread or introduction of invasive species. If developments are proposed on sites where invasive species are currently or were previously present, an invasive species management plan will be required. A landscaping plan will be required for developments near water bodies and such plans must not include alien invasive species.

## **TWHS 3                      Protection of Forestry**

Protect all substantial areas of deciduous forest, other than areas of commercial forestry. Proposals for development in these areas should seek to interact with the landscape character of the forested areas and its limits while also enhancing the forested areas so as to increase biodiversity value.

## **BGP 3                      Greenways, Blueways, Peatways and Trails**

a) It is a policy objective to support the extension of greenways, blueways, peatways and trails within the county and the integration and linkage of them with other existing / proposed greenways, blueways, peatways and trails both within and outside the county.

b) It is a policy objective to support where relevant the concept of Greenways to consider local travel infrastructure, and connectivity to local towns and villages in the design of any Greenway route.

## **GA 6                      Signage within An Ghaeltacht**

All signs in An Ghaeltacht including finger post signs, shop-fronts and roadside signs, business/community signage shall be in Irish. In all instances where new signage on shopfronts in An Ghaeltacht are proposed, the profession/type of business shall be in Irish.

## **ARC 4                      Protection of Archaeological Sites**

Protect archaeological sites and monuments their settings and visual amenity and archaeological objects and underwater archaeological sites that are listed in the Record of Monuments and Places, in the ownership/guardianship of the State, or that are subject of Preservation Orders or have been registered in the Register of Historic Monuments, or that are newly discovered and seek to protect important archaeological landscapes.

## **ARC 5                      Development Management**

All planning applications for new development, redevelopment, any ground works, refurbishment, and restoration, etc. within areas of archaeological potential or within close proximity to Recorded Monuments or within the historic towns of County Galway will take account of the archaeological heritage of the area and the need for archaeological mitigation.

## **FL 2                      Flood Risk Management and Assessment**

Comply with the requirements of the DoEHLG/OPW The Planning System and Flood Risk Management Guidelines for Planning Authorities and its accompanying Technical Appendices Document 2009 (including any updated/superseding documents).

This will include the following:

(a) Avoid, reduce and/or mitigate, as appropriate in accordance with the Guidelines;

(b) Development proposals in areas where there is an identified or potential risk of flooding or that could give rise to a risk of flooding elsewhere will be required to carry out a Site-Specific Flood Risk Assessment, and justification test where appropriate, in accordance with the provisions of The Planning System and Flood Risk Management Guidelines 2009 (or any superseding document); Any flood risk assessment should include an assessment of the potential impacts of climate change, such as an increase in the extent or probability of flooding, and any associated measures necessary to address these impacts;

(c) Development that would be subject to an inappropriate risk of flooding or that would cause or exacerbate such a risk at other locations shall not normally be permitted;

(d) Galway County Council shall work with other bodies and organisations, as appropriate, to help protect critical infrastructure, including water and wastewater, within the County, from risk of flooding.

#### **FL 8                      Flood Risk Assessment for Planning Applications and CFRAMS**

Protect Flood Zone A and Flood Zone B from inappropriate development and direct developments/land uses into the appropriate Flood Zone in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009 (or any superseding document) and the guidance contained in Development Management Standard 68.

Site-specific Flood Risk Assessment (FRA) is required for all planning applications in areas at elevated risk of flooding, even for developments appropriate to the particular flood zone. The detail of these site-specific FRAs will depend on the level of risk and scale of development. A detailed site-specific FRA should quantify the risks, the effects of selected mitigation and the management of any residual risks. The Planning Authority shall have regard to the results of any CFRAM Studies in the assessment of planning applications.

Development proposals will need to be accompanied by a Development Management Justification Test in addition to the site-specific Flood Risk Assessment.

Where only a small proportion of a site is at risk of flooding, the sequential approach shall be applied in site planning, in order to seek to ensure that no encroachment onto or loss of the flood plain occurs and/or that only water compatible development such as Open Space would be permitted for the lands which are identified as being at risk of flooding within that site.

In Flood Zone C, where the probability of flooding is low (less than 0.1%, Flood Zone C), site-specific Flood Risk Assessment may be required and the developer should satisfy themselves that the probability of flooding is appropriate to the development being proposed.

In addition to the County Plan SFRA datasets (including the Flood Zones, CFRAMS mapping, historical and predictive groundwater mapping, predictive pluvial mapping and historical flood risk indicator mapping, such as the Benefitting Lands mapping), new and emerging datasets (such as the OPW's

National Fluvial Mapping that will supersede existing PFRA fluvial mapping for catchments greater than 5km<sup>2</sup> ) must be consulted by prospective applicants for developments and will be made available to lower-tier Development Management processed in the Council.

Applications for developments in coastal areas and associated assessments shall also consider wave overtopping and coastal erosion.

#### **FL 11 FRA and Environmental Impact Assessment (EIA)**

Flood risk may constitute a significant environmental effect of a development proposal that in certain circumstances may trigger a sub-threshold EIA. FRA should therefore be an integral part of any EIA undertaken for projects within the County.

#### **Development Management Standards:**

**DM Standard 16: Forestry Development**

**DM Standard 28: Sight Distances Required for Access onto National, Regional, Local and Private Roads**

**DM Standard 50: Environmental Assessments**

**DM Standard 61: Archaeological Conservation and Preservation (Urban & Rural Areas)**

**DM Standard 68: Flooding**

### **5.0 Consultations**

The application was referred to the following consultees:

#### **External:**

- DAU- Archaeological Heritage- Department of Housing, Local Government and Heritage
- DAU- Nature Conservation- Department of Housing, Local Government and Heritage
- An Taisce – no response
- Failte Ireland– no response
- Heritage Council– no response
- Regional Fisheries Board– no response
- Udaras na Gaeltachta– no response

#### **Responses Received – External**

- DAU- Archaeological Heritage & Nature Conservation- - Department of Housing, Local Government and Heritage

#### **Nature Conservation**

These observations are intended to assist Galway County Council in meeting their obligations in relation to National and EU legislation and policies for nature conservation and biodiversity, in the context of the current planning application.

#### **Summary of Comments**

The Department broadly welcomes land use change from conifer plantation to restored blanket bog, wet heath and native woodland. However, the Department considers that further information is required on this planning application in order to adequately inform Galway County Council in making both their Appropriate Assessment (AA) and Environmental Impact Assessment (EIA) determination.

The Department considers that some of the restoration targets set for individual subunits within the application site may not be realistic in terms of the potential for these habitats to be restored to the target habitat/s.

There is lack of clarity in the EIA reports provided, and the maps therein, on the site specific locations at which each methodology would be applied within the application site. Consequently, the associated risks of unintended environmental damage are difficult to evaluate and therefore remain uncertain.

A number of the methodologies proposed to achieve the proposed objectives are untested on blanket bog in Ireland and may be unsuitable for this site type, or unsuitable for locations within the application site, and carry a risk of unintended environmental damage such as initiation of peat erosion, local peat instability/failure, and associated water quality impacts.

There is also an absence of detail in relation to the assessment of potential operational stage impacts from invasive species, re-seeding conifers and grazing animals (red deer and domestic stock) and on a management plan to address these factors. These factors have the potential to significantly interfere with proposed objectives and the achievement of habitat restoration at the site. Peat disturbance which is likely to result from some of the restoration methods proposed would favour the spread of invasive species particularly *Rhododendron ponticum* which is already present on many parts of the site.

There are a number of inconsistencies within the EIA reports that will need to be addressed including a conflict between the recommendations made for road construction method (peat excavation) in the Geotechnical and Peat Stability Assessment Report required to avoid peat failure and the actual construction method proposed (no peat excavation - 'floating' road method). The excavation of peat and its disposal can cause significant environmental damage and if this is to be proposed for the road construction its impacts need to be assessed and documented in the EIAR.

In consideration of the above the Department considers that Galway County Council will not have sufficient information on this planning application to ensure:

- Best practice peatland restoration is being employed within the application site with consideration for the character of the site. Consequently, it is unclear whether the application is in compliance with policy objective P2 'Best Practice in Peatland conservation and management' outlined in the Galway County Development Plan 2022 – 2028.
- The potential water quality impacts caused by the proposed application are sufficiently characterised, and as consequence, sufficiently mitigated, for Galway County Council to

conclude that there is no potential for adverse effect on the integrity of the Twelve Bens/Garraun Complex SAC.

### **Suitability of the proposed restoration objectives and methodologies**

The Department considers that current experience and best practice considerations suggest that areas of conifer plantation on blanket peat are considered most suitable for blanket bog restoration where they have the following characteristics:

- topography relatively flat;
- deep peat present;
- closure of conifer forest canopy has not occurred (either through juvenile stage or poor growth of trees) and;
- Bog vegetation still present as an understory and ground layer.

The Department considers that areas that do not have these characteristics may still have some potential for restoration but will also present extra risks of environmental damage. These areas will require more care and should first include trials on smaller areas which would include parallel monitoring and management of any environmental impacts, and re-appraisal of the results, before proceeding with any such work on other areas of the site.

The information provided in the Environmental Impact Assessment Report (EIAR), and its accompanying assessments, show that while localised areas of the application site may have good potential for blanket bog restoration (see bullet points above), there are extensive areas of the site correspond to areas of shallower peat on slopes with some areas of closed canopy plantation.

The Ecological Report (see Appendix 6 -1 of the EIAR) shows that the shallower peat areas are mostly targeted for restoration to wet heath and mixtures of wet heath and blanket bog. In order to achieve this objective the EIAR states that these areas will be subject to clear-felling by standard harvesting methods involving heavy machinery (harvesters, forwarders etc). It proposes the upgrade of 1.58km of existing roads and the installation of > 8km of new roads. After the commercial crop is harvested the implementation of various techniques/ works are proposed and are aimed at restoring blanket bog and heaths.

The Department would like to highlight that the standard harvesting and extraction methods proposed for these areas has a number of significant associated risks including:

- exposure of significant areas of bare peat;
- initiation of peat erosion that may be irreversible,
- generation of peat instability/peat failure

In blanket bog and heath sites such as the application site, located in areas of very high rainfall and subject to more frequent extreme rainfall events, standard best practice methodologies to minimise such effect are likely to be less effective. The Department would like it to be noted that there are likely to be some sites in the west of Ireland on which trees are best left in place /or otherwise felled in small coupes and without the use heavy machinery. Each site will have different characteristics and sensitivities and methods of working should be carefully tailored to avoid environmental damage. There is limited experience of working on such sensitive sites in

Ireland. Therefore, untested methods should be trialled on small areas and include a strict monitoring protocol of all relevant factors before being extending to larger areas.

The bog restoration methodologies are broadly outlined in Section 4.7.7., of the EIAR. These methods include furrow and drain blocking (using plastic dams, peat dams and timber dams) and ground surface profiling and smoothing, drain re-profiling, stump flipping, stump mulching, and cross-tracking. Section 4.7.7 of the EIAR broadly indicates where each methodology is considered suitable, however, no detailed description, or maps at an appropriate scale/resolution, is provided for the locations at which each of these different methods would occur. The Ecological Report (Appendix 6 -1) provides a list of proposed actions for each subunit but this does not specify the particular drain blocking methodologies per subunit nor does it specify where re-profiling and smoothing methods would be applied. The lack of locational specificity in relation to the methods/material/techniques of the proposed works leaves much uncertainty. Consequently, there is potential for methods of untested, and therefore unproven/questionable efficacy, to be applied certain areas of the application site. A number of the proposed methods have not been tested on blanket bog /heath landscapes in Ireland.

The Department notes that Section 4.7.7., of the EIAR states that drain blocking using peat dams and plastic dams would be used on slopes of up to 10 degrees. The Department highlights that current recommendations based on hydrological expertise in studies on restoration of upland blanket bog by the National Parks and Wildlife Service are that drain blocking should not be undertaken on slopes of more than 6 degrees. Leaky timber dams and coir bales are currently being trialled in areas above this gradient (to limit the storage of water behind the dams). Consequently, the Department recommends that using peat dams or plastic dams above a 6 degree gradient may not only have a reduced chance of success but can also potentially lead to peat failure, peat erosion, and associated water quality impacts. These risks are exacerbated in districts of high rainfall/intense rainfall events such as at the application site. The Department considers that the application of drain blocking with peat and plastic dams above this gradient has several associated risks. Experimentation with appropriate methods for such situations/terrain in Irish conditions is still new, and should be considered accordingly, and it is possible that the potential risks outweigh the potential benefits.

The Department also notes that it is not clear from the EIAR on the locations where the re-profiling and surface smoothing methodologies (outlined in Section 4.7.7 of the EIAR) would be employed. The Ecological Report (see Appendix 6 -1 of the EIAR) provide tables that list the proposed actions to achieve the objectives of each subunit, however, these tables do not mention re-profiling or surface smoothing. Consequently, the Department considers that there is the potential for these methods to be used in areas in which not only is their success uncertain but where the potential risks may be exacerbated (such as on land on higher gradients). Methods such as drain re-profiling, stump flipping, surface smoothing, stump mulching, and cross-tracking have not been tested and proven on Irish blanket bogs and have high potential for associated impacts including peat disturbance, irreversible peat erosion, peat instability and associated water quality impacts. These techniques are considered unsuitable at this site due to the disturbance of the peat soils and the high risk of erosion that would result. Methods that cause least soil/peat disturbance should be used and works should be supervised by appropriate expertise (eco-hydrological and geotechnical).



The Department considers that the proposed application would benefit from an assessment of the suitability of the proposed targets, and the specific methods proposed to achieve these targets, for each subunit in terms of key site factors such as topographic type and peatland type within the application site. Such an assessment should consider the key critical factors and supported by appropriate sources of reference.

A pilot project should test methods on small areas (c. 10 ha) and monitor the key environmental impacts associated with likely risk (soil, water, vegetation, invasive species, conifer regeneration) over sufficient periods of time in order to judge their positive and negative effects to inform whether such methods would be appropriate on similar elsewhere, both within the current application site, and in Coillte holdings elsewhere.

### **Water Quality Impacts**

The Department considers that both the proposed clear-felling operations, and the subsequent restoration works, have the potential to adversely affect the watercourses within the application site, Lough Inagh and Derrclare Lough, and consequently, the Twelve Bens/Garraun Complex SAC. The potential for harvesting operations in upland habitats to result in an increase in sediment and nutrient input to watercourses and lakes is well established (EPA, 2007). These potential impacts are addressed within the NIS and EIAR with a suite of best practice mitigation measures and monitoring programme proposed. Similarly, some of the proposed restoration works such as stump flipping and re-profiling have the potential to result in the release of sediment to the receiving water courses. Again these impacts are identified in the NIS and EIAR with mitigation provided.

However, the Department notes that the proposed works are a pilot project, and there is a lack of clarity regarding the suitability of some of the proposed objectives and the proposed methodologies to achieve these objectives (see above). Consequently, significant doubt remains whether the mitigation measures proposed are sufficient to address any potential water quality impacts. The Department, therefore, considers that Galway County Council does not have sufficient information to inform their Appropriate Assessment determination to conclude that there will be no adverse effect on the integrity of the Twelve Bens/Garraun Complex SAC.

### **Water Quality Monitoring**

The Department considers that as the project is considered to be a pilot and is intending to trial methods at scale, which are new to Ireland, any water quality monitoring programme should reflect this. The water quality monitoring programme should aim to establish a clear picture of the existing water quality baseline within the zone of influence of the proposed development. Section 8.3.6 outlines that baseline surveys undertaken to inform the current assessment. 14 Survey locations were surveyed for a number of water chemistry parameters on 2 separate dates. Similarly, Section 4.3.1., of the EIAR also states that at least 2 pre-commencement surveys will be undertaken to establish a water quality baseline. The Department considers 2 survey dates to be insufficient to establish an appropriate water quality baseline for the proposed works. The Department recommends that any pre-commencement surveys and baseline data should be undertaken over a sufficiently long period of time to capture the variability of the watercourses within the application areas (over a minimum of 1 year). The baseline surveys should combine

both manual sampling and automatic monitoring that is triggered by flow. The Department also recommends that Galway County Council requests the applicant to survey Lough Inagh for Total Phosphorus (TP), Water Colour, Dissolved Organic Carbon (DOC), Particulate Organic Carbon (POC), and Ammonium (NH<sub>4</sub>), at least 10 times per year (or monthly) by boat using the standard EPA methodology, should the application be granted consent (it is noted that Derryclare Lough is potentially on the national WFD lake monitoring programme and consequently may already be sufficiently / partly monitored). Potential effects on the Connemara Bog Complex water bodies should also be considered. The Department considers that the water quality monitoring programme is essential to both monitor the effects of any proposed works within the application site and to prevent any potential adverse effect on receiving areas/receptor areas should they occur. The Department encourages consideration of the project as an opportunity to collect data.

### **Inconsistencies within the Reports provided**

The Department notes that there are some inconsistencies within the reports provided with the application that will need clarification.

The Department notes that in relation to the proposed 1.58 km of internal access roads, to facilitate harvesting and extraction, two separate and contradictory methods of construction are proposed. Section 4.5.3.2 of the EIAR states that the proposed roads will be built as the 'build on-top embankment roads' or 'floating roads' with the aim of avoiding excavation and reducing the volume of peat requiring management (an illustration of this method is provided in Fig 4.4.). However, the Geotechnical and Peat Stability Assessment Report recommends that the proposed roads are constructed using the excavation and replace method (or 'founded' type) and that the peat spoil resulting from this process will be used in the blocking of drains within the application site (see Section 8.1. of the Geotechnical and Peat Stability Assessment Report). The Department notes that the use of excavated peat from one part of the site to block drains in another is problematic. Peat loses its structure when moved and peat dams require peat of specific properties to be effective. No data is provided on the volumes of peat spoil likely to be generated from excavation of 1.5k of road (width of road data). The excavation, transport and disposal of large volumes of peat raise a number of risks which would require further assessment.

The Department notes that the maps provided in the EIAR (see Figure 4.3, and Figure 4.8) illustrate the areas within the application site in which restoration is being proposed. These maps show large areas within the middle of the site that will not be subject to proposed restoration. However, the maps and tables provided in the Ecological Report (Appendix 6.1 of the EIAR) target the same areas for restoration to wet heath and blanket bog and list methods by which these objectives will be achieved (for example see Figure 7 of the Ecological Report). Consequently, this creates some confusion over the scope of the proposed application and what is being assessed as part of the EIA for land use change.

### **Operational stage impacts**

The Department would like to note that the success of the proposed development (i.e. the land use change from conifer forests to a mixture of blanket bog, wet heath, and native woodland) will be contingent on a number of factors that will require ongoing management. The Department notes that invasive species, reseeded conifers, livestock (cattle and sheep) and deer are all

recorded in the application site (see Ecological Report Appendix 6.1 of the EIAR) and all have the potential to negatively affect the stated objective of the proposed application. This potential is exacerbated by any proposed methods that would leave extensive areas with exposed peat soils. The Ecological Report acknowledges areas where control of invasive species, re-seeding conifers, livestock, and deer, is necessary however it does not provide any detail on what measures will be undertaken to achieve this control. Some detail is provided on what measures will be included in the Invasive Species Management Plan (ISMP) post consent and some detail has been provided on deer fencing around the areas proposed for woodland creation. However, the Department considers that insufficient levels of detail have been provided to assess the potential for these impacts to compromise the objectives of the proposed application, and consequently, to effectively inform the degree of mitigation required to control these impacts.

### **Invasive Species Management Plan**

The EIAR identifies the presence of *Rhododendron ponticum* within the application site. The EIAR also identifies the potential spread of this species to be exacerbated by the proposed works. The EIAR proposes the development of an Invasive Species Management Plan (ISMP) as part of the proposed development which will aim to manage *Rhododendron ponticum* within the application site and broadly outlines some of the methodologies that will be used to achieve control of this species. The Department welcomes the development of an ISMP should consent be granted, however, it considers that there is a lack of detailed information in relation to the extent of *R. ponticum* within the application site to inform the current assessment. The Department considers that surveys to inform the ISMP (and the current application) should aim to map the bush size and density with an aim to identifying areas of high seed production that pose a threat to areas disturbed by the proposed works (Edwards, 2006)<sup>1</sup>. The ISMP should include or recommend a re-survey of the site at year 5 using the same methodology which would aim to document the progress made throughout the duration of the proposed works and the operation of the ISMP. This survey can then be used to inform the any further necessary control of *R. ponticum*, during the ongoing operational management of the application site. The Department considers that targets should be set in relation to the control of *R. ponticum*, during both an ISMP and any follow up management plan, to ensure the eradication of this species from the application area.

<sup>1</sup> Edwards, C. (2006). Managing and controlling invasive rhododendron. Forestry Commission Practice Guide

### **Potential Impacts of Deer and other Grazers**

Deer were recorded within the application site and suitable fencing is proposed to address their potential impact on the area proposed for native woodland planting within the application site. However, no detailed surveys were undertaken for this species to inform the current assessment, and no analysis has been undertaken of their potential to affect the peatland restoration objectives set for the application site. The Ecological Report (Appendix 6.1 of the EIAR) identifies the presence of deer, identifies areas where their grazing is considered a pressure, and recommends that this grazing be controlled. However, no detail is provided on the intensity of the grazing pressure, and consequently, there is insufficient information to determine the potential

effects of this impact and any necessary mitigation that would be required to address this issue. Similar issues occur in relation to domestic stock, namely sheep and cattle, whose presence and potential impact are acknowledged but not documented in any detail. The Department notes that the re-establishment of peatland vegetation in areas that have been felled and harvested may be compromised by the effects of excessive grazing pressure. The degree to which this may occur is not clear from the current assessment.

Control of *R. ponticum* and of conifer regeneration will require long-term management. Mechanism on how this will be assured and resourced should be provided. *Rhododendron* spreads rapidly on bare or disturbed peat which is likely to be prevalent after any proposed works. Similarly, grazing animals favour new shoots, and will consequently target recovering vegetation, which would prevent recovery and potential exacerbate risks of peat erosion. Details on the long term management of grazing animals on site should be provided.

The Department takes this opportunity to remind Galway County Council of their obligations under Article 6.3 of the Habitats Directive (92/43/EEC). Competent national authorities, are to authorise activity only if they have made certain that it will not adversely affect the integrity of a European site. That is the case when there is no reasonable scientific doubt as to the absence of such effects<sup>2</sup>.

### **Archaeology**

It is noted that the proposed development is large in scale encompassing an area of approximately 343ha. Given the location, scale and extent of the PDS it is possible that previously unknown archaeological features/deposits may be disturbed during groundworks required for the proposed development.

The Department has reviewed the Environmental Impact Assessment Report (EIAR) submitted with this planning application. Chapter 11 of the EIAR presents an assessment of the archaeological potential of the PDS and potential for impacts of the proposed development on same. The Department broadly concurs with the recommended mitigation measures set out in Section 11.5 of the EIAR. Therefore, it is recommended that the following be included as a condition of any grant of planning that may issue.

<sup>2</sup> C-418/04 Commission v Ireland ECLI:EU:C:2007:780

Note these recommended conditions align with Sample Condition C6 as set out in OPR Practice Note PN03: Planning Conditions (October 2022), with appropriate site-specific additions/adaptations based on the particular characteristics of this development and informed by the findings of the EIAR.

### **Archaeological Requirements:**

1. All mitigation measures in relation to archaeology and cultural heritage as set out in Chapter 11 of the EIAR included in application documents shall be implemented in full.

2. The developer shall engage/retain a suitably qualified Archaeologist to:

a. Carry out a walk-over survey of the proposed development area following the clear-felling of existing forestry tracts (as per Section 11.5.2.3 of the EIAR).

b. Carry out a separate archaeological assessment of the four temporary watercourse crossings proposed within the PDS in advance of commencement of works. This shall comprise a wade and metal detection survey (licensed under the National Monuments Acts) at these locations.

3. Where archaeological potential or previously unrecorded archaeological remains are identified during the post-felling and watercourse surveys, further mitigation measures will be required. These may include preservation in situ, preservation by record (archaeological excavation) and/or monitoring. Any further archaeological mitigation requirements specified by the Planning Authority, following consultation with this Department, shall be complied with by the developer.

4. The Planning Authority and the Department shall be furnished with a final archaeological report describing the results of any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

**Reason:**

To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

**Internal (GCC):**

- Roads Section
- Environment Section
- Heritage Officer– no response

**Responses Received - Internal**

- Roads Section

Upon Roads & Transportation Dept. review, please find the below comments in relation to planning file 23/60.

1. On the basis of information included with the planning application, the subject site is situated onto the existing Regional Road R344 where the 80kph speed limit applies of which this regional road directly links onto the existing National Road, N59, a key arterial National Secondary route. It is considered that the proposed development would result in an intensification of use of an existing agricultural type access whilst being at variance with Policy Objectives NR1, NR2 Protection of Strategic Roads, and NNR2 Safeguard Regional and Local Road of the Galway County Development Plan 2022-2028 and national official policy in relation to control of development on/affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads

Guidelines for Planning Authorities (2012). Therefore, in relation to safeguarding the transport function of national / Regional roads and associated national / Regional road junctions, it is considered that the proposed development would interfere with the safety and endanger public safety by reason of traffic hazard or obstruction of road users or otherwise and therefore would be contrary to the proper planning and sustainable development of the area

2. Having regard to DM standard 28 and DM standard 33 and Policy Objectives NR3 Protection of Strategic Roads :

- The absence of provision of 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 advisory thresholds from Transport and Traffic Assessments are required where National Roads are affected by vehicle movements where development traffic exceeds 10% of two way traffic flow on the adjoining road and the submission of a Road Safety Audit.

- The absence of demonstrating adequate sightlines at site entrance, the proposed access road alignment (both horizontal and vertical), line marking and proposed pavement surface finishes.

- 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 strata.

- The absence of 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.

- The absence of pavement study (FWD'S) of the routes taken by HGV's and auto track analysis at the site entrance and within proposed internal layout.

Therefore, it is considered that potential additional turning movements generated by and associated with existing access onto the regional road would interfere with the safety and free flow of traffic and would endanger public safety by reason of traffic hazard or obstruction of wider road users or otherwise.

3. Having regard to DM Standard 31 parking standards, Roads and Transportation Dept. have concerns with the proposed internal traffic circulation regime and lack of drainage infrastructure shown insofar that the potential exists for further conflicting traffic movements due to restricted vehicle manoeuvrability as demonstrated within the internal road layout of the proposed development which may give rise to a road safety hazard.

## 6.0 Submissions / Observations

At the time of writing the report 1 submission/observation was received in respect of this application. A summary of the main points raised are:

- The observer highlights the Planning Authority's responsibility in terms of assessing the planning application in regard to the Planning and Development Act 2000 (as amended) Environmental Impact Assessment, the Habitats Directive and the Water Framework Directive.
- The observer highlights that the NIS relies on monitoring as a form of mitigation, which it is not and states the mitigation proposed is vague and non- conclusive.

The observations/submissions have been noted and are considered as part of the determination of this application.

## 7.0 Planning Assessment

**\* Note:** This section concerns strategic policy issues and relates to the acceptability of a development proposal in principle. Where a development is considered acceptable in principle in this assessment, this will be subject to normal planning considerations which are considered in the following sections.

### 7.1 Application Site

The application seeks a 10-year planning permission in order to complete the project. The planning drawings submitted with the application lack appropriate detail in relation to the existing land cover and proposed works, with annotated phasing and full descriptions of proposed works at each of the subunits identified within the EIAR.

#### Description of development

The current application seeks a 10-year permission for the clearing of significant coniferous forest in order to allow the restoration of the underlying blanket bog. The proposal consists of 3 principal elements.

1. **Tree felling of 343 hectares of coniferous forestry plantation;** The application states that the felling will be over the initial 6 year period, it will be completed in 20 harvest blocks consisting principally of 3 distinct types of clearance, the first is conventional felling with blocks ranging in size from 2.35 ha to 36.4 ha, secondly felling to waste (areas of previously burnt clearance) with blocks of 1.23ha to 43.07 ha and finally mulching of undeveloped crops with blocks of 3.76ha to 42.38 ha. These harvest blocks are mapping in the EIAR Appendix 4-2.
2. **Blanket bog and wet heath restoration;** of the 343 hectares felling (as per above description), approximately 281 hectares will be restored to blanket bog and wet heath habitat. The re-wetting will be achieved principally by 2 combined methodologies, which include the blocking of site drains as well as the surface smoothing and site reprofiling. Drains will be blocked dependant of specific location conditions with either plastic, peat or log dams, these will be accompanied by silt traps and silt fencing to protect naturally occurring watercourses.

- 3. The planting and establishment of Native Scrub woodland;** The applicant proposes to progressively restore 62.26 hectares of the cleared forestry lands with native scrub woodland. The replanting areas are on lands with shallow peat depth on the periphery of the application site. The applicant has stated that it is possible the planting may not take and this area may also need to be replaced by bogland habitat.

In addition to the above proposed activities the development includes the provision of;

- The upgrading of existing site access roads (approximately 8.23 kms) by the laying of new surface dressing
- The extension of access roads (approx. 1.53kms) to the northern end of the site to facilitate access to remote areas, these roads will be “floating” in order to minimise impact on peat hydrology and remove the need for excavation.
- 4 temporary water crossings, constructed primarily of log
- Visitor entrance and car park improvement, immediately outside the main access gate off the R344- the parking area will be hard surfaced
- Visitor Information signage will be provided at the access gate measuring 2 metres from ground to top
- Two metre fencing is proposed to be installed around the newly planted native scrub woodland to protect it from deer.

#### Operation hours

The applicant has proposed the following operational hours:

0700-1900 Monday to Friday

0700-1500 Saturdays There will be no working on Sundays or public holidays.

#### Employment

The applicant has stated the proposal can support approx. 20 jobs. The jobs will all be seasonal will likely include (3) Coillte Staff (2) felling contractors, (7) planting contractors, (7) restoration team, (3) in the monitoring team and potentially (3) indirect employees.

### 7.2 Strategic Assessment (Policy Issues)

The Galway County Development Plan 2022-2028 sets the priorities for targeted population and economic growth across the county for the plan period. The planning policy relevant to the determination of this planning application is outlined in section 4.0. National Planning Policy is contained within the National Planning Framework (NPF) and at a regional level the Regional Spatial and Economic Strategy (RSES) for the Northwest. The site is located on un-zoned land outside any local plan areas. The application is accompanied by a EIAR and NIS.

The Galway County Development Plan 2022-2028, Appendix 4- Landscape Character Assessment identifies particular sensitivities to development across the county. The application site is located within a landscape character area Upland and Bog Landscape, within the Manturk Mountains Unit



with a “Iconic” sensitivity to development rating. This means the landscape is unique and highly sensitive to change, this is the highest category of landscape sensitivity. The site is characterised within the LCA as consisting of *“This landscape is composed of a number of large upland and bog features. Views across wide areas of unclosed bogs are terminated by steep-sided uplands. Almost all of this landscape is composed of natural features. There is little visible human development because more intensive agriculture and settlement are difficult to sustain in these areas.”* The site lies immediately beside scenic route “Maum Valley” the character assessment goes on to detail the reason for the designation of this route *“ These routes are described together because they provide alternative routes through the same large area—the Upland and Blanket Bog which is one of Ireland’s most distinctive landscapes. ...the landscape is open and largely devoid of visible development. It offers expansive views of uplands, bogs and lakes.”*

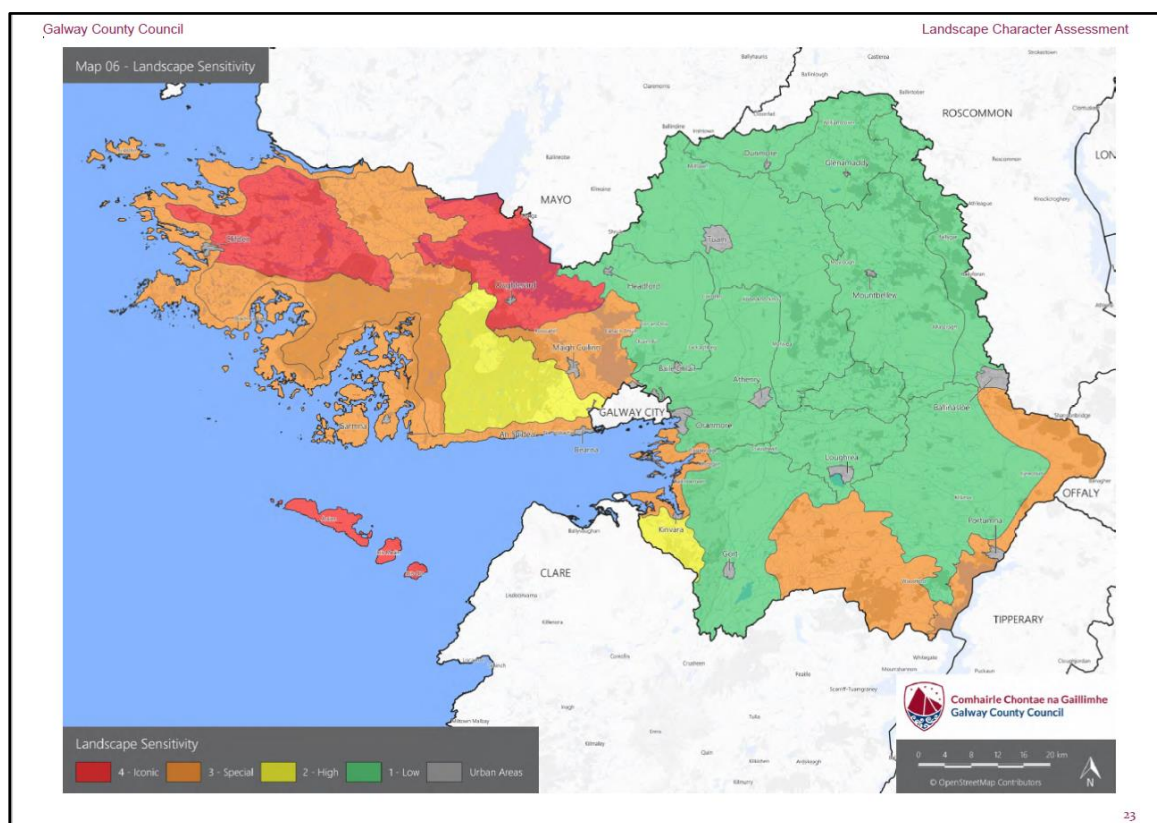


Figure 1. GCDP 2022-2028 LCA- sensitivity mapping

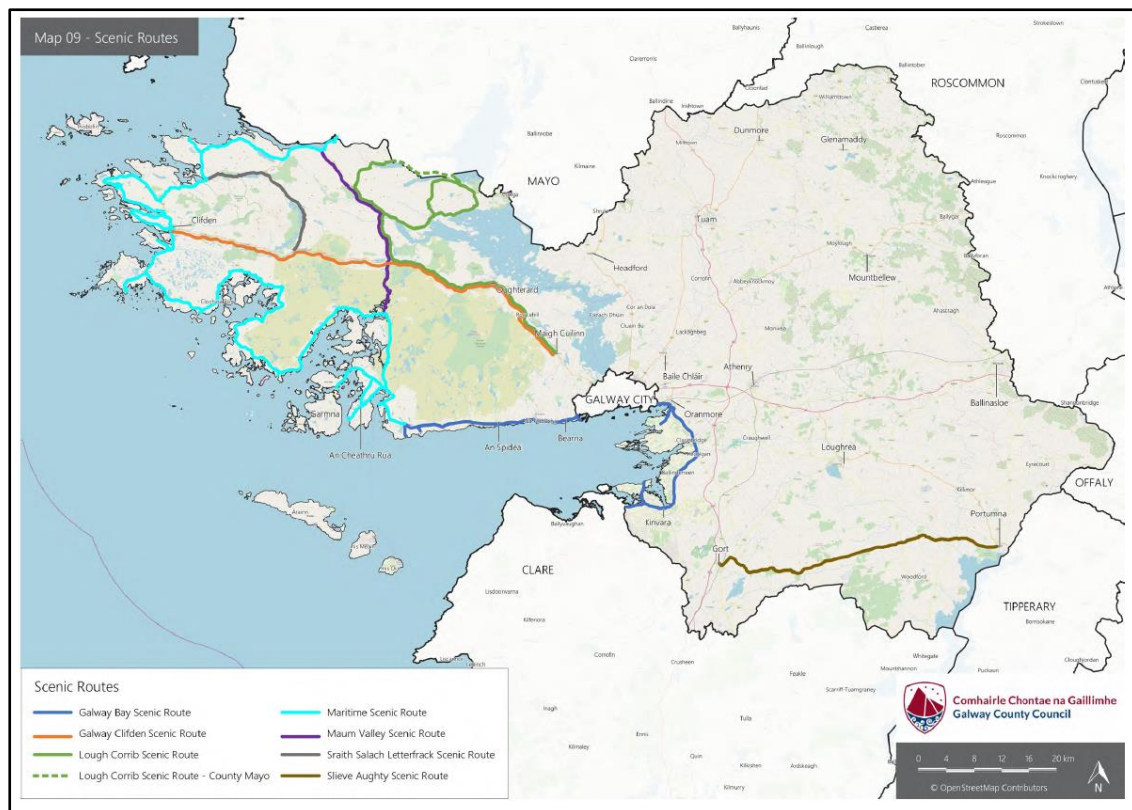


Figure 2. GCDP 2022-2028 LCA- scenic routes

The proposed development will return the landscape to its original form and character. The area is subject to numerous environmental sensitivities which will be impacted by the proposed development and will need to be carefully assessed. The principle of the proposed land use at this location is deemed acceptable in terms of strategic land use policy context, this is however subject to consideration of all other relevant material planning and environmental considerations.

## 8.0 Appropriate Assessment, Environmental Impact Assessment, Water & Flood Risk Assessment

### 8.1 Appropriate Assessment

#### Appropriate Assessment Stage 1

Article 6(3) of the EU Habitats Directive requires that 'any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives.

| Site Name                                  | Site Code | Distance to Site | Qualifying interests   | Connection Source/pathway/receptor   | Considered further in screening |
|--|-----------|------------------|--|--|---------------------------------|
| <b>Special Areas of Conservation (SAC)</b> |           |                  |  |  |                                 |
| Twelve Bens SAC                            | 002031    | 0.0km            | <p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Depressions on peat substrates of the Rhynchosporion [7150]</p> <p>Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with</p> | <p>Yes. Groundwater and surface water from the site is expected to flow towards Lough Inagh and Lough Derryclare. The groundwater vulnerability rating of the Application Site is classed as "Not at risk". Lough Inagh is part of this SAC, potential sedimentation from the proposed works can impact on water quality of the habitats. Potential for tree removal and noise on-site to interfere with faunal activity in the area.</p> <p>Potential for airborne pollution from the site impacting on quality of habitat.</p> <p>Potential for indirect habitat degradation effects due to the increase in usage of the site for leisure and recreation activity.</p> | Yes screened in                 |

|                        |        |        |  |    |  |
|------------------------|--------|--------|--|----|--|
|                        |        |        | <p>chasmophytic vegetation [8220]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Najas flexilis (Slender Naiad) [1833]</p>  |    |  |
| Maumturk Mountains SAC | 002008 | 0.59km | <p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</p> <p>Northern Atlantic wet heaths with Erica tetralix [4010]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Depressions on peat substrates of the Rhynchosporion [7150]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> | No | No, Screened out - No potential for indirect habitat degradation effects due to the absence of hydrological connectivity and the separation distance between development |

|                           |        |        |   |   |                    |
|---------------------------|--------|--------|---|---|--------------------|
|                           |        |        | <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Najas flexilis</i> (Slender Naiad) [1833]</p>   |   |                    |
| Connemara Bog Complex SAC | 002034 | 1.44km | <p>Coastal lagoons [1150]</p> <p>Reefs [1170]</p> <p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130]</p> <p>Natural dystrophic lakes and ponds [3160]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p><i>Molinia</i> meadows on calcareous, peaty or</p> | Yes, this site drains into Lough Inagh and Lough Derryclare with direct hydrological connectivity to the SAC via the Recess River, potent impact on habitat quality due to proposed in-site activity including felling and rewetting through sediment and pollutants run-off. | Yes, Screened in - |

|                      |        |        |  |  |              |
|----------------------|--------|--------|--|--|--------------|
|                      |        |        | <p>clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Transition mires and quaking bogs [7140]</p> <p>Depressions on peat substrates of the Rhynchosporion [7150]</p> <p>Alkaline fens [7230]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Euphydrias aurinia (Marsh Fritillary) [1065]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Najas flexilis (Slender Naiad) [1833]</p> |  |              |
| Rosroe Bog SAC       | 000324 | 8.86km | <p>Blanket bogs (* if active bog) [7130]</p> <p>Depressions on peat substrates of the Rhynchosporion [7150]</p>  | No, Screened out - No potential for indirect habitat degradation effects due to the absence of hydrological connectivity and the separation distance between development | Screened out |
| Mweelrea/Sheeffry/Er | 001932 | 9.02km |  | No, Screened out - No potential for  | Screened out |

|                                     |        |         |  |   |              |
|-------------------------------------|--------|---------|--|---|--------------|
| riff<br>Complex<br>SAC              |        |         |  | indirect habitat<br>degradation effects<br>due to the absence<br>of hydrological<br>connectivity and<br>the separation<br>distance between<br>development   |              |
| Kilkieran<br>Bay And<br>Islands SAC | 002111 | 11.98km | <p>Active raised bogs<br/>[7110]</p> <p>Degraded raised<br/>bogs still capable of<br/>natural regeneration<br/>[7120]</p> <p>Depressions on peat<br/>substrates of the<br/>Rhynchosporion<br/>[7150]</p>   | No, Screened out -<br>No potential for<br>indirect habitat<br>degradation effects<br>due to the absence<br>of hydrological<br>connectivity and<br>the separation<br>distance between<br>development | Screened out |
| Lough<br>Corrib SAC                 | 000297 | 13.35km | <p>Oligotrophic waters<br/>containing very few<br/>minerals of sandy<br/>plains (Littorelletalia<br/>uniflorae) [3110]</p> <p>Oligotrophic to<br/>mesotrophic<br/>standing waters with<br/>vegetation of the<br/>Littorelletea<br/>uniflorae and/or<br/>Isoeto-Nanojuncetea<br/>[3130]</p> <p>Hard oligo-<br/>mesotrophic waters<br/>with benthic<br/>vegetation of Chara<br/>spp. [3140]</p> <p>Water courses of<br/>plain to montane</p> | No, Screened out -<br>No potential for<br>indirect habitat<br>degradation effects<br>due to the absence<br>of hydrological<br>connectivity and<br>the separation<br>distance between<br>development | Screened out |

|  |  |  |  |  |  |
|--|--|--|--|--|--|
|  |  |  | <p>levels with the<br/>Ranunculion<br/>fluitantis and<br/>Callitricho-<br/>Batrachion<br/>vegetation [3260]</p> <p>Semi-natural dry<br/>grasslands and<br/>scrubland facies on<br/>calcareous<br/>substrates (Festuco-<br/>Brometalia) (*<br/>important orchid<br/>sites) [6210]</p> <p>Molinia meadows on<br/>calcareous, peaty or<br/>clayey-silt-laden soils<br/>(Molinion caeruleae)<br/>[6410]</p> <p>Active raised bogs<br/>[7110]</p> <p>Degraded raised<br/>bogs still capable of<br/>natural regeneration<br/>[7120]</p> <p>Depressions on peat<br/>substrates of the<br/>Rhynchosporion<br/>[7150]</p> <p>Calcareous fens with<br/>Cladium mariscus<br/>and species of the<br/>Caricion davallianae<br/>[7210]</p> <p>Petrifying springs<br/>with tufa formation<br/>(Cratoneurion)<br/>[7220]</p> <p>Alkaline fens [7230]</p> |  |  |
|--|--|--|--|--|--|



|  |  |  |   |  |  |
|--|--|--|---|--|--|
|  |  |  | <p>Limestone pavements [8240]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Bog woodland [91D0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Najas flexilis (Slender Naiad) [1833]</p> <p>Hamatocaulis vernicosus (Slender Green Feather-moss) [6216]</p> |  |  |
|--|--|--|---|--|--|

|  |        |         |   |   |                 |
|--|--------|---------|---|---|-----------------|
| West Connacht Coast SAC                  | 002998 | 13.41km | Tursiops truncatus (Common Bottlenose Dolphin) [1349]   | No, Screened out - No potential for indirect habitat degradation effects due to the absence of hydrological connectivity and the separation distance between development  |                 |
| Cregduff Lough SAC                       | 001251 | 13.57km | Transition mires and quaking bogs [7140]<br><br>Najas flexilis (Slender Naiad) [1833]   | No, Screened out - No potential for indirect habitat degradation effects due to the absence of hydrological connectivity and the separation distance between development  | Screened out    |
| <b>Special Areas of Protection (SPA)</b> |        |         |   |   |                 |
| Connemara Bog Complex SPA                | 004181 | 2.2km   | Cormorant (Phalacrocorax carbo) [A017]<br><br>Merlin (Falco columbarius) [A098]<br><br>Golden Plover (Pluvialis apricaria) [A140]<br><br>Common Gull (Larus canus) [A182] | Yes. Bird species Golden Plover and Merlin are known to forage within distances of 5 & 3 KMS of their nesting site. Therefore the upland bog area has the potential for impact on the QI's of the SPA during disturbance and loss of habitat. | Yes screened in |
| Lough Corrib SPA                         | 004042 | 13.44km | Gadwall (Anas strepera) [A051]<br><br>Shoveler (Anas clypeata) [A056]<br><br>Pochard (Aythya ferina) [A059]   | No, Screened out - No potential for indirect habitat degradation effects due to the absence of hydrological connectivity and  | Screened out    |

|                   |        |         |   |  |  |
|-------------------|--------|---------|---|--|--|
|                   |        |         | <p>Tufted Duck (<i>Aythya fuligula</i>) [A061]</p> <p>Common Scoter (<i>Melanitta nigra</i>) [A065]</p> <p>Hen Harrier (<i>Circus cyaneus</i>) [A082]</p> <p>Coot (<i>Fulica atra</i>) [A125]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]</p> <p>Wetland and Waterbirds [A999]</p> | the separation distance between development, outside the foraging distances of identified QI's.  |  |
| Iljaunnano on SPA | 004221 | 14.25km | <p>Sandwich Tern (<i>Sterna sandvicensis</i>) [A191]</p>  | No, Screened out - No potential for indirect habitat degradation effects due to the absence of hydrological connectivity and the separation distance between development, absence of pathway as well |  |

|   |        |         |   |   |              |
|---|--------|---------|---|---|--------------|
|   |        |         |   | not being suitable habitat to support the QI  |              |
| Slyne Head To Ardmore Point Islands SPA | 004159 | 14.73km | Barnacle Goose (Branta leucopsis) [A045]<br>Sandwich Tern (Sterna sandvicensis) [A191]<br>Arctic Tern (Sterna paradisaea) [A194]<br>Little Tern (Sterna albifrons) [A195] | No, Screened out - No potential for indirect habitat degradation effects due to the absence of hydrological connectivity and the separation distance between development, absence of pathway as well not being suitable habitat to support the QI | Screened out |

The subject site is located outside any European site. The European sites within 15km of the site are as above.

In terms of plans/projects, the significant developments permitted and/or under construction in the immediate area are as follows:

| Application Ref: | Location             | Development Description  | Potential impacts |
|------------------|----------------------|--|-------------------|
| 2193-Granted     | Athry, Recess Galway | Permission for the erection of a new 30m multi-user telecommunications support structure carrying 9 No. antennas. 6 No. communication dishes, 8 No. remote radio units, 3 No. lighting finials and 5 No. outdoor cabinets and all enclosed within a security compound by a 2.4m high palisade fence with a 4m access gate, site access and site works. The development will provide significant improvements in voice and broadband data services along the N59 National Road and the R340 and R344 Regional Roads | None identified.  |

|                           |                               |   |   |
|---------------------------|-------------------------------|---|---|
| 201078- Granted           | LETTERBRECKAUN-RECESS. RECESS | Permission for a new dwelling house and garage/shed and to replace existing septic tank with a new wastewater treatment system and to demolish existing dwelling house with all associated works and ancillary services. Gross floor space of proposed works; 204sqm (house) 60sqm (garage)   | Potential for leakage/ spillage of hydrocarbons , into the groundwater during construction, noise, dust disturbance, spreading of invasive species. |
| 181719- Granted           | LETTERBRECKAUN-RECESS. RECESS | Permission for an agricultural building and yard with all associated works and ancillary services. A Natura Impact Statement for the proposed development will be submitted with this application. Gross floor space of proposed works: 352.2 sqm   | Disturbance during construction and contamination of soils & water by nutrients   |
| 191669- Granted on Appeal | LISSOUGHTER RECESS. RECESS    | Permission for development of site at Eir Exchange, Lissoughter, Recess. The development will consist of the replacement of an existing telecommunications support structure (overall structure height of 18 meters), together with adjacent equipment cabinet, previously granted under planning reference no. 13/436, with a proposed new lattice tower structure (overall structure height of 22 metres) carrying the telecommunications equipment transferred from the existing structure and the addition of new telecommunications antennas, dishes and associated equipment, together with ground equipment cabinets, new wall and fencing | Disturbance during construction.  |

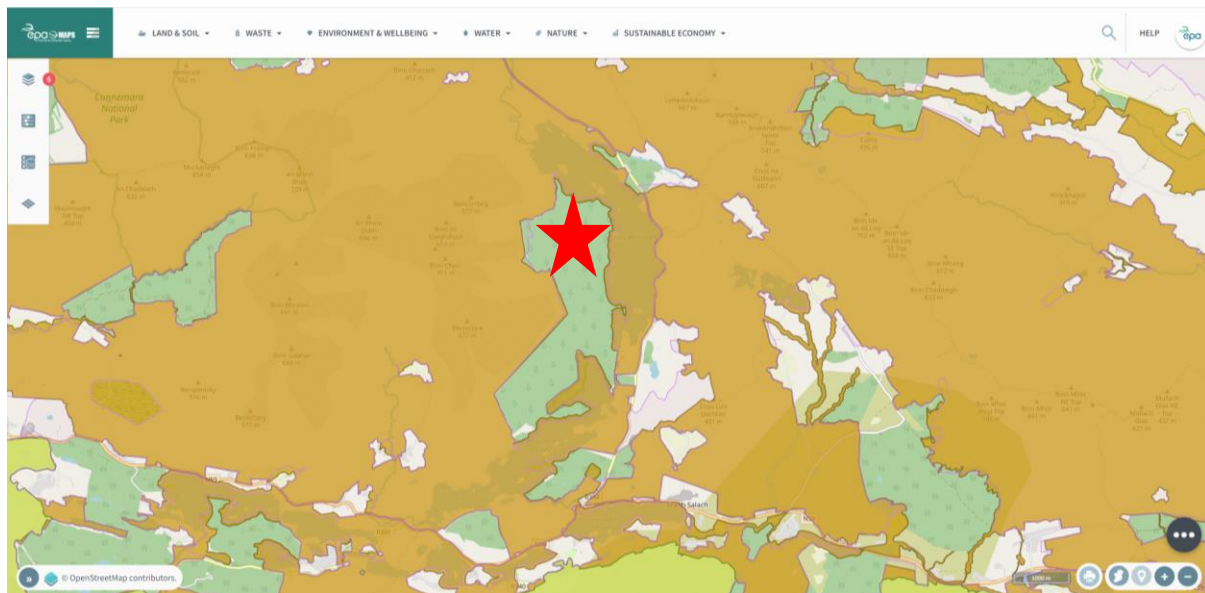


Figure 3. EPA Maps <https://gis.epa.ie/EPAMaps/>

In terms of plans, the current proposal is being assessed under the Galway County Development Plan 2022-2028 was subject of a NIR and includes the following provisions to protect European Sites: Policy Objectives NHB 1, NHB 2, NHB 3 and DM Standard 50.

Three European Sites have the potential to be affected by the Proposed Development. These are the Twelve Bens SAC, the Connemara Bog complex SAC and the Connemara Bog complex SPA. The Twelve Bens SAC and Connemara Bog Complex SAC have direct hydrological connections with the Application Site through surface water as well as disturbance of faunal QI's. The Connemara Bog Complex SPA QI's Golden Plover and Merlin are known to breed and forage within the distance from the application site which provides a suitable habitat. There are no other sites which are considered to have any potential connectivity with the Proposed Development.

#### Assessment of likely Impacts:

- Potential for construction to cause sediment and pollutant impact surface water run-off to impact water quality in SAC and the QI's eg; Atlantic salmon, otter
- Contamination of the groundwater through pollutant spillages.
- Loss of potential habitat for Golden Plover & Merlin
- Removal of the tree cover has the potential to negatively impact soil stability, with the potential for landslides and subsequent impact on SAC waters & QI's.
- Change in air quality
- Spread of invasive species most notably *Rhododendron ponticum*, identified on-site
- Peat exposure/failure
- Potential increase in human activity through recreation activity associated with the change of land use
- Potential for degradation of water quality during storm surge flood event with associated dam failure
- Appropriate flood risk assessment required to mitigate impact on SAC

The planning authority considered the nature and scale of the proposed development, adjacent to European sites, the conservation objectives and qualifying interests of the Twelve Bens SAC, the Connemara Bog complex SAC and the Connemara Bog complex SPA the distance of the site from same. Following the screening process, the Planning Authority has determined that the potential for significant effects to European sites cannot be excluded. By virtue of the requirement for protection or mitigation measures required during operation of the proposed development, the recommendation of the screening process is, therefore, to proceed to Stage Two: Appropriate Assessment.

## **Appropriate Assessment Stage 2**

The NIS provides information on the description of development and its characteristics in the context of the receiving environment. A baseline ecological survey was undertaken utilising a desk-based assessment and a site walk-over. Section 4.1 of the NIS states that site visits were conducted to map habitats and survey species to inform the preparation of the accompanying EIAR, only the habitat survey datum for the development site is contained within the NIS which is contained within Appendix 4. NIS describes the current and target habitats of the proposed development. No Annex II species are identified on-site from ground truthing exercises however no field survey data is contained within the NIS.

The NIS assesses the relevant plans in proximity to the proposal site. The NIS identifies projects (e.g. recent planning history) which the proposed development and European sites are subject to and proximate of (in-combination effects).

Appendix 2 of the NIS sets out environmental best practice and mitigation measures for the development, which are organised under the following headings:

- Environmental setbacks
- Protecting water quality
- Dust control
- Noise and Vibration control
- Traffic management proposals
- Invasive species management
- Waste Management

The NIS concludes that, subject to the successful implementation of the identified mitigation measures and established best practice, that beyond reasonable scientific doubt, in view of best scientific knowledge, on the basis of objective information and in light of the conservation objectives of the relevant European sites, the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of any European site.

## **Appropriate Assessment**

The Planning Authority has reviewed the AASR/ NIS and the application details submitted and has carefully considered the nature and scale of the proposed deforestation and bog rewetting operation, within the established footprint of the forested area located outside of, but in close proximate to, the Twelve Bens SAC and Connemara Bog Complex SAC & SPA, and the relevant conservation objectives and qualifying interests of the same, the proposed site services (surface water disposal), the underlying aquifer type and vulnerability and groundwater catchment, in conjunction with the WFD catchment, the potential hydrological connections to the application site, the likely west/east and

north/south orientation of site drainage flow (as per relevant Environmental Protection Agency GIS mapping and local topography) toward Lough Inagh and Lough Derryclare (part of the Twelve Bens SAC), the magnitude and duration of the operational phase proposed, the potential emissions (e.g. land / groundwater receptors) and transportation requirements, and the mitigation / best practice measures proposed.

The Planning Authority is not satisfied that, where the potential for any adverse effect on any European Site has been identified, the applicant has appropriately identified beyond reasonable doubt that the pathway by which any such effect may occur has been robustly blocked through the use of avoidance, appropriate design and mitigation measures by the Applicant. The proposed methodology is untested and insufficient detailed analysis of the potential risks and/or outcomes of the proposals have been submitted to the satisfaction of the Planning Authority. The proposed mitigation is untested and the potential for significant adverse effects cannot be ruled out, the impact of the proposed methods for the tree harvesting and rewetting, ground reprofiling as well as the proposed dam stability need to be scientifically verified and supported by robust evidence.

The NIS contains gaps in information, and in the absence of clear detailed and robust information relating to the removal of tree cover, the potential for exposure of bare peat and resultant consequences, peat erosion and generation of peat instability/failure as a direct result of the proposed activities, cannot be quantified through the usage of untested and unverified practices, especially in relation to upland areas with significant exposure to heavy and extreme rainfall events which may result in unintended significant environmental damage. The application information does not include appropriate levels of rain fall monitoring (allowing for climate change), water quality information, invasive species spread, bird, mammal and aquatic surveying information, the end use management (including the impact of increased tourism and recreation on-site) as well as flood risk assessment and proposed mitigation.

The Planning Authority will request further supporting information to address the identified gaps from the applicant prior to making a determination.

## 8.2 Environmental Impact Assessment & Reasoned Conclusion

EIA: The development is a project within a class of development as set out in Schedule 5 of the Planning and Development Regulations, 2001 (as amended) that would be likely to have significant effects on the environment. Part 2 of Schedule 5, Class 2 (d) (iii), *Deforestation for the purpose of conversion to another type of land use, where the area to be deforested would be greater than 10 hectares of natural woodlands or 70 hectares of conifer forest*, triggers the requirement for mandatory EIA as there exists the potential of significant effects on the environment arising from the proposed development. The proposed development comprises a deforestation area of 343ha it therefore triggers the mandatory requirement for the application to be accompanied by an EIAR.

### 8.2.1 Subsection (A) 'Examination of EIAR'

This subsection is a brief report on the initial consideration of the EIAR. This subsection reports on (i) the completeness and quality of the report (in the context of the requirements of the Directive) (ii) whether the EIAR was prepared by 'competent experts' (environmental qualification).



### ***Environmental Impact Assessment Report (EIAR)***

The application for the proposed development is accompanied by an Environmental Impact Assessment Report (EIAR). This report:

- Describes the project and provides information on the site, design, size and particular features of the proposed development,
- Describes the likely significant effects of the project on the environment
- Describes the features of the project and/or measures envisaged to avoid, prevent, reduce, and if possible, remedy significant impacts,
- Provides a description of the main alternatives studied and an indication of the main reasons for the choice of alternative put forward, taking into account environmental effects, and
- Includes a non-technical summary of the above information.

### **Competency of the competent experts responsible for the preparation of the EIAR**

Section 1.8 of the EIAR sets out the competencies of experts who prepared the Report. The competencies are reasonable and consistent with the technical requirements of the EIAR.

Having regard to the above, and to the conclusions below in respect of the technical information presented, it is considered that the EIAR complies with Article 94 of the Planning and Development Regulations, 2000, as amended and the provisions of Article 5 of the EIA Directive 2014.

#### **8.2.2 Subsection (B) 'Assessment'**

This subsection is a brief report which (i) identifies (ii) describes (iii) assesses the direct and indirect effects of the proposed project on specified environmental factors: These are:

1. Population and Human health
2. Biodiversity (with particular attention to Habitats and Birds Directives)
3. Land, soil, water, air and climate
4. Material assets, cultural heritage and the landscape
5. The interaction between 1-4 above

### ***Examination of the Environmental Impact Assessment Report***

In accordance with the requirements under Article 3(1)(a) to (e) of the EIA Directive, the assessment of the environmental effects of the development are set out below under the following principal headings.

#### **Principal Headings**

1. Population and Human Health
2. Biodiversity (with particular attention to Habitats and Birds Directives)
3. Land, soil and geology

4. Hydrology and Hydrogeology
5. Air and Climate
6. Noise and Vibration
7. Archaeology and Cultural Heritage
8. Landscape and Visual
9. Material Assets
10. Major Accidents and Natural Disasters
11. Interaction of the Above

This examination is based on an examination of the information provided by the applicant, including the EIAR. Furthermore, in accordance with Section 172(1G) of the Planning and Development Act, 2000 (as amended) in carrying out the Environmental Impact Assessment, the planning authority has considered submissions/observations validly made in relation to the environmental effects of the proposed development.

#### Sections 1-4 (inclusive) of the EIAR

The early sections of the EIAR provide background context to the proposal. *Section 1* of the EIAR provides an introduction, sets out the need for the project and legislative context, the format and structure of the EIAR. It provides information on the experts who are responsible for the production of the EIAR report and the purpose, scope, structure and content of the EIAR examines and details the need for the preparation of an EIAR.

*Section 2* provides the background context for the proposed development as well as outlining the scope of the EIAR as well as examining the planning policy framework at national, regional and local level relevant to the proposed development.

Section 3 examines the potential for alternative locations for the development as well as alternative design considerations. *Section 4* provides a detailed description of the proposed development and the phasing of construction management and ongoing maintenance and monitoring of the proposed development.

Following examination and analysis of this information, the Planning Authority consider that the detail provided in relation to the planning policy framework is reflective of current adopted policy. The Planning Authority consider the precise post-operational detail is lacking, in relation to public usage of the site as well as information relating to the interaction between the application site and the remaining commercial forestry element which is being retained within the blue boundary but outside the red edge boundary.

#### 1. Population and Human Health

*Section 5* of the EIAR addresses Population and Human Health. These sections of the EIAR examine impacts on human beings not set out in other sections of the EIAR (i.e. in *Sections 6 to 14*). This section broadly focuses on population growth from census information as well as socio-economic impacts including employment. It provides an impact assessment of each, with associated mitigation measures, concluding that there are no likely significant impacts of the development which will negatively impact on health. Following examination of the EIAR document, concerns are identified in relation to the proposal in the context of the section specifically in relation to tourism and amenity, the proposed mitigation has not been incorporated into the planning application. No detail relating to trails and /or waymarked ways or advance warning signage in relation to traffic have been provided, therefore impacts on road safety. In the absence of comprehensive information relating to the ability of the site to accommodate the increased water after the drain blocking and site reprofiling without causing peat instability issues, the potential for landslides has not been fully mitigated and the potential impact on human health.

Incomplete information relating to Flood Risk Assessment also impede the Planning Authority's ability to assess the likely impacts of the proposed development on the water environment. Potential impact of Traffic hazards on human health from the operation of the proposed development has not been fully assessed. The EIAR relies on traffic survey data collected in January, in an area which relies specifically on Tourism which operates primarily between May and September. It is considered that likely significant impacts on population and human health cannot be excluded.

## 2. Biodiversity

*Section 6* of the EIAR details of the ecology and further study included in the Appendices most notable Appendix 6.1 & 6.2 Habitat Survey and Releve Data. Ecological baseline data for the proposed development was established through both desk-based assessment and site ground truthing. The EIAR does not include any of the following, a mammal survey, bat survey, aquatic survey or bird survey. The EIAR includes a Habitat Survey which identifies the habitats within the proposed development site, in appendix 6-2.

Protected habitats including natural heritage areas, proposed natural heritage areas as well as SAC's and SPA's in the vicinity of the application site are also identified within the EcIA and further assessed with the NIS. The habitat surveys were carried out 15<sup>th</sup> to 18<sup>th</sup> June 2021 and 7<sup>th</sup> to 16<sup>th</sup> July 2021 inclusive.

Habitats identified within the project site include:

- Recolonizing bare ground/ wet heath (ED3/HH3)
- Other artificial lakes and ponds (FL8)
- Wet Grassland/ Scrub (GS4/WS1)
- Wet Heath (HH3)
- Wet heath/ Exposed siliceous HH3/ER1)
- Heath Heath/Blanket bog (HH3/PB2)
- Lowland Blanket Bog (PB3)
- Conifer Plantation (WD4)
- Conifer Plantation/Wet heath (WD4/HH3)

- Scrub (WS1)
- Recently Felled woodland (WS5)

The EIAR states that ground truthing surveyed for otter, badger, red squirrel and no evidence of these species were recorded. Birds that were recorded during the walk overs included chaffinch, wood pigeon, goldcrest, Raven, rook, hooded crow, blackcap, wren and dunnock. It states no Annex I EU Birds Directive or Red list birds were recorded during site visits. Other species identified during the site visits include Red Deer, as well as Pine Martin Cat.

Invasive species *Rhododendron ponticum*, was recorded throughout the proposed project site. The EIAR acknowledges the proposed project works during the operational stage, have the potential to advance the spread of this invasive species. However, as highlighted in the NPWS consultation response, “there is a lack of detailed information in relation to the extent of *R. ponticum* within the application site to inform the current assessment.” More detailed mapping and management plan should have been undertaken for each of the subunits identified and submitted as part of the planning application.

This chapter in conjunction with the Appendix 6.1 and 6.2 provide an analysis of the potential impacts of development on ecology and concludes that in the absence of mitigation the proposal has the potential for significant impacts on ecological features ranging from those of local to international importance. The assessment also includes the Construction Environmental Management Plan.

The planning authority has examined this Section of the EIAR which has also been considered in tandem with the NIS submitted with the planning application details. Following analysis of this chapter and consideration of available information, the planning authority has a number of areas of concern which relate to insufficient detailed information.

There are gaps in detailed survey information relating to protected species, no use of trail cameras or static detectors for bird surveying, in the absence of this level of detail as well as the potential impact as a result of the lack of full assessment of flood risk, including water storage capacity measurements and the potential impact this will have on peat stability and resultant impact on waterbody habitats in proximity to the site and the associated indirect and direct impacts on European sites and overall cumulative impacts on biodiversity.

The planning Authority concurs with the NPWS assessment, the risks associated with proceeding with a large-scale project utilizing untested methodologies for rewetting of blanket upland bog areas, with poor levels of soil cover at steeper gradients than previously trialed at risk of extreme high rainfall events poses an unquantifiable risk to the surrounding sensitive environmental receptors both flora and fauna.

Having examined, analysed and evaluated the information presented above in relation to biodiversity and submissions/observations received, as set out above the Planning Authority consider that likely significant effects on the environment arising from the proposal cannot be excluded.

### 3. Land, soil, water, air and climate

*Section 7* provides a Geological Assessment, *Section 8* examines Water (hydrology and hydrogeology), *Section 9* provides an assessment of Air and Climate, *Section 10* examines Noise and Vibration.

***Section 7- Land Soils and Geological Assessment*** provides information in this regard in addition to the Peat Stability Report. The planning authority has examined this Section of the EIAR and baseline data, which was identified using;

- Site walkover surveys
- 44 no. peat probes (2021)
- 73 no. probes (2022)
- 29 no. piezometers (2021)
- Measuring of groundwater levels in the installed piezometers

The proposed tree felling and blocking of existing drainage pathways with the proposed development site has the potential to result in a permanent impact on the soils. The likely impacts on the land and soils, associated with the proposed development include effects on landcover/land take, erosion of exposed subsoils and peat during felling, effect on peat during bog restoration works and tree planting, proposed roads & car parking area, contamination by leakages, peat instability & failure.

The site is predominantly overlain by blanket bog, with ranges of cover varying from 0.1m to 4.7 metres deep, the average peat cover across the development site is 1.17m., with approx. 81% of the recorded peat reading at depths less than 2 metres. There are no active or former quarries within the development site or sites of geological heritage sites. A former marble quarry (inactive) was located to the south of the application site.

The application contains a peat stability report which analysed 73 locations within the development site and established a Factor of Safety (FoS). This analysis concludes that at the locations surveyed there was a low risk of peat instability for both drained and undrained analysis. Due to the nature of the proposed project comprising of near surface activity effects on the underlying geology are negligible.

Mitigation proposed relates to the effective management of the construction phase of the development. A number of specific measures are identified relating to the new “floating roads”.

An analysis of the scoping responses highlighted concerns raised by the Irish Peatland Conservation Council (IPCC) regarding the effectiveness of best practice and standard peat stability measurements due to a number of landslides across the country, this is commentary is not addressed in section 2.7.2 “scoping responses”. The Planning Authority notes the applicant intends to retain a commercial forestry operation within the site boundary of in excess of 100 plus hectares. Its is envisioned that site drainage will need to be maintained in these locations some of which in the northern end of the site will sit above the planned restoration area. The Planning Authority is not convinced that the stability of the restored bog areas with fast flowing drainage system running into them from the retained forestry can ensure soil stability. The Planning Authority shares the concerns raised within the NPWS consultation response with regards the potential for unintended significant environmental impacts from soil/peat instability cannot be reasonable excluded within a vacuum of tried and tested methodologies for rewetting of bogland such as those proposed at the Derryclare site. The application should have precisely identified methodologies employed in each identified subunit, including furrow and drain blocking including identifying dam typologies to the be use or those 3 types proposed ( plastic, timber and peat), ground surface reprofiling, drain re-profiling, stump flipping, stump mulching and cross-tracking. This section of the EIAR should have also considered the quantity of peat removal required for the upgrading of exiting and construction of 1.58km of new access routes.

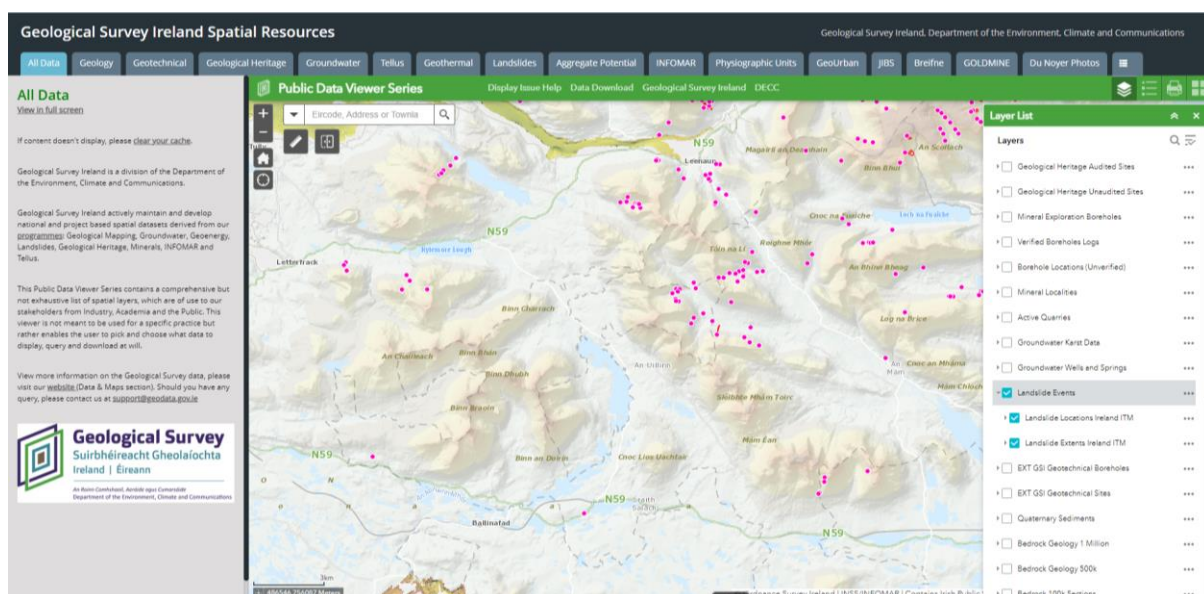


Figure 4. Geological Survey Ireland Maps, Landslides in the vicinity of application site.

The planning authority has examined **Section 8 -Hydrology and Hydrogeology & Associated Appendix 4.5 Drainage maps** of the EIAR and baseline data presented. Site levels are highly variable ranging from 10-180m OD, the site is highest at its western extremes and falls in an easterly direction toward Lough Inagh and Lough Derryclare. Rainfall data analysed over a 30-year period sourced from Met Eireann is over almost 40 years old and is not reflective of current extreme precipitation patterns in the west of Ireland, therefore the rainfall data used to calculate average rainfall is flawed.

The EIAR states that annual effective rainfall rate is calculated to be 824mm/yr. The site is identified as having a 1:100yr and 1:1000yr fluvial flood risk which has not been assessed within this section. The EIAR states the site drains in a west-east direction directly into Lough Inagh to the east and Lough Derryclare to the southeast. The data in this section refers to surface water flow monitoring which was carried out at 12 locations within the project site presented in table 8-7, this shows a variance of flow rates between 1.5 L/s to 2000L/s per second. The site is drained by fast flowing mountain stream from the Derryclare and Bencorr mountains to the west, as well as numerous forestry artificial drains approximately 15-20 metres apart. The section adequately identifies bedrock and aquifers types related to the site, as well as the ecological status of both the surface waterbodies Recess\_SC\_10 and Ground waterbody Recess IE\_We\_G-0011. The EIAR flood risk assessment in this chapter highlights the main source of flooding risk being from pluvial flooding, however it wrongly relies on the site being drained by the existing network, however it is proposed to block most of this network to facilitate the rewetting of the peat soils. The peat stability report analysed peat water level data in July & August 2021 of the 43 locations only 11 demonstrated saturation levels above 75% in summer months. The lack of full assessment of flood risk, alongside an analysis of the impact the loss of the field drains as well as the root systems of the trees, in combination with fully surveyed local rainfall rates alongside storage capacity & saturation rates of the peat soils does not provide for a complete and robust assessment of the impacts of the development on hydrology and hydrogeology. In addition, based on the recommendations of the NPWS, the applicant has not demonstrated appropriate levels of baseline data analysis of existing water quality condition. That pre-commencement surveying over a 12 month period including both manual sampling and automatic sampling triggered by flow should be carried out. In addition, water quality monitoring will need to be carried out on Lough Inagh. However, the monitoring of water quality cannot operate as a form of mitigation against any potential adverse impact of the water quality of the surrounding surface and ground water bodies. In absence of tested methodologies for peat restoration on upland steep gradient sites, it is not possible to exclude unintended significant environmental impacts as a result of the proposed development. The proposed silt fencing and traps alongside other proposed mitigation cannot give any degree of confidence that the surrounding water environment will not be negatively impacted by the proposed project.

The planning authority has examined this **Section 9 – Air Quality and Climate** of the EIAR and note the explanation of limit values for air quality data presented. In relation to air quality impacts, the EIAR primarily focuses on potential for creation of dust due to:

- Restoration Work;
- Transport to Site;

The Planning Authority consider that a satisfactory assessment has been carried out and that significant direct, indirect and cumulative impacts on Air Quality arising from the proposal are not likely subject to the employment of outlined mitigation measures which will minimise further potential operational impacts. The chapter examines the potential impacts of the proposed project climate change and carbon reduction targets. The report reviews the relevant legislative background

and government policy including the Climate Action Plan 2023. The report notes that “land use change” does not currently have a set target reduction rate but includes targets for the rehabilitation of 77,600 hectares of peatlands. This section acknowledges there will be a net output of carbon from the development in the initial phase, emissions during harvesting are thought to be approx.  $6657\text{gCO}_2\text{m}^{-3}$ , the final emission levels are projected to be  $343\,84\text{tCO}_2\text{eqyr}^{-1}$  less than the current land use on-site.

The planning authority has examined this **Section 10 - Noise and vibration** of the EIAR and note the remote location and the identification of 3 noise sensitive locations within 200 metres of the proposed project site. The applicant has not carried out any site-specific analysis of the predicted noise or vibration levels only to state that the closest NSL is 40m from the application site boundary and the majority of the works will be carried out over 900 metres away from this property.

Following analysis of this chapter, the Planning Authority are satisfied that significant effects on the environment will not arise as a result of noise generated by the proposed development during operation of the proposed development.

Having examined, analysed and evaluated the information presented in the EIAR and the submissions/observations/internal reports received on this planning application, as set out above, in conjunction with consideration of the absence of a detailed assessment of the source of baseline water quality, rainfall monitoring alongside peat saturation capacity, assessment of flood risk and drainage management systems, potential for peat failure and sediment and land slide reaching surface and ground waters it is considered that likely significant effects on the above environmental factors (Land, Soil, Water, Air and Climate) cannot be excluded.

#### 4. Archaeology, Cultural Heritage, Landscape

Archaeology and Cultural Heritage are assessed in Section 11 with Landscape examined in Section 12 respectively.

The planning authority has examined **Section 11 Archaeology and Cultural Heritage** of the EIAR, the section outlines protected monuments and structures in the vicinity of the application site. The section correctly identifies that there are no designated structures identified below or above ground with the application site. The site is considerable in size and works will require monitoring during the construction phase to ensure no archaeological remnants are disturbed. The Dept. of housing, Local Government and Heritage have recommended that any grant of planning is conditional upon compliance with requirements to adhere to all mitigation measures outlined within the EIAR alongside the requirement to retain a qualified Archaeologist to survey after the clear-felling as well as at the proposed temporary watercourse crossing proposed.



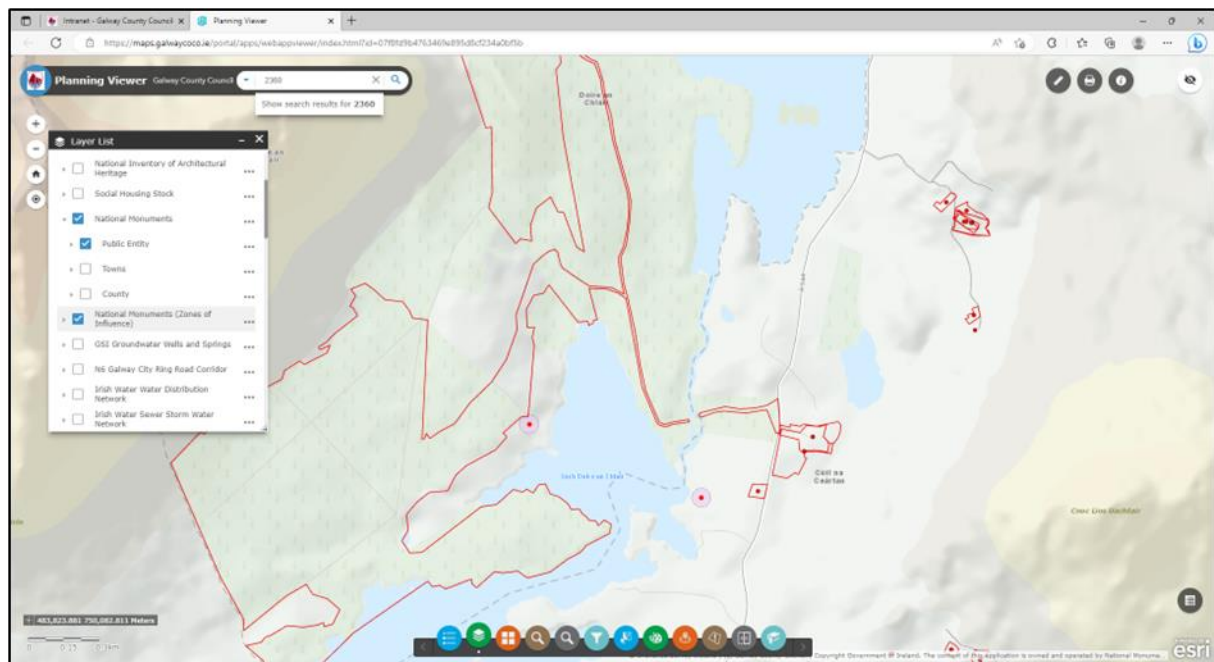


Figure 5. GA14714 National Monument and Zone of Influence.

**Landscape** is assessed in section 12, which provides details of the Landscape and Visual Impact Assessment that has been undertaken. The current CDP 2022-2028 contains appendix 4 which is the updated landscape character assessment. The application site is located within a “Iconic” landscape sensitivity and the proposed development will result in a recognised change which would be *“Significant, Direct, Permanent, Positive Landscape effect on the upland bog Landscape,”* which would present an impact on the landscape character area. However, the visual impact of the proposed development is considered within the report from several visual receptors with the main impacts identified as arising from the felling of trees and the use of heavy machinery re-profiling of slopes to accommodate the re-wetting project. The potential visual Impacts at the selected key visual receptors during the operational /harvesting phases. The project will return the landscape to its natural state by removing commercial forestry of conifer trees. Following analysis of this chapter, the Planning Authority are satisfied that the proposed development would not result in significant landscape and visual effects on the environment.

## 5. Material Assets and major Accidents and Disasters

**Section 13-Material Assets** has been examined by the Planning Authority, the information presented in the EIAR and associated appendices concludes that with mitigation in place, no significant adverse road and traffic related environmental impacts are anticipated. Following analysis of the information presented and consideration of the report received from the Roads and Transportation Section of Galway County Council on the proposed development, the planning authority have outstanding concerns in relation to traffic safety arising from the proposed development. This includes insufficient information on proposed traffic volumes, traffic routes to and from the site up, the absence of drawings demonstrating adequate sightlines at site entrance and the satisfactory implementation of measures to improve safety at the access with insufficient sightlines and safety assessment.

**Section 14 Major Accidents and Disasters-** has been examined by the Planning Authority; the section adequately discusses the identified risks for accidents and disasters at the project site. in relation to

peat stability. However, in the absence of tested methodologies for peat restoration on upland steep gradient sites, it is not possible to exclude unintended significant environmental impacts as a result of the proposed development.

## 6. Interactions

**Section 15-Interaction of the foregoing** of the EIAR tabulates and identifies interactions between environmental factors, but with limited analysis provided on each of the likely interactions between environmental factors, in order to provide for a robust assessment. Furthermore, in this EIA assessment, the planning authority observe that deficiencies in supporting details provided in relation to human health, biodiversity, impact on water, drainage, as well as traffic and transportation fail to provide for a robust assessment of the interactions between environmental factors.

### 8.2.3 Subsection (C) Reasoned Conclusion in Respect of Significant Environmental Effects

This subsection is a brief report drawing conclusions based on subsection b in relation to the likelihood and significance of likely significant effects on the environment.

#### **Adequacy of the EIAR**

It is considered that the EIAR submitted has not presented a sufficient level of information and assessment in relation to one or more of the foregoing headings for the Planning Authority to make an EIA determination that significant environmental effects can be excluded as a result of the proposed development and mitigation proposed as part of the submitted EIAR. Adequate mitigation measures have not been set out.

#### **Reasoned Conclusion**

The submitted EIAR did not sufficiently identify, describe and assess the direct and indirect effects of the project on the factors set out in Article 3 (1) (a) to (e) of the 2014 Directive to facilitate a fulsome Environmental Impact Assessment to be carried out by the competent authority (Galway County Council). It is considered, therefore, that the EIAR submitted has not presented a sufficient level of information and assessment in relation to one or more of the foregoing headings 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. The Competent Authority awaits requested further information from the applicant in order to make a full determination.

## 8.3 Water & Flood Risk Assessment

EU Water Framework Directive (WFD) (Directive 2000/60/EC) was adopted in 2000. This legislative framework commits Member States to protect and improve the quality of all waters achieving a

“Good” water status, the deadline to meet this objective was initially agreed to by 2015, which has been extended to, at the very latest 2027. The Directive covers rivers, lakes, groundwater and transitional coastal waters.

The site is located within the Galway Bay North 31 WFC Catchment, within sub-catchment Recess\_SC\_010. Groundwater body Recess IE\_WE\_G\_0011 is subject to an Article 7 abstraction license for Drinking Water and is identified as “Not At Risk”, sensitive to pressures from surrounding agricultural activities. Surface waters in the immediate vicinity are the Recess \_020 within the site which drains to the west /east into Lough Inagh and north/south into Lough Derryclare. The site is located on a poor aquifer identified as having an extreme degree of vulnerability. In the absence of a detailed drainage and surface water management plan to form part of any mitigation to prevent pollutants, silt and surface water run-off from contaminating groundwater and/or surface water, the Planning Authority cannot reasonably assess the potential impact of the proposed development. As discussed in the earlier chapters with particular reference to Section 7, the project has the potential to cause peat instability, landslides, sedimentation and run-off which could contaminate surrounding surface and ground water bodies. In the absence of appropriate trialing and testing of the proposed rewetting of the project site at a smaller scale to quantify the related risk, that risk cannot be adequately mitigated by the proposal and therefore poses a threat to surrounding water quality. The Department of Housing Local Government and Heritage recommends water quality monitoring should be undertaken over a minimum of 1 year to capture the variability of the watercourses within the application areas.

#### Flood Risk:

The subject site is in an area identified on current GIS mapping as being subject to flood Risk from Fluvial flooding in both 1:100 yr and 1:1000 yr incidences. The Planning System and Flood risk Management Guidelines for Local Authorities 2009 states “Flood risk assessment should therefore be an integral part of any EIA.” The applicant has not provided any information in relation to the management of storm events on site.

The applicant has not submitted a site specific flood risk assessment, in light of the gaps in information relating to site capacity for water storage with the loss of tree root systems, with extreme climate change rainfall events including dam failure in these occasions and the potential for landslides, which could directly impact surrounding Twelve Bens SAC waters. The Planning Authority has concerns regarding the safe dispersal of both pluvial flooding as well as the surface water management system in extreme climate events, which are becoming more frequent. No information relating to the water storage capacity of the reprofiled cleared lands, in conjunction with the volume of water predicted during these events have been provided. Due to the nature of the proposed development and its sensitive location a site-specific flood risk assessment should accompany the application. The EIAR does not contain any mitigation measures to address the impact of extreme rain fall events and the risk of flooding.

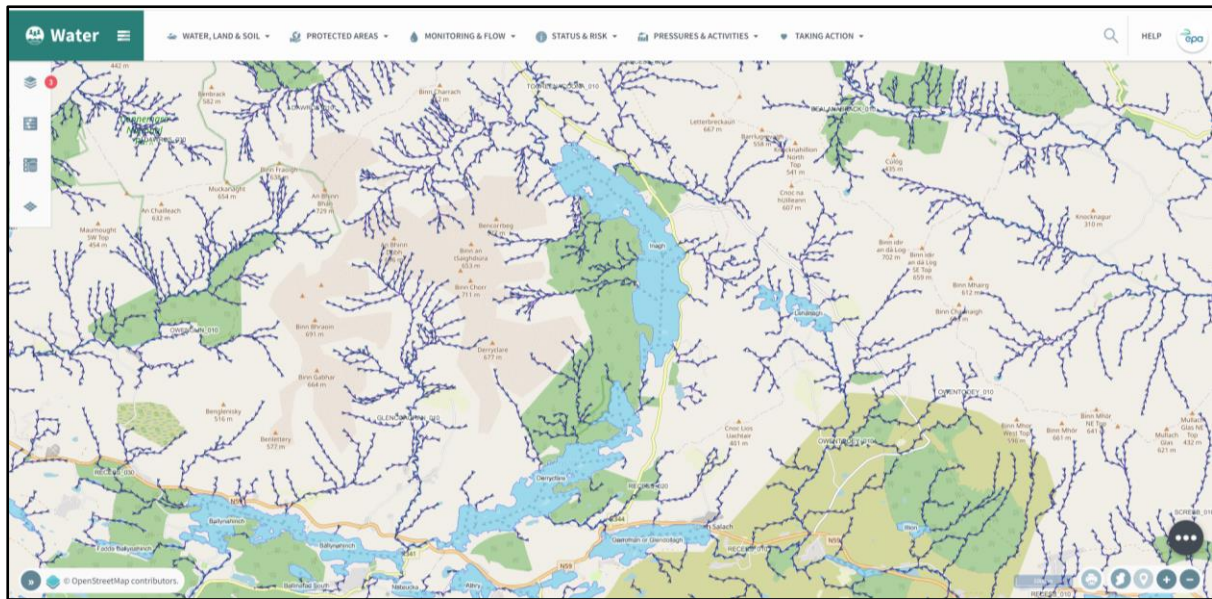


Figure 6 EPA Maps- surface water drainage

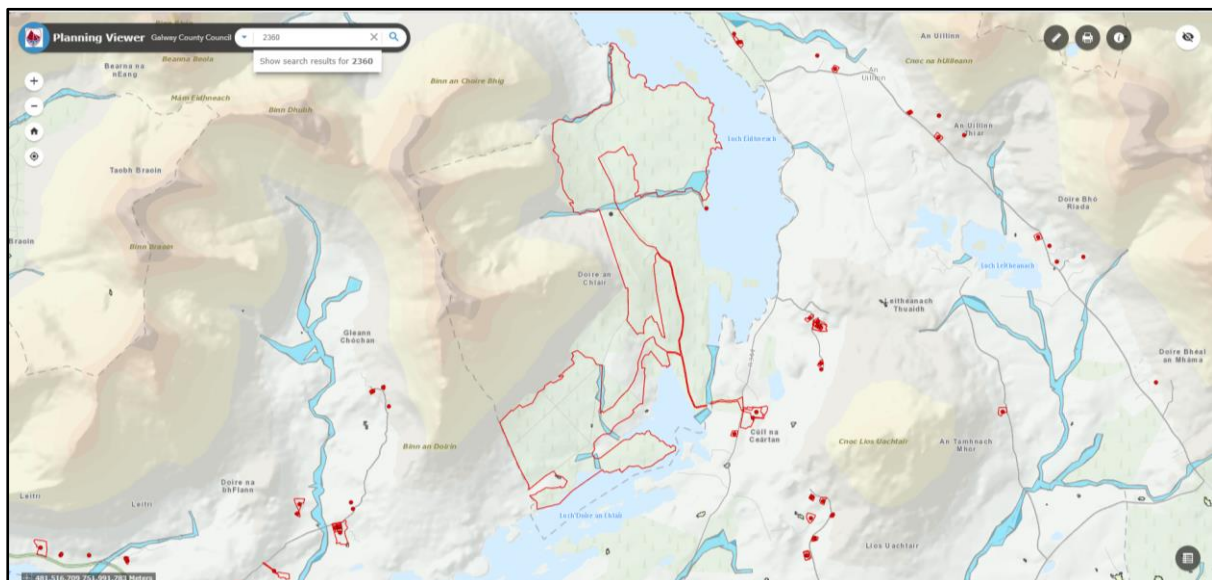


Figure 7. OPW Fluvial flooding indicator

## 8.4 Access, Roads and Transportation

1. On the basis of information included with the planning application, the subject site is situated onto the existing Regional Road R344 where the 80kph speed limit applies of which this regional road directly links onto the existing National Road, N59, a key arterial National Secondary route. It is considered that the proposed development would result in an intensification of use of an existing agricultural type access whilst being at variance with Policy Objectives NR1, NR2 Protection of Strategic Roads, and NNR2 Safeguard Regional and Local Road of the Galway County Development Plan 2022-2028 and national official policy in relation to control of development on/affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012). Therefore, in

*relation to safeguarding the transport function of national / Regional roads and associated national / Regional road junctions, it is considered that the proposed development would interfere with the safety and endanger public safety by reason of traffic hazard or obstruction of road users or otherwise and therefore would be contrary to the proper planning and sustainable development of the area.*

2. *Having regard to DM standard 28 and DM standard 33 and Policy Objectives NR3 Protection of Strategic Roads:*

- The absence of provision of 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 advisory thresholds from Transport and Traffic Assessments are required where National Roads are affected by vehicle movements where development traffic exceeds 10% of two way traffic flow on the adjoining road and the submission of a Road Safety Audit.*
- The absence of demonstrating adequate sightlines at site entrance, the proposed access road alignment (both horizontal and vertical), line marking and proposed pavement surface finishes.*
- 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.*
- The absence of 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.*
- The absence of pavement study (FWD'S) of the routes taken by HGV's and auto track analysis at the site entrance and within proposed internal layout.*

*Therefore, it is considered that potential additional turning movements generated by and associated with existing access onto the regional road would interfere with the safety and free flow of traffic and would endanger public safety by reason of traffic hazard or obstruction of wider road users or otherwise.*

3. *Having regard to DM Standard 31 parking standards, Roads and Transportation Dept. have concerns with the proposed internal traffic circulation regime and lack of drainage infrastructure shown insofar that the potential exists for further conflicting traffic movements due to restricted vehicle manoeuvrability as demonstrated within the internal road layout of the proposed development which may give rise to a road safety hazard.*

## 8.5 Site Specific Assessment (Engineering & Local Amenity Issues)

**Effluent Disposal:** The applicant has not provided any information in relation to the provision of sanitary facilities for the site.

**Water Supply:** No information regarding the source of water supply provided

**Residential & general Amenity Issues:** Issues regarding residential amenity have been assessed in regard to noise, air quality and visual impact in the preceding sections of this report. There still exists potential for environmental and traffic and road safety impacts which required further evaluation.

**Other Designations:** There are 3 Proposed Natural Heritage Areas within 5km of the site with direct connections to the proposed development. Proposed Natural Heritage Areas (pNHA) were published on a non-statutory basis in 1995. They have not since been statutorily proposed or designated. These sites are of significance for wildlife and habitats

- **The Twelve Bens/Garraun Complex**
- **Maumturk Mountains**
- **Connemara Bog Complex**

## **9.0 Recommendation**

### **Request Further Information:**

The proposed development has been assessed, having regard to the policies and objectives of Galway County Council as set out in the Galway County Development Plan 2022-2028, the EU Habitats & Birds Directives, as well as the proper planning and sustainable development of the area. Based on this assessment, it is recommended to request further information from the Applicant. This information is considered necessary to ensure the full and proper evaluation of the proposed development and is set out below:

#### **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 landuses 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. (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. (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 salminoid 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 Balsalm 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.

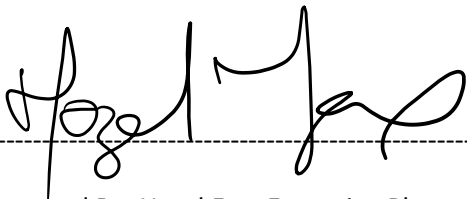
- a. The applicant is requested to provide clearly identified haul routes proposed to fully assess the public road network being potentially impacted including determination of structure Analysis on the existing roadways to the subject site. All culverts and structures crossed over by HGV's or potential 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.**

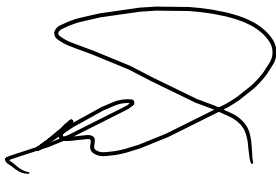
The applicant is requested to address the following gaps of information and inconsistencies within the submitted information:

- 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 or 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.



Prepared By: Hazel Fox, Executive Planner on the 17<sup>th</sup> April 2023



Counter-signed By: Alan O'Connell, Senior Executive Planner

## Appendix 1. Site photographs

