



An
Bord
Pleanála

Inspector's Report

ABP-312379-22

Development	N17 Milltown to Gortnagunned Realignment Scheme
Location	Within the townlands of Milltown, Cartron, Gortnaloura, Clonacross, Drum, Curraghderry and Gortnagunned, County Galway.
Local Authority	Galway County Council
Type of Application	Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment)
Prescribed Bodies	An Taisce, Department of Housing, Local Government and Heritage Transport Infrastructure Ireland
Observer(s)	None
Date of Site Inspection	15 th August 2022
Inspector	Máire Daly

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1.0 Introduction

- 1.1. Galway County Council (GCC) is seeking approval from An Bord Pleanála to undertake the upgrade of a c. 3km section of the N17, north of Milltown, Co. Galway adjacent to the Lough Corrib Special Area of Conservation (SAC) which is a designated European site. A Natura Impact Statement (NIS) and application under Section 177AE was lodged by the Local Authority on the basis of the proposed development's likely significant effect on European sites.
- 1.2. Section 177AE of the Planning and Development Act 2000 (as amended) requires that where an Appropriate Assessment (AA) is required in respect of development by a local authority the authority shall prepare an Natura Impact Statement (NIS) and the development shall not be carried out unless the Board has approved the development with or without modifications. Furthermore, Section 177V of the Planning and Development Act 2000 (as amended) requires that the AA shall include a determination by the Board as to whether or not the proposed development would adversely affect the integrity of a European site and the AA shall be carried out by the Board before consent is given for the proposed development.

2.0 Proposed Development

- 2.1. Galway County Council is seeking permission for an upgrade of a c.3km section of the N17 National Primary Road, north of Milltown. The project will remove a number of substantially deficient bends on this section of the road and in so doing, will improve aspects such as safety, sight distance, cross sectional width and drainage. The realignment consists of both on-line on off-line construction. The road type proposed for the project corresponds to a Type 1 Single Carriageway arrangement. Design drawings are included with the planning application.
- 2.2. The scheme includes the following:
 - Circa. 3km of realignment to the existing N17 National Primary Route (c. 1550m online and c.1450m offline);
 - Junction Improvements including 7 no. Simple T Junctions, including one Right/Left Staggered T Junction;
 - Circa 0.775km of realignment to the existing local road network (tie-in works);

- 34 no. Direct Access connections to the National Primary network (including 17 no. agricultural, 17 Residential). Where the new road has been realigned away from the original N17, the number of local access points have been rationalised to provide one access point onto the main carriageway from a number of access points;
- Footway/cycleway on the Left Hand Side (LHS) from Ch + 0 to Ch 2 + 560, 3m wide with a 2% slope falling towards the carriageway, with a reduced width of 2m from Ch 0 + 120 to Ch 0 + 200. The footway/cycleway is designed in accordance with DN – GEO – 03047 Rural Cycleway Design (Offline);
- Proposal to extend the footway/cycleway on both sides of the alignment from an approximate chainage of Ch 2 + 560 to Ch 2 + 945. The footway/cycleway is proposed to be 4.5m wide. This footway/cycleway is then extended on the western side of the alignment and goes offline from Ch 2 + 560 to Ch 2 + 310 utilising the old road corridor providing connectivity to the N17 Store;
- The proposed road drainage system will replace the current one where the road run-off is discharging directly to the receiving water courses and groundwater without any pollution control or attenuation Sustainable Drainage Systems (SuDS) will be applied throughout;
- Proposed drainage system to include petrol interceptors and attenuation/sediment ponds. This system discharges to a local drainage network which flows south before eventually connecting into the River Clare approximately 1.5 km downstream. The River Clare is included within the Lough Corrib SAC.
- Works required to protect/divert existing services shall be developed further during detailed design.
- Earthworks operations;
- 2 no. Spoil Repository/Borrow Pits;
- The proposed works also include the demolition of five existing building which include residential properties and derelict buildings. The demolition will be undertaken as part of the construction phase of the proposed road realignment works.

2.3. Accompanying documents:

- Cover Letter
- Signed Planners and Engineer Reports/Memorandums
- Options Selection Report
- Appropriate Assessment (AA) Screening Report
- Natura Impact Statement (NIS)
- Archaeological & Architectural Heritage Report (AAHR)
- Construction Environmental Management Plan (CEMP)
- Design Report
- Ecological Impact Assessment (EclA) Report
- Environmental Impact Assessment (EIA) Screening Report
- Hydrological Impact Assessment (HIA) Report
- Outline Erosion & Sediment Control (OESC) Plan
- Drawing Schedule and Planning Drawings

3.0 Site and Location

- 3.1. The site of the proposed road realignment is along the N17 National Primary Route to the north-west of Milltown village in northern County Galway. The proposal will continue for a distance of approximately 3km through the townlands of Milltown, Cartron, Gortnaloura, Cloonnacross, Killerneen, Drum and Gortnagunne. The road is mostly rural in character and is aligned on both sides with agricultural pastures and occasional road-fronting development. A disused railway line (Western Rail Corridor) traverses the site at the townland of Drum.
- 3.2. The subject section of roadway (N17) falls below the standard of the TII Publications (Standards) in terms of horizontal and vertical alignment, visibility and cross-section, and safety on the route is compromised as a result. In terms of the cross-section, the existing road is sub-standard for a 100km/h speed limit. The average lane widths in each direction are approximately 3.0m with no hard shoulder, little or no hard strip,

limited verge space and unforgiving roadsides. This makes it unsuitable for use by non-motorised users (pedestrians and cyclists). After approximately 660m to the north of Milltown, the proposed route crosses the existing N17 route, and continues along the southwest of the existing route between the townlands of Gortnaloura and Drum. This section of the route also crosses a network of Drainage Ditches (Fossitt Code: FW4) that have connectivity with the Drum Stream, a tributary of the Carrownageeha stream (EPA Code: IE_WE_30C010300), that occurs to the south west of the proposed development, after approximately 1.4km. The lower reaches of the Drum stream and the Carrownageeha stream, a tributary of the River Clare, are designated as part of Lough Corrib SAC downstream of this location, and outside of the works area. The majority of the proposed site and the general location is made up of improved agricultural grasslands with intermittent treelines, hedgerows and some drains.

- 3.3. The proposed scheme will require the demolition of five existing buildings which include residential properties and derelict buildings. These properties are to be attained by a separate CPO process.

4.0 Planning History

4.1. Subject Site:

- ABP Ref: JN07.309313 – LA Dev – Natura Impact Assessment Direction for N17 Milltown to Gortnagunned Road Realignment Scheme – Board Decision dated May 2021 – **NIS Required**.
- ABP ref: HD07.309314 - LA Road Dev - EIS Direction for N17 Milltown to Gortnagunned Road Realignment Scheme – Board decision dated May 2021 – **EIA not required**.
- An Bord Pleanála (ABP) Ref: CH3224 Galway County Council (N17 Carrownurlaur to Ballindine Scheme) Compulsory Purchase Order, No. 4 2014. No objections received.

4.2. **Surrounding schemes history**

In recent years, there have been a number of realignment schemes undertaken within the Study Area, including the 4km stretch immediately north of the proposed scheme which was undertaken in 2014 and 2016. This has left the proposed scheme as the last remaining section of the N17 within County Galway which has not been upgraded to a Type 1 single carriageway.

5.0 **Legislative and Policy Context**

- 5.1. **The EU Habitats Directive (92/43/EEC):** This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) and 6(4) require an appropriate assessment of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site (Natura 2000 site – SAC or SPA).
- 5.2. **European Communities (Birds and Natural Habitats) Regulations 2011:** These Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgements. The Regulations in particular require in Reg 42(21) that where an appropriate assessment has already been carried out by a ‘first’ public authority for the same project (under a separate code of legislation) then a ‘second’ public authority considering that project for appropriate assessment under its own code of legislation is required to take account of the appropriate assessment of the first authority.
- 5.3. **National nature conservation designations:** The Department of Housing, Local Government and Heritage and the National Parks and Wildlife Service (NPWS) are responsible for the designation of conservation sites throughout the country. The three main types of designation are Natural Heritage Areas (NHA), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and the latter two form part of the European Natura 2000 Network. European sites located in proximity to the subject site include:

- Lough Corrib SAC (Site Code: 000297)
- Lough Corrib SPA (Site Code: 004042)

5.4. **Planning and Development Acts 2000 (as amended):** Part XAB of the Planning and Development Acts 2000 (as amended) sets out the requirements for the appropriate assessment of developments which could have an effect on a European site or its conservation objectives.

- 177(AE) sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.
- Section 177(AE) (1) requires a local authority to prepare, or cause to be prepared, a Natura Impact Statement in respect of the proposed development.
- Section 177(AE) (2) states that a proposed development in respect of which an appropriate assessment is required shall not be carried out unless the Board has approved it with or without modifications.
- Section 177(AE) (3) states that where a NIS has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the appropriate assessment.
- Section 177(V) (3) states that a competent authority shall give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site.
- Section 177AE (6) (a) states that before making a decision in respect of a proposed development the Board shall consider the NIS, any submissions or observations received and any other information relating to:
 - The likely effects on the environment.
 - The likely consequences for the proper planning and sustainable development of the area.
 - The likely significant effects on a European site.

5.5. National, Regional and Local Planning Policy and Guidance

National Planning Framework (NPF) 2018-2040

- 5.5.1. This Plan sets out a high-level strategic plan for shaping future growth and development to 2040. It seeks to develop a region-focused strategy to manage growth and environmentally-focused planning at a local level. It contains several National Strategic Outcomes (NSOs) which include seeking to achieve empowered rural economies and communities, enhanced amenity and heritage, and a transition to a low-carbon and climate resilient society.
- 5.5.2. The proposed N17 scheme will contribute to addressing the peripherality of the western coastal areas and encourage scale and concentration in the Galway City–region. The NPF supports the need to promote sustainable transport modes, while also recognising the importance of investment in improving road infrastructure.

National Development Plan (NDP) 2021-2030

- 5.5.3. The revised NDP will be aligned with the National Planning Framework. Investment in projects such as that proposed contribute to the National Strategic Objectives of Enhanced Regional Accessibility and Compact Growth, connecting communities and encouraging economic activity. The improvement in these transport links provides better journey times and reliability as well as safer routes for road users.
- 5.5.4. The Council in their submitted Design Report refers to the general objectives for national road developments as were set out in The National Development Plan 2018 – 2027. However, as the Board will be aware a revised NDP 2021-2030 is now in place. This new plan only references the N17 under proposed national road projects which formed part of the previous NDP and are subject to further approvals, specifically the N17 Knock to Collooney. However, in more general terms it is stated that the revised NDP will be aligned with the National Planning Framework with a particular focus on ensuring that our regional cities are enabled to become centres of appropriate scale and that their growth is compact and sustainable. In Ireland, the national roads network is circa 5,300km in length, of which almost 1,000km are

motorways. This is a key backbone network for both sustainable mobility (for example buses) and private transport provision across the country.

- 5.5.5. The overall level of investment in transport infrastructure has been significantly increased in this revised NDP. This funding will improve transport infrastructure in every part of the State, for all modes of travel in both urban and rural areas. Regional connectivity and facilitating compact urban growth are Government priorities. Under the revised NDP, the National Roads programme will continue to provide for improved connectivity across the years 2021-2030. The Department and Transport Infrastructure Ireland (TII) are working to continue to provide continued protection and renewal of the existing National Roads network as well as progressing new National Road projects. Specifically the revised NDP outlines the aims of the National Roads: protection and renewal programme, which is an ongoing programme of protection and renewal on National Roads. The NDP states that a key sectoral priority is maintaining Ireland's existing national road network to a robust and safe standard for users. Significant funding over the course of the revised NDP will be provided for capital maintenance works, to maintain and ensure the resilience of existing national road assets. This will be augmented by retrofitting/ improving some national road assets, for example to provide for greater use by public transport (e.g., bus lanes), the potential adoption of Intelligent Transport Systems and other traffic enhancement measures to improve the efficiency/capacity of the existing road network.

Climate Action Plan, 2019

- 5.5.6. This plan seeks to tackle climate breakdown and achieve net zero greenhouse gas emissions by 2050. It identifies several risks as a result of climate change including rising sea-levels, extreme weather, further pressure on water resources and food production systems, and increased chance and scale of river and coastal flooding.

Our Sustainable Future, Framework of Sustainable Development for Ireland

- 5.5.7. Specific regard is made to sustainable transport improvements within this document which states 'Sustainable transport is central to national efforts to combat climate change, air pollution and other negative environmental and social impacts'.

Strategic Framework on Investment in Land Transport (SFILT)

- 5.5.8. The proposed N17 improvement supports the priorities of the Strategic Framework on Investment in Land Transport by improving connections to Galway Port, supporting local spatial planning priorities and addressing safety issues.

The Planning System and Flood Risk Management, 2009

- 5.5.9. These Guidelines seeks to avoid inappropriate development in areas at risk of flooding and avoid new developments increasing flood risk elsewhere and they advocate a sequential approach to risk assessment and a justification test.

Regional Spatial and Economic Strategy for the Northern and Western Regional Assembly

- 5.5.10. Section 6.2 refers to transport and states that the national road network is a critical enabler in facilitating an island-wide sustainable national transport system. A number of the more strategic routes also form part of the EU TEN-T comprehensive network, providing essential connectivity to regions of the EU. Such high-value assets and amenities need to be protected and their use enhanced for the region and also the country as a whole.
- 5.5.11. Improving and maintaining the assets of all national roads is critical and the efficiency, capacity and safety of the existing national road network within the region must be maintained, including the requirement to safeguard the strategic links into urban centres identified as key economic drivers in the region.

Galway County Development Plan 2022-2028

- 5.5.12. This development plan came into effect on 20th June 2022. Chapter 6 outlines the plans policy and objectives in relation to Transport and Movement and one of its strategic aims includes safeguarding the strategic transport function, carrying capacity, including planning for future capacity enhancements of the national road network. This chapter also states that Galway County Council will continue to support extensions and improvements to existing roads infrastructure within the County with the priority projects listed with Tables 6.1 which includes N17 Tuam to County

Boundary. Policy GCTPS 7 Improvements to Road Network states that the County will manage and maintain the efficient and safe operation of the road network under its control, and will work with TII and NTA to identify locations on the national network where targeted improvements may be required to address specific issues.

- 5.5.13. Chapter 8 of the Plan outlines the Landscape Policy for the area. The proposed scheme is located within the North Galway Complex within an area designated as Low Landscape Sensitivity thus unlikely to be adversely affected by change. Policies LCM1 to LCM3 are relevant to the scheme in this case.
- 5.5.14. Chapter 10 of the plan deals with Natural Heritage, Biodiversity and Green/Blue Infrastructure, Policy NHB1 outlines the Council's approach to the Natural Heritage and Biodiversity of Designated Sites, Habitats and Species. Policy NHB 2 outlines the policy in relation to European Sites and Appropriate Assessment and Policy NHB 3 in relation to Protection of European Sites. Policy NHB 7 highlights policy in relation to Mitigation Measures and NHB 9 Protection of Bats and Bats Habitats. TWHS 1 expands on policy in relation to Trees, Hedgerows, Natural Boundaries and Stone Walls.

6.0 The Natura Impact Statement

- 6.1. Galway County Council's application for the proposed development was accompanied by a Natura Impact Statement which scientifically examined the proposed development and the European sites. The NIS identified and characterised the possible implications of the proposed development on the European sites, in view of the site's conservation objectives, and provided information to enable the Board to carry out an appropriate assessment of the proposed works.
- 6.2. A range of ecological field surveys have also been completed to inform the NIS these include dedicated habitat surveys of the area within and in the vicinity of the proposed road development which were undertaken on the 11th of July 2019, 28th of August 2019 and 14th of October 2021. A comprehensive search for otter was also undertaken for the drainage ditches and unnamed water courses adjacent to the works area. These water courses were surveyed 150 meters upstream and downstream of the proposed works area, as well as a 10m riparian buffer. No

breeding or resting sites of otter were observed during the site visits although a potential otter spraint was recorded on the railway bridge outside of the study area.

- 6.3. The NIS also identifies the potential effects arising from the project and the potential in-combination effects. Mitigation measures are set out for as part of the design of the project and an Outline Erosion and Sediment Control Plan (OESC), accompanies the application which sets out the environmental management framework to be adhered to during the pre-commencement, construction and operational phases of the development and it incorporates the mitigating principles to ensure that the work is carried out in a way that minimises the potential for any environmental impacts to occur. At operational phase specific measures are outlined which will offset potential impacts relating to surface water runoff, during the operation of the road and these have been incorporated into the design of the proposed development.
- 6.4. Specific mitigation measures relating to otter species have also been included, these include the adequate provision for otters at affected watercourse crossings to allow the species to retain continued access to their foraging areas. No requirement for otter underpasses were identified given that no natural watercourses are to be crossed by the proposed development.
- 6.5. The non-native invasive species Winter Heliotrope was recorded within the development boundary and therefore best practice measures are also outlined to prevent the spread of invasive species and control measures for the management of this invasive species is detailed under Section 5.2.3 of the NIS. Residual effects are examined under Section 6.0 in relation to each of the qualifying interests of the Lough Corrib SAC.
- 6.6. The conclusions reached from the Stage 2 Appropriate Assessment outlines that where the potential for any adverse effect on any European Site has been identified, the pathway by which any such effect may occur has been robustly blocked through the use of avoidance, appropriate design and mitigation measures as set out within this report and its appendices. The measures ensure that the construction, and operation of the proposed development does not adversely affect the integrity of European sites. Therefore, it can be objectively concluded that the proposed development, individually or in combination with other plans or projects, will not adversely affect the integrity of any European Site. It is the considered view of the

authors of this NIS that it can be concluded that the project will not, alone or in combination with other plans or projects, result in significant adverse effects to the integrity and conservation status of European Sites in view of their Conservation Objectives and on the basis of best scientific evidence and there is no reasonable scientific doubt as to that conclusion.

7.0 Consultations

7.1. The application was circulated to the following bodies:

- Fáilte Ireland
- An Taisce
- The Heritage Council
- Transport Infrastructure Ireland (TII)
- Inland Fisheries Ireland (IFI)
- Irish Water
- Galway County Council
- Minister for Culture, Heritage and the Gaeltacht
- National Parks and Wildlife Service (NPWS)
- Health Service Executive (HSE)
- An Chomhairle Ealaíon
- Commission for Regulation of Utilities (CRU)

7.2. Responses were received from An Taisce, The Development Applications Unit (DAU) of the Department of Housing, Local Government and Heritage and Transport Infrastructure Ireland.

7.3. The response received from **An Taisce** can be summarised as follows:

- Preliminary assessment is required on this scheme to determine if it advances national sustainable transport objectives as set out in pages 13 to 15 of the program for government (attached to submission) in advancing modal shift to cycling and public transport from current private car use levels.

The Board should note that the submission makes reference to ABP Ref. 309313 which in fact refers to the Appropriate Assessment Screening Determination previously carried out by the Board and discussed above under Section 4.0.

- 7.4. The response received from the **DAU** (hereon referred to as the Department) can be summarised as follows:

Nature Conservation

- The proposed development is located upstream and adjacent to the European site Lough Corrib SAC (Site Code;000297) and there are four proposed road drainage outfalls which discharge into the Drum Stream and into the Lough Corrib SAC.

NIS

- Project area is underlain by Visean undifferentiated limestone. Groundwater vulnerability ranges from low to extreme with high and extreme vulnerability in the southern section of the route development area with bedrock and subrock close to and at ground level (as noted in the Hydrological Impact Assessment). The NIS however states that groundwater vulnerability is low in the works area (e.g. Section 4.3.1). The threat of potential impact on water quality on Lough Corrib SAC from groundwater sources must be assessed adequately in the NIS.
- The proposed drainage system discharges via all outfalls either directly or indirectly to the Drum stream which becomes part of Lough Corrib SAC c. 300m downstream. The NIS does not give an accurate indication of the distance to the European site (e.g. page 8 of the NIS). Mitigation with respect to surface water protection has been outlined in the 'Erosion and Sediment Control Plan', all mitigation measures in this plan should be included in the NIS and conditioned as part of any consent.
- The roles of environmental manager, environmental clerk of works and project ecologist must be clearly set out and the hierarchy of responsibility stated.
- The NIS has not referenced the role of the Council appointed independent Site Environmental Manager (SEM). This role should be clearly set out in any

conditions of consent and all monitoring reports should be made available to the NPWS.

- Invasive species guidance should be updated to reflect requirements for crayfish plague prevention. The biosecurity measures outlined in Section 5.2.3 of the NIS are not sufficient to prevent the spread of crayfish plague, notably the sole use of virkron is not a sufficient measure. Hot water washing plus a period of drying (24-48hrs) is the most effective method. Reference should be made to 'check, clean and dry' methods.

Other Ecological Considerations:

- Although the EclA has referenced the National Roads Authority (NRA) 'Guidance on the Treatment of Badgers prior to Construction of National Road Schemes' the badger survey work was carried out at sub-optimum times of the year (11th July, 28th August and 14th October). The Department recommends that all mammal survey work is carried out as per NRA guidance. This is critical as mammal underpass locations should be designed to ensure that they provide effective ecological corridors. The current proposed mammal underpass locations are identified based on historic roadkill data.
- The importance of the ecological corridors and networks are highlighted. Of note is the two wetland sites Killereen Cutover and Bellisland Lough and Bog. The wet grassland within the development footprint provides an ecological stepping stone linking these two wetlands along with the tree lines and hedgerows. The wet grassland has not been recognised as a key ecological receptor of value and as a consequence will be lost as the area is proposed as a spoil repository site and attenuation pond. The Department is concerned that the mammal underpasses are directed into these areas which are currently semi natural habitats and were part of the ecological corridor for badgers as identified following roadkill data. The Department recommends that the two mammal underpass locations and the planting scheme are reviewed by a suitably qualified ecologist following appropriate survey work and their recommendations included in the design.

- The NRA (2009) Post Construction Monitoring and Mitigation Guidance should be implemented, notably that underpasses should be checked for the first two years and that the mammal resistant fencing is maintained.
- Ash should be removed from the species in the planting scheme due to the threat of the disease ash dieback.
- All mammal underpasses, mammal proof fencing and habitat enhancement measures (planting schemes) must be audited by a suitably qualified ecologist and approved at project completion/sign off.
- The Department disagrees with the inference that because Leisler and Pipistrelle bats are attracted to street lighting that displacement does not occur. The Department recommends that the planting scheme and the lighting scheme are considered together (e.g. new planting is not illuminated). Lighting should be directional and avoid LED light which peaks in the blue spectrum as this can have negative impacts on biodiversity. It is also recommended that the intensity and spectrum should be confirmed before installation and also tested when design verification is performed in situ.
- No vegetation removal should occur during bird nesting season (1st March to 31st August). if it is required then nest searches should be carried out by an ornithologist with nest search experience and suitable mitigation should be included.

7.5. The response received from the **TII** can be summarised as follows:

- Acknowledges receipt of referral and states they have no observations to make.

7.6. **Public Submissions:**

7.6.1 None received.

8.0 Assessment

8.1. Under the provisions of Section 177AE (6) of the Planning and Development Act, 2000 (as amended), the Board is required to consider the following in respect of this type of application:

- The likely consequences for the proper planning and sustainable development of the area;
- The likely effects on the environment; and
- The likely impact on any European sites

8.2. **The likely consequences for the proper planning and sustainable development of the area:**

Design and Layout

8.2.1 The Council's submitted Design Report states that the subject section of the N17 falls below the standard of the TII Publications (Standards) in terms of horizontal and vertical alignment, visibility, cross-section, and safety on the route is compromised as a result. An analysis has been carried out on the study area and this shows that 70% of the horizontal curves are substandard and 86% of the vertical curves are substandard. In terms of the cross-section, the existing road is sub-standard for a 100km/h speed limit. The average lane widths in each direction are approximately 3.0m with no hard shoulder, little or no hard strip and limited verge space. This makes it unsuitable for use by non-motorised users (pedestrians and cyclists). Pedestrians and cyclists must share the N17 carriageway with buses, cars and commercial vehicles. Currently the number of pedestrians and cyclist along the subject section of the N17 is very low, which reflects the hazardous conditions where there is virtually no hard shoulder or verge and the forward visibility along sections are substandard for the traffic speeds. Galway County Council (GCC) states that the proposed N17 Scheme is compatible with local and national strategies and is referenced in several policy documents. These have already been examined under Section 5.0 of this report and Board should refer to same.

8.2.2 I note the concerns raised by An Taisce in this regard also and the Council within their Design Report reaffirm that the provision of a cycleway as part of the N17 improvement scheme will encourage sustainable alternatives to car travel. In

addition, they highlight adherence to the national document Smarter Travel, A Sustainable Transport Future published by the Department of Transport in 2009 which sets clear targets for the promotion of sustainable transport modes and states that the proposed scheme will contribute to reducing rural isolation and the promotion of cycling and walking to access local services.

- 8.2.3 With regard to the overriding principle of the development, I note that the provision of cycle infrastructure such as that proposed is directly in accordance with the key tenets of the National Planning Framework which seeks to support the delivery of recreational cycle infrastructure throughout the country. In addition, it is an objective of the National Cycle Policy Framework to support the delivery of such rural cycle networks especially for visitors and recreational cycling.

Need, Effectiveness & Alternatives Considered

- 8.2.4 The identification of alternatives was carried out having regard to the constraints and the principal objectives of the proposed road development including the following:
- Provide an upgrade of the N17 in a manner that minimises the impacts on the environment, the iconic landscape and minimises the construction costs;
 - Improve the existing N17 road, to make it fit for serving the local and visiting community as an access and communications route to and from places of abode, community activity, for work and for visiting; and
 - Improve the level of safety and comfort for road users by upgrading the existing road to modern design standards, providing a consistent road cross-section and providing adequate road foundations.
- 8.2.5 The route selection process was undertaken to identify the nature and extent of significant constraints within the defined Study Area such as Natura 2000/ European Sites; Surface Water Environment; Topography; Landscape; Ground Conditions; Settlements and Population; Existing Road Network, Traffic and Accesses and Land Use. Having considered the principal constraints on the N17 Milltown to Gortnagunne and the objectives for the proposed road development.
- 8.2.6 During the initial consultation with residents within the area, many of them noted a significant increase in the volume of traffic on the road since the opening of the M17 motorway. The submitted design report states that this observation is confirmed by the tallied 2019 Annual Average Daily Traffic (AADT) from TMU N17 080.0 N, which

indicates an AADT of 9,893 with 4.3% Heavy Commercial Vehicles. This analysis indicates projected design year AADT falls within the Level of Service D capacity of the chosen Type 1 Single Carriageway cross section. The year 2019 was considered to be the most accurate of readings to use in recent years given the Covid 19 pandemic and its affect on road traffic volumes. GCC state that the N17 is a key national corridor connecting the gateways of Galway and Sligo and delays to traffic have a negative impact upon the economy. The scheme seeks to improve journey time and reliability and in turn support the economic performance of the counties of Galway and Mayo.

- 8.2.7 I am satisfied that GCC has provided adequate background information to justify the need for the proposed Realignment Scheme which seeks to improve traffic safety on this c. 3km stretch of the N17, and that the proposed works will function effectively. I am also satisfied on the basis of my examination of the submitted documents and assessment of the site, environs and surrounding road network, that the proposed works constitute an appropriate and proportionate response to the conditions along this section of the N17.

Residential and Visual Amenity

- 8.2.8 The surrounding rural area is mainly characterised by agricultural uses with a small number of houses. The lands are not covered by any sensitive heritage or conservation designations, although the site is adjacent to the site boundary of the Lough Corrib SAC. The site lies within landscape that is classified as North County Galway Complex Landscape under the Landscape Character Assessment (LCA) maps contained within the Development Plan LCA (June 2022) and is located within the Landscape Character Unit of 5d – Slieve Dart which is mainly characterised by a complex zone of low hills, bogs, small lakes and complex and irregular field patterns. Landscape sensitivity in the area is characterised as 'Low'. The roadside boundaries are defined by a mix of mature hedgerows and trees of mixed species in various stages of maturity, all of which contribute to the overall character of the area.
- 8.2.9 Policy LCM1 of the Plan seeks to 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. Although some of the

roadside trees and hedgerows would be removed to accommodate the scheme and to improve sightlines and visibility, the visual amenities of the area would not be adversely affected by the proposed works to any significant extent.

- 8.2.10 In terms of direct access to the route and works involved and the possible impact on existing residents and landowners in the area I note there are 64 no. direct accesses to the N17 at present and it is proposed to reduce this to 35. This will mean that access will only be provided where no other means of access is practicable. New house entrances will be constructed in accordance with the TII standard detail CC-SCD-02753 as indicated on Figure 8.4 of the Design Report or as agreed with the individual landowner. Stone walls will be constructed outside existing houses on the left and right-hand side of the proposed realignment, which will consist of a double-sided stone wall finish, complying with TII SCD/02404 standard construction detail. Farm access roads (in accordance with TII standard detail CC-SCD-00706) will be provided to access severed lands in cases where acquiring the severed lands is generally more expensive than the cost of providing the access. The access roads may be constructed for single landowners, however in many cases the roads will be shared by two or more landowners.
- 8.2.11 Land take due to the construction of the scheme will be required for various reasons including: road and cycleway/footpath construction, grass verges, embankments and cuttings, side road upgrades and realignment, accommodation works for entrances and accesses to houses and properties, maintenance strips and working space, construction staging and traffic management, drainage and environmental facilities and buffer zones, and landscaping. Land and property owners will be among those most affected by the construction of this scheme and the proposed scheme will impact on approximately 43 landowners, including Galway County Council. In terms of general residential amenity, 3 no. domestic dwellings and garages/sheds, 1 no. derelict house and 2 no. sheds will require demolition to make way for the scheme. The proposed works would not overlook, overshadow, result in a loss of privacy or otherwise adversely affect the amenity of any nearby dwelling houses. However, it is noted that any localised removal of hedgerow vegetation in the vicinity of the works would have a minor adverse impact on the visual amenities and rural character of the area in the short term. Notwithstanding these concerns, the proposed works will not

give rise to an adverse visual impact on the character of the area or the amenities of any nearby houses in the long term.

- 8.2.12 With regard to the historical environment I note that the proposed works do not encroach upon or affect any Recorded Monuments or Protected Structures.

Conclusion

- 8.2.13 Having regard to the foregoing I consider that the principle of the proposed works is in accordance with the provisions of both the national and local plans for the area. Therefore in overall conclusion I am satisfied based on the information submitted that the proposed development is in accordance with the proper planning and sustainable development of the area, subject to the prevention of environmental affects and compliance with the requirements of the Habitats Directive.

8.3 The likely effects on the environment

- 8.3.1 I accept the conclusion reached by Galway County Council that mandatory EIA is not required for the subject development as it does not fall within the criteria outlined in the Roads Act, 1993, as amended or the criteria set out in Schedule 5 of the Planning and Development Regulations, 2001, as amended.

- 8.3.2 While there is no requirement to carry out an EIA screening exercise for Section 177AE cases, Galway County Council submitted an EIA Screening Report to determine whether the proposed development, is likely to have significant effects on the environment. Regard was had to the criteria set out in Schedule 7 and Schedule 7A of the Planning and Development Regulations, 2001 as amended. I have examined the proposal under the criteria set out in the Regulations which are as follows:

- Characteristics of the proposed development
- Location of proposed development
- Type and characteristics of potential impacts

- 8.3.3 In addition to the above I also note that an Ecological Impact Assessment (EcIA) has been submitted as part of the application. The detailed information from the studies and surveys conducted and presented in the EcIA also support the EIA Screening Report and the AA Screening Report and NIS submitted.

Characteristics of the proposed development

Size and design of proposed development

- 8.3.4 The proposed works will involve an existing public road which is to be realigned. The upgrade will consist of excavation works on and adjacent to the N17 in order to improve aspects of the road corridor such as safety, sight distance, cross sectional width and drainage. The geographic extent of the proposed works is largely confined to the immediate area of the existing road and will be carried out in generally on-line within the existing road with some works concentrated off-line as part of the road corridor improvement, with the size of the proposed route relatively modest in comparison to the existing road network.
- 8.3.5 The scale of the proposed works, when viewed individually and cumulatively, is small and not a project which could be considered likely to have significant effects on the environment when assessed against the criteria set out in Schedule 5, Part 2, Item 15 for projects which may require EIA. Any waste arising on site will be taken from the site for reuse or disposal, subject to normal statutory controls. Any noise and nuisance associated with the proposed works will be short term and subject to appropriate best practice procedures, this is discussed in more detail below.
- 8.3.6 Having regard to the nature and size/scale of the proposed development, I do not consider that the potential for significant environmental effects is likely to arise.

Potential for cumulative impacts with other existing and/or approved projects

- 8.3.7 A planning search for the vicinity surrounding the proposed works was carried out by GCC as part of the EIA Screening Report and the details are presented under Section 3.4 of same report. The results show only minor proposals such as domestic extensions, garages, one-off dwellings, recreational facilities and also some commercial proposals involving units to the north of the N17 Superstore located off the L2208 to the southern end of the scheme. Given the nature of the developments the potential for ongoing environmental effects and associated potential cumulative effects with the proposed development are not considered significant. Should the proposed scheme occur in tandem with other development, if cumulative impacts arise as a result of increased traffic, noise, dust and visual impacts, it is expected these impacts would be short-term and temporary and would not be of a magnitude that would generate the need for EIA.

Nature of any demolition works, use of natural resources, production of waste, pollution and nuisances

- 8.3.8 The proposed works include the demolition of five existing buildings which include residential properties and derelict buildings. The demolition will be undertaken as part of the construction phase of the proposed road realignment works and completed by means of mechanical excavator with all waste materials managed in accordance with a Construction and Demolition Waste Management Plan (CEMP) which will be prepared in advance of demolition works. GCC state that the demolition work will be carried out by a specialist demolition contractor who will operate in accordance with the method statement and Health and Safety legislation and to ensure that significant environmental impacts will not arise. The CEMP will also ensure appropriate re-use and recycling opportunities for the material generated by the demolition are utilised.
- 8.3.9 Having considered the characteristics of the proposed development, I accept the conclusion reached by GCC that no significant environmental effects are likely to arise in this respect, which would generate the need for EIA.

Location of the proposed development

- 8.3.10 The proposed works will involve an existing public road which will be realigned over a distance of 3km. The submitted AA Screening Report and NIS shows that no sensitive habitats considered to qualify as Annex I habitats under the EU Habitats Directive will be affected by the proposed development and also that no EU Habitats Directive Annex II species will be affected. In terms of land use, the proposed development will be confined to the existing road corridor and local areas adjacent on which it is proposed and it is expected that the natural environment within the proposed site is capable of accommodating the development without significant impact.
- 8.3.11 The nearest European Site to the proposed development works is the Lough Corrib SAC which is located adjacent to the site. The NIS concluded that “it can be objectively concluded that the proposed development, individually or in combination with other plans or projects, will not adversely affect the integrity of any European Site”. The EIA screening concludes that the natural environment within the proposed site can accommodate the development without significant impact. This topic is

discussed further in the sections below and also under the Section 8.4 which relates to the 'Likely significant effects on a European sites'.

8.3.12 Three recorded monuments were identified within the original study area during route options appraisal, none of which would be affected by any of the three route options assessed by that report. No newly identified archaeological sites or monuments were identified in the study area by desk study or by field inspection for the selected proposed scheme route. A further detailed assessment is provided in the submitted Archaeology and Architectural Heritage report.

8.3.13 Having considered the location of the proposed development, I accept that no significant environmental effects are likely to arise, which would necessitate the need for EIA.

Types and Characteristics of potential Impacts

Magnitude and spatial extent of the impact

8.3.14 The extent of the impact in terms of geographical area and the size of the population likely to be affected is mainly limited to the immediate area of the townlands of Milltown, Cartron, Gortnaloura, Cloonnacross, Killerneen, Drum and Gortnagunne, where the development would be located. The construction stage will result in impacts on the population and human health arising from dust, noise and vehicle emissions. There will also be inconvenience to other users of the N17 (tourists, commuters, regular users) associated with road works, lane closures and potential diversions. While these impacts may be a source of concern or annoyance, they will be temporary, short lived and capable of effective mitigation by normal good construction and best practice methodologies.

Potential Impacts

8.3.15 There would be **visual impacts** associated with both the construction stage and the operational stage, however these would not be considered significant given the proposed scheme's location within an area of low sensitivity landscape as per the LCA of the Galway County Development Plan 2022-2028 and also the fact that the main area of works would be adjacent to the existing road network and within an area of relatively flat landscape.

8.3.16 There is potential for **noise** impacts during construction however this will be short term and managed through best practice measures. In addition, a low probability of

impact on **air quality** is possible, in particular dust emissions during construction activities, however again this will be short term and will be managed through best practice measures. Plant and equipment utilised during construction and as part of the operational phase will use fossil fuels, but the potential impact associated with this is immaterial due to the short-term scale of the works.

- 8.3.17 In terms of **biodiversity**, an Ecological Impact Assessment (EclA) report was completed by the applicant as well as an AA Screening Report and an NIS. Multidisciplinary ecological walkover surveys of the proposed development site and surrounding areas were undertaken on 11th July 2019, 28th August 2019 and 14th October 2021 to inform these assessments. GCC states that the majority of the survey timing falls within the recognised optimum period for vegetation surveys/habitat mapping, i.e., April to September (Smith et al., 2011).
- 8.3.18 The site and environs are mainly characterised by agricultural fields that are defined by mature hedgerows and trees of mixed species in various stages of maturity incorporating habitats (including Fossitt codes) that include Dry meadows and Grassy Verges (GS2), Stonewalls and Other Stonework (BL1), Hedgerows (WL1), Treelines (WL2), Amenity Grassland (GA2), Improved Agricultural Grassland (GA1), a mosaic of Wet Grassland GS4/ Agricultural Grassland (GA1), Drainage Ditches (FW4) and Buildings and Artificial Surfaces (BL3).
- 8.3.19 Following the results of the multi-disciplinary walkover survey; areas identified as providing potential habitat for otter were subject to specialist targeted survey. Tributary streams of the River Clare and drainage ditches in the works area were subject to a dedicated otter survey. These watercourses were surveyed 150m upstream and downstream of the works area, as well as a 10m riparian buffer (NRA, 2008 and Reid, et al 2013). No evidence of otter usage was recorded within the proposed development boundary; however, a potential otter spraint was recorded on the railway bridge outside of the study area. The EclA states that the watercourses may be utilised on occasion for commuting. The desk study indicated that otter have been recorded as roadkill within the development site boundary, and also have been recorded in the wider surroundings of the proposed development.
- 8.3.20 Areas identified as providing potential habitat for badger were also subject to specialist targeted survey. Evidence of potential badger tracks and snuffle holes were recorded within the study area and along the railway line which lies outside of the

study area. However, no badger setts were found to occur within the footprint of the proposed road development. The desk study indicated that badgers have been recorded as roadkill along the roadside adjacent to the decommissioned railway line, suggesting that they cross the road at this point.

- 8.3.21 Bird species recorded during the field visit included an assemblage of common birds typical of the improved agricultural grassland habitat that dominates the area. Eleven of the bird species observed are green-listed and are common in Ireland. None of the birds recorded within the development site are protected under Annex I of the EU Birds Directive or Red listed under the Birds of Conservation Concern in Ireland (BoCCI).
- 8.3.22 Based on the habitats in the study area, two rounds of bat activity surveys were conducted during the 2019 survey period; July and August. Targeted night-time detection surveys were conducted along the entire route corridor but focused on areas where high quality bat habitats were identified in the multi-disciplinary walkover survey. A dawn survey was carried out in addition to the dusk survey carried out in August. A combination of driven and walked transects were utilised to cover the large extent of the study area. Hedgerows and treelines within the site were assessed for their suitability for commuting bat species and mature trees within the site were assessed for suitability to provide roosting locations for bat species. In total 6 species of bat were recorded during the surveys, these and the relevant number of passes recorded are presented as follows: Common pipistrelle – 80, Soprano pipistrelle – 57, Leisler's bat – 41, Daubenton's bat – 13, Pipistrellus species – 6, Whiskered bat – 3. Bat activity was highest along the south-eastern extent of the proposed road development area in the village of Milltown and in the townlands of Gortnaloura and along the mid-section of the route in the townland of Drum. Detailed daytime and dusk surveys were also carried out for the five buildings earmarked for demolition; these buildings were recorded as not currently supporting roosting. Lighting is proposed at the southern tie in, with a total of 17 new streetlights are proposed as part of the project. 7 of these lights will consist of 6m high Axia 3.2 5296 Integrated lenses to be located along the proposed shared cycle lane and footpath (chainage 2300m to 2550m) which is to be constructed along the north-eastern boundary of the current N17 superstore warehouse area. This route will be segregated from the N17. I note the DAU's concerns regarding the statements outlined in the EclA in relation to

Leisler's bat and Pipistrelles. GCC propose that all external lighting will utilise directional accessories e.g. through the use of light shields (Stone, 2013) and/or the use of LED lighting. The lighting will be low intensity to minimize any disruption to commuting and foraging bat species. They state that the use of such directional lighting will avoid light spillage onto adjacent hedgerow habitats. Having considered the Department's concerns and issue with the proposed mitigation measures I would be in agreement with the DAU in this case and suggest that if the Board are minded to approve the scheme that a condition be included which requires joint consideration for both the planting scheme and lighting scheme proposed and that any new planting should not be illuminated. Any proposed lighting should also be directional and should avoid LED light.

8.2.23 No non-native invasive species listed under the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. 477 of 2015) were recorded during the site visit. However, the non-native invasive species Winter Heliotrope (*Petasites fragrans*), was recorded in amenity grassland habitat in the front garden of a house earmarked for development. Specific measures are outlined under Section 5.2.1.6 of the EclA which are to be adhered to in order to avoid the spread of Winter Heliotrope and to prevent the introduction of other invasive species to the site.

8.3.24 The proposed 3km scheme is located entirely within the River Clare Catchment. This river is a primary tributary of the Corrib, discharging to Lough Corrib west of the N84 Headford Road and the Carrowbrowne in the townlands of Coarsefield and Angilham. Almost the entire project area drains southwest to Carrownageeha Stream (EPA code IE_WE_30C010300) and this stream then flows in a southerly direction to the west of the proposed development and discharges to the River Clare, 2.3km downstream of the proposed development, in the townland of Cartron 400m downstream of Miltown GAA Grounds. The Carrownageeha Stream is designated as part of Lough Corrib SAC. The road development crosses Drainage Ditches (FW4) that have connectivity with the Drum Stream (FW2), a tributary of the Carrownageeha stream and this stream in turn has connectivity to potential supporting habitat for Annex II species including lamprey, crayfish and salmonids, downstream in the Clare catchment and provides connectivity to the aquatic features of interest for which the Lough Corrib SAC has been designated. Indirect effects may

include the runoff of silt and other pollutants during the construction phase of the development from the construction site to the river. This could result in loss of habitat for aquatic species and thus potentially reduce the ability of the watercourses to maintain fish stocks and the macroinvertebrate populations that support them. In turn this could affect QIs of Lough Corrib SAC including salmonid and lamprey species, white -clawed crayfish and otter. The EclA highlights however that the effects are reversible and can be remediated through appropriate design and mitigation. These measures are discussed further below. The NIS contains mitigation measures which will be incorporated into the CEMP. The EclA states that there is no potential for significant effect on nationally designated sites or any ecological receptor that exist given that all identified pathways for impact are robustly blocked by the project design and mitigation contained in the Outline Erosion and Sediment Control (OESC) Plan and in the hydrology report.

- 8.3.25 Where potential for significant impacts has been identified as part of the studies and surveys, specific **mitigation measures** are outlined under Section 5.2 of the EclA. An OESC Plan has been prepared as a method of water quality preservation to offset potential construction stage pollution impacts from the proposed development to the adjacent watercourse and drainage ditches. The potential for run off pollutants during the construction phase of the development will be fully managed with impacts on significant receptors avoided. Mitigation measures during the construction phase are fully described in section 2.2.1 of the report. The drainage design protects the receiving watercourses and the downstream sensitive receptors including the Lough Corrib SAC. As part of the drainage design the outflow from the ponds will be passed through an oil/petrol interceptor to prevent contamination of the surface waters from hydrocarbon contamination.
- 8.3.26 Specific mitigation in relation badgers and otter is provided under Section 5.2.1.3 and additional mitigation relating to faunal mortality, Habitat fragmentation and disturbance is outlined under Section 5.2.2.2. The report states that a walkover survey for both otter and badger will be undertaken in advance of construction to ensure that any mammal species that may have taken up residence in the period between any grant of planning permission and the construction of the scheme can be appropriately considered and treated should they be encountered. Badger/mammal underpasses are included in areas of identified badger activity and will be installed in

areas identified in the desk study that indicate are used by badgers as a crossing point on the existing N17 road (i.e. the decommissioned railway line near Drum). The two underpasses will reduce impacts on badger communities in the area as a result of the operational phase of the proposed road development. The locations of underpasses are shown on in drawing MC01, (included in Appendix 1 of the EclA). The Department, in their submission, have raised concerns in relation to the location of these mammal underpasses which will now lead to a spoil repository area and an attenuation pond. Currently badgers using these routes access an area of existing semi-natural grasslands, therefore the Department is conscious of the loss of this habitat given the proposed works. In order to combat the possible impacts of the scheme works on badger use in the area the Department recommend that a further review of these mammal crossing points should be undertaken and where necessary appropriate planting and other mechanisms to ensure suitable continuation of habitat and retention of areas of semi natural grasslands and appropriate steeping stones are implemented. Having examined the submitted habitat survey and considering the roadkill data and proposed mammal crossing areas, I would be in in full agreement with the Department regarding these concerns, in my opinion this issue can be addressed with appropriate conditions.

- 8.3.27 Mammal resistant fencing to address potential risks associated with both badger and otter crossing the proposed realigned route area also proposed. While I acknowledge the mitigation proposed I also note that aaccording to the TII “Guidance on the Treatment of Badgers prior to Construction of National Road Schemes” badger surveys are significantly constrained by vegetational cover and season, and are best conducted from November to April. Badger territorial activity is high from mid-January to March and surveys at this time are most efficient in identification of badger paths, latrines and feeding signs. The surveys conducted to inform the EclA were carried out in July, August and October, therefore outside of the optimal survey period. I note that the Department has also raised the timing of these surveys as a concern. While I note that areas of high badger usage have been highlighted using roadkill data and also that both mammal proof fencing and badger underpasses are proposed as forms of mitigation to address potential negative impacts, I would suggest that should the Board be minded to grant permission that a condition is attached specifically requiring updated badger surveys including a survey of potential setts to be

completed within the optimal survey period and that this should be no more than 10-12 months in advance of construction commencing. A pre-construction bat survey will also be required by suitably qualified bat ecologists prior to any felling being undertaken. Best practice in relation to vegetation clearance which will be undertaken outside of the nesting bird season is also detailed.

Conclusion

8.3.28 Having regard to the examination above which considers the characteristics and location of the proposed development and the types and characteristics of potential impacts, I accept the conclusion reached by GCC, that the project is unlikely to give rise to significant environmental impacts. Notwithstanding this conclusion, it is noted that the surrounding area has a rich ecological heritage and the Clare River and its associated habitats provide a refuge and foraging opportunities for a range of species (incl. mammals, fish & birds). As such the Council should ensure that the ecological mitigation measures and any recommended conditions are fully implemented, and that the works do not take place during the bird nesting season. It should be noted that the potential for effects on the European designated sites are fully described in the Natura Impact Statement that accompanies this application. The NIS concludes that the proposed development, individually or in combination with other plans or projects, will not adversely affect the integrity of any European Site. This matter is discussed in detail under the next section.

8.4 The likely significant effects on a European site

8.4.1 The areas addressed in this section are as follows:

- Compliance with Articles 6(3) of the EU Habitats Directive
- The Natura Impact Statement (NIS)
- Appropriate Assessment (AA)

Compliance with Articles 6(3) of the EU Habitats Directive:

8.4.2 The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to

appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site.

The Natura Impact Statement:

- 8.4.3 The application was accompanied by an NIS which described the proposed development, the project site and the surrounding area. The NIS contained a summary of the Stage 1 Screening Assessment which identified the potential for the proposed development to result in likely significant effects on two European Sites: Lough Corrib SAC and Lough Corrib SPA, and therefore concluded that a Stage 2 Appropriate Assessment was required. The NIS outlined the methodology used for assessing potential impacts on the habitats and species within the European Sites that have the potential to be affected by the proposed development. It considered the potential impacts for these sites, their respective qualifying interests and their conservation objectives, and any in-combination effects with other plans and projects that may occur. It then suggested mitigation measures and evaluated same for each of the European sites and their conservation objectives.
- 8.4.4 The NIS was informed by the following studies, surveys and consultations:
- A desktop study
 - Ecological Multidisciplinary Walkover Surveys (completed in July and August 2019 and October 2021, including dedicated otter and bat surveys)
 - An examination of aerial photography, maps and existing services in the area.
 - A review of site-specific pressures and threats.
- 8.4.5 The report concluded that, where the potential for any adverse effect on any European Site has been identified, the pathway by which any such effect may occur has been robustly blocked through the use of avoidance, appropriate design and mitigation measures as set out within the NIS and its appendices. Therefore, it can be objectively concluded that the proposed development, individually or in combination with other plans or projects, will not adversely affect the integrity of any European Site.
- 8.4.6 Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, does clearly

identify the potential impacts, and does use best scientific information and knowledge. Details of mitigation measures are provided and they are summarised in Section 5 of the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

Appropriate Assessment

- 8.4.7 I consider that the proposed development of the N17 Milltown to Gortnagunned road realignment north of Milltown, County Galway is not directly connected with or necessary to the management of any European site.
- 8.4.8 Having regard to the information and submissions available, nature, size and location of the proposed development and its likely direct, indirect and cumulative effects, the source pathway receptor principle and sensitivities of the ecological receptors, the following European Sites outlined under Table 8.1 below are considered relevant to include for the purposes of initial screening for the requirement for Stage 2 appropriate assessment on the basis of likely significant effects.

Table 8.1 European sites considered for Stage 1 screening:

European site (SAC/SPA)	Qualifying Interests	Distance from site boundary
Lough Corrib SAC (000297)	<p>Oligotrophic waters containing very few minerals of sandy plains <i>Littorelletalia uniflorae</i> [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130]</p> <p>Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. [3140]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p> <p>Depressions on peat substrates of the Rhynchosporion [7150]</p>	<p>Distance: 0m</p> <p>Works are adjacent to the SAC boundary.</p>

European site (SAC/SPA)	Qualifying Interests	Distance from site boundary
	<p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]</p> <p>Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Bog woodland [91D0]</p> <p>Freshwater Pearl Mussel <i>Margaritifera margaritifera</i> [1029]</p> <p>White-clawed Crayfish <i>Austropotamobius pallipes</i> [1092]</p> <p>Sea Lamprey <i>Petromyzon marinus</i> [1095]</p> <p>Brook Lamprey <i>Lampetra planeri</i> [1096]</p> <p>Salmon <i>Salmo salar</i> [1106]</p> <p>Lesser Horseshoe Bat <i>Rhinolophus hipposideros</i> [1303]</p> <p>Otter <i>Lutra lutra</i> [1355]</p> <p>Slender Naiad <i>Najas flexilis</i> [1833]</p> <p>Slender Green Feather-moss <i>Hamatocaulis vernicosus</i> [6216]</p>	
Carrowkeel Turlough SAC (000475)	Turloughs [3180]	c. 8.3km
Greaghans Turlough SAC (000503)	Turloughs [3180]	c. 8.8km
Kilglassan/Caheravostia Turlough Complex SAC (000504)	Turloughs [3180]	c. 9.5km
Ardkill Turlough SAC (000461)	Turloughs [3180]	c. 10.5km
Skealaghan Turlough SAC (000541)	Turloughs [3180]	c. 13.1km
Shrule Turlough SAC (000525)	Turloughs [3180]	c. 14.6km
Clyard Kettle-Holes SAC (000480)	<p>Turloughs [3180]</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]</p>	c. 14.9km

European site (SAC/SPA)	Qualifying Interests	Distance from site boundary
Lough Corrib SPA (004042)	Gadwall (<i>Anas strepera</i>) [A051] Shoveler (<i>Anas clypeata</i>) [A056] Pochard (<i>Aythya ferina</i>) [A059] Tufted Duck (<i>Aythya fuligula</i>) [A061] Common Scoter (<i>Melanitta nigra</i>) [A065] Hen Harrier (<i>Circus cyaneus</i>) [A082] Coot (<i>Fulica atra</i>) [A125] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Common Gull (<i>Larus canus</i>) [A182] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395] Wetland and Waterbirds [A999]	c.56.3km via surface water connectivity

8.4.9 Based on my examination of the NIS report and supporting information (including the submitted planning report), the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European sites, their conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, I would conclude that a Stage 2 Appropriate Assessment is required for only one of the nine European sites referred to above, namely the Lough Corrib SAC (site code 000297).

8.4.10 The remaining 8 no. sites can be screened out from further assessment due to the scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Conservation Interests, the separation distances and the lack of a substantive linkage between the proposed works and the European sites. It is therefore reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be

likely to have a significant effect on European Site No(s) 000475, 000503, 000504, 000461, 000541, 000525, 000480 and 004042 in view of the sites conservation objectives and a Stage 2 Appropriate Assessment is not therefore required for this/these sites.

8.4.11 In coming to this conclusion, I am satisfied that the Lough Corrib SPA can be screening out from any further assessment, notwithstanding the possible aquatic connection, having regard to the substantial separation distance (c. 56.3km via surface water connectivity) between the proposed scheme and this European site and the site-specific coastal requirements of its SCI bird species.

Table 8.2 Relevant European sites: The Conservation Objectives and Qualifying Interests, including any relevant attributes and targets for these sites, are set out below.

Site Name	Qualifying Interests	Distance
Lough Corrib SAC (000297)	<p>Oligotrophic waters containing very few minerals of sandy plains <i>Littorelletalia uniflorae</i> [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetetea</i> [3130]</p> <p>Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara spp.</i> [3140]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p> <p>Depressions on peat substrates of the Rhynchosporion [7150]</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]</p> <p>Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Bog woodland [91D0]</p>	0m - Works are adjacent to the SAC boundary

Site Name	Qualifying Interests	Distance
	Freshwater Pearl Mussel <i>Margaritifera margaritifera</i> [1029] White-clawed Crayfish <i>Austropotamobius pallipes</i> [1092] Sea Lamprey <i>Petromyzon marinus</i> [1095] Brook Lamprey <i>Lampetra planeri</i> [1096] Salmon <i>Salmo salar</i> [1106] Lesser Horseshoe Bat <i>Rhinolophus hipposideros</i> [1303] Otter <i>Lutra lutra</i> [1355] Slender Naiad <i>Najas flexilis</i> [1833] Slender Green Feather-moss <i>Hamatocaulis vernicosus</i> [6216]	

Lough Corrib SAC (site code: 000297)

Conservation Objectives (Version 1, April 2017 - [Lough Corrib SAC | National Parks & Wildlife Service \(npws.ie\)](https://www.npws.ie/))

- The long-term aim for Degraded raised bogs still capable of natural regeneration is that its peat-forming capability is re-established; therefore, the conservation objective for this habitat is inherently linked to that of Active raised bogs (7110) and a separate conservation objective has not been set in Lough Corrib SAC.
- Depressions on peat substrates of the Rhynchosporion is an integral part of good quality Active raised bogs (7110) and thus a separate conservation objective has not been set for the habitat in Lough Corrib SAC.
- To restore or to maintain the favourable conservation condition of all other habitat/ species listed above and which are defined by the list of attributes and targets set out within European Site documents.

Potential direct effects:

8.4.12 The proposed development would not be located within a European site, and it is not relevant to the maintenance of any European site. Although it would be located adjacent to the eastern site boundary of the Lough Corrib SAC, there would be no potential for direct effects as the proposed development is outside of the site boundary.

8.4.13 Although no signs of otter, including holts, slides, prints or spraints were recorded during the course of the survey within the site's drainage ditches or watercourses adjacent to the site, there is however potential for direct impacts on otter as a result of collision mortality. The development site is located in land managed for agriculture and is adjacent to a busy road, although it is likely that otter are habituated to anthropogenic activity in the area there is still a risk of disturbance and resultant potential impacts from vehicular movement and collision mortality. Best practice disturbance limitation measures have been included under Section 5.2.2.2 as a precautionary measure and are discussed in further detail below.

Potential Indirect effects:

8.4.14 Indirect impacts on the following QIs were ruled out at the screening stage due to the terrestrial nature of the habitats/species, the distance from the proposed development and the absence of a complete source-pathway-receptor chain for impact:

- Semi-natural dry grasslands and scrubland facies on calcareous substrates (*Festuco-Brometalia*) (* important orchid sites)
- Molinia meadows on calcareous, peaty or clayey-silt-laden soils (*Molinion caeruleae*)
- Active raised bogs* (priority habitat)
- Degraded raised bogs still capable of natural regeneration Depressions on peat substrates of the *Rhynchosporion*
- Limestone pavements* (priority habitat)
- Old sessile oak woods with Ilex and Blechnum in the British Isles Bog Woodland
- Slender Green Feather-moss (*Drepanocladus vernicosus*)

8.4.15 Indirect impacts on freshwater pearl mussel (*Margaritifera margaritifera*) and lesser horseshoe bat (*Rhinolophus hipposideros*) were also ruled out at the screening stage. This SAC is designated for the Owenriff freshwater pearl mussel population, which occurs in separate hydrological catchment to the works area. There is no

pathway for significant effect on this population as a result of the proposed development.

8.4.16 According to Map 11 of the site-specific conservation objects document, Lough Corrib SAC has been selected for lesser horseshoe bats because of the presence of one important summer roost, located on the northern shores of Lough Corrib, more than 26km north-west of the proposed development. The proposed development is outside the foraging range of the lesser horseshoe bat population for which the SAC is designated (i.e. 2.5km as per Map 11 of the SSCO document). There is no pathway for significant effect on the population of lesser horseshoe bat as a result of the proposed development.

8.4.17 The proposed development has the potential to cause deterioration in surface water quality during construction and operation, potentially affecting the following aquatic habitats and supporting habitats for the aquatic fauna where they occur downstream of the proposed development:

- White-clawed Crayfish (*Austropotamobius pallipes*)
- Brook Lamprey (*Lampetra planeri*)
- Sea Lamprey (*Petromyzon marinus*)
- Salmon (*Salmo salar*)
- Otter (*Lutra lutra*)
- Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*)
- Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or *Isoeto-Nanojuncetea* Hard oligo-mesotrophic waters with benthic vegetation of *Chara spp.*
- Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation
- Calcareous fens with *Cladium mariscus* and species of the *Caricion davallianae** (Priority habitat)
- Petrifying springs with tufa formation (*Cratoneurion*)* (Priority habitat)

- Alkaline fens
- Slender naiad (*Najas flexilis*)

8.4.18 The following potential indirect impacts are also specifically highlighted as part of the NIS:

- Otter - Disturbance and/ or displacement of qualifying species from within or outside European Sites from increased noise, vibration and activity. A comprehensive search for otter was undertaken of drainage ditches and the unnamed watercourse adjacent to the works area. These watercourses were surveyed 150m upstream and downstream of the works area, as well as a 10m riparian buffer (TII, 2008 and Reid, et al 2013). No evidence of otter was recorded within the proposed development boundary. No breeding or resting sites of otter were observed during the site visits. A potential otter spraint was recorded on the railway bridge outside of the study area. Notwithstanding the results of the surveys and lack of any records within the drainage ditches, the proposed development has nonetheless the potential to cause disturbance, displacement and collision mortality related effects to otter during construction works and during the operational phase of the development.
- Habitat and species degradation resulting from emission to surface water – from construction works involve clearance of vegetation, excavation of soil and movement of fill on site. This may give rise to the potential for increased sedimentation and silt run off. Also, potential run off from fuel use and storage during works may lead to the potential for pollution from leaks and spillages. The proposed route crosses a network of Drainage Ditches (FW4) that have connectivity with the Drum Stream, a tributary of the Carrownageeha stream (EPA Code: IE_WE_30C010300), that occurs to the south west of the works area, after approximately 1.4km (Plate 4.5). The lower reaches of the Drum stream and the Carrownageeha stream, a tributary of the River Clare, are designated as part of Lough Corrib SAC downstream of this location, and outside of the works area. The watercourse is reminiscent of a drainage ditch where it occurs within the study area and is heavily vegetated with little perceivable flow. It has a silty substrate, which is typical of a highly managed lowland stream, and at the time of survey did not support suitable spawning

habitat for salmon or other fish species. However, the watercourse has connectivity to potential supporting habitat for Annex II species including lamprey, crayfish and salmonids, downstream in the Clare catchment and provides connectivity to the aquatic features of interest for which the Lough Corrib SAC has been designated.

- Habitat degradation resulting from the spread of non-native invasive species during works within the project site. Winter heliotrope has been identified as occurring within the project site.
- Disturbance during operational phase from increased human presence and associated noise, lighting and traffic.
- The NIS also states (taking a precautionary approach) there is potential for percolation of pollutants to groundwater during construction activities, potentially affecting the above listed aquatic QIs. Potential impacts to groundwater as a result of contaminated surface water runoff and habitat degradation resulting from emission to groundwater (see Section 8.5 below).

Mitigation measures:

- All construction phase mitigation measures outlined in the NIS will be required to be included in the contractor's contract of works. Construction phase environmental and ecological monitoring will be provided to ensure that the mitigation measures and best practice outlined in this Natura Impact Statement are implemented.
- A range of mitigation measures are proposed during construction to prevent silt and pollution from entering the adjacent watercourses. These measures are outlined in Section 3.2.2 of the NIS which details the Outline Erosion and Sediment Control Plan (OESC) and are to be in place to avoid all water pollution during construction. Watercourses and drainage ditches will be protected by a silt fence. There will be no release of suspended solids during construction works as a direct or indirect result of the proposed works.
- Specific measures are also outlined under Section 5.2.1.1 of the NIS to offset potential impacts relating to surface water runoff, during the operation of the road, and these have been incorporated into the design of the proposed development. Runoff from the road will be collected via filter drainage pipes,

concrete channels and gullies at various chainages. The proposed drainage system will be installed in the verge of the carriageway and drain to 4 no. outfalls positioned at low points in the alignment adjacent to existing watercourses. Water will be discharged to attenuation ponds prior to discharging to reaching the outfalls. Upstream of all outfalls, runoff will be detained and treated in the ponds. Downstream of all outfalls, an oil/petrol interceptor will be provided prior to water entering a watercourse at the outfall.

- Construction compounds shall be located on dry land and set back a minimum of 25m from lakes, river and stream channels, ecological sensitive areas (internationally and nationally important habitats, wet areas such as wetland habitats, marshes and fens, etc.) and away from potential floodplain areas. Construction compounds shall not be located in European Sites or within 50m of the boundary of same. There will be 2 no. Spoil Repository/Borrow Pits. A set back of 25m is provided at the spoil area which is adjacent to the tributary stream of the Clare River.
- Environmental Monitoring will be carried out with specialist staff assigned to the roles of Environmental Officer, Environmental Manager, Environmental Clerk of Works and Project Ecologists (Details under OESC).
- Invasive species - The treatment and control of winter heliotrope within the proposed development boundary will follow guidelines Invasive Alien Plant Species on National Roads – Technical Guidance (TII 2020). In addition, appropriate spread and prevention measures for all invasive species, including invasive species which are not listed on the Third Schedule have been incorporated into the design of the project.
- In addition to the above, Best Practise measures around the prevention and spread of Crayfish plague will be adhered with throughout all construction works and activities.
- Taking a precautionary approach mammal resistant fencing has been incorporated into the design of the project in accordance with TII guidance. This fencing will be extended along the length of the scheme running parallel to the Drum Stream. Disturbance limitation measures have also been outlined

which will ensure that there will be no adverse effects on otter as a result of disturbance or displacement.

- In accordance with TII guidance, a pre-construction otter survey will be undertaken to ensure that otter have not taken up residence within or close to the road footprint prior to any works being carried out. Should any holt be encountered during the pre-construction surveys, it will be subject to exclusion procedures as outlined in the TII guidelines (2006).

8.4.19 I am satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of this European site in light of its conservation objectives (subject to the implementation of the mitigation measures outlined within the NIS and summarised above).

Potential in-combination effects:

8.4.20 A review of the planning register (see also Section 4.0 above), development plan (relevant policies and objectives) and other available information for the proposed site and surrounding townlands was carried out in order to identify past and future plans and projects, their activities and their predicted environmental effects. This assessment focused on the potential for in-combination effects on the European Sites where potential for adverse effects was identified at the screening stage. Given the nature of these applications (residential, commercial, recreational), the potential for ongoing environmental effects and associated potential cumulative effects within the proposed development are low.

8.4.21 I note that the submitted NIS has examined the previous Galway County Development Plan 2015-2021 only, however since the 20th of June 2022, the new Galway County Development Plan 2022-2028 has come into effect. To ensure a thorough assessment I have carried out an examination of the relevant policies and objectives as listed in Section 5.0 of this report for the purposes of an up to date in-combination assessment.

8.4.22 The NIS notes that the Drum stream, Carrownageeha Stream and River Clare have undergone arterial drainage works in the 1960's by the Office of Public Works (OPW) and are maintained channels. These watercourses are heavily modified watercourses with maintenance works currently carried out on the Carrownageeha typically every 5 to 7 years, including sediment and vegetation removal and

vegetation cutback using an excavator. This could give rise to pollution, contamination with resultant impacts on water quality in the absence of mitigation. However, having regard to the implementation of the aforementioned mitigation measures in connection with the proposed project and suggested conditions (see below) I am satisfied that there would be no adverse in-combination effects on the European site or its QI species.

Residual effects:

8.4.23 None anticipated post mitigation.

NIS Omissions:

8.4.24 None noted.

8.5 Further analysis (Department of Housing, Local Government and Heritage, DAU)

8.5.1 I note the Department's (DAU) comments regarding the groundwater vulnerability in the area and the seeming contradiction between the information contained in the NIS which states that groundwater vulnerability is 'Low' and the Hydrological Impact Assessment (HIA) which states that vulnerability is 'High'. Section 2.2.3 of the HIA details the groundwater vulnerability data for the area and includes GSI aquifer vulnerability mapping. This shows that a large section of the road development to the northwest of the L22208 Gortnaloura junction is classified as low vulnerability suggesting overburden depths exceeding 10m throughout. However, the section of road development to the southeast of the L22208 Gortnaloura junction (chainages 2450m to 2945m) increases in vulnerability from medium to extreme vulnerability with bedrock and sub rock close to and at ground level. For the proposed realignment development, the underlying aquifer is a Regionally Important Karst Aquifer, but the proposed site is outside any source protection area. The sub-soil is a limestone till of moderately low permeability. Given the aquifer classification the road drainage design will require a sealed drainage system for pavement runoff waters in the section of high to extreme groundwater vulnerability (i.e. Ch 2450 to 2945) to meet TII Road drainage guidelines. The existing drainage systems in the area can be described as poor both in terms of hydrology and water quality and the existing road network does not provide any form of attenuation or pollution control. The proposed drainage design has incorporated best practice in respect to drainage collection system which is sealed and avoids infiltration to the regionally important karst aquifer

within the high, extreme and extreme with outcrop/sub-crop vulnerability section of the road alignment from 2450m to 2945m which protects the groundwater aquifer from pollution.

8.5.2 The proposed drainage will utilise a number, of different collection points along the upgraded road section, which will feed into the attenuation ponds. Two of these are located at separate points at Chainage 2170 and 2560. 4 no. attenuation ponds are proposed as part of the scheme, attenuation pond no.4 will drain from chainage 2255m to 2945m. The drainage design proposed for the realignment will include petrol interceptors at each outfall, attenuation ponds to ensure that road runoff is treated to a high standard. As a result of this treatment, no significant impacts on water quality are expected. While I note the Department's concerns, I am satisfied that the proposal presents appropriate drainage systems. In the event of the Board approving the scheme I would suggest a condition is attached to ensure that a sealed kerb and gully drainage system in compliance with TII standards will be used in the high and extreme vulnerability sections of the Road (i.e. Ch 2450 to 2950) which avoids any potential for infiltration from road drainage carrier drains to the underlying karstified regionally important bedrock aquifer. In the low and moderate vulnerability sections unsealed open drainage system comprising grass channels and French drains is permitted and proposed.

8.5.3 The Department also raise concerns in relation to the number of environmental and ecological personal listed within the various documents and their respective roles. Given the volume of personal that will be involved in the construction process I would agree with the Department that the roles of the environmental manager, environmental clerk of works and project ecologist should be clearly outlined, this can be submitted as part of the finalised CEMP and a hierarchy of responsibility included. In addition, the role of the Council appointed independent Site Environmental Manager (SEM) should also be outlined and all monitoring reports should be made available to the NPWS for review. Should the Board be minded to grant permission these requirements can be ensured by way of condition.

8.6 Suggested related conditions:

8.6.1 The works should be undertaken outside of the bird breeding season.

8.6.2 A Project Ecologist should be appointed to oversee the works.

- 8.6.3 A Construction Environmental Management Plan (CEMP) should be provided which should include mitigation measures detailed within the NIS and all plant and machinery should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.
- 8.6.4 In order to prevent the possible spread of crayfish plague, as well as the use of virkon aquatic on site, hot water washing should also be required, followed by a drying period of 24-48hrs. In addition, the Check, Clean and Dry method outlined by www.invasivespeciesireland.com should also be implemented. The Control Measures for the Management of Invasive Species as listed under Section 5.2.1.6 of the NIS should be updated accordingly.
- 8.6.5 Updated invasive species and otter surveys should be completed prior to commencement of works on site. These surveys should be carried out in accordance with 'The Management of Invasive Alien Plant Species on National Roads – Standard' 2020 and 'Guidelines for the Treatment of Otters Prior to the Construction of National Roads Schemes'.
- 8.6.6 Mitigation with respect to surface water protection has been outlined in the 'Erosion and Sediment Control Plan', all mitigation measures in this plan should be included in the NIS and conditioned as part of any consent.

8.7 Appropriate Assessment Conclusion:

- 8.7.1 Having regard to the nature of the proposed development and the mitigation measures proposed, the information presented with the application, including the Natura Impact Statement which I consider is adequate to carry out an assessment of the implications of the proposed development on the integrity of European Sites, I consider that it is reasonable to conclude that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the Lough Corrib SAC (Site code 000297) or any other European site, in view of the site's Conservation Objectives.

9.0 Recommendation

On the basis of the above assessment, I recommend that the Board approve the proposed development subject to the reasons and considerations below and subject

to conditions including requiring compliance with the submitted details and with the mitigation measures as set out in the Natura Impact Statement.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011 (as amended),
- (c) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- (d) the conservation objectives, qualifying interests and special conservation interests for the Lough Corrib SAC (Site code: 000297),
- (e) the policies and objectives of the Galway County Development Plan, 2022-2028,
- (f) the nature and extent of the proposed works as set out in the application for approval,
- (g) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (h) the submissions and observations received in relation to the proposed development, and
- (i) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

Appropriate Assessment

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Lough Corrib SAC (Site code 000297) is the only European Site in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained

therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Site, namely the Lough Corrib SAC (site code: 000297) in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Site, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site, in view of the site's conservation objectives.

Proper Planning and Sustainable Development/Likely effects on the environment:

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not pose a risk to water quality, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would constitute a significant improvement in the management of traffic and provide enhanced pedestrian and cyclist facilities along this stretch of national primary route and would therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures set out in the Natura Impact Statement or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The mitigation and monitoring measures outlined in the plans and particulars relating to the proposed development or as may be required in order to comply with the following conditions shall be implemented. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.

Reason: In the interest of protecting the environment, the protection of European Sites and in the interest of public health.

3. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement and demonstration of proposals to adhere to best practice and protocols. The CEMP shall include:
 - a) Location of the site and materials compounds including areas identified for the storage of construction waste,
 - b) Location of areas for construction site offices and staff facilities,
 - c) Intended construction practice for the development, including hours of working,

- d) Means to ensure that surface water run-off is controlled in line with the finalised Erosion & Sediment Control Plan, such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses,
- e) Containment of all construction related fuel and oil within specifically constructed bunds to ensure that fuel spillages are fully contained.
- f) The management of construction traffic and off-site disposal of construction waste,
- g) Traffic management measures including any alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of the public road during the course of site development works,
- h) Specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness,
- i) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network, and
- j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

A record of daily checks that the works are being undertaken in accordance with the CEMP shall be maintained on file as part of the public record.

Reason: In the interest of protecting the environment and adjacent European Sites and in the interest of public health and safety.

4. The County Council and any agent acting on its behalf shall engage a suitably qualified and experienced ecologist to carry out a survey of the works area to identify the presence of any invasive species and to prepare an Invasive Species Management Plan if required. Details shall be maintained on the file as part of the public record.

The County Council and any agent acting on its behalf shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens. Specific measures to include hot water

washing, as well as those measure detailed in the NIS in relation to the prevention of crayfish plague shall be implemented.

Reason: In the interest of the proper planning and sustainable development of the area and to ensure the protection of the European sites.

5. The following nature conservation requirements shall be complied with:
 - (a) A suitably qualified ecologist shall be retained by the local authority to oversee the site set up and construction of the proposed development and implementation of mitigation measures relating to ecology set out in the submitted NIS, EcIA, OESC plan and any other relevant measures included within submitted documents. The ecologist shall be present during site construction works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.
 - (b) No vegetation removal shall take place during the period 1st March to 31st August (inclusive).
 - (c) Pre-construction otter and badger surveys shall be carried out within the optimal survey period before works commence and a review of mammal crossing points will be conducted and revisions made to final design where necessary.
 - (d) A pre-construction bat survey shall be carried out before works commence. Any destruction of bat roosting sites or relocation of bat species shall be carried out by a suitably qualified ecologist under a Derogation Licence granted by the Minister for Housing, Local Government and Heritage.
 - (e) The finalised lighting design shall be cognisant of any existing or proposed planting that may be used for commuting bats and new planting should not be illuminated. Any proposed lighting should also be direction and should avoid LED light. Sealed kerb and gully drainage system in compliance with TII standards (Drainage Systems for National Roads, 2015) will be used in the high and extreme vulnerability sections of the Road (i.e. Ch 2450 to 2950) to ensure the avoidance of

any potential for infiltration from road drainage carrier drains to the underlying karstified regionally important bedrock aquifer.

Reason: In the interest of biodiversity, water quality and nature conservation.

6. The roles of the environmental manager, environmental clerk of works and project ecologist should be clearly outlined, with a hierarchy of responsibility included and submitted as part of the finalised CEMP. In addition, the role of the Council appointed independent Site Environmental Manager (SEM) should also be outlined and all monitoring reports should be placed on file and retained as part of the public record.

Reason: In the interest of clarity, nature conservation and the protection of terrestrial and aquatic biodiversity.

7. The County Council and any agent acting on its behalf shall facilitate the preservation, recording, protection or removal of archaeological materials or features that may exist within the site. A suitably qualified archaeologist shall be appointed by the County Council to oversee the site set-up and construction of the proposed development and the archaeologist shall be present on site during construction works.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

Máire Daly
Planning Inspector

23rd August 2022