



An
Bord
Pleanála

Inspector's Report ABP-301508-18

Development	Proposed flood alleviation works.
Location	Mortyclogh, Ballyvaughan, Co. Clare.
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	N/A
Applicant(s)	Clare County Council.
Type of Application	Application under the provisions of S.177AE.
Observer(s)	(i) Department of Culture, Heritage and the Gaeltacht.
Date of Site Inspection	28 th of May 2018.
Inspector	Karen Hamilton

1.0 Introduction

- 1.1. Clare County Council have applied to An Bord Pleanála under the provisions of Section 177AE of the Planning and Development Act, 2000 (as amended) for a flood alleviation project at Mortyclogh, Co. Clare. A Natura Impact Statement was submitted along with other documentation in support of the application. One submission in respect of the application was received from the Department of Culture, Heritage and the Gaeltacht (DCHG).

2.0 Site Location and Description

- 2.1. The subject site is located in a rural area c. 6km north east of Ballyvaughan in the townlands of Mortyclogh Co. Clare. The site extends from Ballyvelaghan Lough/ Turlough at a junction along the N67 National Road and runs along the side of a local road (0.7km west) connecting to Poulnaclogh/ Muckinish Bay.
- 2.2. The lands around the Lough and between the Bay are mainly farmland with a scattering of dwellings located to the north and on the opposite side of both the N67 national road and the local road.

3.0 Proposed Development

- 3.1. The proposed development, is described as the Mortyclogh Flood Alleviation project, will enable the water level in Ballyvelaghan Lough and Turlough to be controlled at times when the water level in this waterbody is approaching a height that could flood the N67, directly to the south, envisaged every 3 to 5 years depending on extreme flood events. This project follows from emergency works undertaken during a December 2015 and January 2016 flood event which required the deployment of diesel pumps to alleviate flooding of properties along the south of the N67.
- 3.2. The proposal would comprise of the following:

- Construction of a pumping station (underground chambers (3.5m x 4m wide x 4m deep), control kiosk 2m³, concrete hardstanding 300m², mesh fence to surround and screen planting),
- Construction of a rising main (pipe 550mm diameter x 700m long buried within a trench) between the pumping station and outlet,
- Construction of an inlet and outlet chamber at Poulnaclogh/ Mucknish Bay with overflowing weir,
- All other associated works.

4.0 **Application submitted**

4.1. The application for approval was submitted directly to the Board under the provisions of Section 177AE of the Planning and Development Act, 2000 (as amended). The application lodged on the 23rd of April 2018 was accompanied by the following information:

- A Screening for Appropriate Assessment and a Natura Impact Statement.
- Drawings of the proposed works.
- Copies of the public notices.

4.2. **Prescribed Bodies**

A list of prescribed bodies to whom notice of the application have been forwarded includes the following:

- Department of Housing, Planning and Local Government (DHPLG),
- Department of Culture, Heritage & the Gaeltacht (DoCHG),
- Department of Agriculture, Food and the Marine (DoAFM),
- Fáilte Ireland,
- An Taisce,
- The Heritage Council,
- The Arts Council,

- Inland Fisheries Ireland.

5.0 Observations Received

One submission was received from the Department of Culture, Heritage and the Gaeltacht on the 05th of June 2018 and the issues raised are summarised below.

- There is no “application area” to define or delimit the full extent of the proposed development including work areas.
- Substantial project construction details are not yet available as it is stated in the documentation these are to be specified in the method statement which are to be provided and agreed at construction stage.
- Details for planting/ screening are not included.
- Ballyvelaghan Lough has site specific conservation objectives.
- The flooding problem is not examined in any detail as part of the application and specific areas and receptors at risk of flooding are not defined or mapped.
- Scheme objectives are not set out.
- The NIS refers to an associated feasibility study and preliminary design report by Hydro Environmental Ltd, which is not included with the application. The Board should consider if they need this report to assess the proposal.
- Duration of the works are 1-2 weeks and it is questioned if the adequacy of the monitoring of the project by an ecologist as this is only on a weekly basis.

6.0 Planning History

- 6.1. There is no planning history associated with the subject site.

7.0 Legislative and Planning Context

7.1. National

- 7.1.1. The EU Habitats Directive (92/43/EEC)

This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the EU. Article 6(3) and 6(4) require and appropriate assessment of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site (SAC or SPA).

7.1.2. European Communities (Birds and Natural Habitats) Regulations, 2011

These regulations consolidate the EU (Natural Habitats) Regulations 1997 to 2005 and the EU (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures in CJEU judgements.

7.1.3. Appropriate Assessment Plans and Projects in Ireland – Guidance for Planning Authorities.

Guidance provided for the competent authority for the assessment of any submitted plan or project.

The impact of any project or plan alone or in combination with other project on the integrity of the Natura 2000 site is considered with respect to the conservation objectives of the site and the structure and function.

7.1.4. National Development Plan 2018-2027, Government of Ireland (NDP)

This flood alleviation scheme has not been specifically stated in the NDP although the flood capital investment programme is supported through the national framework will support the delivery of 660 minor works schemes undertaken through the Local Authority.

7.1.5. Guidelines on the Planning System and Flood Risk Management (DECLG/OPW, 2009)

The flood mapping produced through the Catchment Flood Risk Assessment and Management (CFRAM) programme provides greater evidential basis for sustainable planning decisions.

The site is located within the Galway Bay South East River Basin¹ (No 29) and a Flood Risk Management Plan (2018-2021). The subject site is not within an area identified as an Area of Further Assessment (AFA).

Past flood events have been recorded on www.floodinfo.ie for Turlough - Mortyclogh Ballyvelaghan, Clare, as a recurring event.

7.1.6. River Basin Management Plan 2018-2021 (Department of Housing, Planning and Local Government DHPLG)

The River Basin Management Plans detail and provide guidance for the support of Water Dependant SACs, such as Ballyvelaghan Lough. A high reach priority of the RBMPs includes the protection of high status waters.

The Galway Bay Complex SAC is listed as a protected area within the River Basin Framework.

Turloughs as Groundwater Dependent Terrestrial Ecosystems (GWDTEs) were assessed as part of the classification assessment and 63 were failing to meet their conservation objectives with groundwater judges to be a potential contributing factor for 29 of these.

7.1.7. EPA Water Quality in Ireland 2010-2015

The assessment of the water quality in Ireland focused on the risks to the water standards/ objective for the purpose of establishing Good Ecological Status (GES).

In the catchment of Galway Bay South, in relation to the coastal waters, 3 were classified as high status, 1 good and 1 poor. In relation to other waterbodies within this catchment lakes and transitional waters were relatively good although rivers seen a 10% decline in GES.

7.1.8. Guidelines on Protection of Fisheries During Construction works in and adjacent to Waters (Inland Fisheries Ireland, 2016)

¹ Western CFRAM Unit of Management 29 - Galway Bay South East Draft Hydraulic Modelling Report Version 1 September 2015 (<http://www.westcfрамstudy.ie>) JBA consulting on behalf of the OPW.

These guidelines set out the main issues of concern in terms of construction impacts and their prevention. They set out *inter alia* requirements in relation to bridges and culverts and the need for such structures to allow for unhindered upstream and downstream movement of fish and aquatic life.

7.1.9. Guidelines on the management of noxious weeds and non-native invasive plant species on national roads (National Roads Authority, Dec 2010)

Best practise guidance on precautionary measures to limit the spread of non-native invasive plant species.

7.2. **Clare County Development Plan 2017-2023**

The site is located within the northern rural area of County Clare within the landscape character area (Fig 13.2) designated for “*Burren Uplands*” and a heritage landscape.

Heritage Landscapes

CDP 13.5- It is a requirement that all developments demonstrated that every effort has been made to reduce the visual impact through site selection and siting, use of materials etc.

Flooding

CDP 12.3.13- Coastal Erosion and Flood Defence

A Strategic Flood Risk Assessment is contained in Volume 10 to identify areas at risk from flooding.

CDP12.12- Coastal Erosion and Flooding

(b) It is an objective of the Council to b) have regard to the Clare County Strategic Flood Risk Assessment, CFRAM Flood Risk Management Plans (when available), the OPW Coast Protection Strategy Study, and any updated version/ more detailed local studies, in the assessment of development applications in coastal areas.

(g) To ensure full compliance with the requirements of the Habitats Directive with regard to developments in the coastal area.

European Sites

CDP 14.2- It is an objective to provide the highest level of protection to all designated European Sites and require and Natura Impact Statement (NIS) where the application cannot rule out the likely significant effects on the European Sites either directly or indirectly.

CDP 14.3- Requirement for Appropriate Assessment under the Habitats Directive.

Wetlands

CDP 14.19- To manage, enhance and protect the wetlands in County Clare having regard to the “County Clare Wetlands Survey (2008), the “Planning and Development Regulations 2001 (as amended) and “Drainage and reclamation of Wetlands- Draft Guidelines for Planning Authorities, 2011” and any subsequent guidance documents.

Strategic Flood Risk Assessment (SFRA)

The SFRA accompanied the County Clare Development Plan 2017-2023 in accordance with the requirements of The Planning System and Flood Risk Management: Guidelines for Planning Authorities (DoEHLG & OPW, 2009).

Map 12: Infrastructure, Environment and Flood Risk Zones includes Ballyvelaghan Lough as Flood Zone A with a recorded flood. The SFRA does not provide any specific details in regard to this location.

Flood Zone A- High probability of flooding.

7.3. Natural Heritage Designations

Ballyvelaghan Lough and Poulnaclogh/ Muckinish Bay form part of the Galway Bay Complex SAC (00268) and Poulnaclogh/ Muckinish Bay is part of the Inner Galway Bay SPA (004031), both site conservation objectives are listed below in Section 8. In addition to these, site specific conservation objectives are available on the Ballyvelaghan Turlough.

7.3.1. Galway Bay Complex SAC (00268)²

² NPWS (2013) Conservation Objectives: Galway Bay Complex SAC 000268. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

The site is connected to the edge of the Galway Bay Complex SAC which consists of shallow and intertidal inlets, small islands and includes a wide range of marine, coastal and terrestrial habitats.

7.3.2. **Inner Galway Bay SPA (004031)**³

The outfall pipe flows into Galway Bay which forms part of the Inner Galway Bay SPA which is a very large, marine- dominated site situated on the west coast which has a subsidiary of bays and inlets which supports a significant amount of wetland and water birds in particular wintering wetland birds.

7.3.3. **Ballyvelaghan Turlough**⁴

The area to the west of the road has a more permanent wetland (marsh/ swamp) east (c.2ha) of the road/ causeway has seasonal fluctuations and is considered a turlough. Turloughs are priority habitats. It is likely that the entire area experienced fluctuations in the past although modifications of the causeway or natural changes in the groundwater flow may have reduced fluctuations in water levels to the west.

The conservation objectives for Turloughs is favourable and stable.

8.0 **Assessment**

8.1. **Introduction**

Section 177AE of the Act requires that where an appropriate assessment is required in respect of a development which is being carried out by or on behalf of a local authority that is the planning authority, the local authority shall prepare an NIS and shall apply to the Board for approval and the provisions of Part XAB shall apply.

³ NPWS (2013) Conservation Objectives: Inner Galway Bay SPA 004031. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht

⁴ NPWS (2013) Conservation Objectives supporting document- Turloughs: Galway Bay Complex SAC (site code 00268), Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht

The Board in making a decision in respect of the proposed development shall (inter alia) consider:

- The likely effects on the environment,
- The likely consequences for the proper planning and sustainable development in the area, and
- The likely significant effects of the proposed development upon a European Site.

The proposed development includes for flood alleviation works in the form of the construction of a pump station beside the Ballyvelaghan Lough with a rising main connecting some c. 0.7km west along the public road to an outfall pipe at Poulnaclogh/ Muckinish Bay. The purpose of the project is to control the height of the water level along the N67, south, and flooding of houses in the vicinity. The water levels of the Lough were extremely low upon site inspection on the 28th of May 2018 and the eastern part of the Lough has been defined as a Turlough. The initial period of public consultation (19th of April 2018 to 31st of May 2018) was extended until 05th of June 2018 following a request by An Bord Pleanála. One submission was received from the Department of Culture, Heritage and the Gaeltacht was received.

8.2. The likely effects on the environment

The most likely impact of the proposed development on the environment arises from the impact of the construction works on the water quality and biodiversity. This is discussed in some detail in relation to the impact on the Natura 2000 site in the appropriate assessment below, however the wider ecological impact and those species not listed as Qualifying Interest of the European Sites are addressed below.

8.2.1. Biodiversity

- 8.2.1.1. The proposed location of the pumping station is within private farmlands along the South West boundary of the Lough, adjacent to the public road. The most significant impact for the flora and fauna is the removal of the mature trees at the location proposed for the pumping station to the north of the Lough along the local road, which consists of a majority mix of beech and blackthorn. The drawings indicate the opening for vehicle access is 4m in width although I consider up to c. 16m along the

road front may be required for construction works and access. The drawings indicate 25 proposed trees around the entire pumping station and along the road, no details of the planting is included on the drawings. The submission from the DoCHG raised concern over the absence of any planting details. Section 5.6.9 of the NIS proposes planting of native species common in the locality such as Willow, Hazel and Whitethorn.

8.2.1.2. Having regard to the size of the site required for access to and construction of the pumping station I do not consider the removal of the farmland would have a significant negative impact on the flora and fauna. In addition, I note the amount and mix of tree species to be removed along the road and I consider a condition to replant 25 semi-mature trees of the same type reasonable to ensure the existing flora and fauna is supported.

8.2.2. **Soils, Geology and Hydrogeology**

8.2.2.1. The site is located in a Karst region over a regionally important aquifer. The groundwater vulnerability surrounding the lough and at the pumping station is extremely vulnerable (E)⁵ and the area around the pipelines is highly vulnerable (H). Section 4.2.1 of the submitted NIS states that pumping will be undertaken for 1-2 weeks every 3 to 5 years at a maximum rate of 0.5m³/s (2 duty pumps at 150l/s each) to keep the water levels within 0.5m of the road. The water pumped through the rising main and discharged at the outlet along the bay is fresh water.

8.2.2.2. Potential impacts during the construction phase include contamination of groundwater due to accidental spills and leaks, storage of waste materials and the stockpiling of excavated material. Other potential impacts include the effect on groundwater of dewatering in areas. During the operational phase, the potential impacts are primarily related to accidental spills and leaks from management vehicles and impacts on groundwater recharging due to the over abstraction of surface water.

8.2.2.3. A series of mitigation measures are proposed in Section 5.6 of the NIS to address these potential impacts. Measures include the appointment of a project ecologist, timing of works, sediment and erosion controls, concrete controls and site preparation in line with standard best practice construction activities. During the

⁵ www.gsi.ie

operational phase the intake of water adjacent to Ballyvelaghan Lough will be set at a level that does not allow water abstraction below the typical winter flood level. The site will be visited daily by a site manager and weekly by a project ecologist.

- 8.2.2.4. Having regard to the restricted construction and the limited duration of pumping at times when the water levels are extremely high I do not consider the proposed development have a negative impact on the groundwater levels, the potential for recharge or the important aquifer in the surrounding area.

8.2.3. **Landscape and Visual**

- 8.2.3.1. The landscape within which the proposed development is located comprises of a low lying coastal areas which is predominantly used as agricultural and includes a scattering of one-off rural dwellings. The majority of the proposed development includes ground works for the pump station, rising main and outlet although there is a kiosk (size) mesh fence and access gate as part of the pump station.

- 8.2.3.2. The site is located in the “*Burren Uplands*” and the Clare County Development Plan 2017-2023 characterises the area as “Heritage Landscape”. Policy CDP 13.5 requires all developments to demonstrate that every effort has been made to reduce the visual impact through site selection, siting and use of materials. Detailed drawings of the kiosk, fence and gate are not included in the application although the documentation refers to a mesh fence. I consider it reasonable to include a condition on any grant of permission to restrict the height of the gate and fence to 2m. Section 5.6.9 of the NIS refers to the use of native species including willow, hazel and whitethorn, the final details of the proposed planting can be conditioned. It is reasonable to assume that semi- mature native species would sufficiently screen and assimilate the proposed works into the surrounding landscape.

- 8.2.3.3. Having regard to the character of the landscape and the scale and nature of the works proposed I consider the works have a low sensitivity.

8.3. **The likely consequences for the proper planning and sustainable development in the area**

- 8.3.1.1. During an extreme weather event in December 2015/ January 2016 the water levels of Ballyvelaghan Lough rose above normal levels, past the adjoining N67 and temporary pumping was required to protect properties in the vicinity. The purpose of the project is to alleviate the impact of any future flooding. Ballyvelaghan Lough is

identified on national flood maps as having occurring instances of flood events and the site is identified as Flood Zone A in the Strategic Flood Risk Assessment (SFRA) which supports the Clare County Development Plan 2017-2023. The flood capital investment programme supports the objective of the NDP 2018-2027, to alleviate flooding, by providing Local Authorities with the funding to protect properties identified as under threat from flooding. Policy CDP 14.19 of the development plan references the need to manage, enhance and protect the wetlands of County Clare. In addition Policy CDP 12.12 coastal erosion and flood defence requires regard to be given to the flood risk assessment whilst ensuring compliance with the Habitats Directive.

8.3.1.2. I consider that the proposed development would alleviate intermittent flooding protecting the residential properties in the vicinity and would be consistent with the Objectives and Policies set out in the Development Plan and would be in accordance with the proper planning and sustainable development of the areas.

8.4. **The likely significant effects of the proposed development upon a European Site**

8.4.1. The areas addressed in this section are as follows:

- The Natura Impact Statement
- Screening for Appropriate Assessment
- Appropriate Assessment

8.4.2. **The Natura Impact Statement**

8.4.2.1. The application was accompanied by an NIS which described the proposed development, the project site and the surrounding area. The NIS contained a Stage 1 Screening Assessment which concluded that a Stage 2 Appropriate Assessment was required. The NIS outlined the methodology used for assessing potential impacts on the habitats and species within several European Sites that have the potential to be affected by the proposed development. It predicted the potential impacts for these sites and their conservation objectives, it suggested mitigation measures, assessed in-combination effects with other plans and projects and it

identified any residual effects on the European sites and their conservation objectives.

8.4.2.2. The NIS was informed by the following studies and surveys:

- European-level and National-level guidance on Appropriate Assessment.
- Field surveys of the proposal site and surrounding area, as well as a hydrological assessment undertaken for the council in 2013⁶.

8.4.2.3. The report concluded that, subject to the implementation of best practice and the recommended mitigation measures, the proposed development would not have a adverse effect on the integrity either individually or in combination with other plans or projects on the conservation objectives of the Galway Bay Complex SAC or the Inner Galway Bay SPA.

8.4.2.4. The submission from the DoCHG noted the absence of the hydrological assessment which the proposed development is based on and requested that the Board were satisfied that a full assessment of the impacts could be undertaken.

8.4.2.5. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, clearly identifies the potential impacts, and uses best scientific information and knowledge, including extracts from the hydrological assessment as necessary. Details of mitigation measures are provided and they are summarised in Section 5 of the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

8.5. **Screening for Appropriate Assessment**

8.5.1. I consider that the proposed development is not directly connected with or necessary to the management of any European site.

8.5.2. Having regard to the information and submissions available, nature, size and location of the proposed development and its likely direct, indirect and cumulative effects, the source-pathway-receptor principle and sensitivities of the ecological receptors the following European Sites are considered relevant to include for the

⁶ Hydro Environmental Ltd. (2016) Mortyclogh Flood Relief Scheme Feasibility Assessment and preliminary Design. Report prepared for Clare Co. Council.

purposes of initial screening for the requirement for Stage 2 appropriate assessment on the basis of likely significant effects.

8.5.3. I have assessed the conservation objectives of other sites within the vicinity of the site and having regard to the scale of the works proposed and location along the west coast of Ireland, I do not consider it necessary to consider any of those Natura 2000 sites outside a 15km radius for the purpose of the following screening exercise. The proposed development is within 15km of nine Natura 2000 sites as detailed below and mapped in the NIS.

8.5.4. **European sites considered for stage 1 screening:**

European Site (SAC/SPA)	Qualifying Interest	Distance of site from Natura site
Galway Bay Complex SAC	<p>Habitats</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Turloughs [3180]</p> <p>Juniperus communis formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Species</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>	Adjoining the site

	Phoca vitulina (Harbour Seal) [1365]	
Inner Galway Bay SPA	<p>Great Northern Diver (Gavia immer) [A003]</p> <p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Grey Heron (Ardea cinerea) [A028]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Wigeon (Anas penelope) [A050]</p> <p>Teal (Anas crecca) [A052]</p> <p>Shoveler (Anas clypeata) [A056]</p> <p>Red-breasted Merganser (Mergus serrator) [A069]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Lapwing (Vanellus vanellus) [A142]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Curlew (Numenius arquata) [A160]</p> <p>Redshank (Tringa totanus) [A162]</p> <p>Turnstone (Arenaria interpres) [A169]</p> <p>Black-headed Gull (Chroicocephalus ridibundus) [A179]</p> <p>Common Gull (Larus canus) [A182]</p> <p>Sandwich Tern (Sterna sandvicensis) [A191]</p> <p>Common Tern (Sterna hirundo) [A193]</p>	Within the site
East Burren Complex SAC	<p>Habitats</p> <p>Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]</p> <p>Turloughs [3180]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Juniperus communis formations on heaths or calcareous grasslands [5130]</p> <p>Calaminarian grasslands of the Violetalia calaminariae [6130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis) [6510]</p> <p>Calcareous fens with Cladium mariscus and species of the</p>	550m west

	<p>Caricion davallianae [7210]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Caves not open to the public [8310]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p>Species</p> <p><i>Euphydryas aurinia</i> (Marsh Fritillary) [1065]</p> <p><i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) [1303]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>	
Moneen Mountain SAC	<p>Habitats</p> <p>Turloughs [3180]</p> <p>Alpine and Boreal heaths [4060]</p> <p><i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Limestone pavements [8240]</p> <p>Species</p> <p><i>Euphydryas aurinia</i> (Marsh Fritillary) [1065]</p> <p><i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) [1303]</p>	1.45km north
Ballyvaughan Turlough SAC	<p>Turloughs [3180]</p>	6.3km north east
Black Head-Poulsallagh Complex SAC	<p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260]</p> <p>Alpine and Boreal heaths [4060]</p> <p><i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]</p> <p>Lowland hay meadows (<i>Alopecurus pratensis</i>, <i>Sanguisorba officinalis</i>) [6510]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p>	7km north east

	Limestone pavements [8240] Submerged or partially submerged sea caves [8330] Petalophyllum ralfsii (Petalwort) [1395]	
Lough Fingall Complex SAC	Habitats Turloughs [3180] Alpine and Boreal heaths [4060] Juniperus communis formations on heaths or calcareous grasslands [5130] Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210] Limestone pavements [8240] Species Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]	11.5km north east
Caherglassaun Turlough SAC	Habitats Turloughs [3180] Rivers with muddy banks with Chenopodion rubri p.p. and Bidenton p.p. vegetation [3270] Species Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]	12.5km north west
Cahermore Turlough SAC	Turloughs [3180]	13.5km north west

8.5.4.1. Based on my examination of the NIS report and supporting information, the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European sites, their conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, I would conclude that a Stage 2 Appropriate Assessment is required for two of the nine European sites referred to above, namely the Galway Bay Complex SAC (00268) and the Inner Galway Bay SPA (004031).

8.5.4.2. With regard to the other seven European sites (i.e. East Burren Complex SAC, Moneen Mountain SAC, Ballyvaughan Turlough SAC, Black Head- Poulsallagh Complex SAC, Lough Fingall Complex SAC, Caherglassaun Turlough SAC, Cahermore Turlough SAC), I consider it reasonable to conclude that on the basis of

the information on the file which is adequate in order to issue a screening determination, these Natura 2000 sites will not be negatively impacted by the proposed development. I do not consider the Ballyveleghan Turlough, which forms part of the SAC adjoining the subject site, forms part of an overall network of Turloughs and it is of note the closest Turlough 1.45km south of the site (Moneen Mountain SAC) is connected to Muckinish Lough, occurring close to Pooldoody Bay⁷, a separate waterbody and separated from the subject site by the N67. I consider the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on these seven European Sites, in view of the nature and scale of the proposed works which entail the construction of a pump station, rising main and outfall chamber; the nature of the receiving environment, which is a mix of farmland, roadside verge and rocky substrate along the bay; the nature of the Conservation Objectives, Qualifying and Special Conservation Interests of the three sites; the separation distances; and the lack of a substantive linkage between the proposed works and those European sites.

8.5.4.3. Appropriate Assessment

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

European Site (SAC/SPA)	Qualifying Interest	Distance
Galway Bay Complex SAC	Habitats Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]	Within the site

⁷ Site Synopsis for Moneen Mountain SAC (site code 000054) Department of the Arts, Heritage and the Gealthacht. <https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY000054.pdf>

	<p>Turloughs [3180]</p> <p>Juniperus communis formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Species</p> <p>Lutra lutra (Otter) [1355]</p> <p>Phoca vitulina (Harbour Seal) [1365]</p>	
<p>Inner Galway Bay SPA</p>	<p>Great Northern Diver (Gavia immer) [A003]</p> <p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Grey Heron (Ardea cinerea) [A028]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Wigeon (Anas penelope) [A050]</p> <p>Teal (Anas crecca) [A052]</p> <p>Shoveler (Anas clypeata) [A056]</p> <p>Red-breasted Merganser (Mergus serrator) [A069]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Lapwing (Vanellus vanellus) [A142]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Curlew (Numenius arquata) [A160]</p> <p>Redshank (Tringa totanus) [A162]</p> <p>Turnstone (Arenaria interpres) [A169]</p> <p>Black-headed Gull (Chroicocephalus ridibundus) [A179]</p> <p>Common Gull (Larus canus) [A182]</p> <p>Sandwich Tern (Sterna sandvicensis) [A191]</p> <p>Common Tern (Sterna hirundo) [A193]</p>	<p>Within the site</p>

1. Galway Bay Complex SAC (00268)

The Galway Bay Complex is a very large (14,408.98ha) marine dominated, site situated on the west coast of Ireland. The complex is made up of subsidiary bays, inlets and islands to name a few. The long shoreline is noted for its diversity, with complex mixtures of bedrock shore, shingle beach, sandy beach and fringing salt marshes. Other habitats which occur in small amounts include lagoon, fen, turlough, dry grassland, wet grassland and deciduous woodland. The site has the country's only recorded example of the littoral community characterised by *Fucus serratus* with sponges, ascidians and red seaweeds on tide-swept lower eulittoral mixed substrata. The site has one of the largest population of Harbour Seal *Phoca vitulina* in the country and provides optimum habitat for Otter *lutra lutra*. The habitats of direct relevance to the proposed works relate to the pumping station at Ballyvelghan Lough/ Turlough being Turlough (3180), a priority habitat and at the proposed outfall at Muckinish Bay there are good examples of Tidal Mudflats & Sandflats (1140) and Reefs (1170). Ballyvelghan Turlough is the area to the east of the road/ causeway which has seasonal fluctuations and is a wetland mainly associated with the Burren Limestone and fed by groundwater.

2. Inner Galway Bay SPA (004031)

The Galway Bay SPA is a very large, marine dominated, site located along the west coast of Ireland. The bay is on the most important ornithological sites in the western region and supports internationally important wintering populations of Great Northern Diver *Gavia immer* and Light bellied Brent Goose *Branta bernicla hrota* and regularly occurring nationally important populations of an additional 16 species. Breeding birds of note are Comerant *Phalacrocorax*, Sandwhich tern *Sterna sandvicensis* and Common Tern *Sterna hirundo*. The site provides both feeding and roost sites for most species.

8.5.4.4. Potential Direct effects on SAC and SPA

Galway Bay Complex SAC

- Reduction in groundwater levels at Ballyveghlan Turlough
- Land take and habitat fragmentation for the outfall at Pulnaclogh/ Muckinish Bay

Reduction in groundwater levels at Ballyveghlan Lough

The proposed pumping station is located along the north western edge of Ballyvelghan Lough, this section of the Lough is not designated as a Turlough although forms part of the overall SAC. The bedrock is limestone and the site is a Groundwater Dependant Ecosystem (GWDTE). The proposed operation of the flood alleviation consists of intermittent pumping of water from Ballyvelghan Lough along a rising main to the sea at Poulnaclogh/ Muckinish Bay, where it is believed there will be a risk of flooding past the N67 and adjacent properties. The pumping will be undertaken for 1-2 weeks every 3 to 5 years at a maximum rate of 0.5m³/s (2 duty pumps at 150l/s each) to keep the water levels within 0.5m of the road only at times of extreme rainfall. The rate of pumping will not draw the level of the lough below the typical winter flood levels (2.5m -3.0m OD Malin). Having regard to the retention of water source for the Turlough, i.e. high water table in the winter season, and the use of the pumping regime only at times of extremely high water levels, I consider the attributes of the Turlough will remain unaffected. Therefore, I do not consider the supply of groundwater will be adversely affected and no direct impact on the conservation objectives of the SAC.

Land take and habitat fragmentation for the outfall at Muckinish Bay

The rising main connects to an outfall pipe at which is within the bay, above the high water mark along a strip of sandy mud parallel to the shore. Fig 3 of the NIS illustrates the habitats of which make up the qualifying features in the vicinity of the outfall pipe as follows:

- Large shallow inlets and bay (1160) c. 10m,
- Reefs (1170) c. 20m.

No other habitats are identified within the area required for land take and the NIS states the land take will have no significant negative impact on the habitats in the Bay. The entire Poulnaclogh/ Muckinish Bay is mapped for otter habitat, the NIS states that the muddy sand habitat is not particularly suitable for otter holts or foraging, which I consider reasonable. The harbour seal is also a species of interest within the SAC and resting sites are recorded outside the works area for the pipe. I noted the habitat and surrounding area upon site inspection and concur with the information in the NIS. Therefore, having regard to the habitats mapped for the SAC

and the scale and location of the works, I do not consider the proposed development will have a significant negative direct impact at the bay.

Inner Galway Bay SPA

- Land take and habitat fragmentation leading to species displacement

The proposed development includes the removal of c. 14m of road side trees to the north of Ballyvelghan Lough for the intake area, pumping station and those works to at Poulnaclogh/ Muckinish Bay for the outfall pipe require the an alteration of c. 16m² of coastal habitat which will be primarily intertidal reef habitat and extends c. 8m from the road edge into the bay. The outfall and is c. 20 m from the edge of fucoid-dominated community complex. The SPA is listed for 18 species of birds mainly water birds and is of particular interest for wintering populations of Great Northern Diver *Gavia immer* and Light Bellied Brent Goose *Branta bernicla hrota*. Table 7 of the NIS identifies potential significant impacts on the qualifying features of the SPA and lists 3 species (Light Bellied Brent Goose (A046), Teal (AO52) and Shovler (A056)) which use Poulnaclogh/ Muckinish Bay for foraging and 2 species which roost (Curlew (A160) and Redshank (A162)). Section 5.4.2 details the conservation objectives of these species as stable or increasing. Having regard to the timing of works between August and October (outside the nesting season), the scale and type of habitat which may be directly affected, I do not consider the proposed development would have a direct impact on the features of interest of the Inner Galway Bay SPA.

8.5.4.5. **Potential Indirect effects on SAC and SPA**

Galway Bay Complex SAC and Inner Galway Bay SPA

- Loss of habitat through construction activities leading to species disturbance, fragmentation and or displacement.
- Ground water contamination and sedimentation from construction works.

Loss of habitat through construction activities leading to species disturbance, fragmentation and or displacement.

The indirect impact on the SAC/SPA at the bay is considered together in the NIS due to the localized works and the interrelationship between the habitats and species which utilise the site. The outfall installation will require work to an area of c. 16m² above the HWM and will include some boulder/rock reinforcement resulting in a higher gradient along this section of the shoreline. The proposed works include the discharge of fresh water pumped from Ballyvelaghan Lough approximately every 3-5 years at a maximum rate of 0.5m³/s (43,200m³) per day for c. 1 week. Table 5 of the NIS states that the outfall pipe will be c. 100m from the edge of designated Mudflats and Sandflats not covered by seawater at low tide (1140). The habitats between the outfall pipe and the mudflats is noted in the NIS as reefs which I consider will sufficiently dissipate the flow of the discharged water prior to meeting the mudflats therefor preventing any significant erosion from runoff. Section 5.3.2 of the NIS states that during times of extreme weather, i.e the pumping is required, it is considered Poulnaclogh/Mucknish Bay already receives significant quantities of freshwater via the karst groundwater network and surface runoff and the change in water salinity will be negligible and would not change the ecology of the Bay, which I consider reasonable. As noted above, there will be no direct loss of any of the features of interest proposed for the SAC. The timing of works will be undertaken when the tide is low and between August to October (avoiding works to the site during the winter months), supervised by a project ecologist in order to reduce the impact on birds, otter and seal

Ground water contamination and sedimentation from construction works

The construction works require excavation and use of machinery in or adjacent to both the SAC and SPA, the impact on both is interrelated. Potential for polluting substances from accidental spill, concrete wastewater flow and sedimentation/ suspended solid pollution will be controlled through the use of standard best practice methods listed in Section 5 and to be further with an appointed contractor (Appendix 4). I consider the use of best practice methods in conjunction with a restriction on the storage of construction machinery/ compound area outside any Natura 2000 site, will remove the potential for water contamination.

8.5.4.6. **Potential in-combination effects on SAC and SPA**

Section 5.5 of the NIS considers a list of scenarios which have the potential impact on the Galway Bay Complex SAC and Inner Galway Bay SPA which range from urban treatment systems to one- off rural dwellings and summarises these in the following sections:

- Habitat Loss and modification,
- Disturbance,
- Water quality,
- Fisheries.

The NIS considers that none of these could result in a significant in-combination effect on the Galway Bay Complex SAC and Inner Galway Bay SPA and contends that with the use of mitigation proposed, the cumulative impact of the proposed development is assessed as “none”. I do not consider that any significant potential in-combination or cumulative impacts arise over and above those potential direct and indirect effects listed above.

8.5.4.7. **Mitigation measures**

Section 5.6 of the NIS sets out a series of mitigation measures under a number of headings, which can be summarised as follows:

- Method statements

A method statement will be furnished to an appointed contractor with the exact detail of each aspect and timing of works.

- Project ecologist

The construction works will last between 3- 4 months and operation will be 1-2 weeks every 3-5years. A project ecologist will monitor the construction works on a weekly basis and induct all construction workers.

- Timing of works

The works will be carried out preferably between August – October to reduce the impact on the wintering water birds.

- Sediment and erosion controls

Timing of works along the intertidal areas, attenuation of increased runoff to minimise sediment load on any water course.

- Concrete Controls

The use of best practice construction methods and timing for pouring of concrete and prevention of spillages.

- Hydrocarbon Control

The use of best practice construction methods and timing for prevention of leakages, discharge etc. for water pollution.

- Site preparation

The site compound will be set up outside the SAC/ SPA, to be agreed before works and will include a double line of silt fencing, preventing sediment run-off and high visibility tape to direct transport away from the SAC/SPA.

- Waste Management

The excavated soil will not be used for infilling wetlands and will be spread on farmland as prior agreed with the project ecologist. All other waste will be dealt with by waste Management Company.

- Additional mitigation measures

- Rocks/ substrate removed from bay around the outfall area will be replaced as agreed by the project ecologist.
- The planting of trees will be native species ideal for the soil conditions.
- All measures in the NRA⁸ and IFI⁹ in relation to spread of invasive species will be complied with.
- There will be no bulk storage of fuel at operations stage.
- The pumping of water during operation will not be below typical winter flood levels in the Lough (2.50- 3.0 OD Malin).

⁸ Guidelines on the management of noxious weeds and non-native invasive plant species on national roads (National Roads Authority, Dec 2010)

⁹ Guidelines on Protection of Fisheries During Construction works in and adjacent to Waters (Inland Fisheries Ireland, 2016)

8.5.4.8. **Residual effects/Further analysis**

No significant residual effects are identified following implementation of the recommended mitigation measures.

8.5.4.9. **NIS Omissions**

1. The submission from the DoCHG refers to the absence of the exact location of a site compound for use as storage areas, machinery depots, and site office on the submitted drawings. Section 5.6 of the NIS, Mitigation Measures state that the site compound will be outside the Natura 2000 boundaries and all machinery storage etc. will be contained within. The same section states that the area around the intake area for the pumping station (22m from the edge of the Lough) will include a double line of silt fencing. Section 5.6.9 states that fuelling will be carried out at a bunded location within the intake site boundary and the appointed contractor will furnish method statements on construction methodologies to Clare County Council in line with the project ecologist. Whilst the exact location of the site compound has not been illustrated on the map, having regard to the mitigation measures included for the works around the intake works location (pump station) and statements in the NIS referring to the intake boundary for use for site preparation works I consider it reasonable the site compound will be linked to the intake area and I am satisfied a condition restricting the location of the compound area to the north of the pumping station along Ballyvelaghan Lough, in conjunction with other listed mitigation measures, will prevent any significant impact on the Natura 2000 site or pollution of any surface waters.
- Table 11 of the NIS refers to the infilling of wetland habitats with excavated soils and the potential to significantly impact the attributes of the “Turlough”. The NIS states that no soils will be used to infill any wetlands. Mitigation measures in Section 5.6.8 of the NIS states that the soil will not be spread upslope and only at locations agreed with the ecologist. Having regard to the potentials impact of sedimentation on the conservation objectives of the

Turlough, I consider it reasonable to include a condition to restrict the use of excess soil being spread on lands upslope of Ballyvelaghan Lough or in the immediate vicinity.

8.5.4.10. **Suggested related conditions**

Having regard to the nature of the proposed development, its distance from the Natura 2000 sites, the potential direct and indirect effects identified, I consider that the majority of the mitigation measures proposed in the NIS are primarily matters of good practice construction methodology, and I consider that the mitigation measures should be incorporated into a Construction Environmental Management Plan to be agreed with the relevant statutory agencies/authorities. If the Board is minded to approve the proposed development, I therefore recommend the following conditions:

- Compliance with the mitigation measures contained in the Natura Impact Statement.
- Preparation of a Construction Environmental Management Plan, incorporating all mitigation measures indicated in the Natura Impact Statement to be finalised in consultation with relevant bodies.
- Appointment of a suitably qualified ecologist to oversee the site set-up, construction and operation of the proposed development.
- No soil excavated from the site shall spread on agricultural lands upslope or in the vicinity of Ballyvelaghan Lough.
- Location of compound area to the north of the site area for the pumping station.

9.0 **Recommendation**

- 9.1. On the basis of the above assessment, I recommend that the Board approve the proposed development subject to the reasons and considerations below and subject to conditions including requiring compliance with the submitted details and with the mitigation measures as set out in the NIS.

10.0 Reasons and Considerations

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

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (c) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- (d) the conservation objectives, qualifying interests and special conservation interests for the Galway Bay Complex SAC (00268) and the Inner Galway Bay SPA (004031),
- (e) the policies and objectives of the Clare County Development Plan, 2017-2023,
- (f) the nature and extent of the proposed works as set out in the application for approval,
- (g) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (h) the observations received in relation to the proposed development from the Department of Heritage, Culture and the Gaeltacht, and
- (i) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter

10.2. Appropriate Assessment

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Galway Bay Complex SAC (00268) and the Inner Galway Bay SPA (004031), are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment.

The Board completed an appropriate assessment of the implications of the proposed development alone and in combination with other affected European Sites, namely the Galway Bay Complex SAC (00268) and the Inner Galway Bay SPA (004031), in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

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

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

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

10.3. Proper Planning and Sustainable Development/Likely effects on the environment

- 10.3.1. It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not give rise to negative impact on the groundwater and would not be detrimental to the visual or landscape amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars, including the Natura Impact

Statement (NIS) and other associated documentation, lodged with An Bord Pleanála, except as may otherwise be required in order to comply with the conditions set out below. Where such conditions require details to be prepared the Local Authority, these details shall be placed on file prior to the commencement of development and retained as part of the public record.

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

2. Prior to the commencement of development, the local authority shall engage with the relevant statutory agencies, including the Department of Cultural, Heritage and the Gaeltacht and agree timing and methods in preparation of a Construction Environmental Management plan incorporating all mitigation measures indicated in the Natura Impact Statement.

This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse outside the Natura 2000 site and north of the proposed pumping station;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction.

The Local Authority and any agent acting on its behalf shall comply with the mitigation measures contained in the Natura Impact Statement which was submitted with the application. All details of a time schedule for

implementation of the mitigation measures and associated monitoring shall be placed on file and retained as part of the public record.

Reason: In the interest of clarity and the proper planning and sustainable development and to ensure the protection of a European site during construction.

3. The landscaping scheme shown on drwg no. 18276-5002, as submitted to the An Bord Pleanála on the 25th day of April, 2018 shall be carried out within the first planting season following substantial completion of external construction works .

In addition to the proposals in the submitted scheme, the following shall be carried out:

– The species shall be semi- mature comprising of Willow, Hazel, Whitethorn and Beech and any other native species as agreed by the project ecologist

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity

4. The proposed development shall not include the distribution of excavated soil on farmlands upslope or in the immediate vicinity of Ballyveleghan Lough/ Turlough.

Reason: To ensure the protection of a Priority Habitat in a European site.

5. All fences and/or access gates around the pumping station shall be no greater than two metres in height above ground level, and shall not consist of palisade fencing.

Reason: In the interest of residential and visual amenity

6. A suitably qualified ecologist shall be employed by the county council to oversee the site set-up and construction of the proposed development and adherence to the Construction Environmental Management Plan as agreed with the statutory agencies. The ecologist shall be present on site during construction works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist and submitted to the Local Authority to be kept on file as part of the public record.

Reason: In the interest of nature conservation, to prevent adverse impacts on the European sites and to ensure the protection of the Priority and Annex I Habitats and Annex II Species and their qualifying interest for which the sites were designated.

Karen Hamilton
Planning Inspector

30th of July 2018