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REMEDIAL NATURA IMPACT STATEMENT OF A DEVELOPMENT IN BALLYHUGH, GORT, CO. GALWAY

PREPARED TO ACCOMPANY AN APPLICATION FOR SUBSTITUTE CONSENT UNDER SECTION 177C OF THE PLANNING AND DEVELOPMENT ACT 2000, AS AMENDED

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1 INTRODUCTION

1.1 BACKGROUND

Newmar Developments are applying to An Bord Pleanála for Substitute Consent under Section 177C of the Planning and Development Act 2000 for works undertaken on lands at Ballyhugh, Gort, Co. Galway.

Application for retention of the works for this site were previously determined to be invalid by Galway County Council (Planning References 23/60216 & 24/60812). The reasons for this determination are set out below:

23/60216: *"Planning Authority should Refuse to consider an application to Retain Unauthorised Development of land, where the Authority decides that if an Application for Permission had been made in respect of the development concerned before it was commenced, the Application would have required Appropriate Assessment.*

"Following the screening process, it was determined that likely significant affects to European Sites cannot be excluded. By virtue of the requirement for protection or mitigation measures required during construction and operation of the proposed development, the recommendation of a screening process is therefore to proceed to Stage 2 Appropriate Assessment."

and

24/60812: *"The application has been screened for appropriate assessment which has determined that an Appropriate Assessment is required. As this is an application which involves a portion of retention of unauthorised development, under Section 34(12) of the Planning and Development Act, 2000 (as amended), a Planning Authority shall refuse to consider an application to retain unauthorised development of land where the authority decides that if an application for permission had been made in respect of the development concerned before it was commenced the application would have required Appropriate Assessment".*

Galway County Council make reference to "Unauthorised Development", however, it should be noted that the development, as constructed, was authorised under Planning Ref. No: 08/2336, subsequently extended under Pl. Ref. No: 14/502 and 19/738. The approved development could not be completed once Galway County Council refused permission to extend the duration of the relevant planning permission.

The applicant therefore has no option but to seek Substitute Consent for the retention and completion of these works at Ballyhugh.

1.2 REGULATORY CONTEXT

RELEVANT LEGISLATION

The Birds Directive (Council Directive2009/147/EC) recognises that certain species of birds should be subject to special conservation measures concerning their habitats. The Directive requires that Member States take measures to classify the most suitable areas as Special Protection Areas (SPAs) for the conversation of bird species listed in Annex 1 of the Directive. SPAs are selected for bird species (listed in Annex I of the Birds Directive), that are regularly occurring populations of migratory bird species and the SPA areas are of international importance for these migratory birds.

The EU Habitats Directive (92/43/EEC) requires that Member States designate and ensure that particular protection is given to sites (Special Areas of Conservation) which are made up of or support particular habitats and species listed in annexes to this Directive.

Articles 6(3) and 6(4) of this Directive also call for the undertaking of an Appropriate Assessment for plans and projects not directly connected with or necessary to the management of, but which are likely to have a significant effect on any European designated sites (i.e. SACs and SPAs).

The Water Framework Directive (WFD) (2000/60/EC), which came into force in December 2000, establishes a framework for community action in the field of water policy. The WFD was transposed into Irish law by the European Communities (Water Policy) Regulations 2003 (S.I. 722 of 2003). The WFD rationalises and updates existing legislation and provides for water management on the basis of River Basin Districts (RBDs). RBDs are essentially administrative areas for coordinated water management and are comprised of multiple river basins (or catchments), with cross-border basins (i.e. those covering the territory of more than one Member State) assigned to an international RBD. The aim of the WFD is to ensure that waters achieve at least good status by 2027 and that status does not deteriorate in any waters.

Appropriate Assessment and the Habitats Directive

Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora – the 'Habitats Directive' - provides legal protection for habitats and species of European importance. Article 2 of the Directive requires the maintenance or restoration of habitats and species of European Community interest, at a favourable conservation status. Articles 3 - 9 provide the legislative means to protect habitats and species of Community interest through the establishment and conservation of an EU-wide network of sites known as *Natura 2000*. Natura 2000 sites are Special Areas of Conservation (SACs) designated under the Habitats

Directive and Special Protection Areas (SPAs) designated under the Conservation of Wild Birds Directive (79/409/EEC).

Articles 6(3) and 6(4) of the Habitats Directive sets out the decision-making tests for plans or projects affecting Natura 2000 sites. Article 6(3) establishes the requirement for Appropriate Assessment:

"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. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public."

Article 6(4) deals with the steps that should be taken when it is determined, as a result of appropriate assessment, that a plan/project will adversely affect a European site. Issues dealing with alternative solutions, imperative reasons of overriding public interest and compensatory measures need to be addressed in this case.

Article 6(4) states:

"If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member States shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest."

The Appropriate Assessment Process

The aim of Appropriate Assessment is to assess the implications of a proposal in respect of a designated site's conservation objectives.

The 'Appropriate Assessment' itself is an assessment which must be carried out by the competent authority which confirms whether the plan or project in combination with other plans and projects will have an adverse impact on the integrity of a European site.

Screening for Appropriate Assessment shall be carried out by the competent authority as set out in Section 177U(1) and (2) of the Planning and Development Act 2000 (as amended) as follows:

(1) A screening for appropriate assessment of a draft Land use plan or application for consent for proposed development shall be carried out by the competent authority to assess, in view of best scientific knowledge, if that Land use plan or proposed development, individually or in combination with another plan or project is likely to have a significant effect on the European site.

(2) A competent authority shall carry out a screening for appropriate assessment under subsection (1) before—

(a) a Land use plan is made including, where appropriate, before a decision on appeal in relation to a draft strategic development zone is made, or

(b) consent for a proposed development is given.'

(3) In carrying out screening for appropriate assessment of a proposed development a planning authority may request such information from the applicant as it may consider necessary to enable it to carry out that screening and may consult with such persons as it considers appropriate.

(4) The competent authority shall determine that an appropriate assessment of a draft Land use plan or a proposed development, as the case may be, is required if it cannot be excluded, on the basis of objective information, that the draft Land use plan or proposed development, individually or in combination with other plans or projects, will have a significant effect on a European site.

5) The competent authority shall determine that an appropriate assessment of a draft Land use plan or a proposed development, as the case may be, is not required if it can be excluded, on the basis of objective information, that the draft Land use plan or proposed development, individually or in combination with other plans or projects, will have a significant effect on a European site."

The obligations in relation to Substitute Consent have been implemented in Ireland under Part XA of the Planning and Development Act 2000, as amended ("the 2000 Act"). The relevant provisions of Section 177G in relation to remedial Natura Impact Statement are set out below:

177G. — (1) A remedial Natura impact statement shall contain the following:

(a) a statement of the significant effects, if any, on the relevant European site which have occurred or which are occurring or which can reasonably be expected to occur because the development the subject of the application for substitute consent was carried out;

(b) details of —

(i) any appropriate remedial or mitigation measures undertaken or proposed to be undertaken by the applicant for substitute consent to remedy or mitigate any significant effects on the environment or on the European site;

(ii) the period of time within which any such proposed remedial or mitigation measures shall be carried out by or on behalf of the applicant;

(c) such information as may be prescribed under section 177N;

(d) and may have appended to it, where relevant, and where the applicant may wish to rely upon same:

(i) a statement of imperative reasons of overriding public interest;

(ii) any compensatory measures being proposed by the applicant.

2 METHODOLOGY

This remedial NIS has been prepared with reference to the following:

- European Commission (2018). Managing Natura 2000 Sites: The Provisions of Article 6 of the 'Habitats' Directive 92/43/EEC.
- European Commission (2021). Assessment of Plans and Projects Significantly Affecting Natura 2000 sites: Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC.
- European Commission (2006). Nature and Biodiversity Cases: Ruling of the European Court of Justice.
- European Commission (2007). Clarification of the Concepts of: Alternative Solution, Imperative Reasons of Overriding Public Interest, Compensatory Measures, Overall Coherence, Opinion of the Commission.
- Department of Environment, Heritage and Local Government (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities.

The EC Guidance sets out a number of principles as to how to approach decision making during the process. The primary one is 'the precautionary principle' which requires that the conservation objectives of Natura 2000 should prevail where there is uncertainty.

When considering the precautionary principle, the emphasis for assessment should be on objectively demonstrating with supporting evidence that:

- There will be no significant effects on a Natura 2000 site;
- There will be no adverse effects on the integrity of a Natura 2000 site;
- There is an absence of alternatives to the project or plan that is likely to have an adverse effect to the integrity of a Natura 2000 site; and
- There are compensation measures that maintain or enhance the overall coherence of Natura 2000.

This translates into a four stage process to assess the impacts, on a designated site or species, of a policy or proposal.

The EC Guidance states that "each stage determines whether a further stage in the process is required". Consequently, the Council may not need to proceed through all four stages in undertaking the Appropriate Assessment.

The four-stage process is:

Stage 1: Screening – The process which identifies the likely impacts upon a Natura 2000 site of a project or plan, either alone or in combination with other projects or plans, and considers whether or not these impacts are likely to be significant;

Stage 2: Appropriate Assessment – The consideration of the impact on the integrity of the Natura 2000 site of the project or plan, either alone or in combination with other projects or plans, with respect to the site's structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts;

Stage 3: Assessment of Alternative Solutions – The process which examines alternative ways of achieving objectives of the project or plan that avoid adverse impacts on the integrity of the Natura 2000 site;

Stage 4: **Assessment where no alternative solutions exist and where adverse impacts remain –** An assessment of the compensatory measures where, in the light of an assessment of imperative reasons of overriding public interest (IROPI), it is deemed that the project or plan should proceed.

In complying with the obligations set out in Articles 6(3) and following the guidelines described above, this screening statement has been structured as a stage by stage approach as follows:

- Description of the proposed project;
- Identification of the Natura 2000 sites close to the proposed development;
- Identification and description of any individual and cumulative impacts on the Natura 2000 sites likely to result from the project;
- Assessment of the significance of the impacts identified above on site integrity. Exclusion of sites where it can be objectively concluded that there will be no significant effects.

2.1 STATEMENT OF COMPETENCY

This remedial NIS was carried out by Noreen McLoughlin, BA, MSc, MCIEEM. Noreen has an honours degree in Zoology and an MSc in Freshwater Ecology from Trinity College, Dublin and she has been a full member of the Chartered Institute of Ecology and Environmental Management for over 19 years. Noreen has over 21 years' experience as a professional ecologist in Ireland. Noreen has recently been awarded an Advanced Diploma in Environmental and Planning Law from King's Inns, Dublin (2024).

2.2 DESK STUDIES & CONSULTATION

Information on the site and the area of the proposed development was studied prior to the completion of this statement. The following data sources were accessed in order to complete a thorough examination of potential impacts:

- National Parks and Wildlife Service - aerial photographs and maps of designated sites, information on habitats and species within these sites and information on protected plant or animal species; conservation objectives, site synopses and standard data forms for relevant designated sites.

- Environmental Protection Agency (EPA)- Information pertaining to water quality, geology and licensed facilities within the area;

- National Biodiversity Data Centre (NBDC) – Information pertaining to protected plant and animal species within the study area;

- Grealish Glynn and Associates – Site plans, development description and information on potential emissions.

- Galway County Council – Information on planning history in the area and the previous decisions of Galway County Council pertaining to this application site.

2.3 ASSESSMENT METHODOLOGY

The development (completed and proposed) was assessed to identify its potential ecological impacts and from this, the Zone of Influence (ZoI) of the proposed development was defined. Based on the potential impacts and their ZoI, the Natura 2000 sites potentially at risk from direct, indirect or in-combination impacts were identified. The assessment considered all potential impact sources and pathways connecting the proposed development to Natura 2000 sites, in view of the conservation objectives supporting the favourable conservation condition of the site's Qualifying Interests (QIs) or Special Conservation Interests (SCIs).

The conservation objectives relating to each Natura 2000 site and its QIs/SCIs are cited generally for SACs as "to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or Annex II species for which the SAC has been selected", and for SPAs "to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA".

As defined in the Habitat's Directive, the favourable conservation status of a habitat is achieved when:

- Its natural range and area it covers within that range is stable or increasing;
- The specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future;

The favourable conservation status of a species is achieved when:

- The population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats;
- The natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future;
- There is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

Where site-specific conservation objectives (SSCOs) have been prepared for a European site, these include a series of specific attributes and targets against which effects on conservation condition, or integrity, can be measured. Where potential significant effects are identified, then these SSCOs should be considered in detail.

3 PROJECT DESCRIPTION

3.1 DESCRIPTION OF WORKS

Under Section 177E of the Planning and Development Acts 2000 to 2023, Newmar Developments are applying to An Bord Pleanála for Substitute Consent for the following development on lands at Ballyhugh, Gort, Co. Galway.

The retention and completion of 8 dwelling houses - 9 to 16 inclusive at Garraí Mhic Aodha, and to construct 32 dwelling houses - 17 to 20 inclusive at Garraí Mhic Aodha and 1 to 28 inclusive at Gort An Choirce.

With regards to the elements of retention and the completion of houses 9 to 16 at Garraí Mhic Aodha, these houses were previously permitted under planning applications referenced 08/2336, 14/502, 19/738, 19,989 & 20/101; however, the works on these houses were not completed within the duration of the latest planning permission. The remaining 32 dwelling houses were also previously permitted; however, construction works on these houses were not commenced.

The planning application forms part of a brown field site which was under construction under the above-mentioned planning permissions up until the planning permission expired.

Wastewater Treatment

As permitted under the previous planning applications, foul water from the development will be collected using a suitably sized network and discharged to the existing foul sewer that lies along the Tubber Road. Foul water from the site will be treated in the Gort Wastewater Treatment Plant. This plant is fully licensed by the EPA (License No: D0195-01). The sewer and water connections have been designed and agreed with Irish Water and a connection agreement has been issued.

Surface water Treatment

As permitted under the previous planning applications, excess storm water from the development will be discharged to the local storm water network which lies along the Tubber Road.

An extract from the planning drawings can be seen in Figure 1.

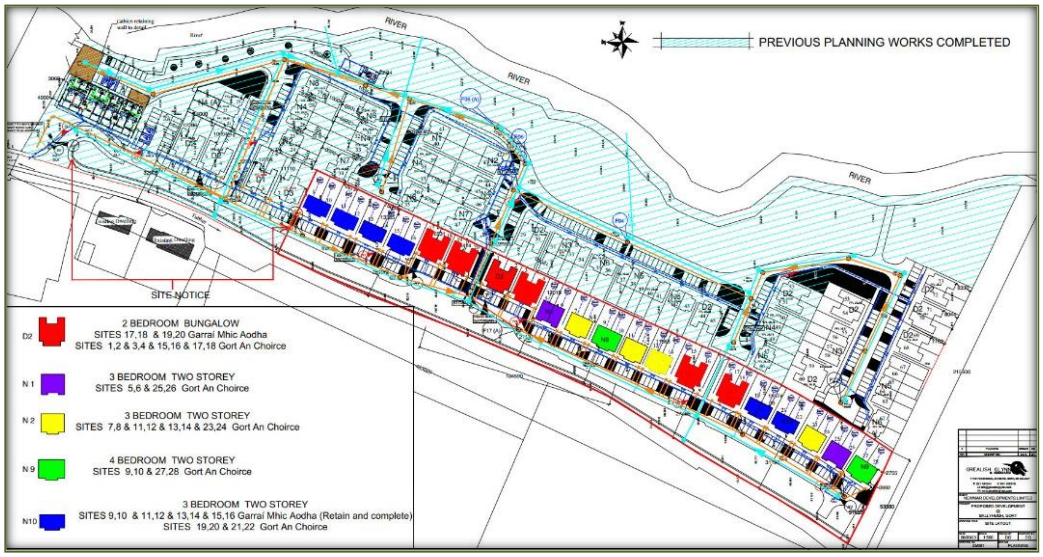


Figure 1 – Proposed Site Plan (Prepared by Grealish Glynn and Associates). Blue Hatched Areas Indicate Works already Completed.

3.2 PLANNING HISTORY

This planning application has been lodged on two occasions to Galway Co Council under reference No 23/60216 and 24/60812. On both occasions Galway County Council invalidated the application as they say there is unauthorized development on site. This is not the case as there was planning permission granted previously on site under 08/2336, 14/502, 19/738 & 20/1010.

The estate has approximately 80 occupied houses and this application relates to the final phase of development. The sewer and water connections have been designed and agreed with Irish Water and a connection agreement is in place. In addition:

- A part V agreement is currently in place for the development.
- The development is consistent with the zoning for the site as per the Gort Development Plan and the density is consistent with the adjoining development.
- All green areas have been completed under previous phases.

3.3 OVERALL DEVELOPMENT AT THE SITE

The development consists of mainly residential development with a creche/apartment block on the northern portion. The remainder of the development consists of

- Semi-detached single storey dwelling houses,
- Semi-detached 2-storey dwelling houses,

- 2-storey terraced dwelling houses.

A portion of the development contains the usual (completed) roads, footpaths, street lighting, green areas, parking, etc.

Garrai Mhic Aodha – This section is located to the North of the site and contains:

- An apartment and creche block
- Completed house Nos: 1 – 8 and 21 – 47.
- Houses Nos: 9 – 20 are not completed and are at various stages of development.

Gort An Choirche – This section is located to the South of the site and contains:

- Completed house Nos: 29 – 52.
- Completed houses 53 – 73
- Proposed houses Nos: 1 – 28 (not yet commenced).

PHASING OF THE DEVELOPMENT

The development was to be carried out in 6 phases, as detailed below:

Garrai Mhic Aodha

- Phase 1: This includes the entrance, the block containing the crèche and the 11 apartments, site development works ancillary to the commercial block and houses 1 – 8 and 21 – 29. The dwelling houses in this Phase are completed and occupied.
- Phase 2: Contains the houses 30 – 47. These houses are completed and occupied.
- Phase 5: Construction works have commenced on Phase 5. House Nos: 9 – 16 are constructed to 1st floor and the hollow core has been installed. The sewers and service ducts have been installed and the road for this Phase is at formation level. Construction works on Phase 5 are currently on hold – for approximately 3 years.

Gort An Choirche

- Phase 3: contains houses 29 – 52. These houses are completed and occupied.
- Phase 4: this relates to house Nos: 53 – 73. These houses are completed and occupied.

- Phase 6: this relates to house Nos: 1 – 28. No significant construction works in relation to the houses has taken place. The sewers and service ducts have been installed or partly installed and the road is at formation level. Construction works on Phase 6 are currently on hold – for approximately 3 years.

In summary Phases 1, 2,3,4 & 5 are complete and occupied. These phases are located in close proximity to the Cannahowna River. The green areas between the houses and the river have been fully completed. Construction works have commenced on Phase 6. However, the construction of the dwelling houses has not been advanced. Phase 6 is located the furthest away from the Cannahowna River.

ENFORCEMENT AND COMPLIANCE

There is no record of Planning Enforcement on the site. An Bord Pleanála carried out an examination of the development and Planning File as part of their assessment of ABP-314335-22 and the Inspector's report indicated that there was no record of Enforcement on the site.

4 SITE LOCATION AND SURROUNDING ENVIRONMENT

The site in question is a brownfield site of approximately 1.63ha and it is located in the southern outskirts of Gort Town, approximately 750m south of the town centre. Access to the site is provided via an existing and approved entrance that is just off the Tubber Road. This entrance services the existing Garraí Mhic Aodha and Gort an Choirce residential estates. The site is bounded to the west by Tubber Road, to the north and east by existing houses in the Garraí Mhic Aodha estate, and to the south by pastureland.

The application site is surrounded by the existing residential and amenity areas associated with Gort Town suburbs. The main habitats associated with these areas include buildings and artificial surfaces and amenity grassland and gardens. Beyond these urban areas and in the rural areas around Gort, agriculture is the dominant land use and improved and semi-improved grasslands are the dominant habitats. Other habitats represented in the rural areas include neutral and wet grasslands, limestone pavements, areas of scrub, broadleaved woodlands, hedgerows, treelines and watercourses.

Site location maps are presented in Figures 2 and 3.

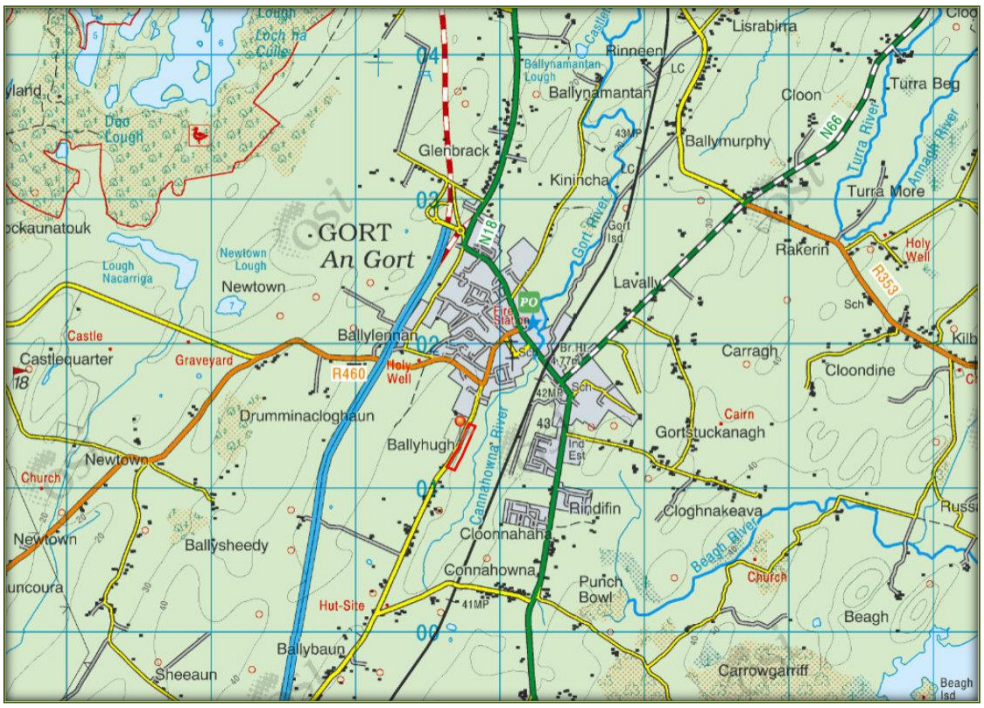


Figure 2 – Map showing the Location of the Application Site (Pinned)

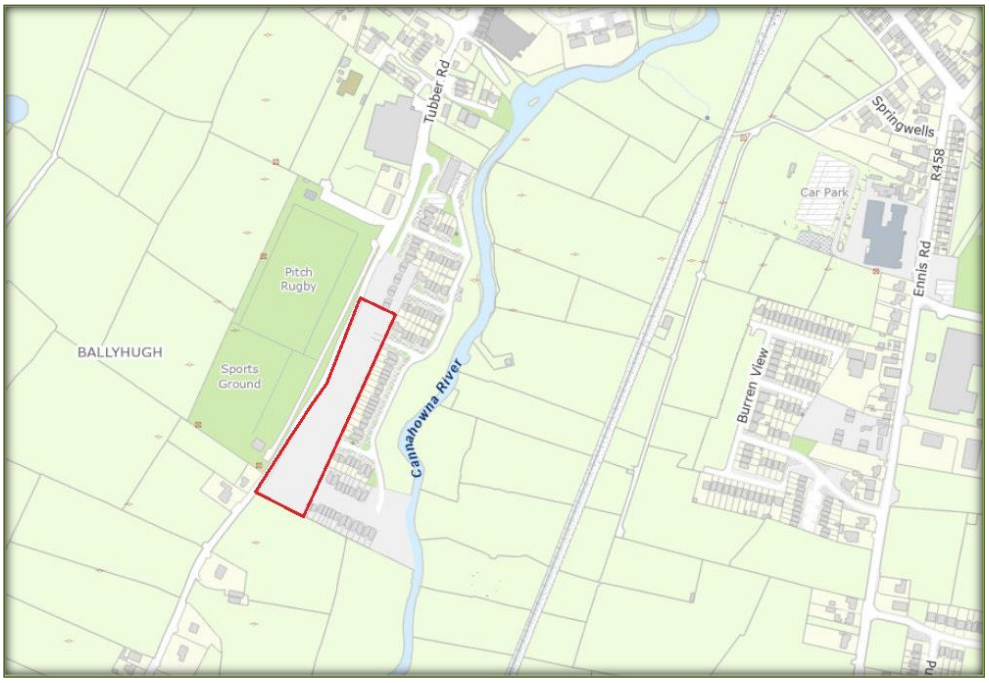


Figure 3 – Map showing the Location of the Application Site (Outlined in Red)

HABITATS WITHIN THE SITE

The application site does not lie within or immediately adjacent to any area that has been designated for nature conservation purposes. The site encompasses a brownfield site, where groundworks have been ongoing for a number of years. Site services are in place and construction works have commenced on eight houses (now seeking retention). A stonewall and hedgerow remains along the western (roadside) perimeter of the site. Areas of construction waste and spoil that have since developed on the site have been colonised by vegetation (akin to grassy verge type habitat). There are no habitats of biodiversity value within the application site. An aerial photograph and recent drone shot of the site are presented in Figures 4.

Figure 4 – Drone Photograph of the Site (Outlined in Red)

WATER FEATURES AND QUALITY

The application site lies within the Galway Bay South-East Hydrometric Area (29) and Catchment (29) and the Cannahowna Sub-Catchment (010) and Sub-Basin (010). There are no watercourses within or adjacent to the application site. The Cannahowna River (also referred to as the Gort / Castletown River) is 60m east of the eastern site boundary. The application site is separated from this river by the existing houses of the Garraí Mhic Aodha estate and by a riparian buffer of circa 26m. There is no surface hydrological connectivity between the application site and the Cannahowna or Gort River.

The Cannahowna River river flows past through Gort in a northerly direction until it disappears underground near Castletown, circa 4km north of the application site. It re-emerges briefly, before once again flowing underground. It emerges as a spring (Coole Rising spring) and it becomes the Coole River and flows into Coole Lough, 3.6km north-west of the application site.

The EPA have classified the ecological status of the Cannahowna River at a point upstream of Gort as moderate status (deteriorated from good status in previous monitoring period). Status improves to good further downstream of Gort and this status is maintained until it flows into Coole Lough. Under the requirements of the Water Framework Directive, all waterbodies must achieve good ecological status within the current cycle (3rd, by 2027).

5 AA SCREENING (REMEDIAL)

5.1 NATURA 2000 SITES IDENTIFIED

In accordance with the guidelines issued by the Department of the Environment and Local Government, a list of Natura 2000 sites within 15km of the application site have been identified and described according to their site synopses, qualifying interests and conservation objectives. In addition, any other sites further than this, but potentially within its zone of interest were also considered. The zone of impact may be determined by an assessment of the connectivity between the application site and the designated areas by virtue of hydrological connectivity, atmospheric emissions, flight paths, ecological corridors etc.

For significant effects to arise, there must be a potential impact facilitated by having a *source*, i.e., the application site and the activities arising out of its construction or operation, a *receptor*, i.e., the European site and its qualifying interests and a subsequent *pathway* or *connectivity* between the source and receptor, e.g., a water course. The likelihood for significant effects on the European site will largely depend on the characteristics of the source (e.g., nature and scale of the construction works), the characteristics of the existing pathway and the characteristics of the receptor, e.g., the sensitivities of the Qualifying Interests (habitats or species) to changes in water quality.

There are 28 Natura 2000 designated sites within 15km of the application site. These designated areas and their closest points to the application site are summarised in Table 1 and maps and an aerial photograph showing their locations relative to the application site are shown in Figures 5 and 6. A full description of all these sites can be read on the website of the National Parks and Wildlife Service (npws.ie). The potential significant effects are those which may have occurred in the past, are ongoing or those which may occur in the future.

Site Name & Code	Distance	Qualifying Interests	Screened In / Out
Coole-Garryland Complex SAC 000252	1.3km north-west	• Natural eutrophic lakes with *Magnopotamion* or *Hydrocharition*-type vegetation • Turloughs • Rivers with muddy banks with *Chenopodion rubric p.p.* and *Bidention p.p.* vegetation • *Juniperus communis* formations on heaths or calcareous grasslands	*Screened In – Having regards to the location of this SAC within 2km of the application site, combined with the proximity of the site to the Cannahowna River which is 7.5km upstream of this SAC, then the potential significant effects of this development on the QIs of this site will be considered further.*

		• Semi-natural dry grasslands and scrubland facies on calcareous substrates • Limestone pavements • *Taxus baccata* woods of the British Isles • *Rhinolophus hipposideros* (Lesser Horseshoe Bat)	
Coole-Garryland Complex SPA 004107	1.4km north-west	• Whooper Swan *Cygnus cygnus*	*Screened In–Having regards to the location of this SPA within 2km of the application site, combined with the proximity of the site to the Cannahowna River which is 7.5km upstream of this SPA, then the potential significant effects of this development on the QIs of this site will be considered further.*
East Burren Complex SAC 001926	2.1km west	• Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. • Turloughs • Water courses of plain to montane levels with the *Ranunculion fluitantis* and Callitricho-Batrachion vegetation • Alpine and Boreal heaths • *Juniperus communis* formations on heaths or calcareous grasslands • Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) • Lowland hay meadows *(Alopecurus pratensis, Sanguisorba officinalis)* • Calcareous fens with *Cladium mariscus* and species of the Caricion davallianae • Petrifying springs with tufa formation (Cratoneurion) • Alkaline fens • Limestone pavements • Caves not open to the public • Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* • *Euphydryas aurinia* (Marsh Fritillary) • *Rhinolophus hipposideros* (Lesser Horseshoe Bat) • *Lutra lutra* (Otter)	*Screened Out – Having regards to the small size and scale of the development and overall lack of hydrological connectivity, i.e., source-pathway-receptor linkage, between the application site and this SAC, then significant effects upon the QIs of this site will not arise.*

Lough Cutra SAC 000299	2.8km south-east	• *Rhinolophus hipposideros* (Lesser Horseshoe Bat)	*Screened Out – Having regards to the small size and scale of the development and overall lack of hydrological connectivity, i.e., source-pathway-receptor linkage, between the application site and this SAC, then significant effects upon the QIs of this site will not arise.*
Termon Lough SAC 001321	2.8km south-west	Turloughs	*Screened Out – Having regards to the small size and scale of the development and overall lack of hydrological connectivity, i.e., source-pathway-receptor linkage, between the application site and this SAC, then significant effects upon the QIs of this site will not arise.*
Lough Cutra SPA 004056	2.9km south-east	• Cormorant *(Phalacrocorax carbo)*	*Screened Out – Having regards to the small size and scale of the development and overall lack of hydrological connectivity, i.e., source-pathway-receptor linkage, between the application site and this SPA, then significant effects upon the QIs of this site will not arise.*
Kiltartan Cave SAC 000286	4.1km north	• Caves not open to the public *Rhinolophus hipposideros* (Lesser Horseshoe Bat)	*Screened Out – Having regards to the small size and scale of the development and overall lack of hydrological connectivity, i.e., source-pathway-receptor linkage, between the application site and this SAC, then significant effects upon the QIs of this site will not arise.*
Slieve Aughty Mountains SPA 004168	4.7km south-east	• Hen Harrier *(Circus cyaneus)* • Merlin *(Falco columbarius)*	*Screened Out – Having regards to the small size and scale of the development and overall lack of hydrological connectivity, i.e., source-pathway-receptor linkage, between the application site and this SPA, then significant effects upon the QIs of this site will not arise.*
Carrowbaun, Newhall and Ballylee Turlough SAC 002293	4.9km north-west	Turloughs	*Screened Out – Having regards to the small size and scale of the development and overall lack of hydrological connectivity, i.e., source-pathway-receptor linkage, between the application site and this SAC, then significant*

			effects upon the QIs of this site will not arise.
Caherglassaun Turlough SAC 000238	5.3km north-west	• Turloughs *Rhinolophus hipposideros* (Lesser Horseshoe Bat)	*Screened Out – Having regards to the small size and scale of the development and overall lack of hydrological connectivity, i.e., source-pathway-receptor linkage, between the application site and this SAC, then significant effects upon the QIs of this site will not arise.*
Lough Coy SAC 002117	5.7km north-east	Turloughs	*Screened Out – Having regards to the small size and scale of the development and overall lack of hydrological connectivity, i.e., source-pathway-receptor linkage, between the application site and this SAC, then significant effects upon the QIs of this site will not arise.*
Ballinduff Turlough SAC 002295	5.8km north	Turloughs	*Screened Out – Having regards to the small size and scale of the development and overall lack of hydrological connectivity, i.e., source-pathway-receptor linkage, between the application site and this SAC, then significant effects upon the QIs of this site will not arise.*
Gortacarnaun Wood SAC 002180	6.2km south-east	Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles	*Screened Out – Having regards to the small size and scale of the development and overall lack of hydrological connectivity, i.e., source-pathway-receptor linkage, between the application site and this SAC, then significant effects upon the QIs of this site will not arise.*
Drummin Wood SAC 002181	6.2km south-east	Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles	*Screened Out – Having regards to the small size and scale of the development and overall lack of hydrological connectivity, i.e., source-pathway-receptor linkage, between the application site and this SAC, then significant effects upon the QIs of this site will not arise.*
Cahermore Turlough SAC 002294	6.6km north-west	Turloughs	*Screened Out – Having regards to the small size and scale of the development and overall lack of hydrological connectivity, i.e., source-pathway-receptor linkage,*

			between the application site and this SAC, then significant effects upon the QIs of this site will not arise.
Peterswell Turlough SAC 000318	7.7km north-east	Turloughs	*Screened Out – Having regards to the small size and scale of the development and overall lack of hydrological connectivity, i.e., source-pathway-receptor linkage, between the application site and this SAC, then significant effects upon the QIs of this site will not arise.*
Cregg House Stables, Crusheen SAC 002317	8.2km south	*Rhinolophus hipposideros* (Lesser Horseshoe Bat)	*Screened Out – Having regards to the small size and scale of the development and overall lack of hydrological connectivity, i.e., source-pathway-receptor linkage, between the application site and this SAC, then significant effects upon the QIs of this site will not arise.*
Ballyogan Lough SAC 000019	10.4km south	Calcareous fens with *Cladium mariscus* and species of the *Caricion davallianae*	*Screened Out – Having regards to the small size and scale of the development and overall lack of hydrological connectivity, i.e., source-pathway-receptor linkage, between the application site and this SAC, then significant effects upon the QIs of this site will not arise.*
Moyree River System SAC 000057	10.5km south	• Water courses of plain to montane levels with the *Ranunculion fluitantis* and Callitricho-Batrachion vegetation • Alkaline fens • Limestone pavements • Caves not open to the public • *Rhinolophus hipposideros* (Lesser Horseshoe Bat) *Lutra lutra* (Otter)	*Screened Out – Having regards to the small size and scale of the development and overall lack of hydrological connectivity, i.e., source-pathway-receptor linkage, between the application site and this SAC, then significant effects upon the QIs of this site will not arise.*
Ardrahan Grassland SAC 002244	10.5km north	• Alpine and Boreal heaths • *Juniperus communis* formations on heaths or calcareous grasslands • Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) • Limestone pavements	*Screened Out – Having regards to the small size and scale of the development and overall lack of hydrological connectivity, i.e., source-pathway-receptor linkage, between the application site and this SAC, then significant effects upon the QIs of this site will not arise.*

Galway Bay Complex SAC 000268	11.2km north-west	• Mudflats and sandflats not covered by seawater at low tide • Coastal lagoons • Large shallow inlets and bays • Reefs • Perennial vegetation of stony banks • Salicornia and other annuals colonizing mud and sand • Atlantic salt meadows (Glauco-Puccinellietalia maritimae) • Otter *(Lutra lutra)* • Common seal *(Phoca vitulina)* • Mediterranean salt meadows *(Juncetalia maritimi)* • Turloughs • *Juniperus communis* formations on heaths or calcareous grasslands • Semi-natural dry grasslands and scrubland facies on calcareous substrates (*Festuco Brometalia*) (*important orchid sites) • Calcareous fens with *(Cladium mariscus*) and species of the Caricion davallianae • Alkaline fens	*Screened Out – Having regards to the small size and scale of the development and overall lack of hydrological connectivity, i.e., source-pathway-receptor linkage, between the application site and this SAC, then significant effects upon the QIs of this site will not arise.*
Inner Galway Bay SPA 004031	11.2km north-east	• Great Northern Diver (*Gavia immer*) • Cormorant (*Phalacrocorax carbo*) • Grey Heron (*Ardea cinerea*) • Light-bellied Brent Goose (*Branta bernicla hrota*) • Wigeon (*Anas penelope*) • Teal (*Anas crecca*) • Shoveler (*Anas clypeata*) • Red-breasted Merganser (*Mergus serrator*) • Ringed Plover (*Charadrius hiaticula*) • Golden Plover (*Pluvialis apricaria*) • Lapwing (*Vanellus vanellus*) • Dunlin (*Calidris alpina*) • Bar-tailed Godwit (*Limosa lapponica*) • Curlew (*Numenius arquata*)	*Screened Out – Having regards to the small size and scale of the development and overall lack of hydrological connectivity, i.e., source-pathway-receptor linkage, between the application site and this SPA, then significant effects upon the QIs of this site will not arise.*

		• Redshank (*Tringa totanus*) • Turnstone (*Arenaria interpres*) • Black-headed Gull (*Chroicocephalus ridibundus*) • Common Gull (*Larus canus*) • Sandwich Tern (*Sterna sandvicensis*) • Common Tern (*Sterna hirundo*) • Wetlands & Waterbirds	
Lough Fingall Complex SAC 000606	12km north	• Turloughs • Alpine and Boreal heaths • *Juniperus communis* formations on heaths or calcareous grasslands • Semi-natural dry grasslands and scrubland facies on calcareous substrates • Calcareous fens with *Cladium mariscus* and species of the *Caricion davallianae* • Limestone pavements • *Rhinolophus hipposideros* (Lesser Horseshoe Bat)	*Screened Out – Having regards to the small size and scale of the development and overall lack of hydrological connectivity, i.e., source-pathway-receptor linkage, between the application site and this SAC, then significant effects upon the QIs of this site will not arise.*
Sonnagh Bog SAC 001913	12.3km north-east	• Blanket bogs	*Screened Out – Having regards to the small size and scale of the development and overall lack of hydrological connectivity, i.e., source-pathway-receptor linkage, between the application site and this SAC, then significant effects upon the QIs of this site will not arise.*
Kiltiernan Turlough SAC 001285	12.5km north	• Turloughs	*Screened Out – Having regards to the small size and scale of the development and overall lack of hydrological connectivity, i.e., source-pathway-receptor linkage, between the application site and this SAC, then significant effects upon the QIs of this site will not arise.*
Castletaylor Complex SAC 000242	12.8km north	• Turloughs • Alpine and Boreal heaths • Juniperus communis formations on heaths or calcareous grasslands • Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-	*Screened Out – Having regards to the small size and scale of the development and overall lack of hydrological connectivity, i.e., source-pathway-receptor linkage, between the application site and this SAC, then significant*

		Brometalia) (* important orchid sites) • Limestone pavements	*effects upon the QIs of this site will not arise.*
Glendree Bog SAC 001912	13.2km south-east	•	*Screened Out – Having regards to the small size and scale of the development and overall lack of hydrological connectivity, i.e., source-pathway-receptor linkage, between the application site and this SAC, then significant effects upon the QIs of this site will not arise.*
Dromore Woods and Loughs SAC 000032	14.8km south	• Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation • Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels • Limestone pavements • *Rhinolophus hipposideros* (Lesser Horseshoe Bat) • *Lutra lutra* (Otter)	*Screened Out – Having regards to the small size and scale of the development and overall lack of hydrological connectivity, i.e., source-pathway-receptor linkage, between the application site and this SAC, then significant effects upon the QIs of this site will not arise.*

Table 1 – Designated Sites within 15km of the Application Site

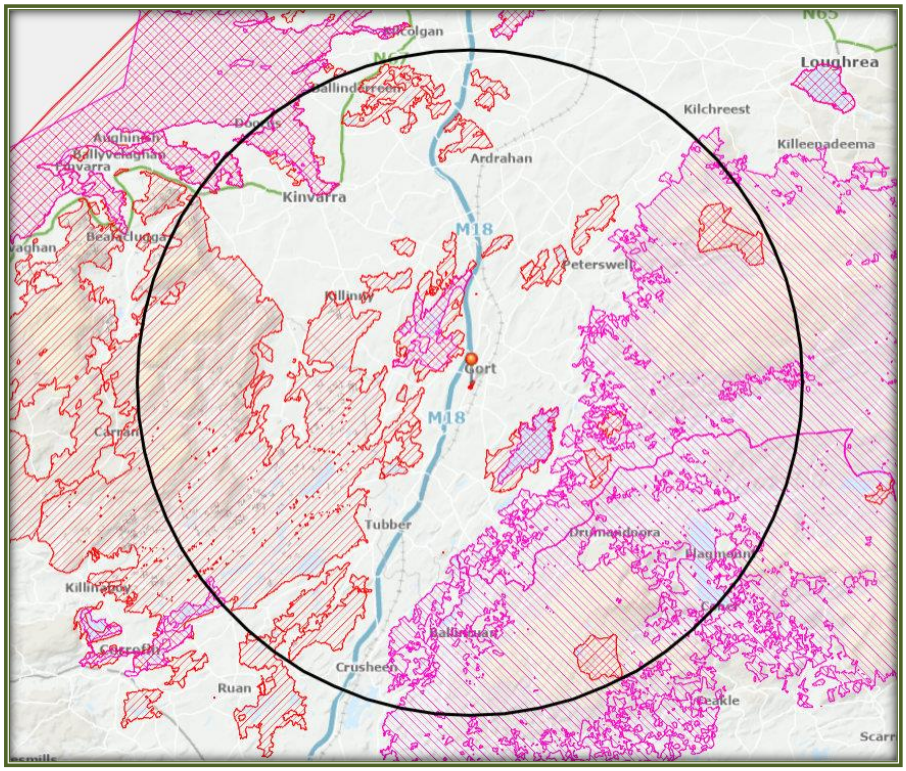


Figure 5 – The Application Site (Red Dot) in relation to the Natura 2000 Sites within 15km

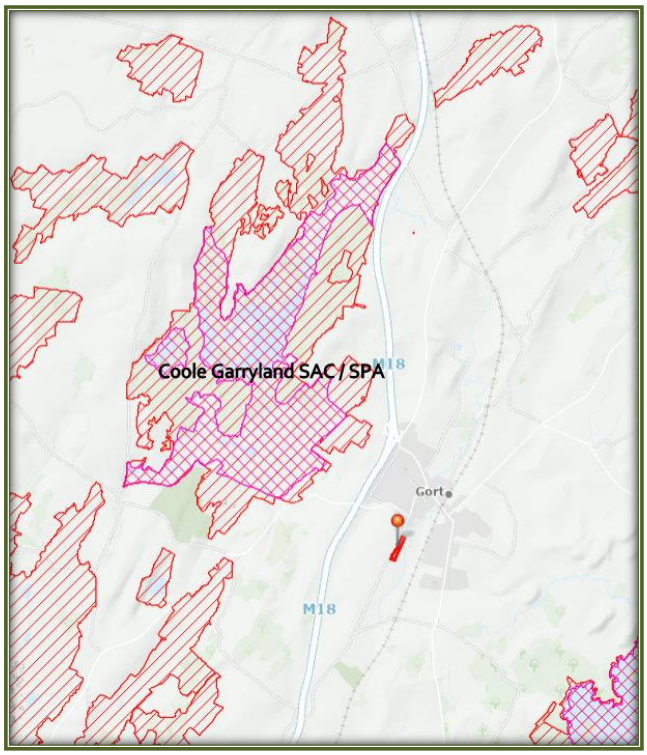


Figure 6 – The Application Site (Red Dot) in relation to the Coole-Garryland SAC / SPA

5.2 ASSESSMENT OF SIGNIFICANCE

This section considers the list of sites identified in Section 3.3. It can be considered that with the exception of the Coole-Garryland Complex SAC and SPA, that the remainder of the sites identified in Section 3.3 can be excluded from the Appropriate Assessment process. This is based on their distance from the application site and the fact that they are outside of its Zone of Influence. The remaining concerns will therefore focus upon the Qualifying Interests of the Coole-Garryland Complex SAC and SPA.

5.3 SCREENING CONCLUSIONS

The application site is *not directly connected with or necessary to the nature conservation management of the designated site*. Therefore, following consideration of the location of the Coole-Garryland Complex SAC and SPA in relation to the application site at Ballyhugh at Gort, and the potential impacts that may have occurred in the past, or those that could arise in the future, this application must proceed to the next stage of Appropriate Assessment, namely the remedial Natura Impact Assessment.

6 APPROPRIATE ASSESSMENT (REMEDIAL NIS)

6.1 INTRODUCTION

The main objective of this stage (Stage 2, Natura Impact Statement) in the Appropriate Assessment process is to determine whether the application for Substitute Consent and its associated activities at Ballyhugh in Gort (either alone or in combination with other plans, programmes and projects) will result in significant adverse impacts on the QIs of the Coole-Garryland Complex SAC/SPA, with respect to these site's structures, species, functions and/or conservation objectives. These effects may have arisen in the past, they may still be ongoing and in the absence of mitigation, they may occur in the future. This stage also outlines the mitigation measures that should be taken in order to avoid any negative impacts of this application, should it receive substitute consent.

In this section, the Natura 2000s site identified in the previous section will be described in greater detail in terms of their site characteristics and conservation objectives.

6.2 NATURA 2000 SITES IDENTIFIED

COOLE-GARRYLAND COMPLEX SAX 000252

Site Summary

The Coole-Garryland Complex is situated in a low-lying karstic limestone area west of Gort, in Co. Galway. It contains a series of seasonal lakes (turloughs), which are fed by springs and a partly submerged river, surrounded by woodland, pasture and limestone heath. The more well-known turloughs present in the site include Lydacan, Crannagh North, Raheen, Crannagh South, Coole, Garryland, Newtown and Hawkhill.

The turlough system at Coole-Garryland is considered to be the most diverse in the country, for both its physiography and vegetation; it is unique in that it is so closely associated with woodland. The woodland is extremely diverse in terms of both habitat and species and was assessed as having the highest conservation rating in the country among the sites surveyed for the National Survey of Native Woodlands. The juxtaposition of these two distinct habitats has led to the development of interesting plant and animal communities that include a suite of rare insect, plant and fungal species. The site includes good quality examples of seven habitats that are listed on Annex I of the E.U. Habitats Directive. Overall, the range of good quality habitats present at Coole-Garryland which support a high diversity of species render the site of high conservation value.

The NPWS Qualifying Interests and SSCOs of the Coole-Garryland Complex SAC are listed below in Table 2. Potential significant effects arising from the initial construction of the structures requiring retention have been considered, along with the potential effects that may arise in the future with the completion of construction and the continued operation of the site into the future.

QI Name [Code]	SSCO	Attributes	Potential Significant Effects
Natural eutrophic lakes with Magnopotamion or Hydrocharition - type Vegetation [3150]	To *maintain* the favourable conservation condition of this habitat in the SAC	• Habitat area • Habitat distribution • Typical species • Vegetation composition • Vegetation distribution • Hydrological regime • Lake substratum quality • Transparency • Nutrients • Phytoplankton biomass • Attached algal biomass • Acidification status • Water colour • Dissolved organic carbon • Turbidity • Fringing habitat: Area and condition	*None anticipated – There was no / will be no habitat loss or fragmentation to this QI. There are no watercourses within the proposed construction works area within the application site, therefore the potential for polluted run-off from the site into the Cannahowna River, and subsequent mobilisation towards this QI in the SAC is low. The site is 60m from the Cannahowna River and is separated from this watercourse by the existing residential estate and by a riparian buffer. There will be no run-off during the completion of construction and the operation of this site that could give rise to significant negative effects upon this QI, or the attributes that have been set for the maintenance of the favourable conservation condition of this habitat in the SAC.*
Turloughs [3180]	To *restore* the favourable conservation condition of this habitat in the SAC	• Habitat area • Habitat distribution • Hydrological regime • Soil type • Soil Nutrient Status • Physical Structire • Chemical processes • Active peat formation • Water quality • Vegetation composition • Vegetation structure • Typical species • Fringing habitats	*None anticipated – There was no / will be no habitat loss or fragmentation to this QI. There will be no changes to the hydrological regime that supports this QI. There are no watercourses within the proposed construction works area within the application site, therefore the potential for polluted run-off from the site into the Cannahowna River, and subsequent mobilisation towards this QI in the SAC is low. The site is 60m from the Cannahowna River and is separated from this watercourse by the existing residential estate and by a riparian buffer. There will be no run-off during the completion of construction and the operation of this site that could give rise to significant negative effects upon this QI, or*

			the attributes that have been set for the restoration of the favourable conservation condition of this habitat in the SAC.
Rivers with muddy banks with Chenopodion rubri p.p. and Bidention p.p. Vegetation [3270]	To *restore* the favourable conservation condition of this habitat in the SAC	• Habitat area • Habitat distribution • Hydrological regime • Soil type • Soil Nutrient Status • Physical Structure • Chemical processes • Water quality • Vegetation composition • Typical species • Fringing habitats	*None anticipated – There was no / will be no habitat loss or fragmentation to this QI. There will be no changes to the hydrological regime that supports this QI. There are no watercourses within the proposed construction works area within the application site, therefore the potential for polluted run-off from the site into the Cannahowna River, and subsequent mobilisation towards this QI in the SAC is low. The site is 60m from the Cannahowna River and is separated from this watercourse by the existing residential estate and by a riparian buffer. There will be no run-off during the completion of construction and the operation of this site that could give rise to significant negative effects upon this QI, or the attributes that have been set for the restoration of the favourable conservation condition of this habitat in the SAC.*
Juniperus communis formations on heaths or calcareous grasslands [5130]	To *restore* the favourable conservation condition of this habitat in the SAC	• Habitat area • Habitat distribution • Juniper formation size • Vegetation structure • Vegetation composition • Physical structure • Formation structure • Indicators of local distinctiveness	*None anticipated – This is a terrestrial habitat and its favourable conservation condition is not defined by any target relating to water quality. There was no / will be reduction in habitat area, no changes to habitat distribution, vegetation structure or vegetation composition arising from the retention and completion of the development within the application site. There will be no impacts from the application that could give rise to significant negative effects upon this QI, or the attributes that have been set for the restoration of the favourable conservation condition of this habitat in the SAC.*
Semi-natural dry grasslands and scrubland facies on calcareous substrates	To *restore* the favourable conservation condition of this habitat in the SAC	• Habitat area • Habitat distribution • Vegetation composition • Vegetation structure • Physical structure	*None anticipated – This is a terrestrial habitat and its favourable conservation condition is not defined by any target relating to water quality. There was no / will be reduction*

(Festuco-Brometalia) (* important orchid sites) [6210]			*in habitat area, no changes to habitat distribution, vegetation structure or vegetation composition arising from the retention and completion of the development within the application site. There will be no impacts from the application that could give rise to significant negative effects upon this QI, or the attributes that have been set for the restoration of the favourable conservation condition of this habitat in the SAC.*
Limestone pavements* [8240]	To *restore* the favourable conservation condition of this habitat in the SAC	• Habitat area • Habitat distribution • Vegetation composition • Vegetation structure • Physical structure • Indicators of local distinctiveness	*None anticipated – This is a terrestrial habitat and its favourable conservation condition is not defined by any target relating to water quality. There was no / will be reduction in habitat area, no changes to habitat distribution, vegetation structure or vegetation composition arising from the retention and completion of the development within the application site. There will be no impacts from the application that could give rise to significant negative effects upon this QI, or the attributes that have been set for the restoration of the favourable conservation condition of this habitat in the SAC.*
Taxus baccata woods of the British Isles* [91J0]	To *restore* the favourable conservation condition of this habitat in the SAC	• Habitat area • Habitat distribution • Woodland size • Woodland structure • Vegetation composition	*None anticipated – This is a terrestrial habitat and its conservation condition is not defined by any target relating to water quality. There was no / will be reduction in habitat area, no changes to habitat distribution, vegetation structure or vegetation composition arising from the retention and completion of the development within the application site. There will be no impacts from the application that could give rise to significant negative effects upon this QI, or the attributes that have been set for the restoration of the favourable conservation condition of this habitat in the SAC.*
Lesser Horseshoe Bat *Rhinolophus hipposideros* [1303]	To *maintain* the favourable conservation	• Population per roost • Summer roosts • Auxiliary roosts	*None anticipated – Map 8 of the SSCO document shows the presence of one summer roost in this SAC, Roost ID 226. This*

	condition of this species in the SAC	• Extent of potential foraging habitat • Linear features • Light pollution	*roost is on the western edge of this SAC, and its foraging range extends 2.5km from the roost. The application site does not fall within the foraging range of this species. This species will avoid all urban areas, as it cannot tolerate light. There will be no impacts from the application that could give rise to significant negative effects upon this QI, or the attributes that have been set for the maintenance of the favourable conservation condition of this species in the SAC.*

Table 2 – SSCOs of the Coole-Garryland SAC

POTENTIAL SIGNIFICANT EFFECTS UPON THE COOLE-GARRYLAND SAC

The potential significant effects of the proposed development in Ballyhugh on the QIs of the SAC been considered in detail above. Effects arising from the initial construction of the structures requiring retention have been considered, along with the potential effects that may arise in the future with the completion of construction and the continued operation of the site into the future.

The application site is entirely outside of the Coole-Garryland SAC and there was no direct habitat loss or fragmentation in the SAC in the past, nor will there be any in the future. The application site is 60m from the Cannahowna River and there was no direct or indirect run off into this river during the initial works, nor will there be any run-off into this river during the completion of the works.

It is therefore considered that the development did not give rise to any significant effects upon the QIs of this SAC in the past, and nor will there be any significant effects upon the SAC with the retention and completion of the works required. Site specific mitigation measures to offset, reduce or prevent significant effects upon this SAC were not required in the past, and nor will they be required for the completion of the development.

The associated parent applications for this development were all previously screened for AA by Galway County Council, i.e., 14/502, 19/738 and 20/1010 and significant effects upon the Natura 2000 sites were ruled out.

COOLE-GARRYLAND SPA

NPWS Site Summary

Coole-Garryland SPA is of international importance for its population of Whooper Swan, a species that is listed on Annex I of the E.U. Birds Directive. Coole Lough, a Wildfowl Sanctuary, has particular significance for wintering waterfowl as during prolonged dry spells it is one of the few sites in the catchment which retains open water. Coole Lough and Garryland Wood is a Ramsar Convention site, and parts of the Coole-Garryland SPA are designated as Statutory Nature Reserves and are managed by the National Parks and Wildlife Service.

Site Specific Conservation Objectives

SSCOs for this site have not yet been prepared. In general, for all Annex I bird species within an SPA, the main attributes for consideration are population trends and distribution. These generic SSCOs are summarised below.

Attribute	Measure	Target
Population trend	Percentage change	Long term population trend stable or increasing
Distribution	Number and range of areas used by water birds as determined by regular low tide and other water bird surveys	No significant decrease in the range, timing or intensity of use of areas by the QI, other than that occurring from natural patterns of variation

Table 3 – Conservation Objectives of the Conservation Interests of the SPA (Species)

POTENTIAL SIGNIFICANT EFFECTS UPON THE COOLE-GARRYLAND SPA

The potential significant effects of the proposed development in Ballyhugh on the QIs of the SPA been considered in detail above. Effects arising from the initial construction of the structures requiring retention have been considered, along with the potential effects that may arise in the future with the completion of construction and the continued operation of the site into the future.

The application site is entirely outside of the Coole-Garryland SPA and there was no direct habitat loss or fragmentation in the SPA in the past, nor will there be any in the future. The application site is 60m from the Cannahowna River and there was no direct or indirect run off into this river during the initial works, nor will there be any run-off into this river during the completion of the works.

There is no hydrological connectivity between the application site and the habitats used by the whooper swan within the SPA and effects upon this species arising from deteriorations in water quality did not arise in the past, nor will they arise in the future. In addition, having regards to the overall separation distance of 1.4km, then it can be concluded that there was nor / will be no disturbance to the QI of this SPA arising from noise or visual impacts.

It is therefore considered that the development did not give rise to any significant effects upon the QI of this SPA in the past, and nor will there be any significant effects upon the SPA with the retention and completion of the works required. Site specific mitigation measures to offset, reduce or prevent significant effects upon this SPA were not required in the past, and nor will they be required in the future for the completion of the development.

The associated parent applications for this development were all previously screened for AA by Galway County Council, i.e., 14/502, 19/738 and 20/1010 and significant effects upon the Natura 2000 sites were ruled out.

IN-COMBINATION EFFECTS

The potential for cumulative impacts arising from other significant existing or permitted infrastructure are assessed here. Cumulative impacts encompass the combined effects of multiple developments or activities on a range of receptors. Potential cumulative impacts associated with the existing and permitted significant infrastructure within the same water catchments as the development should be considered.

The proposed application was considered in combination with other developments or proposed developments in the Ballyhugh/Gort area and potential cumulative impacts were considered. Any individual application that has the potential to impact upon a Natura 2000 site will be subject to Appropriate Assessment as required under Articles 6(3) of the Habitats Directive.

A search of the planning portal of Galway County Council was made for relevant planning applications that might act in-combination with the current application. In general, many of the planning applications within the Ballyhugh area consist of small scale domestic or commercial applications, and many of these were screened out for AA by Galway County Council. Developments of relevance are listed below, and these developments include previously permitted developments within the general area of the current application site:

- 14/502 - This is the parent application of the current application, where the houses now requiring retention and completion were originally permitted. This was screened for AA by Galway County Council and significant impacts on Natura 2000 sites were ruled out.
- 18/741 - To alter crèche/commercial/residential block previously granted permission Ref. No. 14/502 to include :- Alterations to crèche, elimination of commercial units and replacement with 7 no. 2 bed apartment at ground floor and 4 no. apartments at first floor. An NIS was submitted with the application and significant effects upon European site were ruled out with the implementation of mitigation.

- 20/1010 - For changed house plan on sites '1 to 73' previously granted permission under pl. Ref. No 08/2336 & 14/502 & 19/738. This was screened for AA by Galway County Council and significant impacts on Natura 2000 sites were ruled out.
- 20/780 – Retention of (1) a changed house plan on sites '1 to 4' and '29 to 30' & (2) retention of elevation alteration on sites '21 to 28' & '31 to 47', previously granted permission under Planning Ref Nos 08/2336 & 14/502 & 19/738 is being sought. The accompanying planners report concluded "*The European Site(s) most at risk, by reason of catchment (Galway Bay South East with the Cannahowna as the sub-catchment), size & scale, land-take, distance from European sites or key features of the site, resource requirements, underlying aquifer type & vulnerability, emissions, excavations, transportation requirements & duration of construction, operation & decommissioning, are the Coole Garryland Complex SAC and Coole Garryland Complex SPA. The subject site, currently a construction site, is located circa 1.5km from said sites. The planning authority considered the nature and minor scale of the proposed development, which relates to the retention of alterations to elevations and retention of change of house plans to a number of previously approved units on site. The planning authority also considered the parent permission on site and the applications for the extension of the appropriate period (pl.ref: 14/502 and 19/738) which screened out likely significant impacts of the overall housing development on European sites and determined AA was not required, the location of the site outside of any European sites, the conservation objectives and qualifying interests of the Coole Garryland Complex SAC and Coole Garryland Complex SPA, the distance of the site from same, the proposed connection of the site to the public sewer and on site surface water disposal, in conjunction with the WFD catchment location, the underlying aquifer type & vulnerability, and the limited excavation works, emissions, excavations, transportation requirements & duration of construction associated with the proposal. The Planning Authority conclude that the proposed development, by itself or in combination with other plans or projects (directly/indirectly/cumulatively), would not have a likely significant effect on European sites, their qualifying interests or conservation objectives. Therefore, no further assessment is required.*
- 22/1185 - For development consisting of; demolition of the existing school buildings, all associated out buildings, structures, play shelters etc. Construction of a new 2-storey primary school with a total floor area of circa 2,537 sqm incorporating 12 general classrooms, 2 S.E.N. classrooms, GP hall and ancillary accommodation. Modification to main entrance gate of Tubber Road. Modification extend to St. Colman's Park entrance. Localized road realignment works and new footpaths along the Tubber Road including controlled zebra crossing. Erection of totem signage associated with St. Colman's Park.

(signage area of circa 8sqm). Provision of external store (circa 12.25 sqm), vehicular drop-off set-down and on-site parking, associated hard and soft play surfaces, boundary treatments, heat pump enclosure, associated site development works and all other ancillary services. An NIS was submitted with the application and significant effects upon European site were ruled out with the implementation of mitigation.

This application will have no significant effects upon European sites when considered in combination with other plans and projects that have been screened for Appropriate Assessment or where mitigation measures have been included as part of Appropriate Assessment (Natura Impact Statement).

6.3 MITIGATION MEASURES

Having regards to the lack of connectivity (source-pathway-receptor linkage) between the application site and the Coole-Garryland Complex SAC/SPA, it is considered that site specific mitigation measures to reduce or offset significant effects upon this SAC / SPA were not required in the past (as determined by the parent applications) and nor will they be required during the completion and operation of the development at Ballyhugh.

Nonetheless, it is recommended that best practice measures are undertaken during the completion of the development to ensure protection of the environmental that is local to the site. These measures should include the following:

Pollution Control

- All fuels, lubricants and hydraulic fluids should be kept in secure bunded areas remotely from any watercourse and open excavations. The bunded area should accommodate 110% of the total capacity of the containers within it. Containers should be properly secured to prevent unauthorised access and misuse.
- Re-fuelling of equipment and machinery should be done off site.
- Bulk fuel should not be stored on site.
- All chemicals must be stored as per manufacturer's instructions. A dedicated chemical bund should be provided on site if chemicals are to be stored on site. Any chemicals used on site should be returned to the site compound and secured in a lockable and sealed container overnight in proximity to the fuel storage area.
- Procedures and contingency plans should be established on site to address cleaning up small spillages as well as dealing with an emergency incident. A stock of absorbent materials such as sand, spill granules, absorbent pads and booms should be kept on site.
- Daily plant inspections should be completed by all plant operators on site to ensure that all plant is maintained in good working order. Where leaks are noted on these inspection sheets, the applicant should remove the plant from operations for repairs.
- All personnel should observe standard precautions for handling of materials as outlined in the Safety Data Sheets (SDS) for each material, including the use of PPE. Where conditions warrant, emergency spill containment supplies should be available for immediate use. should
- Best practice concrete / aggregate management measures should also be employed on site.
    - The washing out of concrete trucks or chutes on site should be avoided. If this cannot be avoided, then a designated concrete wash out area should be set up on site;

typically, this will involve washing the chutes, pumps into a designated IBC before removing the waste water off site for disposal.

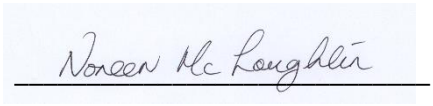
- Best practice in bulk-liquid concrete management should be employed on site addressing pouring and handling, secure shuttering, adequate curing times etc.
- Stockpile areas for sands and gravel should be kept to a minimum size, well away from any watercourse.
- Where concrete shuttering is used, measures should be put in place to prevent against shutter failure and control storage, handling and disposal of shutter oils.
- Activities which result in the creation of cement dust should be controlled by dampening down the areas.
- Raw and uncured waste concrete should be disposed of by removal from the site;
- Stockpile areas for sands and gravel should be kept to a minimum size.

- All construction waste must be removed from site by a registered contractor to a registered site. Evidence of the movement and safe disposal of the construction waste will be retained and presented to Local Authority upon request. The applicants and construction contractors will be responsible for the safe removal of any construction waste generated on site. There must be no disposal of construction waste or spoil in areas outside of the application site.

6.4 APPROPRIATE ASSESSMENT CONCLUSION

This remedial NIS has been undertaken to evaluate the potential impacts of the development with regard to the effects upon the conservation objectives and qualifying interests (including the habitats and species) of the Coole-Garryland Complex SAC and SPA. Impacts were considered as either having potentially occurred in the past or having the potential to occur in the future.

It is considered that there were no significant effects arising upon the Coole-Garryland SAC or SPA in the past during the initial works (all completed as per the parent application which was screened for Appropriate Assessment), and nor will there be any significant effects in the future arising from the completion of the development. Site specific mitigation measures were not required in the past during the initial stages, and nor will they be required in the future with the completion and operation of the works.



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