

Development Applications Unit
The Manager
Newtown Road
Co. Wexford
Y35 AP90

Date: 04 May 2022

Re: N63 Liss to Abbey Realignment Scheme.
In the townlands of Culliagh South, Culliagh North, Liss, Chapelfield, Abbey, Clashard, Moyne and
Newtown, County Galway.

Dear Sir / Madam,

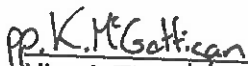
An Bord Pleanála has received your recent submission in relation to the above mentioned proposed road development and will take it into consideration in its determination of the matter.

Please note that the proposed road development shall not be carried out unless the Board has approved it or approved it with modifications.

If you have any queries in relation to this matter please contact the undersigned officer of the Board.

Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,


Niamh Thornton
Executive Officer
Direct Line: 01-8737247

HA03

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64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902



Planning Ref: **177AE N63 Liss to Abbey**
(Please quote in all related correspondence)

04 May 2022

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

Via email to bord@pleanala.ie

Proposed Development: Galway County Council: 177AE - The proposed N63 Liss to Abbey Realignment Scheme consists of the construction of a new 2.3km of National Secondary Road and all ancillary and consequential works including the provision of a bridge over the River Abbert. Provision of both pedestrian and cycle facilities have been included as part of the Proposed Road Development, predominantly along the route of the existing N63. The Proposed Road Development is located in the townlands of Culliagh North, Culliagh South, Liss, Abbey, Chapelfield, Clashard, Moyne and Newtown in Co. Galway.

A Chara

I refer to correspondence in connection with the above.

Outlined below are heritage-related observations/recommendations co-ordinated by the Development Applications Unit under the stated headings

Nature Conservation:

The Board should ensure that the Proposed Development, individually or in combination with other plans and projects, does not have a significant effect on the Lough Corrib Special Area of Conservation (SAC Site Code 000297), through water quality or hydrological issues. There is potential for the construction activity to result in the run-off of silt, nutrients and other pollutants such as hydrocarbons and cementitious material into land drains and minor watercourses. Water quality must not be negatively impacted by the proposal and therefore ABP would have to ensure the overall proposal does not have a risk of potential significant effects on water quality and consequently the qualifying interest habitats and species. In this regard as well as to the potential significant water quality effects overall particular attention should be paid to ensuring the adequacy, design and mitigation of the proposal regarding the avoidance of negative impact through hydrological effects on the adjacent Annex I



Qualifying Interest Priority habitat Petrifying springs*(NATURA code 7220) which occurs within the SAC.. In the Corrib SAC Conservation Objectives for this habitat there is a Target to "Maintain appropriate hydrological regimes" and it is stated that "Water flow should not be altered anthropogenically".

Regarding the timing of the Sheet piling for abutment construction within 10 m of the riverbank the NIS states that the Piling of the proposed bridge abutments adjacent to the Abbert River should be programmed so as to avoid sensitive lifecycle periods for QI Atlantic Salmon and Brook Lamprey and that Piling is to be scheduled from July to September inclusive. However Sea Lamprey are also mentioned as an affected species in the column and though varying with water temperature, are known to spawn into July and therefore would not be fully mitigated for under the proposed timing if present. As a Qualifying Interest of the Corrib SAC it needs to be clarified whether or not they are potentially present (surveyed for).

The NIS does not assess potential impacts on Lamprey ammocoetes and no survey for their potential presence or potential supporting habitat appears to have been carried out either at the river itself or in any other potentially suitable watercourses (for example at the drain with fisheries potential). Ammocoetes burrow in areas of fine sediment in relatively still water. As qualifying interest species of the SAC this should be addressed. Potential effects could be through the river side sheet piling abutment work or direct loss during drain works. There is some limited suitable ammocoete habitat on the north bank of the river where it is to be crossed. Any potential effects should be assessed in terms of the SAC Conservation Objectives Attributes and Targets regarding Availability of juvenile habitat and Juvenile Density.

Regarding the proposed loss of 0.36ha of the annexed habitat under the Habitats Directive (6410) Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae), it is stated in the NIS that the receptor site for translocation is the field adjacent to the southwest of this area but that it is identified as the preferred location and it is subject to further review at the detailed design stage. As this receptor site is part of the proposed mitigation/compensation in the NIS/EIA it should only be replaced as the receptor site for ecological reasons only. Monitoring is proposed for three years but this is too short a duration as it may take longer to confirm establishment or failure of the translocation than that time period. Longer term monitoring should be undertaken with monitoring ceasing when success has been established. If the translocation/re-instatement is not successful alternative remedial mitigation should be undertaken in consultation with NPWS. Molinia Meadows conservation status across Ireland has been classified as "Bad" over several monitoring periods. The proposed road project should not result in further loss and degradation to this Annex I habitat.

The Board must ensure that the future Petrifying springs and Molinia meadows habitat Method Statements, Translocation Plan, Monitoring and habitat enhancement and maintenance plan are adequate to ensure no adverse impacts on the Petrifying springs and successful mitigation for the Molinia meadow habitat loss.



The EPA's European Communities (Environmental Liability) Regulations 2008 Schedule 1 Criteria in Assessing Damage to Protected Species and Natural Habitats may also be relevant with regard to the annexed habitat. Damage to natural habitats and protected species means any damage that has significant adverse effects on reaching or maintaining the favourable conservation status of those habitats or species. The species and habitats covered are those listed in the Birds Directive (79/409/EEC) and the Habitats Directive (92/43/EEC) and the Environmental Liability Regulations apply protection against damage to all species of birds, plant and animals listed in the relevant legislation wherever they occur in Ireland regardless of whether they are within or outside a designated land area. When the EPA is notified of a potential case of environmental damage, an assessment may be undertaken to determine if the Environmental Liability Regulations apply or if other legislation applies. For example if baseline data for a section of habitat damaged is not readily available a section of the habitat that remains undamaged is used as a reference site to determine the baseline conservation status of the damaged habitat. The Regulations define the types of remediation that are applicable for remediation of damage to natural habitats and protected species. Remediation is to be achieved by the use of primary, complementary and compensatory remediation measures.

There are concerns regarding the proposed location of Site Compound No.2. It is located on lands adjacent to the current N63 and within 13m of the boundary of Lough Corrib SAC. These lands consists of Wet Grassland with large boundary water filled ditches and hedgerow. These water filled ditches are connected to the adjacent SAC via drains, springs and flushes that flow under the N63. These waters form pools in wet woodland and marsh habitat before flowing over the surface and into the Abbert River. This location is also near to the Annex I Petrying Spring identified, and it should be noted that several water leakages along the banks of Abbert River in this area may also correspond to Annex I Petrying Spring habitat. If this is the desired location for Site Compound No. 2 the board should be satisfied that, as per above, the proposed Mitigation Measures are adequate in order to rule out any significant impact on water quality, wetland habitat and qualify interest species and habitats of Lough Corrib SAC.

It is noted that it is proposed to include areas of "Wildflower Meadows" from seed in a native wildflower grass mix. Some of the proposed areas for reseeding are adjacent to grasslands within Lough Corrib SAC and along the Abbert River and in other areas it is proposed to reseed existing improved/wet grassland habitat. Restoring the current improved/wet grassland to a semi natural state through a grazing management regime rather than reseeding may be more appropriate as a nature conservation measure. Planting of native trees and shrubs along the Abbert River may be more suitable then reseeding the current grassland up to the SAC boundary. Reseeding poses a risk for the introduction of non-native invasive species including grass species which significantly impact on semi natural grasslands within the SAC and surrounding areas. It may be more suitable and successful to harvest or collect native wildflower seeds and grasses from a meadow or grassland in this locality of Galway to use as part of the landscaping of the development. The bankside of the river contains very few tree's and it would be a beneficial nature conservation measure to



plant native tree species such as alder and willow, this may also aid regarding bank stability as in places it is eroding.

Other Biodiversity issues.

The Department promotes Action 1.1.3 of the National Biodiversity Action Plan which emphasises the move toward no net biodiversity loss for development projects. Therefore the Department welcomes the permanent net increase of woodland, wet grassland, and wetland (pond) habitat. However it is stated in one section of the EIA that there will be permanent net loss of other habitats including scrub and hedge whilst in the summary it is stated that there will be Hedgerow and Scrub Habitat gain (through landscape plan). Therefore it needs to be clarified if there will be net gain or loss of these habitats. Also there is a lack of quantitative data and therefore an estimate should be provided of the length/area of any hedgerow/scrub/other semi-natural habitat that will be provided regarding the proposed semi-natural habitat gain through the Landscaping plan/masterplan etc. This will then allow a calculation regarding overall net habitat loss or gain from the project.

It is stated that no bridge lighting is proposed but reference is briefly made to possible future bridge lighting at one point. It should be clarified whether or not bridge lighting will be required. Daubenton's bats are known to forage along the Abbert River. Improvement works to the old Abbert/School Bridge in the past have resulted in the loss of roost habitat within the stone bridge. Schwegler type bat boxes were installed on the old bridge as mitigation for these works, but are unlikely to compensate for the loss of maternity roost habitat. The construction of the modern bridge poses an opportunity to enhance suitable resting places and maternity roost for bats species, in particular Daubenton's bats. It is recommended that part of the projects Mitigation Measures/Biodiversity Enhancement that Bat tube bat boxes or integrated bat bricks boxes be installed under or as part of the new bridge structure.

It is stated in the EIA that site/vegetation clearance works are to occur ideally outside of bird nesting season and elsewhere that Vegetation clearance for most areas will be restricted to the period from March to August (inclusive) during the 'nesting season'. This presumably is an error in the EIA and what was meant is that clearance is restricted to outside rather than to within the nesting season. This should be clarified and the EIA amended to state vegetation clearance will take place outside the bird nesting season. The only exception to this should be potentially to facilitate earthworks required from the period July to September inclusive, at the proposed bridge abutments, in line with Inland Fisheries Ireland Guidelines or Stone walls that have suitability for Common Lizard (or other potential hibernacula sites) as recommended, determined and supervised by the Ecological Specialist.

As Barn Owl sites occur within 5km of the scheme and considering the species vulnerability to collision mortality (potentially even having population level effects) as well as adherence to all proposed mitigation and monitoring within the EIA a condition should also be included that landscaping will comply with TII (2021) Barn Owl standards (both 'The Interactions between Barn Owls and Major Roads: Informing Management and Mitigation' and the 'Survey and Mitigation Standards for Barn Owls to inform the Planning, Construction and Operation of National Road Projects' TII publications.



The EIA states that pipes could function as badger underpasses and also that they will be effective underpasses in most flows for otters and therefore no specific designed underpasses are proposed for mammals. However the use of "could" and "most" introduces an element of reasonable scientific doubt here and therefore under the pre-cautionary principle specific designed underpasses should be appropriately built and incorporated. This is particularly important for otters as they are a qualifying interest species for the Lough Corrib SAC and even outside the SAC boundary are part of the SAC population and therefore must be assessed as per within the SAC boundary. In particular evidence of their usage (footprints) is evident at the proposed river crossing itself and a condition should be applied that during construction works there will be no lighting up of or light spill onto the river during the hours of darkness.

Considering the importance of the importance of the overall ecological/biodiversity issues strict adherence to all measures included within the AA screening, NIS, EIAr and all other relevant documents/plans/reports and those referenced within or proposed under or for said reports should be included as a planning condition of any permission that may be granted

You are requested to send any further communications to this Department's Development Applications Unit (DAU) at manager.dau@housing.gov.ie.

Is mise le meas,

Diarmuid Buttimer
Development Applications Unit
Administration