

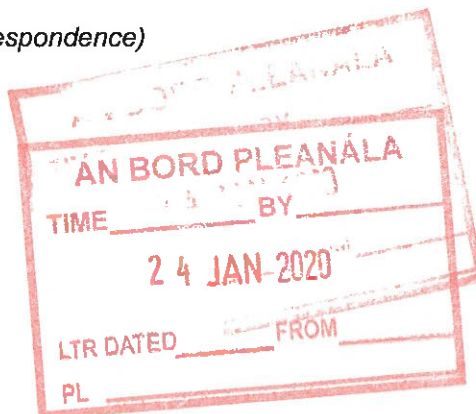


Your Ref: ABP-302848-18

(Please quote in all related correspondence)

24 January 2020

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



Via email to sids@pleanala.ie

Re: Notification to the Minister for Culture, Heritage and the Gaeltacht under the Planning and Development (Housing) and Residential Tenancies Act 2016; Planning and Development (Strategic Housing Development) Regulations 2017

RE: Section 177AE (ABP Deciding Authority) - Galway County Council on behalf of itself and on behalf of Galway City Council is proposing to develop the N6 Galway City Ring Road (GCRR) around Galway City.

A chara

On behalf of the Department of Culture, Heritage and the Gaeltacht, I refer to correspondence received in connection with the above.

Outlined below are heritage-related observations/recommendations of the Department under the stated heading(s).

Nature Conservation

The Department refers to the current application for the proposed N6 Galway City Ring Road development (and Motorway Scheme) in Galway City and County, and to the accompanying Environmental Impact Assessment Report (EIAR), Natura Impact Statement (NIS), and associated documentation. Reference is also made to the significant additional information submitted by the applicants and notified to the Department on 4th December 2019. This includes the Request for Further Information Response Report (Volume 1) and Appendices (Volume 2) together with the Route Selection Report (Volume 3) and Design Report (Volume 4).

Context of observations

The following observations are made by the Department in its role as a prescribed body under planning legislation and as the authority with overarching responsibility for nature conservation and the nature directives (i.e. the Birds and Habitats Directives). The observations are not exhaustive and are intended to assist An Bord Pleanála in its review



and evaluation of the current proposal in the context of, among other things, obligations and commitments in relation to nature conservation, European sites, biodiversity and environmental protection generally. These observations are structured under a series of headings/topics, but should be read as a whole, together with our previous observations dated 21st December 2018.

1. Likely effects on European sites

Annex 1 habitats – Qualifying Interests (QIs)

The Department notes the significant additional information provided in relation to habitat surveying and mapping in Appendix A.3.1 (Annex 2 and Annex 3). This includes, *inter alia*, information in relation to habitats within the proposed development boundary¹, including Annex 1 habitats^{2,3} and QI habitats within Lough Corrib cSAC in close proximity to the boundary of the proposed development (Figure 2.9.01). The Department also notes the vegetation sampling (relevé data) which has been provided and which has informed the habitat mapping referred to above.

This additional information has resulted in some changes to habitat mapping which is described and evaluated in Section 4 of the Request for Further Information Response Report (Volume 1), and is noted. In particular, Section 4.1 of the Report identifies an additional small area of limestone pavement [*8240] habitat near Menlo (see Figure 2.7.01). The boundary of Lough Corrib cSAC at this location intersects the area of limestone pavement so that some is within the cSAC and some is located outside the cSAC. The area of limestone pavement within the cSAC would have been directly affected by a proposed access route to farmland at this location. The proposed access route is now proposed to be altered to avoid any impacts to this area of limestone pavement and therefore to avoid impacts to Lough Corrib cSAC.

The Department further notes that updates to the boundary of Lough Corrib cSAC are possible pending finalization of the objections process at this site pursuant to the requirements of the European Communities (Birds and Natural Habitats) Regulations, 2011 (as amended). The final objections relating to the boundary of Lough Corrib cSAC are currently being processed and an updated boundary map will be notified in the coming weeks, prior to the Oral Hearing. As part of this process a mapping error, at the location near Menlo described above, is under consideration. The correction of this minor mapping error will align the boundary to a small track to reflect the original survey intention. This will result in a larger area of the limestone pavement being located outside the Lough Corrib cSAC boundary. This is the only known alteration to the boundary of Lough Corrib cSAC which will interact with the proposed motorway and road scheme.

SAC – Hydrology

In the Department's previous observations it was noted that clarity was required in relation to changes in the hydrological regime and its impact on the groundwater catchment area as

¹ Figures 2.5.01 – Figure 2.5.15 inclusive (2019 Habitat Mapping with Fossitt (Level 3) Habitat Codes indicated)

² Figures 2.6.01 – 2.6.15 inclusive (2019 Habitat Mapping with Annex 1 Habitats indicated)

³ Figures 2.7.01 & 2.7.02 (Areas of limestone pavement habitat within the proposed development boundary and Lough Corrib cSAC)



a result of the Lackagh Tunnel. This matter is addressed in the Request for Further Information Response Report (Volume 1) in Section 4.12.1. The Report states that only one European Site (i.e. Lough Corrib cSAC) lies within the hydrogeological zone of influence of the proposed road development. The Department remains of the view that this statement needs more clarification. The groundwater flow map is quite general and would benefit from groundwater levels from boreholes for example being indicated together with groundwater head contours. The delineated groundwater catchment divides should also be indicated and the location/mapping of the Groundwater Dependent Terrestrial Ecosystems (GWDTEs), particularly the fen habitats within the Lough Corrib cSAC, should also be shown. The NIS and the Request for Further Information Response Report states that the GWDTEs rely on 'seasonal groundwater levels', but it is still not clear what these are (baseflows for example?), and what groundwater levels need to be maintained to avoid negatively impacting on the conservation status of all GWDTEs in the Lough Corrib cSAC complex.

The Department also sought clarification in relation to how the GWDTEs in the Lough Corrib cSAC are working hydrogeologically and if flow paths may change post-construction. This is addressed in Section 4.13.1 of the Request for Further Information Response Report. The Department remains of the view that this matter requires clarification, such as the presentation of a clearer hydrogeological conceptualisation of the groundwater regime of the GWDTEs, and the changes that may or may not occur following construction. Additional hydrogeological cross-sections would assist in this regard. The Department is of the view that without a clearer presentation of the groundwater regime of the GWDTEs, it is difficult to assess the potential impacts of the proposed scheme and the adequacy of the mitigation measures being proposed.

Conservation objectives and scope of NIS

The Department notes the clarification in relation to the matters raised under this heading in its previous observations in Section 4.15 of the Request for Further Information Response Report.

Birds

The Department raised issues in relation to the potential for the proposed River Corrib bridge to pose a collision risk to birds in its previous observations. This has been addressed in Section 5.2 of the Request for Further Information Response Report. While no nocturnal surveys were undertaken the Department considers that taking into account the fact that the bridge will not be lit, the available data from the previous and recent surveys, and the available published literature, sufficient information has been provided to assess potential impacts to SCI bird species of the adjacent SPAs. The Department is of the view that the proposed bridge is unlikely to present a threat to SCI bird species of the adjacent SPAs.

The Department also raised issues in relation to habitat loss and fragmentation and the potential for this to impact SCI bird species for surrounding SPAs. This is addressed in Section 5.1 of the Request for Further Information Response Report. The Department



notes the additional information provided and considers that the matter raised has been addressed.

2. Likely effects on the Environment

NHA – hydrology

The Department reiterates its concerns regarding Moycullen Bog NHA, that dewatering of the 'Galway Granite batholith' within cutting areas during construction and operation of the proposed scheme, may result in a lowering of the peatland water table with peat subsidence and a consequent negative impact on the ecology of the Bog. The potential for such impacts needs to be assessed and mitigation measures proposed to address this matter as appropriate.

Habitats

As stated above, the Department notes the additional information in relation to habitat mapping provided in Section 4 of the Request for Further Information Response Report (Volume 1). This has resulted in some changes to habitat mapping which has been described and evaluated in Section 4 of the Report and associated mapping, and is noted.

It is also noted that there will be a number of habitat types of local biodiversity importance which will be permanently lost and where significant residual impacts are likely, including calcareous springs, dry-humid acid grasslands, poor fen and flush, mixed broadleaved woodland, hedgerows and treelines. The Report states that for mixed broadleaved woodland, hedgerows and treelines an area greater than that which will be permanently lost is being provided for in the landscape design (see page 30). It would be useful if the area of woodland and the length of hedgerow and treeline to be provided can be clearly set out.

It remains unclear if abandonment of grazing and/or mowing, including because of fragmentation and isolation of land holdings, has been included among the potential significant effects on habitats that were considered and assessed. Species such as Marsh Fritillary could be affected by such changes arising in connection with the development of the road and could lead to loss of habitat in 'favourable management'. Further clarification should be provided.

Compensatory Habitat

The Department notes the summary of residual Annex 1 habitat loss after compensatory measures have been implemented which is set out in Table 4.1 of the Report and revises the information previously provided in the EIAR.

Some of these losses are to be compensated by translocating habitat from one location (donor site) to another location (receptor site) within the proposed development boundary. The Department re-iterates its view (as set out in previous observations) that it would assist interpretation if a table with the details of donor and receptor sites, including areas and habitat types present in each, was provided to clarify, among other things, what habitats will



be lost in the receptor sites as a result of the compensation measures and what habitat gains are predicted to accrue.

There have been some amendments proposed in the Request for Further Information Response Report to the Material Deposition Areas in Lackagh Quarry (areas DA23, DA24, DA25, DA28). It is noted also that a large volume of peat (52,000m³) – presumably removed from west of the River Corrib - will be deposited in this limestone quarry. While Tables 3.2 & 3.3 indicate that there will be no peat in area DA28, Table 6.2 indicates that there will 14,000m³ of peat in this area. This matter needs to be clarified.

Some of the Material Deposition Areas listed above are also earmarked for habitat compensation notably for calcareous grassland. It is not clear from the documentation how this habitat will be created and how the proposed alterations to the material deposition areas will impinge on the habitat compensatory areas. It appears that the major horizontal portions of the depositional areas will consist of peat. For example, area DA24 was identified as an area for calcareous grassland but yet its entire area appears to be covered in peat (see Annex 2, Figure 1.8.6). It is not clear from the documentation if it is intended to create peatland habitat here or whether the peat is simply being stored in this area. Clarity is required in relation to these matters.

The Department notes the information provided in Section 4.11 of the Request for Further Information Response Report in relation to the time required to establish compensatory habitats. Because the timeline in the Report for Alluvial forest [*91E0] is expressed as a worst case scenario, the Department considers that the lower limit of the range should be increased from 20 to 30 years. More generally the Department notes the long time periods required for the establishment of all the Annex 1 habitat-types as set out in Section 4.11 of the Report, and notes that donor and receptor sites should be well matched in terms of their environmental conditions (e.g. geology, soils, altitude, slope, aspect) in order to enhance the prospects of success in a reasonable time-frame. In all cases future management will be required and it should be clear how this will be achieved and delivered in the short- to long-term.

Birds

The Department re-iterates the matters raised in its previous observations in relation to the need for compensatory long-term habitat management for Barn Owls.

The Department also raised issues in relation to the potential for impacts to Peregrine Falcon and to wintering birds at Ballindooley Lough arising from blasting activity at Lackagh Quarry (and Castle gar), and the mitigation measures proposed to address such impacts. These matters are addressed in Section 5.3 of the Request for Further Information Response Report. In relation to Ballindooley Lough it is clear that there is no risk of disturbance to waterbirds because blasting will not take place during the wintering period. In relation to Peregrine the Department is of the view that in addition to the mitigation measure proposed (i.e. blasting to commence prior to mid-February) there need to be suitable high ledges for prospecting pairs available, and that any active Peregrine nest site/ledge must be left undisturbed. If these conditions are met then the proposed works should not prohibit Peregrine breeding at the



site. Peregrine are regarded as being able to withstand significant disturbance at active quarry sites. However, the frequency, the location and intensity of the blasting could influence the outcome in terms of success/failure. Therefore monitoring of Peregrine breeding activity at the site through the season should ideally be carried out to ascertain any nest success/failure of the pair and to determine if blasting is also affecting numbers of common prey species for Peregrine (i.e. Feral Pigeon).

Marsh Fritillary

The Department reiterates its concerns in relation to the mitigation measures proposed for this Annex II species which, as set out in the Department's previous observations, lacked sufficient detail. This matter needs to be addressed to ensure that the mitigation measures proposed are realisable.

Bats

The Department notes the clarification in relation to Lesser Horseshoe Bat populations set out in Section 6.1 of the Request for Further Information Response Report, and the information provided in relation to core sustenance zones (CSZ) for bats in Section 6.2 of the Report. As stated previously, the conclusions in the EIAR in relation to bats are contingent on i) the effective and timely implementation of these mitigation and compensation measures at or prior to construction stage, ii) their continued effective functioning for the lifetime of the project, and iii) their safeguarding in any future projects and development planning. Monitoring and the taking of timely and effective corrective action if problems arise are integral to their success, and to the conclusions and predictions that may be reached. Any uncertainties in any of these regards should be taken into account in the context of the EIA.

Habitat Connectivity

The Department notes the clarification in relation to habitat connectivity for pine martens, squirrels and common lizard set out in Section 7.1 of the Request for Further Information Response Report.

Drawing GCOB-1700-D-S12-02-001 shows the overpass/green bridge. Clarification is required in relation to the proposed planting for the overpass setting out what species are proposed to be planted. It would appear that there will be a bank at each side of the metaled route and perhaps an area of soil cover outside of this. In order for the overpass to function correctly it must be clear that a sufficient depth of soil cover will be in place to support an appropriate planting regime.

There does not appear to be provision for ledges for passage by mammals in the drawings for culverts (see drawing GCOB-1700-D-GEN-011). The Department recommends that where culverts are designed to allow water flows through them, provision for mammal ledges should be included.



You are requested to send further communications to this Department's Development Applications Unit (DAU) at manager.dau@chg.gov.ie (team monitored); if this is not possible, correspondence may alternatively be sent to:

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Is mise, le meas

Connor Rooney
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