

Receipt 451013
 FORWARD PLANNING
 DD 09/06
 24 MAR 2023
 H F
 GALWAY COUNTY COUNCIL
 RECEIVED
 Cheque €20

PETER SWEETMAN & ASSOCIATES

07 SUBMISSION RE 2360 GALWAY County Council

REG.NO.	2360
DESCRIPTION	For a ten-year planning permission consisting of: I.) The felling/removal of some 343 hectares of conifer plantation for the purposes of peatland restoration and the establishment of native woodland. ii.) Measures to restore and rehabilitate approximately 281 hectares of Atlantic blanket bog and heathland that is currently planted with lodgepole pine and Sitka spruce forests and managed for commercial forestry. iii.) Conversion of 62 hectares of conifer forestry to native woodland. iv.) Main peatland restoration measures will include tree removal, drain blocking (manual and mechanical) and ground reprofiling. v.) The control of existing invasive species on site and continued control during the restoration works to prevent their spread. vi.) Drain-blocking all existing artificial drainage and artificial land drains currently existing within the peatland restoration areas in order to restore the high water table which is necessary for blanket bog growth. vii.) Provision of silt traps at outflows to block the pathway to the Twelve Bens/Garraun Complex Special Area of Conservation. viii.) Deer fencing to protect 62 hectares of proposed native woodland. ix.) Provision of a Harvest Management Phasing Plan for the proposed project. x.) Provision of new internal access road extending to 1.58 km. xi.) Across the site there will be 4 no. temporary water-crossings constructed in order to facilitate the harvesting of the timber at the site. xii.) Provision of informational signage. xiii.) Resurfacing of up to 8.23 km of existing forestry roads. xiv.) Resurfacing of existing car park to facilitate public access. xv.) Installation of water monitoring stations for real time water monitoring during operations. xvi.) Cutting of roadside trees to improved sightline visibility at site entrance. xvii.) The application is supported by an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS)
ADDRESS	Derryclare and Cloonnacartan, Co. Galway
APPLICANT	Coillte Teoranta

THE Planning Authority's Legal Functions.

The Planning Authority has four distinct sets of legal tasks when it deals with an application such as this one.

It must assess the planning merits of Application in accordance with the **Planning and Development Act 2000** (as amended) to ensure that the proposed development is in accordance with the proper planning and sustainable development of the area.

Secondly, the Planning Authority is required to form and record a view as to the environmental impacts of the development, considering the **EIA Report (EIAR)** if furnished by the Applicant, the views of the public concerned and applying its own expertise or to screen the development for Environmental Impact Assessment.

Thirdly, and different in nature to the first two tasks, the Planning Authority is the competent authority having responsibilities under the **Habitats Directive**.

1. *The threshold for screening for Appropriate Assessment is set out in Kelly -v- An Bord Pleanála [2014] IEHC 400 (25 July 2014) which states at 26.*
 26. *There is a dispute between the parties as to the precise obligations imposed on the Board in relation to the stage 1 screening by s.1777U but its resolution is not strictly necessary in these proceedings. There is agreement on the nature and purpose of the screening process*

which is well explained by Advocate General Sharpston in Case C-258/11 Sweetman at paras 47-49:

"47. It follows that the possibility of there being a significant effect on the site will generate the need for an appropriate assessment for the purposes of Article 6(3). The requirement at this stage that the plan or project be likely to have a significant effect is thus a trigger for the obligation to carry out an appropriate assessment. There is no need to establish such an effect; it is, as Ireland observes, merely necessary to determine that there may be such an effect.

This point is further explained in the CJEU decision In Case C-323/17, People Over Wind and Peter Sweetman v Coillte Teoranta which states;

Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site.

The threshold the any decision to grant permission must pass in this context is explained in paragraph 44 of CJEU Case 258/11

"So far as concerns the assessment carried out under Article 6(3) of the Habitats Directive, it should be pointed out that it cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned."

This is a strict standard and the Planning Authority does not have legal jurisdiction to give permission if it is not met.

Fourthly the development must be assessed for compliance with the requirements of the Water Framework Directive.

This development is within the Zone of Influence of the Twelve Bens/Garraun Complex SAC

It appears that the Natura Impact Statement relies on MONITORING as a form of MITIGATION IT IS NOT.

The Mitigation proposed is vague and not conclusive.



Peter Sweetman

and of behalf of Wild Ireland Defence clg North Allihies Beara Co. Cork

Shangri La, Newtown, Bantry, Co. Cork.

email; sweetmanplanning@gmail.com



PLEASE RESPOND ONLY BY EMAIL

FORWARD PLANNING

24 MAR 2023

GALWAY COUNTY COUNCIL
RECEIVED

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Planning
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Leabharlann
Library
(091) 562 471
info@galwaylibrary.ie



24/03/2023

Comhairle Chontae na Gaillimhe Galway County Council

Wild Ireland Defence clg
c/o Peter Sweetman & Associates
Shangri La
Newtown Bantry
Co. York

TAG: Uimh. Thag. Pleanála:
RE: Planning ref. no.:

23/60 - PERMISSION For a ten-year planning permission consisting of 343 hectares of conifer plantation for the purposes of peatland restoration and native woodland. ii.) Measures to restore and rehabilitate approximately 100 hectares of bog and heathland that is currently planted with lodgepole pine and used for commercial forestry. iii.) Conversion of 62 hectares of conifer forest to peatland restoration measures will include tree removal, drain blockage and ground reprofiling. v.) The control of existing invasive species on site through restoration works to prevent their spread. vi.) Drain-blocking all existing land drains currently existing within the peatland restoration areas in order to protect 62 hectares of proposed native woodland. ix.) Provision of a road for the proposed project. x.) Provision of new internal access roads to the site there will be 4 no. temporary water-crossings constructed in order to facilitate timber at the site. xii.) Provision of informational signage. xiii.) Resurfacing of existing forestry roads. xiv.) Resurfacing of existing car park to facilitate public access. xv.) Provision of improved sightline visibility at site entrance. xvii.) The application is supported by an Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) for the proposed project in the townland of: Derryclare and Cloonnacra.

RIALACHÁIN PLEANÁLA AGUS FORBARTHA, 2001-2002

ADMHÁIL ar AIGHNEACHT nó TUAIRIM atá FAIGHTE ar IARRATAS PLEANÁLA

PLANNING AND DEVELOPMENT REGULATIONS, 2001-2002

ACKNOWLEDGEMENT of RECEIPT of SUBMISSION or OBSERVATION on a PLANNING APPLICATION

IS DOICIMÉAD THÁBHACHTACH É SEO!

COINNIGH AN DOICIMÉAD SEO GO
SÁBHÁILTE. BEIDH ORT AN ADMHÁIL
SEO A THAISPEÁINT DON BHORD
PLEANÁLA MÁS MIAN LEAT
ACHOMHAIRC A DHÉANAMH AR
CHINNEADH AN ÚDARÁIS PLEANÁLA

THIS IS AN IMPORTANT DOCUMENT!

KEEP THIS DOCUMENT SAFELY. YOU
WILL BE REQUIRED TO PRODUCE THIS
ACKNOWLEDGEMENT TO AN BORD
PLEANÁLA IF YOU WISH TO
APPEAL THE DECISION OF THE
PLANNING AUTHORITY

Tá aighneacht/tuairim faighte i scríbhinn ó Wild Ireland Defence clg ar an 24/03/2023 maidir leis an iarratas pleanála thuas.

Tá an táille cuí de €20 íoctha.

Tá an t-aighneacht/tuairim de réir na forálacha cuí de na Rialacháin um Pleanáil agus Forbairt, 2001 agus cuirfidh an tÚdarás Pleanála san

A submission/observation in writing has been received from Wild Ireland Defence clg on 24/03/2023 in relation to the above planning application.

The appropriate fee of € 20 has been paid. The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations, 2001 and will be taken

áireamh iad nuair atá cinneadh dhá dhéanamh ar an iarratas pleanála.

AIRE

Tabhair faoi deara gur é an dáta is déanaí do chinneadh ar an gcomhad seo ná 19/04/2023

Má tharlaíonn sé **nach bhfaigheann tú fógra** maidir leis an gcinneadh seo laistigh de **3 – 5 lá den dáta thuas**, déan teagmháil leis an oifig seo ar an bpointe ag 091 509 308 nó ar ríomhphost ag planning@galwaycoco.ie, chun a chinntiú go gcloíonn tú le sprioc amanna achomharc an Bhord Pleanála.

E. Keaveney

Administrative Officer, Planning

into account by the planning authority in its determination of the planning application.

N.B

Please note that the latest date for decision on this file is 19/04/2023

Should you **not receive notification** of this decision within **3 – 5 days of the above date**, please contact this office immediately at 091 509 308 or email at planning@galwaycoco.ie, in order to ensure that you meet an Bord Pleanála appeal deadlines.