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AA Determination

Galway County Council have prepared Variation No.1 to the Galway County Development Plan 2015-2021.

In accordance with the requirements of Section 177U of the Planning and Development Act 2000 (as amended), a Screening for Appropriate Assessment of Variation No.1 to the Galway County Development Plan 2015-2021 (hereafter referred to as the Variation) was carried out by Galway County Council. The Screening for Appropriate Assessment determined that Appropriate Assessment (AA) was required as the Variation supports the implementation of the Galway Transport Strategy; a strategy which includes project elements that have potential impact pathways connecting them to European sites and therefore, are likely to have a significant effect on those European sites, either alone or in-combination with other plans or projects.

The primary purpose of the Variation is to incorporate, where relevant, the Galway Transport Strategy (GTS) into the Galway County Development Plan 2015 – 2021. There are also text edits included in the Variation, but only those elements relating to the GTS were regarded as being likely to significantly affect any European site(s).

The Natura Impact Report (NIR)

As required under Section 177T of the Planning and Development Act 2000 (as amended), a Natura Impact Report (NIR) has been prepared. The NIR presents a scientific examination of whether the Variation would adversely affect the integrity of any European Site(s), either alone or in-combination with any other plans or projects, in view of the site's conservation objectives.

The examination, analysis and evaluation of the GTS's strategic objectives and aims, and the various proposed project elements underpinning them, is set out in Section 3 of the NIR and summarised in Chapter 9 of the GTS main report. The main body of the NIR presents a summary of each stage of the assessment with the detailed assessments and supporting information presented in the Appendices A to G.

Identifying European sites at risk of adverse effects on site integrity from the Variation

The GTS, which is the subject of the Variation, references a number of project elements and it is through implementing these projects that the Strategy's guiding principles, strategic objectives and strategic aims will be achieved. These are captured and grouped as follows in the NIR:

- The pedestrian network
- Bearna Greenway
- Galway to Dublin Cycleway (Galway City to Oranmore)
- Galway to Oughterard Greenway
- Non-greenway elements of the cycle network

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- Public transport network
- N6 Galway City Ring Road (GCRR)

It is these proposed project elements, and their implementation through the Strategy, that have the potential to affect the conservation objectives of European sites.

Section 3.1.1 of the NIR defines the zone of influence (Zoi) of the GTS in consideration of the nature of its various project elements and the potential impact pathways potentially connecting them to European sites. The zone of influence then determines which European sites are potentially at risk of adverse effects on their integrity as a result of implementing the GTS. The European sites identified within the zone of influence in the NIR are as follows:

- Lough Corrib SAC (Site Code: 000297)
- Lough Corrib SPA (Site Code: 004042)
- Galway Bay Complex SAC (Site Code: 000268)
- Inner Galway Bay SPA (Site Code: 004031)
- Ross Lake and Woods SAC (Site Code: 001312)
- Ardahan Grassland SAC (Site Code: 002244)
- Cregganna Marsh SPA (Site Code: 004142)
- Rahasane Turlough SAC (Site Code: 000322)
- Rahasane Turlough SPA (Site Code: 004089)
- Castletaylor Complex SAC (Site Code: 000242)
- Kiltiernan Turlough SAC (Site Code: 001285)
- Lough Fingall Complex SAC (Site Code: 000606)

Based upon the assessment presented in Section 3.1.2 and 3.1.3 (and in Appendices A, B and C) of the NIR, Galway County Council are satisfied that there are no other European sites within the zone of influence of the GTS.

Potential for the Variation to adversely affect the integrity of those European sites within its zone of influence

The assessment of whether the GTS, which is the subject of the Variation, would adversely affect the integrity of those European sites within its zone of influence is presented in Section 3 and Appendices A, B and C of the NIR. The assessment is supported by additional technical and scientific data in the Appendices. This includes geological and hydrogeological data and assessment relating to the proposed Lackagh Tunnel for the N6 Galway City Ring Road (GCRR) at Lackagh Quarry (Appendix F) and scientific data on habitats within Lough Corrib SAC for the corridor of the N6 GCRR (Appendix G). In considering the links between the various project elements, their impact pathways and the conservation objectives of the QIs and SCIs of the European Sites within the zone of influence of the GTS (Appendix C of the NIR), all QIs/SCIs were included in that analysis as any of them could potentially be affected depending on the precise future locations, scope and extent of any of the proposed GTS project elements.

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The analysis undertaken in the NIR considered the existing range of environmental protection policies in place which, at a strategic level, would protect European sites from any potential impacts associated with implementing the GTS (provided in Appendix D of the NIR). The NIR references both the Galway County Development Plan 2015-2021 and the Galway City Council Development Plan 2017-2023. However, regardless of the protective policies in place at this time or over the lifetime of the existing Plans it cannot be known what level of environmental protection will be provided in any future iterations of the aforementioned land use plans over the anticipated 20-year timeframe to fully deliver and implement the GTS. Therefore, the NIR identified that more detailed project-specific mitigation measures were required to adequately address the various potential impact pathways associated with the project elements included within the GTS to be able to demonstrate that the GTS will not adversely affect the integrity of any European sites. These measures are then presented in Section 3.2 of the NIR.

Galway County Council agree with the evaluations presented in the NIR that many of the GTS project elements pose a risk of adversely affecting the integrity of European sites and mitigation measures specific to the GTS, and in some cases specific to certain project elements, are required to address these risks.

Mitigation measures

The mitigation measures referenced in the Variation in relation to the GTS are set out in Chapter 9, Section 9.3.5 of the GTS. The mitigation strategy is structured around the potential impact pathways associated with the GTS's proposed project elements and how these relate back to their potential to affect European site(s). The link between the potential impact pathways identified for the GTS project elements and the mitigation strategy is included in Section 3.1.3 of the NIR. Section 3.2 of the NIR presents these same mitigation measures and through Sections 3.3, 3.4 and 3.5 assesses how these measures will ensure that adverse effects on the integrity of any European site(s) will not arise as a result of implementing the GTS.

In relation to any project elements outlined in the GTS, where adverse effects on the integrity of a European site cannot be ruled out, alternatives will be examined and considered to remove the risk of such an effect occurring. If an alternative cannot be found that avoids adverse effects on European site integrity the mitigation strategy would restrict that element of the GTS project being progressed. The implementation flow-chart, included in Chapter 10 of the GTS, is also integral to the mitigation strategy. This sets out the development steps and decision making process all projects implemented under the GTS will follow, with respect to the requirements of the Habitat Directive.

Ensuring that the GTS in isolation would not adversely affect the integrity of any European sites will be achieved through the mitigation measures which set out the restrictions that will apply to delivering projects (i.e. avoiding adverse effects on European site integrity), issues to be considered by the competent authority in carrying out AA of any GTS project

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elements, and the implementation process all GTS projects will follow as projects are designed and implemented by Galway City or Galway County Council.

The mitigation strategy included in the GTS has been evaluated by Galway County Council. Galway County Council are satisfied that it can be concluded, beyond any reasonable scientific doubt, that the mitigation measures set out in the GTS ensure that its implementation would not have an adverse effect on the integrity of any European site.

In-combination assessment

The NIR presents an examination of the potential for other plans and/or projects to act in-combination with the Variation to adversely affect the integrity of those European sites within its zone of influence (as summarised in Section 3.6 and analysed in detail in Appendix E). The analysis presented in the NIR considered whether or not any of the GTS project elements could affect any European sites in isolation, and then in-combination with each of the plans and projects with reference to any relevant ecological assessment carried out. This analysis considered the GTS mitigation strategy, the environmental protection policies and objectives of the relevant overarching land use plans, and any ecological assessments prepared for those plans or projects with the potential to act in-combination with the Variation.

This assessment concluded that no adverse effects on European site integrity will arise from the Variation or the GTS acting in-combination with any other plans or projects located within the ZoI of the Strategy.

Galway County Council consider that the scope of this evaluation has fully examined the potential for in-combination effects between other plans and projects and the Variation, and agree with the conclusion reached.

Consideration of submissions

Submissions on the proposed Variation No. 1 to the Galway County Development Plan 2015 – 2021 were received from:

1. Department of Environment, Community & Local Government
2. Northern & Western Regional Assembly (NWRA)
3. Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs (DAHRRGA)
4. The Department of Education and Skills
5. Environmental Protection Agency (EPA)
6. Transport Infrastructure Ireland (TII)
7. Údarás na Gaeltachta
8. The Office of Public Works
9. Iarla Molly

Only one submission, from the Department of Arts, Heritage, Regional, Rural & Gaeltacht Affairs (DAHRRGA), made specific reference or raised issues in relation to the NIR and the

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AA process. The following points were raised in the DAHRRGA's submission (Reference No. FP2017/005), which is included in full in Appendix I:

1. *"Overall the plan-level mitigation aligns with the assessment and decision making steps already set out in law for proposed developments, i.e. Part XAB of the Planning and Development Act, 2000 as amended, in the case of the appropriate assessment process. It is noted that the exception to this is that the Council appears to be precluding the consideration of any future Article 6(4) IROPI case, if the need arose, by stating in the NIR that a project would not be progressed, or would not be permitted, if there were risks of adverse effects on the integrity of a European site."*

In a case where adverse effects on the integrity of a European site cannot be ruled out, the mitigation strategy requires that alternatives are examined and considered to remove the risk of such an effect occurring. If no such alternative can be found, the mitigation strategy would restrict that element of the GTS project being progressed in its current form if it would result in adverse effects on the integrity of any European sites. The mitigation strategy allows for the NIR and Galway County Council (in considering the GTS projects, including the N6 GCRR, as currently presented) to conclude, beyond any reasonable scientific doubt, that the GTS would not have an adverse effect on the integrity of any European sites, either alone or in-combination with any other plans or projects.

2. *In relation to the GTS and this variation, and in the case of other transportation projects in Galway, it is stated that Galway County Council "should ensure that there is full consideration of the risks associated with the mitigation measures specified, noting that these form part of the NIR and do not amend the content of the GTS."*

The proposed Variation relates to incorporating the GTS into the Galway County Development Plan 2015-2021, and relates only to transportation projects contained within the GTS.

Galway County Council clarified with the National Parks and Wildlife Service that the risks referred to in relation to the mitigation measures, pertained to where it might be determined by the competent authority that a GTS project element might require consent under the provisions of Article 6(4) of the Habitats Directive. In relation to the various project elements described in the GTS, any potential for interaction with a European site and/or impacts on the conservation objectives supporting the site's Qualifying Interests (QIs)/Special Conservation Interests (SCIs) can either be avoided (e.g. either directly, or through

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engineering/design measures) or mitigated and the conclusion of the NIR was that the GTS is capable of being delivered without recourse to the provisions of Article 6(4).

The mitigation measures presented and discussed in the NIR of proposed Variation No. 1 to the Galway County Development Plan 2015-2021 are the same as those included within the GTS. They were examined, analysed and evaluated in the NIR to allow Galway County Council to carry out an independent assessment of whether they ensure that the GTS will not adversely affect the integrity of any European sites, either alone or in-combination with any other plans or projects. The NIR concluded that this was the case and therefore, it is the view of Galway County Council that it was not necessary to amend the content of the GTS.

3. *It also notes that "the Department has advised the Council that partial project assessment cannot be used to show definitively that the overall project will be able to pass the tests of appropriate assessment and Article 6(3) of the Habitats Directive."*

No specific reference is made in the Department's submission to any particular GTS project elements in this context. The NIR is evaluating whether the implementation of the GTS (and the various project elements to which it refers) poses any risk of adversely affecting the integrity of any European sites; it is not analysing those projects individually. The level of detail in the NIR and mitigation strategy reflects the level of detail available on the GTS and the project elements described therein, at the time of publication. There are key potential impacts identified in relation to some of the GTS project elements. Due to project descriptions at different scales of geographic specificity, a greater level of detail was required for some of these project elements in order to fully describe and analyse impacts and demonstrate that they are capable of being progressed without affecting the conservation objectives supporting the European sites' QIs or SCIs and passing the tests of appropriate assessment and Article 6(3) of the Habitats Directive.

Galway County Council are of the opinion that the NIR does not present a partial assessment of any project but provides a sufficient level of assessment detail to support its conclusions, beyond any reasonable scientific doubt, that implementing the GTS would not have an adverse effect on the integrity of any European sites, either alone or in-combination with any other plans or projects.

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Changes to the Variation resulting from the submissions

Following the public consultation process, only one change was made to Variation No. 1 to the Galway County Development Plan 2015 – 2021. This change related to Objective TI 12 and reinstating the requirement for the cost of noise-related mitigation measures to be borne by the developer (which it was proposed to remove in the Variation). Galway County Council agree with the conclusion of the assessment of this change presented in the *Variation No. 1 to the Galway County Development Plan 2015 – 2021, Natura Impact Report Addendum* report (prepared by Scott Cawley) which was that this change will not adversely affect the integrity of any European site.

Determination

Having reviewed, examined, analysed and evaluated the content of Variation No. 1 to the Galway County Development Plan 2015 - 2021, including the content of the GTS, the data presented in the NIR and the relevant third party submissions, Galway County Council are in agreement with the conclusion of the NIR that the Variation will not adversely affect the integrity of any European site.

In accordance with Section 177V of the Planning and Development Act 2000 (as amended), Galway County Council have carried out an appropriate assessment and determined that, in light of best scientific knowledge, including in particular the nature of the predicted impacts that may arise from the Variation and the GTS (in consideration of the mitigation measures included within the GTS), that Variation No. 1 of the Galway County Development Plan 2015 – 2021 does not have the potential to adversely affecting the integrity of any European site, either alone or in-combination with other plans or projects.

A/ Director of Services,

Planning, Community, Enterprise & Economic Development

13th April 2017

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