



An  
Bord  
Pleanála

## Inspector's Report

### ABP-309981-21

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<b>Development</b>	Construction of new walking trails and a carpark within the Connemara National Park, Letterfrack.
<b>Location</b>	Letterfrack, Co. Galway
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	20676
<b>Applicant(s)</b>	NPWS
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with Conditions
<b>Type of Appeal</b>	Third Party x 2
<b>Appellant(s)</b>	1) Michael Gibbons 2) Peter Sweetman & Associates
<b>Observer(s)</b>	An Taisce
<b>Date of Site Inspection</b>	23 <sup>rd</sup> July 2021 & 21 <sup>st</sup> July 2022
<b>Inspector</b>	Mary Crowley

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## 1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 8.5ha is located within the Connemara National Park located to the south and southeast of Letterfrack, Co. Galway. The Park which covers approximately 2,000 ha of scenic mountains, expanses of bogs, heaths, grasslands and woodlands is located in the west of Ireland. Some of the Parks mountains, namely Benbaun, Bencullagh, Benbrack and Muckanaght, are part of the Twelve Bens range. Western blanket bog and heathland are predominant vegetation types to be found in the park. In the past the parklands were used for agriculture, mainly as grazing for cattle and sheep. Several of the bogs in the park were used extensively as fuel sources and old turf banks (now disused) can be seen. Further details of the development location is provided below.
- 1.2. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer the Board to the photos available to view on the appeal file. These serve to describe the site and location in further detail.

## 2.0 Proposed Development

- 2.1. NPWS made an application for permission on the **2<sup>nd</sup> June 2020** for the construction of new walking trails and a carpark within the Connemara National Park, Letterfrack. The development will consist of the following.
  - The provision of new accessible trails and walking trails (approx. 2 kms total length) and associated siteworks at the Letterfrack Visitors Centre
  - The provision of new walking trails (approx. 6.1kms total length) within Mweelin section of the Connemara National Park.
  - The provision of a 144-space carpark (including 7 accessible spaces and bus parking), toilet block (5 unisex toilets), bicycle parking and all associated siteworks to facilitate the Mweelin trails.
  - Gross floor space of proposed works is 34.3sqm
- 2.2. Full details of the development are provided in the Planning and Environmental Report submitted with the application and summarised as follows:

### **(1) Proposed development at the Letterfrack Visitors Centre**

**Site No 1** is located to the south and southeast of Letterfrack within the boundaries of Connemara National Park. The proposed development aims to improve the existing trail network and develop new trails, approximately 2km in total length in the park. The proposed development will consist:

- Design and develop a new farm trail
- Design and develop an all-ability (pond) trail
- Design and develop an all-ability trail from the car park to the Elis Wood Trail
- Design and develop a new sensory trail adjacent to the main visitors centre and pond

The proposed new trail lengths are collated as follows:

<b>Trail</b>	<b>Approximate Length</b>
Farm Trail	1590m
Sensory Trail	Additional 150m
Accessible Trail	Additional 250m

## **(2) Proposed Development at Mweelin**

**Site No 2** is located at Mweelin, which is situated south of the N59 approx. and 3km north east of Letterfrack. The proposed development will consist of;

- Design and develop new Lime Kiln, Old Galway Road and Bog Walking Trails
- Provide a new car park (144 spaces) and toilet facilities to service the Mweelin Walking Trails
- Design and develop a new link walking trail which will connect the car park to the new walking trails

The proposed new trail lengths are collated as follows:

<b>Trail</b>	<b>Approximate Length</b>
Link Trail	1350m
Old Galway Road	1550m
Bog Trail	1470m
Old Canal Trail	935m
Lime Kiln to Canal Trail	150m
Ex Track Upgrade / Lime Kiln Trail	660m

2.2.1. The development is a joint initiative between the NPWS and Failte Ireland which aims to further develop and expand, upgrade and enhance the existing trail system within the Connemara National Park. A feasibility and scoping assessment of possible links from Connemara National Park to Kylemore Abbey was undertaken. The report concluded that it was not feasible to link the Connemara National Park to Kylemore Abbey. The works to be carried out as part of this development are based on elements contained in the report.

2.3. The application was accompanied by the following:

- AA Screening Report
- Natura Impact Statement (NIS)
- Planning and Environmental Report comprising:
  - 1) Population & Human Health Report
  - 2) Ecological overview of the proposed Development Report
  - 3) Land, Soils and Geology Report
  - 4) Hydrology & Hydrogeology Report
- Architectural Heritage Impact Assessment Report
- Archaeological Impact Assessment Report
- Traffic and Transport Assessment
- Flood Risk Assessment Report
- Landscape and Visual Impact Assessment Report

2.3.1. Due to impact of Covid restrictions a 1 month extension of the time to submit further information was sought and granted to 26<sup>th</sup> April 2021. Further information was submitted on **26<sup>th</sup> February 2021** providing information on mitigation measures having regard to the Twelve Bens / Garraun complex SAC and Illaunanoon SPA, CEMP, updated Ecological Survey and Invasive Species Management Plan (summarised as follows):

- **Detailed CEMP** - Section 2.3 of the CEMP identifies the existing hydrological and hydrogeological environment within the vicinity of the proposed carpark.
- **Surface Water and Hydrology** – Section 5.3 of the CEMP addresses the surface water and hydrology aspects in relation to the proposed car park. This section goes into detail on how the proposed works will be carried out, with measures

implemented to avoid / reduce the release of suspended solids / pollutants into the surface water environment via surface water run-off which includes the following:

- a) Excavation works will not be carried out during or following heavy rainfall.
  - b) The stockpiling of materials will be minimised on-site and will be situated where surface water percolates freely into groundwater and >50m from any watercourse / drainage ditch.
  - c) Silt fences will be constructed using a permeable filter fabric and not a mesh and will be installed between the proposed development area and any watercourse / drainage ditch.
  - d) Dewatering of excavation will be minimal and will be avoided, where possible and if required, dewatering it be carried out by pumping excess water to temporary settlement tanks or filtration systems within the construction works area. These will be monitored and discharged to existing drains when water is within the prescribed water quality limits.
  - e) In the absence of a significant source, a minor spill can be addressed effectively and efficiently on-site using existing best practise pollution control procedures. The measures set out in Section 4.6 will be followed.
  - f) Fuel and oil handling as well as refuelling of plant and equipment will be carried out in strict accordance with the measures described in Section 4.5 of the CEMP.
  - g) Wastewater generated from the welfare facilities will be discharged to an enclosed tank and removed off-site for treatment as required.
  - h) On completion of the works, all apparatus, plant, tools, offices, sheds, surplus materials, waste and temporary erections or works of any kind will be removed from the site.
- **Natura Impact Statement**
- a) An updated Ecological Survey was carried out and the location of sensitive habitats are identified on Drawings 10774-2028 and 10774-2029 together with the proposed location and extent of the proposed boardwalk locations. The AA Screening and Ecology Reports and NIS were updated to reflect this.
  - b) A copy of the Connemara National Park Visitor Centre Management Plan (2020-2025) was included as part of this response which identifies further site-



specific mitigation measures. It is noted that the proposed trails will fit within the parameter of the National Trails Office (NTO) guidelines.

- c) The Management Plan notes that measurable indicators of deterioration are to be identified, and regular checks carried out along trails to determine whether certain areas within the trails network are particularly vulnerable to human related deterioration. If breeding pairs of Annex II species are found within distances to pathways which may cause significant disturbance, visitors will be rerouted in response.
- d) A revised carpark layout for the Mweelin site is also included which shows a reduction in the carpark size to 86 spaces (including 3 accessible spaces). This is to ensure that there is minimal impact on the adjacent section of peatland identified within the updated Ecological Survey. This will result in the reduction in vehicular trips generated by the car park.
- **Invasive Species** – An Invasive Species Management Plan was included. Noted that a contractor is currently appointed to carry out Rhododendron clearance works at the Mweelin site. As the works are being carried out within a sensitive area, it is suitable that a number of requirements have been incorporated into the works Contract to ensure the works are carried out in an environmentally responsible manner.

2.3.2. The further information was accompanied by the following:

- Construction Environment Management Plan
- Updated Natura Impact Statement
- Update AA Screening Report
- Updated Ecology Report
- Connemara National Park visitor Centre Management Plan
- Invasive Species Management Plan
- Drawings

### 3.0 Planning Authority Decision

#### 3.1. Decision

3.1.1. Galway County Council issued a notification of decision to grant permission subject to 9 no conditions summarised as follows:

1.	Compliance with plans and particulars received on 2 <sup>nd</sup> June 2020 and 26 <sup>th</sup> February 2021.
2.	Permission relates solely to that as advertised
3.	Licensed Archaeologist to be engaged
4.	Development shall be undertaken in strict compliance with all environmental / ecological best practise measures and recommended mitigation measures set out in documentation received. An Environmental Manager shall be appointed.
5.	Surface water
6.	Parking and circulation aisles shall be clearly demarcated.
7.	Site development works and construction hours set out
8.	Damage to public roads to be repaired
9.	Mitigation meaures to ensure no possible adverse effects on nearby European sites

#### 3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The **Case Planner** in their first report and having considered the proposed development recommended that permission be refused for three reasons relating to:

- 1) Variance with Objective TI 6 of the County Development Plan (Protection of National Routes and Strategically Important Regional Road Networks)
- 2) Contrary to Objective TI 10 and DM Standard 24 of the County Development Plan (Traffic and Transport Assessment (TTA) and Road Safety Audits (RSA))

3) Adverse effect on the European Sites of Twelve Bens / Garraun complex SAC and Illaunnaon SPA.

3.2.3. In a further report by the **Senior Executive Planner**, it was stated that *should the Planning Authority decide notwithstanding to consider the current proposals further, the following further information should be sought* (as summarised):

- 1) Statement of compliance to demonstrate how the proposed development complies with Objective T1 6 of the Development Plan
- 2) More specific information to be provided with regard to a number of mitigation measures to fully assess the application having regard to the Twelve Bens / Garraun Complex SAC and Illaunnaon SPA together with a CEMP, updated Ecological Survey and an Invasive Species Management Plan.

3.2.4. A further information request was issued on the 27<sup>th</sup> July 2020 seeking item No 2 above only.

3.2.5. The **Case Planner** in their second report and having considered the further information submitted recommended that permission be refused for the same three reasons outlined in their first report (summarised above). The **Director of Services** (DOS) having considered the Case Planners report found the following and on the basis of same granted permission under Section 34(10)(b) of the Planning and Development Act 2000-2010 (as amended) that the development shall be granted with the appropriate conditions including those mentioned below.

- **Reason 1 & 2 National Road Policy & Road Safety** – Noted that there is a report on file from the Senior Engineer National Roads Project Office (NRPO). It has been confirmed that the Roads Department met on site with the applicant, the NPWS and a representative from Health and Safety of TII. As a result of the discussions on site, as reflected on the file, the proposal included the permanent closure of a non-compliant access / egress point and the development of a new access / egress point achieving the requisite sight distance requirements. On this basis the NRPO Engineer has confirmed that their office has no objections to this planning application. Further noted that the TII report on file confirms that they have no observations to make with respect to the development. On this basis the DOS was satisfied that the roads concerns have been adequately addressed to the satisfaction of the NRPO and TII.

- **Reason 3 European Sites of Twelve Bens & Garraun Complex SAC** – Noted that the Planners report outlines concerns with respect to potential impact of the development on the above referenced sites. An NIS has been submitted with the application which includes mitigation measures to be undertaken. Having regard to the documentation on file the DOS recommended that a condition be included in the grant of planning permission to ensure full compliance at all stages of construction with the mitigation measures. Further recommended that an Environmental Manager with suitable ecological and construction expertise be appointed and that the works be monitored by a suitably qualified ecologist. Recommended that a report of compliance to be submitted to the Planning Authority.

3.2.6. Further to the Direction of the Director of Planning to grant planning permission the Case Planner prepared conditions for grant of permission. The notification of decision to grant permission issued by the Local Authority reflects these conditions.

3.2.7. Other Technical Reports

3.2.8. None

### 3.3. **Prescribed Bodies**

3.3.1. **Transport Infrastructure Ireland (TII)** – No observations

3.3.2. **Failte Ireland** –Supportive of the proposed development which demonstrates significant tourism potential for this site and the surrounding area.

3.3.3. **An Taisce** – Mitigation measures proposed in the NIS and Environmental Reports are overly vague given the proximity to the Dawros River which supports both Freshwater Pearl Mussel and Salmon. Further information should be sought on the justification for the significant number of car parking spaces proposed as this could exacerbate unsustainable private car based tourism in the area.

3.3.4. **National Roads Project Office** – Following a meeting on site with the applicant, H&S and TII. The applicant confirmed that the existing non-compliant access / egress point will be permanently closed and a new access / egress pint would be established to the east. This new access / egress pint can achieve the required sight distances in both

directions for this classification of road. The application demonstrates that this has been done. The NPRO has no objection to the proposal.

### 3.4. **Third Party Observations**

- 3.4.1. There are 9 no observations recorded on the planning file from (1) Peter Sweetman, (2) Mountaineering Ireland, (3) Gareth Chapman, (4) Michael Gibbons, (5) Connemara & Aran Islands Tourism Network, (6) Lisa King, (7) Caitriona Lane, (8) Peter Conroy and (9) Kevin Madden.
- 3.4.2. A number of the observers support the proposed scheme. The remaining observers raise issues relating to the application being invalid as the EIAR and NIS were not placed on the website, the NIS is deficient and mitigation measures flawed, more amenities could be provided in the village of Letterfrack to meet growing tourism demand, lighter touch development approach should be used where possible, destruction of the integrity of the National Park, traffic safety, habitat loss and degradation, impact to landscape and visual amenity, impact on a range of archaeological monuments, absence of public consultation, impact on neighbouring farms and negative impact on protected habitats and species.
- 3.4.3. In response to the further information Michael Gibbons submitted a further observation outlining concerns in relation to several notable impacts of the proposed development going either unassessed or under assessed.

## 4.0 **Planning History**

- 4.1. There is no evidence of any previous appeal at this location. Reference is made to the following application in the appeal:
- **Reg Ref 16/751** – Application for a new vehicle access bridge, reconfiguration/reduction of existing carpark, construction of new carparking area and associated landscaping and ancillary works granted planning permission subject to conditions on lands across the road from the current appeal site.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1. The operative plan for the area is the **Galway County Development Plan 2015-2021**. Policies and Objectives relevant to the appeal area set out as follows:

- **Objective TI 6 – Protection of National Routes and Strategically Important Regional Road Networks** - It is an objective of the Council to protect the capacity and safety of the National Road Network and Strategically Important Regional Road network (listed in DM Standards and Guidelines in Chapter 13) in the County and ensure compliance with the Spatial Planning and National Roads Planning Guidelines (2012). Galway County Council will not normally permit development proposals for future development that include direct access or intensification of traffic from existing accesses onto any national primary or secondary road outside of the 50-60 kph speed limit zone of towns and villages.
- **Objective TI 10 – Traffic and Transport Assessment (TTA) and Road Safety Audits (RSA)** - Require all proposed new significant development proposals to be accompanied by a TTA and RSA, carried out by suitably competent consultants, which are assessed in association with their cumulative impact with neighbouring developments on the road network, in accordance with the requirements contained within the NRA's Traffic and Transport Assessment Guidelines, having regard and with respect to RSA in NRA DMRB HD19/12 Road Safety Audit (including any updated superseding document).
- **Policy NHB 1 – Natural Heritage and Biodiversity** - It is the policy of Galway County Council to 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 Conamara National Park (and other designated sites including any future designations) and the promotion of the development of a green/ ecological network within the plan area, in order to support ecological functioning and connectivity, create opportunities in suitable locations for active and passive recreation and to structure and provide visual relief from the built environment.

- **Policy LCM 1 – Preservation of Landscape Character** - Preserve and enhance the character of the landscape where, and to the extent that, in the opinion of the Planning Authority, the proper planning and sustainable development of the area requires it, including the preservation and enhancement, where possible of views and prospects and the amenities of places and features of natural beauty or interest.
- **Objective LCM 1 – Landscape Sensitivity Classification** - The Planning Authority shall have regard to the landscape sensitivity classification of sites in the consideration of any significant development proposals and, where necessary, require a Landscape/ Visual Impact Assessment to accompany such proposals. This shall be balanced against the need to develop key strategic infrastructure to meet the strategic aims of the plan, and having regard to the zoning objectives of serviced development land within the Galway Metropolitan Areas.
- **Objective LCM 2 – Landscape Sensitivity Ratings** - Consideration of landscape sensitivity ratings shall be an important factor in determining development uses in areas of the County. In areas of high landscape sensitivity, the design and the choice of location of proposed development in the landscape will also be critical considerations.
- **Policy RA 1 – Promotion of Recreation and Amenity** - Co-operate with various stakeholders in promoting and developing the recreational and amenity potential of the County and carry out appropriate development as and when resources permit.
- **Policy RA 2 – Protection of Sensitive Areas** - Protect the amenity of scenic and environmentally sensitive areas and promote the knowledge and appreciation of the natural amenities of the County
- **Objective RA 7 – Walking and Cycle Routes** - Support and promote programmes to develop walking and cycle routes including the Irish Trails Strategy the Galway County Council Walking and Cycling Strategy (2013) and The National Cycle Network Scoping Study (2010).
- **DM Standard 24: Traffic Impact Assessment, Traffic & Transport Assessment, Road Safety Audit & Noise Assessment**

All significant development proposals, or those that the Planning Authority consider would pose a safety risk or traffic impact shall be accompanied by road safety audits and transport and traffic assessments. These shall include a consideration of the cumulative impact of development on the road network.

This shall be guided by the following:

**a) *Traffic and Transport Assessment (TTA) & Road Safety Audit (RSA)***

Require all planning applications for significant development proposals to be accompanied by a TTA and RSA to be carried out by a suitably competent consultant, which are assessed in association with their cumulative impact with neighbouring developments on the road network.

Guidelines in relation to the TTA are provided in the Traffic Management Guidelines as published by the Department of the Environment, Heritage & Local Government (DoEHLG) Dublin Transportation Office (DTO) and the Department of Transport (DoT). Guidance as provided in the NRA Traffic and Transport Assessment Guidelines 2007 (and any updated/superseding documents). In relation to a Road Safety Audit guidance is provided in the NRA's DMRB HD19/12 Road Safety Audit. The Guidelines also include recommendations on the requirement for sub-threshold traffic and transport assessments. (Refer to the NRA website [www.nra.ie](http://www.nra.ie)).

**b) *Noise Assessment***

Require all new proposed developments, within 300m of roadways with traffic volumes greater than 8,220 AADT to include noise assessment and mitigation measures if necessary with their planning application documentation.

**5.1.2. Landscape and Landscape Character Assessment for County Galway for the Galway County Development Plan 2015-2021**

- Area 22-Connemara National Park (including Lough Fee, Lough Inagh and Derryclare Lough) - This area comprises a diverse range of natural landscapes from mountains, valleys, and loughs to coniferous and deciduous woodlands. Integrated within this area are visitor facilities sensitively located to avoid visual intrusion. The area is unspoiled and highly scenic with outstanding views throughout. (Ref Plate 24)



- Table 2.1 – Landscape sensitivity rating - Identifies Connemara National Park (including Lough Fee, Lough Inagh and Derryclare Lough) as having a Landscape Value of Outstanding and a Landscape Sensitivity as Unique.
- LCA 22. Connemara National Park (including Lough Fee, Lough Inagh and Derryclare Lough). Landscape sensitivity Class 5 Unique
  - 1) In general, this area is highly scenic and is therefore highly sensitive to development. Development should be restricted to the upkeep of existing roads and parking places.
  - 2) There is scope for creating new parking / stopping areas for visitors to take advantage of the spectacular views. The parking places would take the form of a discreet extension of the existing road surface. Surface materials should be chosen to match the character of the area. A crushed stone or aggregate surface is preferable to an asphalt surface
  - 3) Within the area generally, there is limited scope for small holiday settlements. These would ideally be located in the low-lying areas or nestled within existing woodland planting.
  - 4) Development is prohibited in areas covered by statutory nature designations.
  - 5) The designated national park area is to remain free of any development of any kind

## **5.2. Natural Heritage Designations**

- 5.2.1. The majority of the proposed development is located within the Twelve Bens / Garraun Complex SA (site Code 002031).

## **5.3. EIA Screening**

- 5.3.1. Having regard to the nature and scale of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. There are 2 no third-party appeals summarised as follows:

#### 6.1.2. **Michael Gibbons, Archaeologist, Clifden**

- The further information extension of time to 26<sup>th</sup> April 2021 should have also applied to the decision date or a correction should have been posted on the Galway County Council online planning site. The online posting deprived many from objecting. Requested that all other objections to the development as published on the Galway County Council website are included as part of the appellant's appeal. Copies provided. Stated that the original Case Planners recommendation for refusal is not available.

#### 6.1.3. **Traffic Safety**

- Objects to the granting of permission by the Director of Services (DOS) and the overturning of the Planners recommendation to refuse. The grant is in contravention of the Galway County Development Plan as no Road Safety Audit was provided.
- County Development Plan standards were ignored by the DOS. Reference is made to the TII report pertaining to Reg Ref 16/751 that identified a breach of national policy for a car park at the nearby Kylemore Abbey for a combined car park of 350 spaces of which 147 were existing. A site visit with an unnamed Road Safety Engineer from the NRDO does not comply with the Development Plan Standards. The promise of a Road Safety Audit at some future time does not comply with proper planning, the County Development Plan Standards and TII National Policies.
- The X setback distance should be a minimum of 4 metres and take further account of on road car parking. The sight distance triangles cover 3<sup>rd</sup> party lands, which are not included in the site coloured red with no approvals to use these areas. No vertical sections are provided to indicate "hidden dips" on the section of N59.
- Submitted that the proposed car park together with Kylemore Abbey gives a total potential estimate of 640,000 visitors between both. Queried if the pedestrian and

cyclist will use the N59 to travel between both sites and if so, same would create a major safety risk where a continuous white line exists. Queried if both car parks are adequate and if any shortcomings would result in cars parking on the N59.

- Submitted that the carpark should be located in Village of Letterfrack where public water and wastewater services exist. to avoid one-off developments on a National Secondary Control 1 Road. A cycle track with road widening along the N59 between village and Kylemore could easily be provided to cater for the projected increased traffic volumes.
- The Road assessment is totally flawed and does not identify risks at proposed entrance or parking on existing road. No road safety audit indicating risks from right-turning traffic into and out of carpark. No autotrack analysis provided for busses accessing the site. Setback requirements mean that the carpark and facilities should be a minimum of 35 metres from the N59 as per DM Standards 21 and 22.

#### **6.1.4. *Appropriate Assessment / Natura Impact Statement***

- The NIS does not mention the adjoining Kylemore Abbey approval for 350 carpark in 2016. Surface water to be discharged into watercourse which is the Dawros River. A walkover survey of flora in September is not adequate as the flowering period is May – June.
- Potential impact have to be considered in the context of the NPWS appeal to the High Court, Supreme Court and the EU Court in relation to the Galway City Outer Bypass and subsequent decision. Significant impact on Annex 1 species of Fresh Water Pearl Mussels and Salmon.
- It is not considered possible to rule out the potential for likely significant effects on the Twelve Bens / Garraun Complex SAC and Illaun Noon SAC in the absence of mitigation measures, whilst applying the precautionary principle. There are no additional measures in the NIS to deliver any mitigation measures for significant adverse effects on Annex 1 species.
- Mitigation proposals for Design Phase would seem to be rainwater harvesting and permeable paving for surface water to “reduce the risk of high run off during storm events”. No cumulative assessment of existing discharges into waterbodies was conducted.

- Submitted that the template for such an Active Trail Management Plan should be included with the planning application. This is not a mitigation. The proposal to cover excavation “insofar as is reasonably practicable” to deal with heavy / high rainfall” and “light rain” is not an enforceable condition. No method included to provide such a cover included with the application. Queried where are the drawings for the settlement tanks and filtration systems to facilitate dewatering at an unknown “construction site” is not an enforceable condition. Queried what biodiversity measures are proposed for invasive species.

#### 6.1.5. **Stage III Alternative Solutions**

- Where adverse effects are identified at the end of the NIS process despite the application of mitigation, the 3<sup>rd</sup> stage must now apply. There are alternative ways of achieving the objectives of the project that avoid likely significant impacts on the integrity of the European site. Locating the carpark in Letterfrack village creates a critical mass in the village with increased footfall. It also reduces sprawl into a pristine area.

#### 6.1.6. **Further Information**

- In response to the further information request the applicant has not provided a Construction Environmental Management Plan (water harvesting and silt fences), a location map of Annex 1 Habitats or a Specific Management Plan for Invasive Species.
- None of the objectives of this development aligns to the responsibilities of the NPWS which primarily is conservation. The scheme promotes mass tourism eliminating NPWS primary responsibility.

#### 6.1.7. **Compliance / Enforceable Conditions**

- Queried what does “inspected regularly” and “more frequently” mean and this is not an enforceable condition. Also queried what does “stockpiling area >50 metres from any watercourse” mean as it implies that works are proposed outside of the area identified in the planning application.

#### 6.1.8. **EIA**

- Submitted that an EIA is needed for such a proposal to conform with the ESB Slieve Aughty decision by the EU Court as a bog slide could be caused by such a decision. Even if the most robust mitigation is implemented, erosion and loss of

habitat will happen. The application gives no metrics on numbers accessing tracks, other than anecdotal estimates of 2000 per day at peak.

#### 6.1.9. **Wastewater**

- Letterfrack / Kylemore is a very wet area with heavy rainfall. DM Standard 27 was not complied with in relation to the proposed development in association with the provision of a toilet facility and wastewater treatment plants.
- No public wastewater scheme exists at Kylemore. Tankering of toilet block wastewater is not an acceptable solution. Queried what happens if the tanks overflow. This is an additional reason that the alternative location on NPWS lands in Letterfrack Village is a better option.
- Further the scheme adjoins the Dawros River Habitat. No cumulative assessment was conducted by the applicant in relation to the existing condition of the Dawros River and its habitats in the context of the existing services and discharges from Kylemore Abbey. No cumulative assessment of the existing discharges into waterbodies was conditioned.

6.1.10. This appeal was accompanied by substantial volume of material including correspondence to and from Galway County Council, copy of correspondence and observations on the planning file, internal reports and emails, reports from TII, layout and drawings, planning history and associated reports (internal and external), extracts from the County Development Plan, extracts from the AA Screening and NIS together with site photos. All is available to view on the appeal file and all of which has been noted.

#### 6.1.11. **Peter Sweetman & Associates on behalf of Wild Ireland Defence CLG**

- There are reports referred to which are not on the public file.
- No EIA Screening was carried out
- No AA was carried out
- Page 32 of the NIS states “where possible”. That is not acceptable mitigation
- Page 33 of the NIS states that “during the construction phase, environmental monitoring will take place by an Ecological Clerk of Works”. Monitoring is not a mitigation.

- NIS states that “silt fences shall be constructed”. It is not possible for the Planning Authority to assess under-designed mitigation.
- NIS states that “prior to commencement of excavations, an area for stockpiling excavated material will be identified >50m away from any watercourse”. This is a parameter not a design therefore cannot be assessed.
- The NIS states that “reduced insofar as is reasonably practicable”. This cannot be assessed to reasonable scientific certainty.
- The NIS states that “dewatering of excavations will be avoided where possible” this cannot be assessed to be reasonable scientific certainty.
- The following are considered meaningless:
  - “These should measure at least 10m in width”
  - “Where land is steeper this buffer may need to be expanded”
  - “The excessive removal or pruning of vegetation will be avoided”
  - “Dewatering of excavations will be avoided where possible”
- Stated that “as part of the proposed development of trails through new habitats, sensitive habitats (including Annex I Habitats) will be avoided where possible”. This is considered unbelievable coming from a NPWS development.
- The judgement in CJEU Case 258/11 Peter Sweetman and Others v An Bord Pleanála notice parties, Galway County Council states at
 

*44 “So far as concerns the assessment carried out under Article 6(3) of the Habitats Directive, it should be pointed out that it cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt to the effects of the works proposed in the protected site concerned.*
- Legal advice is being sought on whether to judicially review the decision of the Planning Authority.

## 6.2. Applicant Response

6.2.1. The first party response to the appeal x 2 has been prepared and submitted by Tobin Consulting Engineers and may be summarised as follows.

### 6.2.2. Peter Sweetman & Associates

- The submission noted that “*no appropriate assessment was carried out*” and makes several points regarding this statement. Submitted that this was based on the original planning application and does not appear to have considered the further information responses and updated documentation from the 26<sup>th</sup> February 2021.
- The “where possible” referred to in the third party submission is in relation to the design of the proposed development and not in relation to mitigation measures to avoid or reduce any potentially significant adverse effects. In response to the further information page 32 (now page 39) of the NIS under “Design Phase Mitigation” has been updated as follows:

*“As part of the proposed development of trails through new habitats, sensitive habitats (including Annex I habitats and treelines) were avoided where possible during the design phase of the proposed development. The proposed walking trail route does not however cross one section of Annex I Habitat along the Old Galway Road within the Twelve Bens / Garraun Complex SAC (Figure 3-2). Here the route is dominated by wet heath and a high cover of Molinia Caerulea and corresponds to the EU Habitat “northern Atlantic Wet Heaths with Erica Tetralix (4010)” (Appendix C); however, the vegetation has developed on shallow (<50cm) sloping peat over an old road and is of limited significance. It should also be noted that “Northern Atlantic Wet Heaths with Erica Tetralix (4010)” is not a qualifying interest habitat of the SAC. To avoid permanent habitat loss or habitat degradation in this area, the trail was designed to be constructed with boardwalks or bog-bridges, which are wooden structures supported above ground level (Figure 5-1). The boardwalk will be supported above ground level by two means, posts set into the ground or on longitudinal stringers which will be placed directly on to the ground. Both options can be constructed quickly by hand with little disturbance to the surrounding bog ecology of drainage patterns. The driven posts are exposed to be pressure treated planks, 152 x 76mm in cross section and 2,400mm long (approx.) in length. The posts will be driven into the existing ground to the required depth and then the excess material will be cut off the top. The wooden frame for the boardwalk will then be constructed off the driven posts above the grooved timber planks installed on top of the frame to form the boardwalk. Construction*

*teams will be instructed to curve the boardwalk around hummocks and to use the topography as much as possible. No excavated material will be brought alongside the boardwalk in the Annex I Habitat area. Boardwalks are designed to let light penetrate through, therefore the boardwalk areas will remain vegetated and stable. An Active Trail Management Plan will be put in place and design trails can be altered if signs of erosion appear. This will be in the post-planning stages.*

- The curving of the boardwalk around hummocks will be supervised by an Ecological Clerk of Works to ensure such control measures and proposed mitigation are implemented fully and having the intended effect, as noted in Section 5.1.2.1 of the NIS.
- The proposed development is largely situated within the Connemara National Park, which is partially located within the Twelve Bens / Garraun Complex SAC (designated for 13 qualifying interest habitat and species); thus there are a number of ecological constraints in the area that were considered during the design phase of the proposed development. The proposed development was designed to avoid sensitive and / or protected habitats thereby avoiding the potential for likely significant effects. Where this was not possible, protective mitigation measures are proposed to reduce the significance of potential impacts, thus reducing any significant adverse effects as a result of the proposed development alone or in combination with any other plans or projects, on the qualifying interest habitats and species, or on overall site integrity for any European site.

6.2.3. It is acknowledged that monitoring is not mitigation and therefore Section 5.0 “Protective Mitigation Measures” should be renamed “Protective Mitigation and Monitoring”.

6.2.4. The text in Section 5.1.2.2 of the NIS should be updated as follows:

“Silt fencing will be installed as per the manufacturers guidelines. Once installed, the silt fence will be inspected regularly (daily) during construction and more frequently (hourly) during heavy rainfall events”

- The silt fence comprises a geotextile filter fabric supported by posts, straw bales or a combination of the two installed in the path of sheet flow runoff to filter out heavy sediments. Silt fences are suitable for use along the perimeter of a site,



below the toe of a cleared slope. This update is in line with the detail provided in the CEMP. The NPWS will commit to this mitigation measures as described herein. This has no change to the conclusions of the NIS.

- 6.2.5. The distance of >50m from any watercourse for the stockpiling of materials is mitigation measure and defines the boundary for which stockpiling cannot take place within. This distance (as a minimum) in addition to the best practise measures outlined in the CEMP and the mitigation measures outlined in the NIS. This approach is in line with recommended buffer zones at noted in IFI (2016) *“Guidelines on Protection of Fisheries During Construction Works in an Adjacent to Waters”*.
- 6.2.6. Excavation work will not be carried out during or following heavy rainfall and will be covered during heavy rainfall avoid the creation of surface water with high concentrations of suspended solids that would require dewatering.
- 6.2.7. As discussed in the CEMP, during periods of inclement weather, linear excavation will be completed in a leap-frog system leaving intermittent undisturbed strips, which will prevent surface water run-off from running the length of an excavation at formation level.
- 6.2.8. Given the measures outlined above and in the CEMP and the NIS, the requirement for dewatering is unlikely to be required. If required following an inclement weather event, dewatering will be carried out by pumping excess water to temporary settlement tanks or filtration systems located within the construction works area. These will be monitored at least twice daily and discharged to existing drains when water is within the prescribed water quality limits.
- 6.2.9. The following are considered meaningless:
- “These should measure at least 10m in width”
  - “Where land is steeper this buffer may need to be expanded”
  - “The excessive removal or pruning of vegetation will be avoided”
  - “Dewatering of excavations will be avoided where possible”
- 6.2.10. These are considered best practise design measures in relation to the management of surface water run off and excavations to avoid / reduce the release of suspended solids into surface water run off and are considered appropriate.

6.2.11. Reference to the proposed development avoiding where possible trails through new habitats and sensitive habitats is noted. Stated that this is in relation to the design of the proposed development and not in relation to mitigation measures to avoid or reduce any potential significant adverse effects.

6.2.12. Where it was not feasible or practical to completely avoid sensitive habitats, protective mitigation measures are proposed to reduce the significance of potential impacts, thus reducing any significant adverse effects as a result of the proposed development alone or in-combination with any other plans or projects.

6.2.13. It should be noted that the Case Planners report and Directors Report did not find any lacunae with the assessment of habitats and species and no shortcomings or issues were noted in relation to the AA documentation. The Planners Report notes:

*“The proposed development shall be undertaken in strict compliance with all the environmental / ecological best practice measures and recommended mitigation measures as set out in the documentation received by the Planning Authority on 26/02/2021. All mitigation set out in the ecological report received on 26/02/21 shall be implemented in full during construction and construction activities on site in conjunction with the timelines set out, except where conditions hereunder specify otherwise.”*

6.2.14. **Michael Gibbons**

6.2.15. A complete and robust planning application was submitted for the proposed development.

6.2.16. **Traffic Safety**

- The proposed junction has been designed in accordance with the requirements of the TII publication DNGEO-03060 *Geometric Design of Junctions (priority junctions direct accesses, roundabouts, grade separated and compact grade separated junctions)* which identifies the required “X” and “Y” distances.
- The existing Kylemore Abbey carpark traffic was considered to be part of the baseline traffic counts carried by TTRSA.
- Where the proposed visibility splays are demonstrated over adjacent land, these areas are under the control of the NPWS.

- Envisaged that cyclists will use the N59 to access the site as is currently the case with the Mweelin site and the Kylemore Abbey site. The carpark is being provided to cater for the new walking trails only – there will be no pedestrian movement from the carpark to Kylemore Abbey.
- The carpark has been sized in accordance with information received from the NPWS in relation to current parking requirements at other walking trail sites.
- The existing Kylemore Abbey carpark traffic was considered to be part of the baseline traffic counts carried by TTRSA. Parking will be prohibited on the N59.
- A Road Safety Audit was completed on the original design with the access off the N59 and the findings of same were incorporated into the design of the relocated carpark.
- It is proposed to install a rainwater harvesting system to supply the water requirements of the toilet block. A well water system is to be provided to cater for any shortfalls.
- Regarding the wastewater disposal, the design submitted incorporates 2 holding tanks (primary and overflow storage) which will be sealed tanks to ensure no leakage of effluent. No onsite treatment is proposed.
- A landscape plan for the carpark indicating the planting requirements was provided as part of the Planning Application. A revised planting plan will be submitted to reflect the amended carpark layout.
- A Mobility Management Plan was not requested to be included as part of the Traffic Scoping and Galway County Council.
- The Kylemore Abbey site existing discharges are considered to be part of the baseline and not a “project or plan” to be considered cumulatively of in-combination with the proposed development.

#### **6.2.17. *Appropriate Assessment / Natura Impact Statement***

- Habitat surveys were carried out along and adjoining the proposed routes of new walking trails at Connemara National Park and at Mweelin in September 2019 and a repeat survey was carried out in August 2020 of the blanket bog and wet heath habitat / vegetation at Mweelin. This is within the growing season of most plant species and are adequate to be able to accurately classify the habitats within the study area according to the scheme outlined in “A Guide to Habitats in Ireland”.

- The potential impacts as described in Section 3.3 of the AA Screening Report, are impacts that could potentially occur in the absence of any protective mitigation measures and are not significant effects on a European site that have been identified despite the application of mitigation (which would be identified at the end of a Stage 2 AA (NIS) and not at the end of a Stage 1 Screening.
- The quote (*it is not considered possible to rule out the potential for likely significant effects on the Twelve Bens / Garraun Complex SAC and Illaun Noon SAC in the absence of mitigation measures, whilst applying the precautionary principle*) is taken from Section 4.0 (Conclusion) of the AA Screening or Section 3.6 (Screening Statement Conclusions) of the NIS and is the conclusion of the Screening Stage of the AA.
- As it was not considered possible to rule out the potential for likely significant effects on the Twelve Bens / Garraun Complex SAC and Illaunnoon SPA, in the absence of any mitigation measures, whilst applying the precautionary principle, the proposed development went to a Stage 2 AA and an NIS was prepared to assist the competent authority in undertaking an AA of the effects of this proposed development alone or in-combination with other plans and projects on the integrity of the Twelve Bens / Garraun complex SAC and Illaunnoon SPA.
- Table 4-1 in the NIS is an “*assessment of the potential for significant adverse effects on the qualifying interests of the Twelve Bens / Garraun Complex SAC*”. This is the first step in a NIS where consideration is given to impacts which could have likely significant effects on the integrity of surrounding European sites, either alone or in-combination with other projects or plans, in the absence of protective mitigation measures.
- As noted in Section 7.0 (Conclusion) of the NIS, following the application of the detailed mitigation measures (as outlined in Section 5.0), potentially significant adverse effects will be avoided or reduced. Consequently, it is determined that there will be no significant adverse effects as a result of the proposed development, alone or in-combination with any other plans or projects, on the qualifying interests habitats and species, or on overall site integrity, nor in the attainment of the specific conservation objectives, the Twelve Bens / Garraun complex SAC and Illaunnoon SPA.

- Existing discharges are considered to be part of the baseline and not a “project or plan” to be considered cumulatively or in-combination with the proposed development. These were assessed within the stormwater design calculation for the car park contained within the Planning and Environmental Report submitted with the original application.

The “where possible” quoted text referred to in the third party submission, is in relation to the design of the proposed development and not in relation to mitigation measures to avoid or reduce any potentially significant adverse effects.

- The proposed car park construction site will be where the settlement tanks will potentially be located. The project will have an Ecological Clerk of works onsite at all times to carry out inspections on a daily basis.

#### **6.2.18. *Invasive Weeds***

- The spread and introduction of invasive and noxious weeds will be avoided by adopting appropriate mitigation measures as per guidance issued by Transport Infrastructure Ireland (2010). Any invasive plant material noted on-site will be removed off-site and disposed of at appropriate licensed waste disposal facility. Any invasive species found to occur within 15m of working areas will require a specialist method statement for its eradication to avoid the spread of invasive species and ensure compliance with the European Communities (Birds and Natural Habitats) Regulations 2011. The presence of non-native species and the requirements for actions will be confirmed by a suitably qualified Ecologist.

#### **6.2.19. *Stage III Alternative Solutions***

- Reference to the requirement for a 3<sup>rd</sup> Stage AA are incorrect. Adverse effects have not been identified despite the application of mitigation. As noted in Section 7.0 (Conclusion) of the NIS, following the application of the detailed mitigation measures (as outlined in Section 5.0), potentially significant adverse effects will be avoided or reduced.
- A CEMP and site location maps of the Annex 1 Habitats (Drg Ref 10774-2031 and 2032) were issued to GCC on the 26<sup>th</sup> of February 2021 in response to the RFI.
- The NPWS objectives for the proposed development clearly fall under the NPWS remit “to manage, maintain and develop state owned national parks”. A greater trail infrastructure and other amenities (including an all ability trail and sensory trail)

allows the NPWS to reach a greater audience and provides for better experiences and a longer stay at Connemara National Park.

- All trails within the National Parks are monitored completely a minimum of twice weekly. Where there is an erosion event or a potential hazard to the public detected, the issue is immediately dealt with or the section of trail is closed until it has been repaired.
- The area of blanket bog within the proposed carpark footprint is outside of the SAC and is 0.026ha which is only 0.0005% of the 5,325ha of mapped blanket bog habitat within the Twelve Bens / Garraun Complex SAC and an even lower percentage if the unmapped areas outside the SAC are also considered. Therefore the area of habitat lost is considered to be insignificant in the overall context of blanket bog habitat in the local area.

#### 6.2.20. **Conclusion**

- The submitted AA was prepared to assess any impacts associated with the proposed development in accordance with the requirements of Article 6(3) of the EU Habitats Directive. This document provides some additional information and clarifications, but the information provided does not result in any changes to the ultimate findings of the AA which remains valid.

### 6.3. **Planning Authority Response**

6.3.1. None

### 6.4. **Observations**

6.4.1. There is one observation recorded on the appeal file from An Taisce that may be summarised as follows:

- Difficult to access documentation on the Galway County Council website
- **Preliminary Legal Considerations** – This is a problematic application (1) advancing an application with a deficient NIS as set out by the appellant, (2) systematic failure of Galway County Council to have proper regard to the third-party submissions and (3) the manner in which the Director of Services exercised legal entitlement to override the Planners recommendation to refuse permissions

without having proper regard to the requirements of Article 6(3) of the Habitats Directive.

- **General Considerations in Relation to the National Park** – The application exposes Ireland's inadequate legal and management regime in meeting international standards both for the management of and the land designation regime for National Parks. If international standards were to be applied the entire mountain and blanket bog area of Connemara would warrant National Park designation significantly beyond the State owned land and would encompass all of the Twelve Bens to the Kylemore Abbey area and Roundstone Bog, and extend to Killary Harbour. There is no Management Plan in place for the Connemara National Park.
- **Third Party Appeals** – Summary of appeals and background of appellants provided.
- **Overarching Critique of Current Application** – The application reveals the wider flaw in the application namely the lack of any integrated plan for access to and amenity recreational and tourism management, not just of the Connemara National Park but of the wider Connemara area and the extent to which tourism and recreational access in Ireland is unsustainably car based including the Wild Atlantic Way. Projects seeking to facilitate larger car numbers should not be located in this area of ecological and landscape sensitivity.

## 6.5. Further Responses

6.5.1. None

## 7.0 Assessment

- 7.1. This assessment is based on the plans and particulars submitted with the planning application on the 2<sup>nd</sup> June 2020, as amended by further plans and particulars submitted by way of further information on the 26<sup>th</sup> February 2021 together with details, plans and particulars submitted throughout the appeal process.
- 7.2. I note the concerns raised in the appeal regarding a deficiency in the NIS and other material submitted with the application together with the failure of Galway County

Council to have proper regard to the third party submissions and the manner in which the Galway County Council granted planning permission without proper regard to the requirements of Article 6(3) of the Habitats directive. For the purpose of clarity, I would point out that the development now before the Board is considered “de novo”. That is to say that the Board considers the proposal having regard to the same planning matters to which a planning authority is required to have regard when making a decision on a planning application in the first instance. This includes consideration of all submissions and inter departmental reports on file together with the relevant development plan and statutory guidelines, any revised details accompanying appeal submissions and any relevant planning history relating to the application. I am also satisfied that taken together with my site inspection that there is adequate information available on the file to consider the proposed development and to enable the Board to determine the impact of the schemes on the biodiversity and ecology of the area.

7.3. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Design & Visual Impact
- Traffic Impact
- Invasive Species
- Other Issues
- Appropriate Assessment

#### 7.4. Principle

7.4.1. The National Parks and Wildlife Service (NPWS) made an application for planning permission to further develop, expand, upgrade, and enhance the existing trail system within the Connemara National Park near Letterfrack and develop a new car park, toilet block and trails (as amended) between Mweelin and Kylemore Abbey. The proposed development is divided into two separate sites as follows:



(1) Proposed development at the Letterfrack Visitors Centre - Site No 1 is located to the south and southeast of Letterfrack within the boundaries of Connemara National Park.

(2) Proposed Development at Mweelin - Site no 2 is located at Mweelin, which is situated south of the N59 approx. 3km northeast of Letterfrack

7.4.2. The development is set in a region which is economically dependent on the tourism industry, with a low population density. Connemara National Park covers approximately 2,000 ha of scenic mountain, expanses of bogs, heaths, grasslands, and woodlands. In 1980 the Connemara National Park was established and opened to the public and accommodates 200,000 visitors a year and is a key tourism feature on the Wild Atlantic Way. It is stated that one of the key attractions to the park is the existing walking trail network.

7.4.3. I note the objectives of the proposed scheme as set out in Section 1.3 of the Planning and Environmental Report where it states the following:

- Alleviate pressure on the existing infrastructure within Connemara National Park from the growth in visitor numbers to the Park
- Enhance and improve the overall visitor experience within the Park
- Enhance the appeal to cater for a wider audience, particularly families and
- Encourage people to stay longer in the Park and surrounding area and consequently bring more business to the local communities

7.4.4. These project objectives align with the policies and objectives of the Development Plan where the importance of Connemara National Park as a national attraction and a unique tourism destination is recognised. I refer to Policy RA 1 – Promotion of Recreation and Amenity where it is the Council policy to co-operate with various stakeholders in promoting and developing the recreational and amenity potential of the County. I also refer to Policy RA 2 – Protection of Sensitive Areas states that it is the Council policy to both protect the amenity of scenic and environmentally sensitive areas and promote the knowledge and appreciation of the natural amenities of the County and Objective RA 7 – Walking and Cycle Routes states that it is an objective of the Council to support and promote programmes to develop walking and cycle routes including the Irish Trails Strategy the Galway County Council Walking and Cycling Strategy (2013) and The National Cycle Network Scoping Study (2010).

7.4.5. Having regard to the foregoing I consider the proposed development would make a positive contribution to the recreation and amenity value of the area both locally and nationally, would improve accessibility and strengthen an appreciation of the natural environment. Accordingly, I am satisfied that that the principle of the development is acceptable at this location subject to the acceptance or otherwise of site specifics / other policies within the development plan and government guidance.

## 7.5. Design & Visual Impact

7.5.1. In terms of landscape and visual impact I refer to the Planning & Environmental Report. A Landscape & Visual Impact Assessment (LVIA) was produced to assess the landscape and visual effects of the proposed development. The LVIA recognises the highly sensitive landscape and visual context of the proposed development, located in a National Park and an area of Class 4 / Class 5 Landscape sensitivity as designated in the County Development Plan.

7.5.2. The Landscape Character Assessment notes the area is highly scenic and sensitive to development and that the national park should remain free of any development, while also stating that sensitively sited parking and viewing areas would be suitable in this landscape. There is a protected view from Kylemore Lake to the Abbey, which is not affected by the development. However, a protected view exists from the National Park slopes of Diamond Hill to Ballynakill Bay, which will look over part of the proposed trail improvements.

7.5.3. As observed on day of site inspection both parts of the Connemara National Park where the proposed development is located have high scenic qualities and the Mweelin Area is much less developed, while a visitor centre and car park and a number of trails are located in and around Letterfrack. The nature of the works proposed at Letterfrack and Mweelin are extremely localised changes to the landscape, with the main works relating to existing trail upgrades, new trails and viewing areas and a proposed car park. The trail upgrades will have a minimal effect where this is relating to existing trails, while the new trails are primarily on open ground and require vegetation removal.

7.5.4. The choice of materials for the paths also minimises potential visual effects – these range from aggregate paths with wooden boardwalk proposed in some locations

where the blanket bog is to be considered. Viewpoint points will serve to increase the locations in the Park where visitors can experience scenic views and these viewing points themselves have minimal visual effects. None of the protected views identified in the Development Plan will be in any way affected.

7.5.5. The more noticeable element of the scheme is the proposed Mweelin car park. The landscape effect of the proposed trail and viewpoints and other associated works is considered to be imperceptible to slight and largely neutral, while slight, adverse landscape effects are expected where the car park is proposed along the N59, due to the removal of vegetation and the effect on local landscape character. This will however be a localised effect and is addressed by Landscape Plan (Drg 9207-3-102). As noted the landscape masterplan for the car park indicated mitigation measures and considerable planting to screen the car park and to assimilate it into the landscape, as vegetation grows. Permeable surfacing (grasscrete) is to be proposed in the car park and native planting is proposed in the vicinity of the car park to further integrate into the landscape and minimise visual effects from the bog trail and more elevated views. However, the upgrading of existing paths and the creation of paths and viewing points in areas where there are already paths (Letterfrack) or informal and mainly grassed / vegetated paths and areas (Mweelin) will result in largely imperceptible visual effects.

7.5.6. Having reviewed the submissions and my inspection of the site and surrounding areas it is evident that this is a robust and well-contained rural area and I agree that there will be no significant adverse visual and landscape impacts subject to mitigation measures proposed.

## 7.6. **Traffic Impact**

7.6.1. Concern is raised in the appeal regarding compliance with the Development Plan Standards and those of TII, the sight triangle encroaching on third party lands, car park capacity and movement between it and Kylemore Abbey, the location of the car park and the absence of a Road Safety Audit. I further note the concerns raised by the Case Planner in their recommendation to refuse where they recommended that permission be refused for 3 no reasons including the following two as summarised:

- 1) Variance with Objective TI 6 of the County Development Plan (Protection of National Routes and Strategically Important Regional Road Networks)
- 2) Contrary to Objective TI 10 and DM Standard 24 of the County Development Plan (Traffic and Transport Assessment (TTA) and Road Safety Audits (RSA))

7.6.2. The current operational Letterfrack carpark is located on NPWS owned land and will cater for the proposals pertaining to the development of Site No 1. The proposed concerns raised relate to the proposed car park that will cater for the Mweelin trails only at Site No 2. There is no link between the Letterfrack site and the Mweelin site, hence the requirement for a separate carpark to cater for the Mweelin Trails. It is envisaged that the carpark is being provided to cater for the new walking trails only and there will be no pedestrian movement from the carpark to Kylemore Abbey.

7.6.3. I note from the file that the NPWS met with and carried out traffic scoping with TII in relation to the provision of the new access. The scoping exercise carried out noted the following items to be complied with:

- Visibility splays of 215m x 3m setback are to be provided from the carpark access
- The existing roadside drain is to be culverted for a minimum of 20 each side of the new access
- A level dwelling area is to be provided on the exit to the car park onto the main road
- The existing public access onto the hardstanding / parking area adjacent to the bridge is to be closed off to allow the new, more suitable access be constructed

7.6.4. An updated Traffic and Transport Assessment was carried out based on the new carpark design and size (reduced from 144 spaces to 86 spaces). The existing Kylemore Abbey carpark traffic was considered to be part of the baseline traffic counts carried by TTRSA. The finding of the assessment concurred with the findings of the initial assessment carried out by TTRSA with a spare capacity of 66 – 67% indicated for the design year 2037. As parking will be prohibited on the N59 the car park access junction would not therefore be expected to have a material impact on the operation of the N59. Appendix 3 (Traffic & Transport Assessment Report) of the Planning & Environmental Report refers.

7.6.5. The proposed junction has been designed in accordance with the requirements of the TII publication DNGEO-03060 Geometric Design of Junctions (priority junctions direct

accesses, roundabouts, grade separated and compact grade separated junctions) which identifies the required “X” and “Y” distances. Where the proposed visibility splays are demonstrated over adjacent land, these areas are under the control of the NPWS. This new access / egress point can achieve the required sight distances in both directions for this classification of road. It is also noted that the proposal included the permanent closure of this non-compliant access / egress point and the development of a new access / egress point achieving the requisite sight distance requirements. It was on this basis the NRPO Engineer confirmed that their office has no objections to this planning application. Further noted that the TII report on file confirms that they have no observations to make with respect to the development.

7.6.6. It is submitted that additional advance warning signage can also be provided to further reduce any potential hazard for traffic turning into the site. I agree with this proposal and recommend that should planning permission be granted that a suitably worded condition be attached.

7.6.7. To summarise:

- The existing carpark access adjacent to the bridge is to be closed as part of the proposed works as it does not meet the minimum sightline requirements for this road
- As demonstrated on the drawings submitted and noted on day of site inspection the required sightlines are achievable on this stretch of the N59 at the proposed car park entrance

7.6.8. Overall, taken together with my site inspection, I am satisfied that there is sufficient data within the planning appeal to demonstrate that the proposed development will not have a detrimental impact on the capacity, safety, or operational efficiency of the national road network in the vicinity of the site. It is recommended that permission be granted subject to conditions/

## 7.7. Invasive Weeds

7.7.1. The appellants have queried what biodiversity measures are proposed for invasive species. Rhododendron Ponticum has been recorded within and in the vicinity of the proposed development site, thus an Invasive Species Management Plan was prepared and was included with the further information response documentation. This

Management Plan details the biosecurity measures and rhododendron treatment for the proposed development that include training of site operators and contractors, establishing good site hygiene, transporting contaminated materials, monitoring of works, management of seed bank, temporal considerations, treatment options and management of brush and soil excavation.

7.7.2. The following measures to reduce the risk of the spread of alien species will be followed during the construction works:

- 1) Prior to arrival on site, the contractor's vehicles and equipment must be thoroughly cleaned. High-pressure stream cleaning with water >60° Celsius, is recommended for vehicles and equipment where reasonably feasible. If it is not possible to steam clean the equipment, a normal power hose must be used. After cleaning, visually inspect the equipment to ensure that all adherent material and debris has been removed:
- 2) Visually inspect all equipment (including footwear) that has to come into contact with water or soils for evidence of attached plant or animal material, or adherent mud or debris. This should be done before entering and leaving the site. Remove any attached or adherent material before entering or leaving the site of operation
- 3) All contractors will be required to sign a prepared form detailing the nature of the cleaning process carried out and the date on which this was conducted
- 4) Herbicide treatment will not be used by the River Polladirk and
- 5) No vehicles will enter any watercourses

7.7.3. I am satisfied that the spread and introduction of invasive and noxious weeds will be avoided by adopting appropriate mitigation measures. I am also satisfied subject to compliance with the foregoing that the proposed works would not result in any excavations that would lead to the spread of the invasive species observed.

## 7.8. Other Issues

7.8.1. **Wastewater** - I note the concerns raised regarding noncompliance with DM Standard 27 and that tankering of toilet block wastewater is not an acceptable solution. As documented the proposed development provides for a toilet block (5 unisex toilets) designed with a sedum roof and larch cladding. The block also incorporates photovoltaic solar panels to provide power and a rainwater harvesting system to allow

water to flush toilets. A well water system is proposed to cater for any shortfall in water requirements. The toilet block will not have any discharge to ground or surface water locally. All wastewaters will be collected in a large tank and will be emptied as required by a license waste collector according to the manufacturers guidelines.

- 7.8.2. No onsite treatment is proposed. The design submitted incorporates 2 holding tanks (primary and overflow storage) which will be sealed tanks to ensure no leakage of effluent. No onsite treatment is proposed. The proposed design allows for a back-up storage volume to be provided in accordance with Section 5.11 of the Irish Code of Practise for Wastewater. The Code of Practise requires emergency storage capacity of 24 house Dry Weather Flow. However, the proposed design provides for 7 additional days storage onsite to ensure there is sufficient storage in case of emergency. This will give a total of 14 days storage on site. Ultrasonic sensors will also be installed within the tanks to monitor levels and raise an alarm if required.
- 7.8.3. It is stated that an agreement will also put in place between the NPWS and a local licensed waste disposal company to empty the tank on a regular basis prior to the usage of the Toilet Block. It is envisaged that this will be on a weekly basis during the peak Connemara National Park usage period.
- 7.8.4. I consider the foregoing to be acceptable. It is however recommended that should the Board be minded to grant planning permission that a condition be attached requiring that the details of the collection of waste water by a license wasted collector according to the manufacturers guidelines shall be submitted and agreed in writing with the planning authority prior to the opening of this development.
- 7.8.5. **Surface Water & Hydrology** – As stated a new car park is proposed for the Mweelin site to service the new walking trials. This will comprise of the provision of a 86 space car park (as amended), which includes accessible spaces and bus parking, a new toilet block with 5 unisex toilets and a trail head area. Bicycle parking is also to be provided to cater for cyclists. The impacts on the surrounding area were identified and the following mitigation measures were implemented to reduce the impact of the car park:
- The use of Grasscrete paving in the parking areas to reduce the hardstanding and improve the attenuation and provide a more environmentally friendly surface option

- The provision of a loose bound gravel path to allow for pedestrian permeability around the car park
  - Extensive use of native planting within the car park traffic islands and surrounding the car park.
- 7.8.6. All stormwater generated on site from roadways will discharge via Hydrocarbon Interceptor to the proposed attenuation area. It is also proposed to install a Class 1 Bypass Petrol Interceptor upstream of the connection onto the proposed attenuation tank.
- 7.8.7. The storm water drainage design for the proposed car park has been designed to cater for all surface water runoff from all hard surfaces in the proposed development including roadways, footpaths etc. I am satisfied that the development will not adversely affect the existing or proposed drainage regime.
- 7.8.8. **Flooding** - I refer to the Flood Risk Assessment submitted with the application. Based on the Planning System and Flood Risk Management Guidelines (2009) the proposed new trails and car park are classified as water compatible developments, meaning they are appropriate in any flood zone. Based on a review of the PFRA flood maps and topographical survey data, it is estimated that the proposed developments at Sites 1 and 2 are not at risk of fluvial flooding and there is no risk of coastal flooding as both sites are far enough inland. Based on a review of the PFRA flood maps and GSI karst feature mapping, there is no significant risk of groundwater flooding to either site.
- 7.8.9. Although the PFRA flood maps show that a small area of the proposed new car park at Site 2 is predicted to be affected by a 1% AEP pluvial flood event, any surface water arising at the car park will be managed by a dedicated stormwater drainage system designed in accordance with SuDS principles. Discharge from the car park will therefore be limited to greenfield runoff rates. To minimise residual risks, landscaping and topography of the new car park will provide safe exceedance flow paths and prevent on-site surface water ponding in the event of an extreme flood or if the drainage system were to become blocked. On this basis it is estimated that the proposed developments at Sites 1 and 2 are not at risk of pluvial flooding and will not increase the risk of flooding elsewhere in the catchment.
- 7.8.10. In accordance with the PSFRM Guidelines, the proposed new walking trails and car park in Connemara National Park are considered water compatible developments in



terms of their sensitivity to flooding and therefore appropriate in any flood zone. Based on the results of the detailed Flood Risk Assessment it is estimated that there is no significant risk of flooding and that residual risks from extreme flooding and surface water can be managed.

7.8.11. **Kylemore Abbey** - I note the concern raised in the appeal regarding the formation of a link with Kylemore Abbey. A feasibility and scoping assessment of possible links from Connemara National Park to Kylemore Abbey was undertaken. The report concluded that it was not feasible to link the Connemara National Park to Kylemore Abbey. I have considered this assessment and I consider its findings to be reasonable. While a connection between both amenities would be of benefit, I accept the findings of the report that a link is not feasible.

7.8.12. **Archaeology** - I refer to the Archaeological Impact Assessment submitted with the application. The report identified and assessed the potential direct and indirect impacts if any, on the potential archaeological environment of the appeal site at both locations; Letterfrack and Mweelin. A list of archaeological monuments in the vicinity of the proposed development is set out in Table 3.1 and 3.2 of the report. The report found that the proposed routes of the trails are in the vicinity of several recorded archaeological monuments which were identified and located on maps within the report. The report also noted that there may be impacts on potential subsurface unrecorded archaeology on the site and also includes methods of archaeological mitigation to alleviate the potential impacts i.e. archaeological monitoring of groundworks in the vicinity of the archaeological monuments, identifying and locating of the archaeological monuments on mapping and on the ground and informing the contractor of said locations. It is recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the preservation, recording or otherwise protecting archeological material of features that may exist within the site.

7.8.13. **EIA Screening** – I note the concerns raised in the appeal that no EIA Screening was carried out. I refer to Section 5.3 of this report above. Having regard to the nature and scale of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.8.14. **Development Contribution** – No Development Contribution condition was attached by the Planning Authority. I refer to the Galway County Council Development Contribution Scheme 2016. The proposed development does not fall under the exemptions listed in Scheme. It is recommended that should the Board be minded to grant permission that a suitably worded condition, be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

## 8.0 **Appropriate Assessment**

8.1. I refer to AA Screening Report, Natura Impact Statement (NIS) and Planning and Environmental Report submitted with the application together with the further information submitted to Galway County Council comprising a Construction Environment Management Plan, Updated Natura Impact Statement, Updated AA Screening Report, Updated Ecology Report, Connemara National Park Visitor Centre Management Plan and Invasive Species Management Plan. I also refer to the applicant's response to the third-party appeal (x2).

8.2. Having reviewed the documents and submissions I am satisfied that the information available allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

### 8.3. **Preliminary Appeal Matters**

8.3.1. I refer to Section 6.1 Grounds of Appeal in the foregoing report. Both appellants and in particular Peter Sweetman & Associates have raised particular concern in relation to sections and statements in the submitted NIS. In this regard I would set out the following prior to the AA Screening and AA Stage II section below.

8.3.2. It is submitted that *Page 32 of the NIS states "where possible" and that this is not acceptable mitigation.* In response to the further information page 32 (now page 39) of the updated NIS under "Design Phase Mitigation" has been supplemented as follows:

*"As part of the proposed development of trails through new habitats, sensitive habitats (including Annex I habitats and treelines) were avoided **where possible***

*during the design phase of the proposed development. The proposed walking trail route does not however cross one section of Annex I Habitat along the Old Galway Road within the Twelve Bens / Garraun Complex SAC (Figure 3-2). Here the route is dominated by wet heath and a high cover of Molinia Caerulea and corresponds to the EU Habitat “northern Atlantic Wet Heaths with Erica Tetralix (4010)” (Appendix C); however, the vegetation has developed on shallow (<50cm) sloping peat over an old road and is of limited significance. It should also be noted that “Northern Atlantic Wet Heaths with Erica Tetralix (4010)” is not a qualifying interest habitat of the SAC. To avoid permanent habitat loss or habitat degradation in this area, the trail was designed to be constructed with boardwalks or bog-bridges, which are wooden structures supported above ground level (Figure 5-1). The boardwalk will be supported above ground level by two means, posts set into the ground or on longitudinal stringers which will be placed directly on to the ground. Both options can be constructed quickly by hand with little disturbance to the surrounding bog ecology of drainage patterns. The driven posts are exposed to be pressure treated planks, 152 x 76mm in cross section and 2,400mm long (approx.) in length. The posts will be driven into the existing ground to the required depth and then the excess material will be cut off the top. The wooden frame for the boardwalk will then be constructed off the driven posts above the grooved timber planks installed on top of the frame to form the boardwalk. Construction teams will be instructed to curve the boardwalk around hummocks and to use the topography as much as possible. No excavated material will be brought alongside the boardwalk in the Annex I Habitat area. boardwalks are designed to let light penetrate through, therefore the boardwalk areas will remain vegetated and stable. An Active Trail Management Plan will be put in place and design trails can be altered if signs of erosion appear. (emphasis added)*

8.3.3. I am satisfied that the “where possible” referred to in the third party submission is in relation to the design of the proposed development and not in relation to mitigation measures to avoid or reduce any potentially significant adverse effects.

8.3.4. It is submitted that Page 33 of the NIS states that “*during the construction phase, environmental monitoring will take place by an Ecological Clerk of Works*” and that monitoring is not a mitigation. The applicant acknowledges that monitoring is not mitigation and therefore submits that Section 5.0 “Protective Mitigation Measures”

should be renamed “Protective Mitigation and Monitoring”. As pointed out by the applicant monitoring is not proposed as a mitigation measure to avoid or reduce the potential for significant adverse effect and therefore the content in the NIS remains valid. As noted in Section 5.1.2.1 of the NIS, environmental monitoring is proposed to ensure all mitigation measures, including any additional planning conditions, are fully implemented and have the intended effect. I consider the appointment of an Ecological Clerk or Works or other suitably qualified professional to oversee the implementation of mitigation measures to be both prudent and good practise.

- 8.3.5. It is submitted that the NIS states that “*silt fences shall be constructed*” and therefore it is not possible for the Planning Authority to assess under-designed mitigation. The applicant submits that the interpretation of this comment is in relation to the use of “shall” rather than “will”. In this regard it is submitted that Section 5.1.2.2 Aquatic Environment; Management and Excavations of the NIS should be updated as follows:

*“Silt fencing will be installed as per the manufacturers guidelines. Once installed, the silt fence will be inspected regularly (daily) during construction and more frequently (hourly) during heavy rainfall events”*

- 8.3.6. This update and use of “will” is in line with Section 5.3 Surface Water and Hydrogeology of the CEMP. It is stated that the silt fence comprises a geotextile filter fabric supported by posts, straw bales or a combination of the two installed in the path of sheet flow runoff to filter out heavy sediments. It is submitted that silt fences are suitable for use along the perimeter of a site, below the toe of a cleared slope. It is also stated that the NPWS will commit to this mitigation measures as described herein. The applicant submits that the foregoing does not change the conclusions of the NIS. I consider the clarity put forward by the applicant to be acceptable and have noted same.

- 8.3.7. It is submitted that the NIS states that “*prior to commencement of excavations, an area for stockpiling excavated material will be identified >50m away from any watercourse*”. The appellant states that this is a parameter and not a design and therefore it cannot be assessed. I agree with the applicant that the distance of >50m from any watercourse for the stockpiling of materials is a mitigation measure and defines the boundary for which stockpiling cannot take place within. I further agree that this distance (as a minimum) in addition to the best practise measures outlined in Section

5.3 Surface Water and Hydrogeology of the CEMP and the mitigation measures outlined in Section 5.1.2.2 of the NIS, is considered to be a sufficiently wide buffer to protect any watercourse from significant adverse effects as a result of potential silt run-off from the proposed development. The applicant points out that this approach is in line with recommended buffer zones of Inland Fisheries Ireland (2016) as set out in their “*Guidelines on Protection of Fisheries During Construction Works in an Adjacent to Waters*”. I have noted the foregoing and I consider the stockpiling of excavated material >50m from any watercourse to be a mitigation measure that can be assessed and is therefore acceptable.

- 8.3.8. It is submitted that the NIS states that “*reduced insofar as is reasonably practicable*” and that it cannot therefore be assessed to reasonable scientific certainty. The quoted text is in relation to the covering of excavations during lighter rain periods and the time period for which they are left open. Section 5.1.2.2 Aquatic Environment; Management and Excavations of the NIS refers where it states as follows:

*During lighter rain periods, the time period over which excavation are left open will be reduced insofar as is reasonably practicable”.*

- 8.3.9. The applicant has provided further detail in this regard as follows:

*“Excavation work will not be carried out during or following heavy rainfall and will be covered during heavy rainfall i.e. if there is a yellow weather warning in place or 5mm in a 1 hour period which is significantly less than the 6 month / 1 hour rainfall return period of 9.1mm<sup>2</sup> to avoid the creation of surface water with high concentrations of suspended solids that would require dewatering. As discussed in Section 5.3 of the CEMP, during periods of inclement weather, linear excavation will be completed in a leap-frog system leaving intermittent undisturbed strips, which will prevent surface water run-off from running the length of an excavation at formation level.”*

- 8.3.10. I agree with the applicant that these measures, in addition to the best practise measures outlined in Section 5.3 of the CEMP, the mitigation measures outlined in Section 5.1.2.2 Aquatic Environment; Management and Excavations of the NIS together with the response to the appeal will avoid or reduce the risk of negative impacts and thus there will be no potential for significant adverse effects on any European site. I consider the foregoing to be acceptable and have noted same.

8.3.11. It is submitted that the NIS states that “*dewatering of excavations will be avoided where possible*” and that this cannot be assessed to be reasonable scientific certainty. The applicant submits that given the measures outlined in Section 5.3 of the CEMP and Section 5.1.2.2 Aquatic Environment; Management and Excavations of the NIS, the requirement for dewatering is unlikely to be required. However, if required following an inclement weather event, it is stated that dewatering will be carried out by pumping excess water to temporary settlement tanks or filtration systems located within the construction works area. These will be monitored at least twice daily and discharged to existing drains when water is within the prescribed water quality limits. Environmental Quality Standards (EQS) as set out in the European Communities Environmental Objectives (Surface Waters) Regulations 2009 as amended will be applied for reference unless otherwise directed by the Local Authority or Statutory Bodies.

8.3.12. I am satisfied that these measures, in addition to the best practise measures outlined in Section 5.3 of the CEMP, the mitigation measures outlined in Section 5.1.2.2 Aquatic Environment; Management and Excavations of the NIS together with the response to the appeal will avoid or reduce the risk of negative impacts and thus there will be no potential for significant adverse effects on any European site. I consider the foregoing to be acceptable and have noted same.

8.3.13. The appellant submitted that the following statements are considered meaningless:

- “*These should measure at least 10m in width*”
- “*Where land is steeper this buffer may need to be expanded*”
- “*The excessive removal or pruning of vegetation will be avoided*”
- “*Dewatering of excavations will be avoided where possible*”

8.3.14. These statements are taken from Section 5.1.2.2 Aquatic Environment; Management and Excavations of the NIS. I have noted the foregoing and I am satisfied that these are best practise design measures in relation to the management of surface water run off and excavations to avoid / reduce the release of suspended solids into surface water run off and are considered appropriate. I am satisfied that these measures, in addition to the best practise measures outlined in Section 5.3 of the CEMP, the mitigation measures outlined in Section 5.1.2.2 Aquatic Environment; Management and Excavations of the NIS together with the response to the appeal will avoid or

reduce the risk of negative impacts and thus there will be no potential for significant adverse effects on any European site. I consider the foregoing to be acceptable and have noted same.

8.3.15. It is submitted that *“as part of the proposed development of trails through new habitats, sensitive habitats (including Annex I habitats) will be avoided where possible”*. The appellant considers this to be *“unbelievable coming from a NPWS development”*. It appears that this statement is taken from Section 5.1.1 Design Phase Mitigation of the NIS. Please note that as per Section 8.2.3 of this report Section 5.0 “Protective Mitigation Measures” of the NIS has been renamed “Protective Mitigation and Monitoring”.

8.3.16. The applicant states that the quoted text is not a mitigation measure to avoid or reduce any potential significant adverse effects. While the statement is extracted from the “Mitigation & Monitoring” section of the NIS I accept the applicants’ position that it relates to the design stage of the development when the full sentence from which this statement is extracted is considered. I further note that in the NIS it states *“were avoided”* as opposed to *“will be avoided”* as quoted by the appellant as follows:

*As part of the proposed development of trails through new habitats, sensitive habitats (including Annex I habitats, hedgerows and treelines) were avoided where possible during the desing phase of the proposed development.*

8.3.17. The appellant refers to the judgement in CJEU Case 258/11 Peter Sweetman and Others v An Bord Pleanála notice parties, Galway County Council which states at

*44 “So far as concerns the assessment caried out under Article 6(3) of the Habitats Directive, it should be pointed out that it cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt to the effects of the works proposed in the protected site concerned.*

8.3.18. In this regard I refer to the Stage I Screening for AA and Stage II AA report below. I am satisfied that there are no obvious omissions with the assessment of habitats and species and no shortcomings or issues were noted in relation to the AA documentation available with the appeal file.

## 8.4. Introduction

- 8.4.1. The AA Screening concluded that following an evaluation of the relevant information, including details of the proposed development and its relationship with European sites, it is not considered possible to rule out the potential for likely significant effects on the Twelve Bens/ Garraun Complex SAC and Illaunnaon SPA, in the absence of any mitigation measures, whilst applying the precautionary principle. Thus, an NIS was prepared to assist the competent authority in undertaking a AA of the effects of the proposed development alone or in combination with other plans and projects on the integrity of the Twelve Bens / Garraun SAC and Illaunnaon SPA.
- 8.4.2. As documented the proposed development is largely situated within the Connemara National Park, which is partially located within the Twelve Bens / Garraun Complex SAC (designated for 13 qualifying interest habitat and species); thus there are a number of ecological constraints in the area. These were considered during the design phase of the proposed development. The proposed development was designed to avoid sensitive and / or protected habitats thereby avoiding the potential for likely significant effects. Where this was not possible, protective mitigation measures are proposed to reduce the significance of potential impacts, thus reducing any significant adverse effects as a result of the proposed development alone or in combination with any other plans or projects, on the qualifying interest habitats and species, or on overall site integrity for any European site.

## 8.5. Proposed Development

- 8.5.1. The site description and proposed development are set out in the foregoing reports outlined in Section 8.1 above and also Section 1.0 and 2.0 of this report.
- 8.5.2. **Proposed development at the Letterfrack Visitors Centre**

**Site No 1** is located to the south and southeast of Letterfrack within the boundaries of Connemara National Park. The proposed development aims to improve the existing trail network and develop new trails, approximately 2km in total length in the park. The proposed development will consist:

- Design and develop a new farm trail
- Design and develop an all-ability (pond) trail



- Design and develop an all-ability trail from the car park to the Elis Wood Trail
- Design and develop a new sensory trail adjacent to the main visitors centre and pond

The proposed new trail lengths are collated as follows:

<b>Trail</b>	<b>Approximate Length</b>
Farm Trail	1590m
Sensory Trail	Additional 150m
Accessible Trail	Additional 250m

### 8.5.3. Proposed Development at Mweelin

**Site no 2** is located at Mweelin, which is situated south of the N59 approx. 3km north east of Letterfrack. The proposed development will consist of;

- Design and develop new Lime Kiln, Old Galway Road and Bog Walking Trails (900m)
- Provide a new car park (86 spaces as amended) and toilet facilities to service the Mweelin Walking Trails
- Design and develop a new link walking trail which will connect the car park to the new walking trails

The proposed new trail lengths are collated as follows:

<b>Trail</b>	<b>Approximate Length</b>
Link Trail	1350m
Old Galway Road	1550m
Bog Trail	1470m
Old Canal Trail	935m
Lime Kiln to Canal Trail	150m
Ex Track Upgrade / Lime Kiln Trail	660m

8.5.4. The proposed development design provides for the construction of 5 no types of pathway comprised of natural materials including gravel surfaces, hand spalled stone and raised boardwalk. The path types are as follows:

- Type 1 – unlined aggregate path

- Type 2 – geogrid and aggregate path
- Type 3 – wooden boardwalk
- Type 4 – stone pitched path and
- Type 5 – surface dressing with aggregate

## 8.6. Stage 1 Screening for Appropriate Assessment

- 8.6.1. Using the source-receptor-pathway model, an examination of the potential effects of the proposed development is undertaken (alone or in-combination) to identify what European sites, and which of their qualifying interests or special conservation interest species are potentially at risk.
- 8.6.2. The development site is located in the Twelve Bens / Garraun Complex SAC. A summary of European sites that occur within 15km of the proposed development is presented below. While 15km is not a statutory requirement I am satisfied that it is a reasonable parameter and that the sites identified in Stage 1 of the AA are acceptable. Where a possible connection between the development and a European site has been identified, these sites are examined in more detail. In total there are 14 no SACs and 3 no SPAs located within 15km of the proposed development.
- 8.6.3. **Special Area of Conservation** – The following 13 no SACs are not considered to be within the zone of influence as they lie within a different sub-catchment to the proposed development and therefore there is no pathway for any potential significant effects to occur:
- 1) Tully Lough SAC
  - 2) Tully Mountain SAC
  - 3) Maumturk Mountains SAC
  - 4) Rusheenduff Lough SAC
  - 5) Mweelrea / Sheeffry Complex SAC
  - 6) Connemara Bog Complex SAC
  - 7) Slyne Head Peninsula SAC
  - 8) Barnahallia Lough SAC
  - 9) Kingston Bay SAC

10) Omey Islan Machair SAC

11) Aughrusbeg Machair & Lake SAC (13) is within the same sub-catchment but in a separate river network.

12) West Connacht Coast SAC (12) is <5km west of the proposed development

13) Inisbofin & Innishhark SAC (13) are islands located 15km northwest of the proposed development.

8.6.4. These 13 no sites are excluded from further consideration and are therefore screened out. A further site: the Twelve Bens / Garraun Complex SAC is discussed below.

8.6.5. **Special Protection Area** - There are 2 no SPA sites located within 15km of the proposed development that were not considered to be within the zone of influence;

1) Connemara Bog Complex SPA

2) High Island, Inishark & Davillaun SPA

8.6.6. These 2 no sites are located in separate sub-catchments therefore there is no pathway for potential significant effects. There is no potential for any likely significant effects to occur to these designated sites and their special conservation interest species as a result of the proposed development. These 2 no sites are excluded from further consideration and are therefore screened out. A third site: the Illaunnanoon SPA is discussed below.

## 8.7. **Twelve Bens / Garraun Complex SAC & Illaunnanoon SPA**

8.7.1. With regards to potential habitat degradation effects associated with the release of sediment and other pollutants to surface water, the zone of influence of the proposed development is considered to include the receiving waterbodies adjacent to or downstream of the proposed development during the construction and operation phases. Thus, two European sites are considered to be within the zone of influence of the proposed development, due to the proposed development sites location within the Twelve Bens / Garraun SAC itself and close proximity and hydrological links to the Illaunnanoon SPA site. These 2 no sites are listed below together with the site specific conservation objectives:

European Site	Site Code	Distance (km)	Conservation Objective
<b>Twelve Bens / Garraun Complex SAC</b>	002031	0km (within site boundary)	The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest which is defined by a list of attributes and targets. Further detailed conservation objectives for each qualifying interest are provided by the NPWS.
<b>Illaunnaon SPA</b>	004221	1.5km north west of Letterfrack	The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest.

## 8.8. Potential Impacts of the Proposed Development

8.8.1. As mentioned, the proposed development is located within the Twelve Bens / Garraun Complex SAC and 1.5km from the Illaunnaon SPA. Thus, there is the potential for both direct and indirect effects to occur. Elements of the proposed works that may give rise to impacts which have been considered with regards to potential significant effects on both European sites are set out below. These potential impacts are associated with the construction phase and to a lesser extent with the operational phase of the proposed development. The impacts are considered in light of the conservation objective of the Annex I habitats and Annex II species, for which the SAC or SPA is designated.

<b>1) Twelve Bens / Garraun Complex SAC</b>		
<b><i>Habitats / Species</i></b>	<b><i>Pathway</i></b>	<b><i>Possibility of Likely Significant Effects (alone or in combination)</i></b>
Oligotrophic waters containing very few minerals of sandy plains  Oligotrophic to mesotrophic standing waters with vegetation	Habitat loss / fragmentation within the proposed development area  Disturbance to qualifying interest species via noise and	Yes – potential for direct impacts including habitat loss, fragmentation and / or habitat degradation to qualifying interest habitats

<p>of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea</p> <p>Alpine and Boreal heaths</p> <p>Blanket bogs (* if active bog)</p> <p>Depressions on peat substrates of the Rhynchosporion</p> <p>Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani)</p> <p>Calcareous rocky slopes with chasmophytic vegetation</p> <p>Siliceous rocky slopes with chasmophytic vegetation</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel)</p> <p>Salmo salar (Salmon)</p> <p>Lutra lutra (Otter)</p> <p>Najas flexilis (Slender Naiad)</p>	<p>activity from within the proposed development</p> <p>Surface water and groundwater connectivity</p>	<p>Potential for direct disturbance / displacement impact on qualifying interest species, namely Otter, from noise associated with construction activity</p> <p>Polluting matter such as sediment or hydrocarbons could potentially be mobilised during construction or operation. Potential for significant effects on aquatic Annex II and V species from potential pollutants and wastewater entering surface water are considered to exist</p>
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<b>2) Illaunnanoon SPA</b>		
<b><i>Habitats / Species</i></b>	<b><i>Pathway</i></b>	<b><i>Possibility of Likely Significant Effects (alone or in combination)</i></b>
Sandwich Tern	Surface water connectivity	Yes – Upon consideration of the precautionary principle, the potential for\ likely significant effects on the special conservation interest species of this SPA are considered to exist

		via a potential reduction in water quality in the River Sruffaunboy and onto Ballynakill Harbour
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**8.9. Conclusion**

8.9.1. Following an evaluation of the relevant information, including details of proposed development and its relationship with European sites, it is not considered possible to rule out the potential for likely significant effects on the Twelve Bens / Garraun Complex SAC and Illaunnaon SPA, in the absence of any mitigation measures, while applying the precautionary principle. Appropriate Assessment is therefore required.

**8.10. Stage 2 Appropriate Assessment**

**8.10.1. Potential Direct and Indirect Impacts**

8.10.2. As identified in the Screening for AA there is a potential for direct and indirect effects on two European sites as a result of the proposed development via habitat loss, fragmentation and / or habitat degradation e.g from an increase in human footfall, reduction in water quality via the hydrological links, possible disturbance / displacement effects and spread of invasive species during the construction phase and the operational phase.

8.10.3. **Site No 1** - There is a potential for a reduction in water quality in the River Sruffaunboy or the Owengarve River which flow into Ballynakill Harbour thereby potentially negatively effecting the second European Site within the zone of influence, Illaunnaon SPA, through an accidental release of pollutants and / or sediment during the construction phase of trails south of Letterfrack (Site No 1).

8.10.4. **Site No 2** – There is a indirect surface water pathway that exists between the proposed development at the Mweelin Site (Site No 2) and the Dawros River that contains three of the qualifying interest species of the SAC; Freshwater Pearl Mussel, Salmon and Otter. There is also an indirect surface water pathway that exists between the proposed development at the Mweelin site (Site No 2) and Pollacappul Lough that contains a fourth qualifying interest species of this SAC; the Slender Naiad. The potential indirect effects on these qualifying interests are due to the potential release

of pollutants and sediments into the surface water system during the construction phase and less so during the operational phase of the proposed development. The proposed development also has the potential to cause adverse effects on qualifying interest habitats, through the removal and fragmentation of habitats or degradation of habitats from the spread of invasive species as a result of the construction and operation of trails in new areas of the SAC. Mweelin site (Site No 2) contains the invasive species, *Rhododendron Ponticum*, which has the potential to be spread during construction works. This could have long-term effects on species composition, diversity and abundance in affected areas.

8.10.5. Further details on the potential for significant adverse effects as set out below:

8.10.6. **Twelve Bens / Garraun Complex SAC** - The potential for significant adverse effects on the qualifying interests of the Twelve Bens / Garraun Complex SAC can be summarised as follows:

Qualifying Interests	Distance from the proposed development	Conservation Objective	Pathway	Potential for Significant Adverse Effects
Freshwater Pearl Mussel	75m downstream	To restore the favourable conservation condition of FWPM in the Twelve Bens / Garraun Complex SAC	Spills / Leaks to surface water	Yes – Due to the potential of sediment and pollutants released upstream
Salmon	75m downstream	To maintain the favourable conservation condition of Atlantic Salmon in the Twelve Bens / Garraun Complex SAC	Spills / Leaks to surface water	Yes – Due to a lack of distribution data the precautionary approach is used which assumes that Salmon are present throughout the catchment therefore the potential for adverse effects on this species from pollutants entering surface

				water are considered to exist
Otter	75m downstream	To maintain the favourable conservation condition of Otter in the Twelve Bens / Garraun Complex SAC	Spills / Leaks to surface water	Yes – an accidental pollution event of a sufficient magnitude could (at least temporarily) potentially affect usage of holt / couch sites available for Otter in the SAC or affect prey availability or abundance. During the construction phase noise from construction activities and / or human presence may cause disturbance / displacement effects on Otter foraging or commuting in the area
Slender Naiad	Approx. 700m downstream	To maintain the favourable conservation condition of Slender Naiad in the Twelve Bens / Garraun Complex SAC	Spills / leaks to surface water	Yes – there is a potential for run-off of sediment and pollutants into the River Mweelin during the construction of the proposed Lime Kiln Trail. The River Mweelin flows into Pollacappul Lough which contains populations of Slender Naiad
Oligotrophic waters containing very	Closest lake is approx. 640m directly north	To maintain the favourable conservation	No pathway for effect between the proposed	No – this type of lake habitat does not occur



few minerals of sandy plains	east of the proposed development (upstream)	condition of Oligotrophic waters containing very few minerals of sandy plains in the Twelve Bens / Garraun Complex SAC	development and this type of lake habitat	downstream of the proposed development
Oligotrophic to mesotrophic standing water with vegetation of the Littorelletea uniflorae and / or isoeto-Nanojuncetea	Approx. 700m downstream	To maintain the favourable conservation condition of Oligotrophic to mesotrophic standing water with vegetation of the Littorelletea uniflorae and / or isoeto-Nanojuncetea in the Twelve Bens / Garraun Complex SAC	Spill / leaks to surface water	Yes – there is a potential for run-off of sediment and pollutants into the River Mweelin during the construction of the proposed Lime Kiln Trail. The River Mweelin flows into Pollacappul Lough which is considered to be a type 3130 lake habitat.
Alpine and Boreal Heaths	>13km south east of the proposed development	To restore the favourable conservation conditions of Alpine and Boreal Heaths in the Twelve Bens / Garraun Complex SAC	No – given the closest example of this type of habitat is >13km away and in a separate catchment there is no potential pathway for effects	No – this type of habitat does not occur within the zone of influence of the proposed development therefore there is no potential for significant adverse effects
Blanket Bogs	0m	To restore favourable conservation condition of Blanket Bogs (*if active bog) in the Twelve Bens / Garraun Complex SAC	Yes – part of the proposed works will be located within an area of blanket bog.	Yes – the construction of new trails and upgrading of existing trails have the potential to adversely affect this habitat through direct habitat loss and / or habitat degradation (e.g from an increase in

				human footfall or spread of invasive species). Note the proposed car park is situated outside of the boundaries of the SAC.
Depression on peat substrates of the Rhynchosporion	0m	To restore the favourable conservation condition of depressions on peat substrates of the Rhynchosporion in the Twelve Bens / Garraun Complex SAC	Yes – part of the proposed works will be located within areas of associated habitat	Yes – while no examples of this habitat type were recorded within the proposed development area, considering part of the proposed development is situated in areas of associated habitat, a precautionary approach is taken and is assumed the construction of new trails have the potential to adversely affect this habitat through direct habitat loss and / or habitat degradation (e.g. formation increase in human footfall or spread of invasive species)
Siliceous scree of the montane to snow levels	Unknown	To restore the favourable conservation condition of Siliceous scree of the montane to snow levels in the Twelve	No – this habitat type has not been mapped in detail for the Twelve Bens / Garraun complex SAC; however, no evidence of this	No – this type of habitat does not occur within the zone of influence of the proposed development; therefore there is no potential

		Bens / Garraun Complex SAC	type of habitat was recorded within the proposed development area. It is likely to occur in upland areas, outside of and upstream of the development with no pathway for effects.	for significant adverse effects
Calcareous rocky slopes with chasmophytic vegetation	Unknown	To restore the favourable conservation condition of calcareous rocky slopes with chasmophytic vegetation in the Twelve Bens / Garraun Complex SAC	No – this habitat type has not been mapped in detail for the Twelve Bens / Garraun complex SAC; however, no evidence of this type of habitat was recorded within the proposed development area. It is likely to occur in upland areas, outside of and upstream of the development with no pathway for effects.	No – this type of habitat does not occur within the zone of influence of the proposed development; therefore, there is no potential for significant adverse effects
Siliceous rocky slopes with chasmophytic vegetation	Unknown	To restore the favourable conservation condition of Siliceous rocky slopes with chasmophytic vegetation in the Twelve Bens / Garraun Complex SAC	No – this habitat type has not been mapped in detail for the Twelve Bens / Garraun complex SAC; however, no evidence of this type of habitat was recorded within the proposed development area. It is likely to occur in upland areas, outside of and	No – this type of habitat does not occur within the zone of influence of the proposed development; therefore, there is no potential for significant adverse effects

			upstream of the development with no pathway for effects.	
Old sessile oak woods with Ilex and blechnum in the British Isles	>13km south east of the proposed development	To maintain the favourable conservation condition of Old sessile oak woods with Ilex and blechnum in the British Isles in the Twelve Bens / Garraun Complex SAC	No – given the closest example of this type of habitats is >13km away and in a separate catchment there is no potential pathway for effects	No – this type of habitat does not occur with the zone of influence of the proposed development; therefore, there is no potential for significant adverse effects

8.10.7. **Illaunanoon SPA** - The Potential for Significant Adverse Effects on the special conservation interests of the Illaunanoon SPA can be summarised as follows:

Special Conservation Interests	Location	Conservation Objective	Pathway	Potential for Significant Adverse Effects
Sandwich Tern	<2km west of Letterfrack	To maintain or restore the favourable conservation condition of the bird species	Spills / leaks to surface water	Yes – an accidental pollution event of a sufficient magnitude could (at least temporarily) potentially affect water quality in the Ballynakill Harbour which could in turn effect prey availability or abundance and supporting habitat for this species

## 8.11. Protective Mitigation Measures

8.11.1. Mitigation measures to prevent possible impacts arising from the proposed project are summarised as follows. The aim of the proposed protective mitigation measures is to

avoid / reduce the potential for significant adverse effects on European Sites which have the potential to arise as a result of the proposed development, alone or in combination with other plans or projects.

## 8.12. Design Phase Mitigation

- To avoid direct effects on qualifying interest habitats within the Twelve Bens / Garraun Complex SAC, the proposed car park was designed to be located outside the boundary of the SAC on lands obtained by the NPWS. Annex I blanket bog habitat was recorded in the southwestern corner of the carpark site. However, the area of blanket bog within the proposed carpark footprint is outside of the SAC and is 0.026ha which is only 0.0005% of the 5,325ha of mapped blanket bog habitat within the Twelve Bens / Garraun complex SAC and an even lower percentage if the unmapped areas outside the SAC are also considered.
- Rainwater harvesting and permeable paving will be incorporated into the design of the carpark as a Sustainable Drainage System (SuDS) measure. The runoff from this area will pass through a hydrocarbon interceptor, and attenuation tank. This will reduce the risk of high run off during storm events. An impermeable membrane will be installed along the southern edge of the car park to minimise any water loss from the existing peatland to the south of the car park (Drawing 10774-20219 refers).
- The toilet block will not have any discharge to ground or surface water locally. All wastewater will be collected in a large tank, and will be emptied as required by a license waste collector according to the manufacturers guidelines. To avoid impacts on water quality and the aquatic environment during the construction of trails, watercourse crossings have been designed to avoid any instream works. Precast concrete will be used in the bridge construction to avoid pouring wet concrete locally.
- Sensitive habitats (including Annex I habitats, hedgerows and treelines) were avoided where possible during the design phase of the proposed development. The proposed walking trail route does however cross one section of Annex I Habitat along the Old Galway Road within the Twelve Bens / Garraun Complex SAC. Here the route is dominated by wet heath with a high cover of *Molinia Caerulea* and corresponds to the EU Habitat “northern Atlantic wet heaths with

Erica Tetralix”. However the vegetation has developed on shallow (<50cm) sloping peat over an old road and is considered to be of limited significance. It should also be noted that “northern Atlantic wet heaths with Erica Tetralix” is not a qualifying interest habitat of the SAC.

- To avoid permanent habitat loss or habitat degradation, the trail was designed to be constructed with boardwalks or bog bridges, which are wooden structures supported above ground level. The boardwalk will be supported above ground level by two means; posts set into the ground or on longitudinal stringers which will be placed directly on to the ground. Both options can be constructed quickly by hand with little disturbance to the surrounding bog ecology or drainage patterns. The driven posts are proposed to be pressure treated planks 152 x 76mm in cross section and 2,400mm long (approx.) in length. The posts will be driven into the existing ground to the required depth and then the excess material will be cut off the top. The wooden frame for the boardwalk will then be constructed off the driven posts with grooved timber planks installed on top of the frame to form the boardwalk. Construction teams will be instructed to curve the boardwalk around hummocks and to use the topography as much as possible. No excavated material will be brought alongside the boardwalk in the Annex I habitat area. Boardwalks are designed to let light penetrate through, therefore the boardwalk areas will remain vegetated and stable. An active trail management plan will be put in place and design trails can be altered if signs of erosion appear.
- The proposed works during the construction phases are anticipated to generate relatively low levels of noise and only during permitted construction hours. No night works are anticipated and there will be no lighting installed as part of the proposed development.

### 8.13. Construction Phase Mitigation

- Integral to the construction phase of the proposed development and the construction phase mitigation, is the Construction Environmental Management Plan (CEMP) which summarises the overall environmental management strategy that will be adopted and implemented during the construction phase of the proposed development. The purpose of the CEMP is to demonstrate how the proposed construction phase can be delivered in a logical, sensible and safe

sequence with the incorporation of specific environmental control measures relevant to construction works of this nature. The CEMP set out the mechanism by which environmental protection is to be achieved during the construction phase of the proposed development.

- Excavation work will not be carried out during or following heavy rainfall and will be covered during heavy rainfall i.e. if there is a yellow weather warning in place or 5mm in a 1 hour period which is significantly less than the 6 month / 1 hour rainfall return period of 9.1mm<sup>2</sup> to avoid the creation of surface water with high concentrations of suspended solids that would require dewatering. As discussed in Section 5.3 of the CEMP, during periods of inclement weather, linear excavation will be completed in a leap-frog system leaving intermittent undisturbed strips, which will prevent surface water run-off from running the length of an excavation at formation level.
- During the construction phase, environmental monitoring will take place by an Ecological Clerk of Works / Site Engineer to confirm that the following control measures are implemented fully and having the intended effect. The Ecological Clerk of Works / Site Engineer will commence their supervisory role prior to any works commencing on site, involving the review of and providing advice on method statements, in preparation of works. Environmental monitoring will continue throughout the operational phase of the proposed development.
- The Site Engineer / Site Manager will prepare and deliver site induction and training to all personnel prior to the commencement of works and will be responsible for ensuring all mitigation measures, including any additional planning conditions, are fully implemented and monitored during construction works.
- Pre-construction Otter surveys will be undertaken prior to the commencement of any works in order to identify any changes in Otter activity or holt locations from the original baseline surveys and to ensure the prescribed mitigation measures remain adequate. Pre-construction surveys will be conducted no more than 10-12 months in advance of construction. If any new Otter holts are identified during pre-construction surveys then exclusion procedures will be undertaken. To ensure the welfare of Otters, they must be evacuated from any holts within the land take of the proposed project. Confirming that a holt is inactive will usually require a period of monitoring (5 or more days of checking activity at the holt either with sticks or with

sand pads to identify footprints). Where holts have been blocked with vegetation and a light application of soil (soft blocking). If the entrances remain undisturbed for 5 days, the holt will then be destroyed immediately using a mechanical digger, under the supervision of the holder of an NPWS derogation.

8.13.1. There will be no instream works in any part of the Polladirk River or the Mweelin River which runs onto Pollacappul Lough. As part of good practice and to avoid / reduce the release of suspended solids into the surface water runoff, the following procedures will be employed:

- Silt fences shall be constructed using a permeable filter fabric (Hy-Tex Terrastop Premium silt fence or similar) and not a mesh. Silt fencing must be installed as per the manufacturer's guidelines. Silt fences should be maintained until vegetation on the disturbed ground has been re-established. Once installed, the silt fence should be inspected regularly during construction and more frequently during heavy rainfall events
- Prior to the commencements of excavations, an area for stockpiling excavated material will be identified >50m away from any watercourse. This area will be located where surface water percolates freely into groundwater. The amount of excavated material is expected to be small. Stockpiling of large volumes of loose soil material on site will be avoided, where possible and surplus material removed from the site as soon as work is completed
- Excavation works will be carried out during or following heavy rainfall. Excavations will be covered during high rainfall to avoid the creation of surface water with high concentrations of suspended solids that would require dewatering. During lighter rain periods, the time periods over which excavations area left open will be reduced insofar as is reasonably practicable
- Dewatering of excavations will be avoided where possible. If required, this will be achieved by pumping excess water to settlement tanks or filtration systems located at the construction site. Silt de-watering bags will be used when water is being discharged
- Native trees and shrubs will be planted to act as a permanent buffer and to reduce any run-off from carpark. These should measure at least 10m in width. Where



land is steeper this buffer may need to be expanded. The excessive removal or pruning of vegetation will be avoided.

8.13.2. Dewatering of excavations will be avoided where possible. If required, this will be achieved by pumping excess water to proprietary settlement tanks or filtration systems located at the construction site. These will be monitored at least twice daily with dewatering stopped if any silt is evident within the discharge. In the absence of a significant source, a minor spill can be addressed effectively and efficiently on site using existing best practise pollution control procedures. In addition, if surface pollutants are released to soil, hydrocarbons undergo biological, physical and chemical alterations including biodegradation and retardation

- All works must align with the guidance set out in the guidance document entitled: “Control of Water Pollution from Construction Sites. Guidance for Consultants and Contractors” (2001)
- A spill method statement will be drawn up which all personnel must adhere to and receive training in;
- Spill-kits and hydrocarbon absorbent packs will be stored in the cabin of all construction vehicles and in specific areas around the site. All machine operators and site staff will be fully trained in the use of this equipment
- All machinery will be regularly maintained and checked for leaks. Services will not be undertaken within 50m of surface water conduit. Servicing must be undertaken on level, hard surfaced designated areas where possible
- Re-fuelling of construction equipment and the addition of hydraulic oil or lubricants to vehicles / equipment will take place designated hard surface, bunded areas within this compound, where possible, and no on-site. If it is not possible to bring machinery to the refuelling point, fuel will be delivered in a double-skinned mobile fuel bowser. A drip tray will be used beneath the fill point during refuelling operations in order to contain any spillages that may occur.
- The toilet block will not have any discharge to ground or surface waters locally. All waste water will be collected in a large tank, and will be emptied as required by a licensed waste collector according to the manufacturers guidelines
- Waste will be removed from the site and disposed of by an approved waste contractor in accordance with prevailing waste management regulations

- On completion of the works, all apparatus, plants, tools, offices, sheds, surplus materials, rubbish and temporary erections or works of any kind will be removed from the site

8.13.3. As part of the proposed development of trails through new habitats, sensitive habitats (including Annex I habitats) will be avoided where possible for all activity during the construction phase, as well as the operational phase. The following mitigation measures will be implemented in the construction phase:

- Where it is not feasible or practical to completely avoid sensitive habitats, including Annex I Habitats, a board-walk trail will be used to avoid any significant impact on the habitats, as board-walks require minimal removal of vegetation (refer to Section 5.1.1 of the NIS for Design Phase Mitigation)
- Heavy machinery such as excavators will be excluded from tracking on any Annex I habitats in the site and
- Any potential erosion to trails and their surrounding areas will be monitored and protective measures will be put in place if necessary in an effort to reduce the loss or degradation of habitats

8.13.4. The proposed development has been designed around existing hedgerows and trees thereby reducing the need for their removal. A protective buffer zone of 5m between the centre of each treeline / hedgerow and the footprint of the development will be established. No development works will occur within these areas, except where unavoidable (i.e. crossing through hedgerows / site entrance)

8.13.5. Biosecurity measures will be put in place to ensure no invasive species are introduced or spread during construction phase of the proposed development. The spread and introduction of invasive species and noxious weeds will be avoided by adopting appropriate mitigation measures as per guidance issued by the TII (2010). Any invasive plant material noted on-site will be removed off-site and disposed of at appropriate licensed waste disposal facility. Any invasive species found to occur within 15m of working areas will require a specialist method statement for its eradication to avoid the spread of invasive species and ensure compliance with the European Communities (Birds and Natural Habitat's) Regulations 2011. The presence of non-native species and the requirement for actions will be confirmed by a suitably qualified Ecologist. Rhododendron Ponticum was recorded on site during the 2019

ecological survey (Appendix A) thus, an Invasive Species Management Plan has been prepared as is included within the Plannign appclaiton. Herbicide use is not recommended by the River Polladirk.

8.13.6. No aquatic invasive species were recorded onsite but following the precautionary principle the following measures to reduce the risk of the spread of alien species will be followed during the construction works:

- Prior to arrival on site, the contractors' vehicles and equipment must be thoroughly cleaned. High-pressure steam cleaning, with water >60 degrees C, is recommended for vehicles and equipment where reasonably feasible. If it is not possible to steam clean the equipment, a normal power hose must be used. After cleaning, visually inspect the equipment, to ensure that all adherent material and debris has been removed.
- Visually inspect all equipment (including footwear) that has come into contact with water or soils for evidence of attached plant or animal material, or adherent mud or debris. This should be done before entering and leaving the site. Remove any attached or adherent material before entering or leaving the site of operation;
- All contractors will be required to sign a prepared form detailing the nature of the cleaning process carried out and the date on which this was conducted and
- It is not intended that any vehicles will enter watercourses during the project
- Construction noise will be kept to a minimum in accordance with British Standards BS 5228 1:2009 "Code of Practice for Noise and Vibration Control on Construction and Open Sites – Part 1: Noise". The contractor undertaking the construction of the works will be obliged to take specific noise abatement measures and will comply with the best practice outlined in BS 5228 and the NRA Guidelines "Good Practice for the Treatment of Noise during the Planning of National Road Schemes".
- Illaunnanoon SPA is located c2km west of Letterfrack and is of conservation importance due to the presence of a breeding population of Sandwich Tern. At this distance away, the proposed development poses no risk of disturbance from construction activities to nesting sites within the SPA. However, given the habitats present within and surrounding the proposed development site are suitable for a range of protected bird species including Annex I Birds, vegetation clearance will

generally be avoided between March 1<sup>st</sup> and August 31<sup>st</sup> to avoid impacts on potential nesting birds. If works must proceed during this season then breeding bird habitats will be inspected by a qualified Ecologist for the presence of breeding birds prior to the commencement of construction works. Where nests are found, the appointed Ecologist will provide recommendation as to whether a license is required for vegetation removal and will detail the process for obtaining such a derogation from the NPWS.

#### **8.14. Operational Phase Mitigation**

8.14.1. The following mitigation measures will be implemented during the operational phase:

- Any erosion to trails and their surrounding area will be periodically monitored and protective measures will be put in place if necessary in an effort to reduce the loss of habitat
- At the start of all walks, notices will be in place to promote the “Leave no Trace” and include the seven principles:
  - 1) Plan ahead and prepare
  - 2) Be considerate of others
  - 3) Respect farm animals and wildlife
  - 4) Travel and camp on durable surfaces
  - 5) Leave what you find
  - 6) Dispose of waste properly and
  - 7) Minimise the effects of fire
- Small groups of walkers rather than large groups will be encouraged to minimise erosion
- If required, access to trails will be closed or restricted to prevent erosion or damage, particularly during period of wet weather

8.14.2. The proposed trails will fit within the parameter of the National Trails Office (NTO) guidelines. As identified within the NPWS Connemara National Park Visitor Centre Management Plan 2020 – 2025, dogs should be kept on a leash within the Connemara National Park. In addition, “Leave No Trace” principles apply to the entire site and will be displayed at trail heads. The Management Plan also notes that Measurable

Indicators of deterioration will be identified, and regular checks carried out along trails to determine whether certain areas within the trails network are particularly vulnerable to human-related deterioration. Checks will be carried out monthly, year-round and relevant actions taken. If breeding pairs of Annex II species are found within distances to pathways which may cause significant disturbance, visitors will be rerouted in response.

8.14.3. Staff onsite have significant experience of trail monitoring and repair at Connemara National Park. As observed on say of site inspection there is a constant presence of staff onsite and trails are being constantly monitored. All trails within the National Parks are monitored and trails are being constantly monitored. All trails within the National Parks are monitored completely a minimum of twice weekly. Where there is an erosion event or a potential hazard to the public detected, the issue is immediately dealt with or the section of trail is closed until it has been repaired. If the public stray off the delineated path / trail, borders, rocks and other deterrents are put in their way to force them back onto the proper trails.

#### **8.15. In-Combination Effects**

8.15.1. Due to the large extent of the European sites within the Zone of Influence of the proposed development, the potential source of in-combination effects, particularly on water quality, is complex and wide. Potential sources of pollutants include, but are not limited to farming practices, waste from the manufacturing industry, construction industry, point source effluents, wastewater discharges, forestry and aquaculture. The characteristics of existing, proposed or other approved projects, which may result in in-combination effects with the proposed development and potentially affect a European Site, were assessed. In-combination effects from Site No 1 with other developments on a local and regional scale are possible as a result of a reduction in water quality in Ballynakill Harbour. A planning search of Letterfrack Town & Environs revealed a mix of residential, enterprise, light industry, community, general industry and other development types in the area. Other developments of relevance identified in the vicinity of the proposed development include:

- PKW Development Ltd Letterfrack – Construction of (a) 1 no 3 storey mixed use building comprising of 3 no shop units on the ground floor and 3 no duplex

apartments over (b) 21 no apartments comprising of 3 no 3 storey budlings each with 3 no apartments at ground floor and 4 no duplex apartments over (c) 4 no dwelling houses comprising of 2 no detached two storey and 2 semi detached 2 storey dwellings and (d) 2 no 2 storey buildings

- Connemara Carpets Ltd Letterfrack – new carpet manufacturing facility with associated offices, showroom, canteen, toilets and all associated site works, car parking and site services
- Cluid Housing Association Letterfrack – housing development consisting of 11 no dwellings (6 no 3 bedroom 2 storey semi-detached, 4 no 2 bedroom single storey semi-detached and 1 no 2 bedroom single storey detached dwelling), with connection to existing services and all associated site development works
- Ron Curran Letterfrack – construction of housing development for student accommodation and upgrading of septic and treatment plant
- Ron Curran Letterfrack – to construct a 2 storey English Language School, 16 no car parking spaces, landscaping and all ancillary works (gross floor area 486.41 sqm)
- Peter Walsh Letterfrack – demolition of existing 2 storey dwelling house and construction of (a) 1 no 3 storey mixed use building comprising 3 no shop units on ground floor and 3 no duplex apartments over (b) 21 no apartments comprising 3 no 3 storey building search with 3 no apartments at ground floor and 4 no duplex apartments over (c) 4 no dwelling houses comprising of 2 detached 2 storey and 2 semi detached 2 storey dwellings and (d) 2 no 2 storey budlings.

8.15.2. Within the implementation of the proposed mitigation measures it is not considered that any of the identified potential impact sources listed above would result in any significant adverse effect on the integrity of the Twelve Bens / Garraun Complex SAC or the Illaunnaon SPA and therefore it is not predicted to result in any significant in-combination effects with any other plans or projects.

## 8.16. Conclusion

8.16.1. This assessment of the proposed development at Connemara National Park considers whether the proposed development, alone or in-combination with other projects or plans, will result in significant adverse effects on the integrity of the Twelve Bens /

Garraun Complex SAC and Illaunanoon SPA, and includes any mitigation measures necessary to avoid or reduce the risk of negative impacts.

- 8.16.2. The Natura 2000 network helps provide for the protection and long-term survival of Europe's most valuable, and threatened species and habitats. Article 6(3) of the Habitats Directive requires that "it will not adversely affect the integrity of the site concerned". The primary function of Connemara National Park is one of conservation. As the Dawros River contains one of only eight Irish populations of Freshwater Pearl Mussel in Ireland this has been prioritised for conservation action. Therefore, Connemara National Park must ensure that the proposed development does not negatively impact on this qualifying interest species.
- 8.16.3. In the absence of mitigation, the potential significant impacts on the Twelve Bens / Garraun Complex SAC and Illaunanoon SPA are; the potential reduction in water quality from the release of suspended solids and / or pollutants into the surface water system, the potential spread of invasive species, potential habitat loss or degradation or potential disturbances or displacement effects. However, following the application of the detailed mitigation measures as outlined, potentially significant adverse effects will be avoided or reduced. Consequently, it is determined that there will be no significant adverse effects as a result of the proposed development, alone or in combination with any other plans or projects, on the qualifying interests habitats and species, or on overall site integrity, nor in the attainment of the specific conservation objectives, for the Twelve Bens / Garraun Complex SAC and Illaunanoon SPA.
- 8.16.4. I am satisfied that a full examination of the potential impacts has been analysed and evaluated using the best scientific knowledge. The potential for significant effects on the Twelve Bens / Garraun Complex SAC and Illaunanoon SPA was identified. Appropriate Assessment has demonstrated that where potential adverse effects were identified in view of the conservation objectives of this site, key design features and detailed mitigation measures have been prescribed to remove risks to the integrity of the European sites. I am satisfied based on the information available that if the key design features and mitigation measures are undertaken, maintained and monitored as detailed in the NIS and further information, adverse effects on the integrity of the Twelve Bens / Garraun Complex SAC and Illaunanoon SPA will be avoided

8.16.5. I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the Twelve Bens / Garraun Complex SAC and Illaunanoon SPA or any other European site, in view of the site's Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

## 9.0 Recommendation

9.1. It is recommended that permission be **GRANTED** subject to conditions for the reasons and considerations set out below.

## 10.0 Reasons and Considerations

10.1. Having regard to the provisions of the Galway County Development Plan 2015-2021, to the location of the site and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development not seriously injure the residential or visual amenities of the area and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

## 11.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 26 <sup>th</sup> day of February 2021 and by the further plans and particulars received by An Bord Pleanála on the 19 <sup>th</sup> day of May 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the
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	<p>development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity</p>
2.	<p>a) Additional advance warning signage shall be provided at the applicants expense on approach to the proposed entrance to the car park at Mweelin. Details shall be agreed in writing with the Planning Authority prior to commencement of work on site.</p> <p>b) All vehicular parking spaces and circulation aisles on site to serve the proposed development shall be clearly demarcated.</p> <p>c) Prior to commencement of work on site a landscape plan for the car park shall be prepared and submitted to the Planning Authority for written agreement.</p> <p><b>Reason:</b> In the interest of visual amenity and traffic safety</p>
3.	<p>All of the environmental, construction and ecological mitigation measures, as set out in the Planning and Environmental Report and associated documentation submitted with the application, shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this order.</p> <p><b>Reason:</b> In the interest of clarity and of the protection of the environment during the construction and operational phases of the development.</p>
4.	<p>Monitoring of the construction phase shall be carried out by a suitably qualified competent person to ensure that all environmental mitigation measures contained in the documentation which accompany the application are fully implemented. A designated member of the applicant's staff shall interface with the Planning Authority or members of the public in the event of complaints or queries in relation to environmental emissions. Details of the name and contact details and the relationship to the developer of this person shall be available at all times to the Planning Authority on request whether requested in writing or by a member of staff of the Planning Authority at the site.</p> <p><b>Reason:</b> To safeguard the amenities of the area.</p>

5.	<p>The developer shall facilitate the planning authority in preserving, recording or otherwise protecting archaeological materials or features that may exist within the site. In this regard, the developer shall</p> <ul style="list-style-type: none"> <li>a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,</li> <li>b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and</li> <li>c) provide satisfactory arrangements for the recording and removal of any archaeological material which may be considered appropriate to remove.</li> </ul> <p><b>Reason:</b> In order to conserve the archaeological heritage of the site and to secure the preservation of any remains which may exist within the site.</p>
6.	<ul style="list-style-type: none"> <li>a) Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</li> <li>b) Details of the collection of waste water by a license waste collector according to the manufacturers guidelines shall be submitted and agreed in writing with the planning authority prior to the opening of this development.</li> </ul> <p><b>Reason:</b> In the interest of public health</p>
7.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p><b>Reason:</b> In the interest of visual amenity</p>
8.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the</p>

	<p>Department of the Environment, Heritage and Local Government in July 2006.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
9.	<p>a) During construction the wheels of all trucks shall be washed prior to their exit from the site in a wheel wash facility. Details of the construction, installation and operation of this facility shall be agreed in writing with the Planning Authority prior to commencement of any development.</p> <p>b) The applicant shall put in place a Traffic Management Plan for the construction and operational phase of the development.</p> <p>c) Advance warning signage shall be provided on the N59. Details shall be agreed in writing with the Planning Authority prior to commencement of work on site.</p> <p>d) The developer shall agree a Road Maintenance Plan in writing with the Planning Authority which shall be implemented during the construction phase. This plan shall ensure to keep public roads clean with roads swept using a suction sweeper where necessary. No debris, and/or dust/dirt associated with the proposed development shall be deposited on the public roads.</p> <p>e) Any damage to the public road as a result of the proposed development shall be repaired by the developer at their own expense to the satisfaction of the Planning Authority.</p> <p><b>Reason:</b> In the interest of development control and traffic safety</p>
10.	<p>The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, between 0800 to 1400 hours on Saturdays and not at all on Sundays and Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of adjoining property in the vicinity</p>

11.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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**Mary Crowley**

**Senior Planning Inspector**

**29<sup>th</sup> September 2022**