

Maigh Cuilinn Local Area Plan 2013-2019 Strategic Environmental Assessment (SEA) Statement

April 2013



Maigh Cuilinn Local Area Plan 2013-2019

SEA Statement

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1 INTRODUCTION

Strategic Environmental Assessment (SEA) is a process for evaluating, at the earliest possible stage, the likely environmental effects of implementing a Plan or other strategic action in order to ensure environmental considerations are appropriately addressed in the decision-making process, both during their preparation and prior to adoption of a Plan.

The European Directive (2001/42/EC) on the Assessment of the Effects of Certain Plans and Programmes on the Environment (the SEA Directive) was transposed into national legislation by the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. 435/2004), as amended by S.I. 200 of 2011 and the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. 436/2004), as amended by S.I. 201 of 2011. The Maigh Cuilinn Local Area Plan 2013-2019 (hereafter referred to as 'the LAP') falls under the remit of S.I. 436/2004 and S.I. 201/2011.

SEA legislation requires that the Plan making authority make available a statement summarising how the SEA and consultations have been taken into account in the Plan (Section 14I of S.I. 436/2004). This statement is referred to as the SEA Statement.

This is the SEA Statement of the Maigh Cuilinn Local Area Plan 2013-2019 Strategic Environmental Assessment. **Figure 1** shows the location of Maigh Cuilinn within the wider area and its current administrative boundary.

SEA Screening was carried out in relation to the Draft Maigh Cuilinn LAP 2012-2018 in response to the requirements of the SEA Directive 2002/42/EC and Regulations 2004 (as amended). By determination of the Screening Report it was concluded that a full SEA was not required on the Draft Plan. However, following the required first public consultation period on the Draft Maigh Cuilinn LAP 2012-2018, a number of Material Alterations were proposed for the Draft Plan. SEA Screening concluded that significant adverse environmental effects were not likely as a result of all Material Alterations with the exception of Material Alteration No. 7 (MA7). Therefore Strategic Environmental Assessment was carried out on MA7 and an Environmental Report was produced to inform the process.

ii) submissions and observations made to the planning authority in response to a notice under section 20(3) of the Act, and

iii) any consultations under article 14F,

have been taken into account during the preparation or amendment of the plan,

c) the reasons for choosing the plan or amendment, as adopted, in light of the other reasonable alternatives dealt with, and

d) the measures decided upon to monitor, in accordance with article 14J, the significant environmental effects of implementation of the plan or amended plan”.

This SEA Statement summarises the above mentioned considerations and follows a similar format to that outlined above.

1.2 ENVIRONMENTAL ASSESSMENT OF THE PLAN/MATERIAL ALTERATION

The LAP sets out the overall strategy for the sustainable development of the village from 2013-2019. The previous Maigh Cuilinn LAP was adopted in 2005. This Plan builds on the 2005 LAP and seeks to provide a focused approach to planning for future growth in a coherent sustainable, spatial fashion. The Plan aims to achieve a more consolidated urban form that facilitates a sustainable economic base and creates sustainable and integrated communities while balancing future development with the conservation and enhancement of the village’s natural and built environment.

SEA Screening was carried out in relation to the Draft Maigh Cuilinn LAP 2012-2018 in response to the requirements of the SEA Directive 2002/42/EC and Regulations 2004 (as amended). By determination of the Screening Report it was concluded that a full SEA was not required on the Draft Plan. However, following the required first public consultation period on the Draft Maigh Cuilinn LAP 2012-2018, a number of Material Alterations were proposed for the Draft Plan. SEA Screening was therefore carried out in relation to the proposed Material Alterations to the Draft Maigh Cuilinn LAP 2012-2018 and it was concluded that only one Material Alteration i.e. MA7, had the potential to cause adverse environmental effects. Therefore an SEA Screening Report was prepared for all Material Alterations and a SEA Environmental report was prepared specifically for MA7. The SEA Environmental Report took into account environmental considerations as detailed below and made recommendations as to the preferred alternative with regard to Material Alteration No. 7 of the Draft Maigh Cuilinn LAP.

2 HOW ENVIRONMENTAL CONSIDERATIONS HAVE BEEN INTEGRATED

2.1 INTRODUCTION

The main aim of SEA is to improve the Maigh Cuilinn Local Area Plan 2013-2019 in terms of sustainability and its impact on the environment. This section outlines how the Plan originally evolved and at what stage SEA of the Plan was considered necessary.

2.2 BASELINE DATA COLLECTION

From the outset, a key aspect of the SEA has been the collection of relevant environmental baseline data for the administrative area covered by the Maigh Cuilinn Local Area Plan. This was achieved through consultation with and review of various existing databases and datasets available through Galway County Council and public bodies such as the EPA, the National Parks and Wildlife Service and the Geological Survey Ireland.

Collection of this information has allowed the identification of key environmental sensitivities, sensitive areas and pressure points within and surrounding the Maigh Cuilinn administrative area and in particular those in proximity to Material Alteration No. 7. The environmental pressures and sensitivities which relate to MA7 are detailed in **Section 2.3.2** of the SEA Environmental Report and these issues are assessed in relation to MA7 in **Section 2.4.2**.

The identified key environmental issues outlined below have been used to assess the alternative scenarios with regard to adoption of Material Alteration No. 7 of the Plan and how this might affect development of the village and the draft plan policies and objectives.

2.3 ENVIRONMENTAL ASSESSMENT OF MATERIAL ALTERATION NO. 7

All environmental parameters were considered in the context of preparing this SEA, however, given informal consultations with the Environmental Authorities on the scope of the report only the issues considered to have likely significant effects on the environment and which were raised at scoping stage were considered. These included:

1. Water, and in particular, Flooding,
2. Population, Human Health and Quality of Life,
3. Biodiversity, Flora and Fauna, and
4. Wastewater Treatment.

These relevant environmental issues were assessed and informed a detailed assessment of Material Alteration No. 7. **Section 2.4.2** of the SEA Environmental Report concluded that the zoning of this site as Agriculture, as had been proposed, had the potential for likely significant environmental effect on local hydrology/hydrogeology, water quality, human health and biodiversity which could not be sufficiently mitigated against.

These issues were presented to the Elected Members at the Council meeting of 25th March 2013 in order to inform the members of the environmental consequences prior to the final plan being adopted. The consultation process, submissions received and alternative options as they relate to MA7 are set out in the following sections.

3 CONSULTATION PROCESS AND TIMEFRAME

The SEA Regulations provide for extensive public consultation with respect to the Maigh Cuilinn Local Area Plan and its subsequent Material Alterations for which SEA and Appropriate Assessment (AA) are undertaken, as appropriate. The consultation process ensures that individuals and organisations that wish to participate have an opportunity to do so. The Material Alterations to the Draft Maigh Cuilinn Local Area Plan 2012-2018 and associated SEA Screening Environmental Report for Material Alteration No. 7 and AA Screening on the Proposed Material Alterations were put on public display to allow the general public to make submissions. The submissions were reviewed through the SEA and AA process and changes to the proposed Material Alterations to the Draft Plan were recommended.

The SEA legislation and guidelines also indicate that there should be complete integration between the preparation of the Plan, the SEA process and Appropriate Assessment (AA). This Environmental Report outlines the SEA process carried out in tandem with the Plan and the AA processes.

The SEA process ensures that the Plan will be informed by environmental considerations from the outset. **Table 3.1** summarises the Plan, SEA and AA processes.

Table 3.1 Summary of Plan, SEA and AA Processes

Maigh Cuilinn Local Area Plan	SEA and AA
	Notice to Environmental Authorities requesting observations on whether Draft Plan would be likely to have significant environmental effects
	Consultation period for submissions from Environmental Authorities on SEA/AA Screening of Draft Plan 14 th August 2012 – 11 th September 2012 (Both dates inclusive)
Notice in Newspaper advertising intention to prepare Draft Maigh Cuilinn Local Area Plan 2012-2018	
Public Consultation on Draft Maigh Cuilinn Local Area Plan 2012-2018 5 th October 2012 - 16 th November 2012 (Both dates inclusive)	SEA/AA Screening Report to Environmental Bodies – determination under the terms of the provisions of Article 14a of SEA regulations (as amended) that the Draft Plan would not be likely to have significant environmental effects 5 th October 2012
Manager's Report on Submissions received on the Draft Plan (for Elected Members) 20 th December 2012	
Members vote to make modifications/material alterations to the Draft Plan 20 th December 2012	SEA requirement as per Section Section 13 (b) (iv) (f) of the Planning and Development Act 2010 10 th January 2013
	Determination that SEA on Material Alterations to the Draft Plan made on the 10 th January 2013, period until the 30 th January 2013 is specified as timeframe required to carry out the SEA on MA 7.
Public Display of Material Alterations and consultation period 31 st January 2013 – 1 st March 2013 (Both dates inclusive)	Public Display of SEA and AA Screening for Material Alterations and Environmental Report for MA 7 and consultation period 31 st January 2013 – 1 st March 2013

Maigh Cuilinn Local Area Plan	SEA and AA
	(Both dates inclusive)
Submission of Manager's Report to Members on submissions on the Material Alterations to the Draft Plan, SEA and AA Screening and SEA ER 25 th March 2013	
Plan with Material Alterations, SEA and AA adopted at Council Meeting 25 th March 2013	
Maigh Cuilinn Local Area Plan, SEA (ER and Statement) and AA comes into effect 4 weeks after adoption April 2013	

3.1 SUBMISSIONS IN RELATION TO MATERIAL ALTERATIONS TO THE PLAN, SEA AND AA

All submissions received in relation to the SEA Screening of all Material Alterations of the Plan and SEA specifically of Material Alteration No.7 to the Draft Maigh Cuilinn Local Area Plan 2012-2018 have been collated and considered below in **Table 3.2**.

Table 3.2 Submissions in Relation to Material Alterations to the Plan

Submission	Environmental Pressure	SEA Response and Outcome
National Roads Authority	<p>1. Requests that Galway County Council has particular care in assessment of applications on lands the subject of MA3, MA4 and MA5, having regard to the lands relative to the existing N59 and the proposed N59 Bypass Scheme.</p> <p>2. Concern that alterations concerning MA4 and MA5 extend into the indicative bypass corridor for the N59 Bypass Scheme.</p> <p>3. Regarding extension to Business and Enterprise zoning to lands south east of the village in a 100kph speed limit, MA6. DoECLG '<i>Spatial Planning and National Road Guidelines</i>' state local authority policy will be to avoid the creation of additional access points from new development or the generation of increased traffic from existing accesses to national roads to which speed limits of greater than 50kph apply.</p> <p>The Council should ensure consistency with official policy.</p>	<p>1. Noted</p> <p>2. These MAs do not extend into the indicative bypass corridor</p> <p>3. Zoning lands at MA6 as B&E may create the potential for impacts on Human Health/Population through potential new site entrances and increased vehicular movements. On consideration of this submission from a SEA perspective the preferred option was to rezone to Agriculture with a resultant lower potential for associated traffic.</p> <p>The Council Members voted to zone lands at MA6 B&E.</p>
Department of Environment, Community and Local Government	<p>Relating to MA7</p> <p>Where it is proposed to retain zoning for less vulnerable land uses such as building and lands used for agricultural development, on lands that do not pass all criteria of the Justification Test, as is the case with MA7, the Council is</p>	<p>The preferred environmental alternative is that these lands are zoned as Open Space.</p> <p>The Council Members voted to zone lands at MA7 Agriculture.</p>

Submission	Environmental Pressure	SEA Response and Outcome
	<p>advised to ensure that appropriate development types and LAP zoning maps (with associated text) clearly indicate that these agricultural lands are in Flood Zone A, are at risk of flooding and any proposed development on those lands must be subject to site specific flood risk assessment. The DoECLG would also advise that any comments made by the OPW in relation to flooding matters should be incorporated into the final plan.</p> <p>The DoECLG would be of the view that failure to include the amended wording as suggested above would be in conflict with the policy on Flood Risk Management as set out in the Planning System and Flood Risk Management Guidelines and accordingly would not represent a Plan for proper planning and sustainable development.</p> <p>Accordingly, the DoECLG requests the planning authority make the alterations advised above to Material Alteration No. 7 of the Draft LAP.</p>	
<p>Office of Public Works</p>	<p>Relating to MA7</p> <p>The submission from the OPW gives general detail on Flood Risk Assessment and states that a Stage 2 FRA must be carried out for Maigh Cuilinn.</p> <p>Also stated 'Box 4.1 of the Flood Risk Management Guidelines states that where a Planning Authority as part of the preparation of a development plan is considering the future development of areas at risk of flooding for uses or development that is vulnerable to flooding (Tables 3.1 and 3.2) all of the criteria in the Development Plan Justification test must be satisfied to allow that zoning to proceed. In addition it should be noted that only water compatible uses as set out in Table 3.1 are considered appropriate in Flood Zone A.'</p> <p>Where it is proposed to retain zoning or change zoning for development (e.g. agricultural) on lands in Zone A that do not pass all criteria of the justification test the Council are advised to indicate clearly on development plan maps (with associated text) that the lands have been shown to be at flood risk and any proposed development on those land must be subject to site specific flood risk assessment.</p>	<p>The proposed change of zoning at MA7 to Agriculture did not pass the flood justification test and it was the preferred alternative was to zone the land as Open Space.</p> <p>The Council Members voted to zone lands at MA7 Agriculture.</p>

Submission	Environmental Pressure	SEA Response and Outcome
<p>Environment Protection Agency</p>	<p><u>Relating to MA7</u></p> <p>1. EPA Opinion: The EPA consider that, subject to consultation with the Office of Public Works on the outcome of the Stage 2 Strategic Flood Risk Assessment, reverting to the original zoning for the subject lands in the Draft Plan, i.e. Open Space would be the most environmentally sustainable option.</p> <p>2. EPA has recommended that consideration should be given to including relevant environmental related components in the Plan implementation monitoring. This should be linked to CDP related SEA monitoring and other key monitoring such as WFD (water quality monitoring).</p> <p>3. Reference should be made to Western CFRAMS with a commitment to integrating relevant aspects of CFRAM once finalised.</p> <p>4. Clarification sought as to implications of the zoning of the subject lands in terms of flood risk zoning elsewhere.</p> <p>5. Future amendments: Screening should be carried out subject to same method in the environmental assessment of the proposed Material Alteration.</p> <p><u>EPA comment on content to be included in the SEA Statement:</u></p> <p>a) How environmental considerations have been integrated into the Material Alterations;</p> <p>b) How the Environmental Report, submissions, observations and consultations have been taken into account during the preparation of the Material Alterations;</p> <p>c) The reasons for choosing the Material Alterations adopted in the light of other reasonable alternatives dealt with, and;</p> <p>d) The measures decided upon to monitor the significant environmental effects of implementation.</p>	<p>1. Noted</p> <p>2. A monitoring programme including a number of water, population and biodiversity objectives are included in Table 2.</p> <p>3. Reference to CFRAMS is included within Environmental Protection Objective Wat1 with a target to all relevant aspects of the Western CFRAMS into planning decision making.</p> <p>4. The zoning of the subject lands as Agriculture has been voted by the Council Members. However it still remains Galway County Council approach to generally zone undeveloped lands which are located within Flood Zones A and B as Open Space and Recreation. Any proposed zoning or development in Flood Zones A or B in the future will be required to pass the Justification Test.</p> <p>5. Noted</p> <p>a) Outlined in Section 2 of this report.</p> <p>b) Outlined in this table, Section 2 and Section 4 of this report. The Environmental Report, submissions, observations and consultation were provided to the Council Members and summarised in the Manager's report. The recommendation of the Manager's Report was to zone the lands in question at MA7 as Open Space and Recreation. The Elected Members voted to zone the lands in question as Agriculture.</p> <p>c) Outlined in Section 4 of this report.</p> <p>d) Outlined in Section 5 of this report.</p>

4 REASONS FOR CHOOSING THE PREFERRED ALTERNATIVE

In line with the requirements of the SEA Directive and the corresponding implementing Irish legislation (S.I. 436 of 2004), consideration was given to reasonable alternatives for delivery of the Maigh Cuilinn Local Area Plan 2013-2019. Article 5 of the SEA Directive requires the Environmental Report to consider 'reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme' and the significant effects of the alternatives selected. Alternatives must be realistic and capable of implementation and should present a range of different approaches within the statutory and operational requirements of the LAP. It is noted that a "Do Nothing" option has not been explored, as this is not considered reasonable, given the legislative requirement to update the LAP.

It was considered, in accordance with the Planning and Development Act 2010, the options available to the Elected Members that were realistic and capable of implementation included:

Option 1 Adopt as per Proposed Material Alterations to Draft Maigh Cuilinn LAP 2012-2018 (December 2012),

Option 2 Adopt as per Proposed Material Alterations to Draft Maigh Cuilinn LAP 2012-2018 (December 2012) with further modifications,

Option 3 Adopt as per Draft Maigh Cuilinn LAP 2012-2018 (October 2012), and

Option 4 Adopt as per Draft Maigh Cuilinn LAP 2012-2018 (October 2012) with further modifications.

Each alternative was considered in relation to its environmental sustainability and it was concluded that **Option 3. Adopt as per Draft Maigh Cuilinn LAP 2012-2018 (October 2012)** was an environmental-led planned approach to development of the area incorporating the principles of sustainable development and therefore the option best suited to Maigh Cuilinn.

At the Elected Member's Council meeting of 25th March 2013 it was decided that all material alterations be accepted and therefore **Option 1 Adopt as per Proposed Material Alterations to Draft Maigh Cuilinn LAP 2012-2018 (December 2012)** has been voted as the preferred option by the Elected Member's of Galway County Council.

As stated in the SEA Environmental Report on Material Alteration No. 7, an environmental-led approach is not central to the decision making process which has led to MA7 being adopted and as a result the potential exists for this zoning to cause significant environmental effects. It should be noted that the Elected Members have not provided any environmental rationale as to the choosing of this option.

5 MONITORING PROGRAMME

Article 10 of the SEA Directive (2001/42/EEC) requires Member States to monitor the significant environmental effects of the implementation of plans “in order, inter alia, to identify at an early stage unforeseen adverse effects to be able to undertake appropriate remedial action”. The primary purpose of monitoring is to cross-check significant environmental effects which arise during the implementation stage against those predicted during the plan preparation stage.

The Directive leaves considerable flexibility to Member States in deciding how monitoring shall be arranged, however it is generally agreed that a mixture of “quantitative and qualitative indicators are required. The Directive recognises that the monitoring does not necessarily require new research activity and that existing sources of information can be used. In addition monitoring can be used to identify any information gaps and/deficiencies that were identified as part of the SEA process.

Furthermore, Government Guidelines state that monitoring should concentrate on the likely significant effects identified in the Environmental Report (Department of Environment, Heritage and Local Government 2004).

Monitoring will be based around SEA Environmental Objectives, Indicators and Targets for the various environmental topics which are set out below in **Table 5.1**. The Indicators chosen are at a level which is relevant to the Plan and are collated and reported on by a variety of government agencies including EPA, NPWS and Archaeological Survey.

Monitoring proposals must concentrate on likely significant environmental effects, which have been identified in the Environmental Report and the measures identified as necessary to prevent, reduce, or offset any significant adverse effects. The indicators/monitoring will act as an early warning sign so that appropriate remedial action is undertaken.

Responsibilities of Reporting

It is proposed that the SEA monitoring reporting should be prepared in tandem with the review of the draft LAP. However, in some cases as data becomes available, the Planning Authority may prepare an additional SEA Monitoring Report. In particular, should new data or the following occur, additional monitoring will be required:

- Significant unauthorised development (either large scale or cumulative small scale)
- Illegal waste activity
- Water pollution incidents (not resulting from oil spills).

The monitoring programme is subject to review at each reporting stage to reflect new data. Should the programme identify significant impacts (such as impacts on designated sites) early on in the LAP implementation, this should trigger a review of both the LAP and associated monitoring programme. The identification of positive impacts from monitoring should also be reported as this will assist in determining successful environmental policies. It is recommended that data arising from planning applications, particularly in terms of environmental constraints mapping and Environmental Impact Statements be integrated into the GIS and monitoring system. This will assist in assessing cumulative impacts in particular on ecology and water quality.

Finally, it is recommended that the monitoring report be made available to the public. It is recommended that this data be shared with neighbouring local authorities to assist in monitoring cross county effects should they arise.

Table 5.1 Monitoring Programme

Objectives	Indicator	Target	Source/ Responsibility
<p>Wat1 – Reduce risk of flooding through avoidance of inappropriate development in Flood Zones A or B</p>	<ul style="list-style-type: none"> • Number and area of developments within Flood Risk Zones • Number of developments granted permission on lands which are outlined in the flood risk assessment as not suitable for development • Integration of the Western Catchment Flood Risk Assessment Study 	<ul style="list-style-type: none"> • No inappropriate development in Flood Zone A and B • All development proposed within Flood Risk Zones to comply with Floods Directive and ‘<i>The Planning System and Flood Risk Management Guidelines for Planning Authorities</i>’ • Identify SUDS in all new developments • No inappropriate hard infrastructure or development granted which could result in wastewater generated within Flood Zones A or B • All relevant aspects of the Western CFRAMS to be integrated into planning decision making 	<p>Galway County Council</p>
<p>Wat2 – Protect and enhance the status of aquatic ecosystems in line with WFD and, with regard to their water needs, terrestrial ecosystems and wetlands directly depending on the aquatic ecosystem (quality, level, flow).</p>	<p>Biotic Quality Rating (Q Values) or equivalent and Risk Assessment of waterbodies in the area</p>	<ul style="list-style-type: none"> • Improve Q value status for river bodies in plan area and zone of influence. • Aim to achieve Q4 value in line with WFD requirements by 2015. • Ensure no development permitted which would lead to the exceedance of capacity of Maigh Cuilinn WwTP. 	<p>Galway County Council and EPA</p>
<p>Wat3 – Prevent pollution and contamination of ground water by adhering to aquifer protection plans.</p>	<ul style="list-style-type: none"> • Risk Assessment • Implementation of the Programme of Measures identified under the WRBD River Basin Management Plan. • Ensure wastewater collection system capacity is provided either prior to construction of new development or is developed in parallel. 	<ul style="list-style-type: none"> • No reductions in Q values or equivalent in relevant watercourses. • No change or improvement in groundwater quality associated with development. • All waters to achieve status as defined in the WFD by applicable deadlines. • Wastewater collection system capacity compared with wastewater collection demand from development in the village. 	<p>Galway County Council and EPA</p>
<p>Pop1 – Protect human health by preventing pollution</p>	<p>Number of inappropriate developments within Flood Zones A and B</p>	<p>No inappropriate development within Flood Zones A and B No wastewater treatment systems</p>	<p>Galway County Council</p>

Objectives	Indicator	Target	Source/ Responsibility
of local water supplies	Number of wastewater treatment systems in inappropriate locations Also see Water and Biodiversity Indicators	in inappropriate locations	
Bio1 – Protect, conserve and avoid loss of the diversity, range, area or population of habitats, species and wildlife corridors.	Change in conservation status of qualifying habitats, species and associated environmental conditions of Lough Corrib SAC/SPA and other potentially impacted designated sites. Number of planning permissions with biodiversity conditions ensuring no net loss of green linkages / ecological networks Water quality of Ballyquirke Lough Extent of wetland/floodplain habitat Compliance with European Communities (Good Agricultural Practice For Protection Of Waters) Regulations 2010	Survey and monitor extent and distribution of habitats and prevent significant losses. No significant negative impacts on designated habitats and species of Lough Corrib SAC/SPA and other potentially impacted designated sites. AA Screening carried out for all development which have the potential to impact Natura 2000 sites No net loss of green linkages/ecological networks especially rivers and hedgerows etc. No impacts on water quality of Ballyquirke Lough as a result of development No loss of floodplain or wetland habitat through infilling and/or drainage Full compliance with European Communities (Good Agricultural Practice For Protection Of Waters) Regulations 2010	Galway County Council in consultation with the NPWS. EPA Department of Agriculture, Fisheries and Food