



02 April 2019

Mr Eoghan Murphy, T.D.
Minister for Housing, Planning and Local Government
Custom House
Dublin 1
D01 W6X0

**Re: Sligo County Council Registry Reference PL18/210 – Proposed Upgrading of
Lough Talt Water Treatment Plant (IROPI)**

Dear Minister,

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

The views of the Minister for Culture, Heritage and the Gaeltacht have been requested by your office under Section 177AB of the Planning and Development Act, 2000 (as amended) as to whether the compensatory measures proposed in relation to a proposed development are sufficient to ensure that the overall coherence of the Natura 2000 network is protected.

The proposed development is an application for planning consent, made by Irish Water to Sligo County Council, to upgrade the existing water treatment plant at Lough Talt, Co. Sligo. The treatment plant at Lough Talt supplies water to a population of 14,000 people in south and west Sligo. An upgrade is urgently required because of public health issues associated with the plant. The planning application included consideration of the likely significant effects on Natura 2000 sites and a Natura Impact Statement (NIS) was prepared as part of the planning application. An appropriate assessment was subsequently undertaken by Sligo County Council which concluded that it was not possible to determine that the proposed development would not adversely affect the integrity of a European site. This determination was based on the finding that the habitat conditions required by the snail, *Vertigo geyeri*, which is one of the qualifying interests of Lough Hoe Bog Special Area of Conservation (SAC) (Site code: 000633) has most likely been negatively affected by water abstraction at the site resulting in the loss of the snail from the SAC. Sligo County Council has now sent a Statement of Case for imperative reasons of overriding public interest (IROPI) to the Minister for Housing, Planning and Local Government pursuant to Section 177AA of the Planning and Development Act, 2000 (as amended).

In the past, *V. geyeri* was found in good numbers at one location, in the groundwater-dependent fen on the north-east shore of Lough Talt. Other areas of suitable habitat for the species were found at two other locations around the lake but are much less extensive and of poorer quality. *Vertigo geyeri* has not been found in the fen on the north-east shore of Lough Talt since 2007. The reasons for its disappearance are not readily apparent as the



habitat remains in what appears to be good condition. However, other sensitive wetland species of mollusc have also been lost from the fen.

The conservation objectives for Lough Hoe Bog SAC require the restoration of the favourable conservation condition of *V. geyeri*. The NIS found that sustained water abstraction from Lough Talt as part of the project was likely to have negatively affected the suitability of the fen habitat for *V. geyeri*, a situation which is likely to continue for as long as water abstraction at the lake continues at current levels. The hydrogeological studies included in the NIS have characterised the aquifer that underlies the *V. geyeri* habitat and the relationship between the aquifer and the lake. These studies have demonstrated that the aquifer is linked to the lake level and when the aquifer drops below a certain level the fen will tend to dry out. The studies support the view that water abstraction leading to low lake levels has caused sufficient drying out to cause the extinction of *V. geyeri* at Lough Talt. The NIS proposes a programme of surface water irrigation of the key calcareous fen habitat at Lough Talt as part of mitigation measures proposed in relation to the proposed development. This aims to reduce the negative effects of water abstraction on habitat conditions for the snail, thus re-establishing suitable habitat conditions for *V. geyeri*.

There is no possibility of creating new compensatory habitat for *Vertigo geyeri* in the Lough Talt area. Natural recolonization of the fen site is believed to be highly unlikely and, because there is no evidence that the species is capable of long-distance movement, it is not considered that there are undetected populations elsewhere in the SAC from which recolonization could take place. There is a possibility that the species could still be present within the fen below detectable levels. Recreating stable water levels in the fen may allow such a remnant population to recover itself, although this is very unlikely. The only scientifically plausible means by which the *V. geyeri* population may be reinstated is to maintain suitable habitat conditions and to reintroduce the snail from a nearby donor population. This is most likely to succeed at the fen on the north-east shore. There does not appear to have been any previous attempt to introduce this species anywhere in Ireland or Europe. It is, therefore, not possible to say with absolute certainty that reintroduction will succeed. It is clear, however, that a) the snail is not detectable at the site and b) there is no feasible approach to compensation other than reintroduction.

The mitigation and compensation measures set out by Sligo County Council propose to restore the habitat by means of irrigation and to reintroduce the snail. The measures outlined aim to restore the population by stabilising the habitat, by preventing drying-out in drought conditions, and reintroducing the species. These measures are set out in the Statement of Case, in the NIS and associated documents, supplemented by the documents submitted at Further Information stage of the planning application process. Prior to the commencement of the project the Minister is of the view that the final mitigation and compensatory measures proposals should be set out clearly in one document with timelines and responsibility for delivery indicated. This will ensure clarity and transparency in terms of delivery and review for all the parties concerned.



Irrigation is proposed as the means of maintaining water supplies to the fen area on the north-east shore of Lough Talt. The Minister is of the view that other solutions, such as the use of a semi-permeable membrane barrier, should be trialled and used, if successful, as part of the project.

Biological re-introductions are rarely a simple task as it is difficult to achieve a fully comprehensive understanding of the entire range of factors affecting survival and establishment of a population, especially in the case of such a minute species as *Vertigo*. The Minister advises therefore that the project methodology should include measures to increase certainty of success in relation to the translocation. These measures should include, but are not necessarily limited to, a detailed assessment of the donor site to establish the habitat management requirements, including grazing requirements of *V. geyeri*; and to establish, by consultation with relevant experts, the potential impacts of the collection of snails on the population at the donor site. These assessments should inform habitat management at Lough Talt and the extent of *Vertigo* translocation to be undertaken. The project methodology should, if necessary, and based on the detailed assessments undertaken and subject to the agreement of this Department, include captive breeding of *Vertigo geyeri* snails to increase the numbers available for release and to protect the donor site from the risk of over-collection.

The monitoring regime proposed is considered adequate but should be kept in place as long as necessary to demonstrate success. The project proponent should ensure that adaptive management (as foreseen in the methodology for the project) is kept as flexible as possible. Similarly, the system in place for wetting the fen in times of low water should be reviewed and adapted, if and when considered necessary, by the appropriate experts. The Minister is of the view that this is best achieved by requiring the submission of a report to the planning authority and to the Department annually setting out the results of the mitigation and compensation measures implemented and recommending whatever changes are necessary to achieve success. The Minister is further of the view that following submission of this report the planning authority should hold a meeting within one month with relevant personnel from this Department, the project proponents, and others as required, to review progress and make any necessary changes to project methodology.

Having appropriate management measures in place for the fen area on the north-east shore of Lough Talt is also important for the success of the mitigation and compensation measures proposed. Clearly the necessary management mechanisms should be in place to enable the site to be effectively controlled and managed. In this regard, the maintenance of an appropriate grazing regime is important and any management mechanism for the site must ensure that an appropriate grazing regime is in place.

In conclusion, and taking into account the need for compensatory measures in this case, the Minister considers it to be very unlikely that *V. geyeri* will naturally recolonize the site, and is also of the view that there is no possibility of creating suitable compensatory habitat for *V. geyeri* at another location which would ensure that the overall coherence of the



Natura 2000 network is protected. While it is impossible to say with absolute certainty that the compensatory measures proposed will result in *V. geyeri* being re-established in the fen area on the north-east shore of Lough Talt, the Minister is of the view that the compensatory measures proposed are sufficient to ensure that the overall coherence of the Natura 2000 network is protected.

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Suzanne Nally

Suzanne Nally
Development Applications Unit
National Parks and Wildlife Service
Department of Culture, Heritage and the Gaeltacht