



An
Coimisiún
Pleanála

Direction
CD-020141-25
ABP-320864-24

The submissions on this file and the Inspector's report were considered at a meeting held on 03/07/2025.

The Commission decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Planning

Commissioner:

Marie O'Connor
Marie O'Connor

Date: 09/07/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the zoning objective Recreation and Amenity (RA) - to provide for and protect recreational uses, open space, amenity uses and natural heritage, Policy 9.3 Water Services and the provisions of the Galway City Development Plan 2023-2029, the scale and nature of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic and pedestrian

safety and visual amenity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment:

The Commission considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an Appropriate Assessment of the implications of the proposed development on Galway Bay Complex SAC (Site Code 000268) and Inner Galway Bay SPA (Site Code 004031) in view of these sites Conservation Objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' Conservation Objectives using the best scientific knowledge in the field. In completing the assessment, the Commission considered, in particular, the following:

- (i) the site specific Conservation Objectives for the European Site,
- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (iii) mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Commission accepted and adopted 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. In overall conclusion, the Commission were satisfied that the proposed development would not adversely affect the integrity of the European Site in view of the site's Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement

of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All mitigation and environmental commitments identified in the Natura Impact Statement and Ecological Impact Assessment shall be implemented in full as part of the proposed development. All works shall be monitored by an Ecological Clerk of Works to ensure implementation of mitigation and environmental commitments.

Reason: To protect and conserve ecology, protect the environment and water quality in the interest of proposed planning and sustainable development.

3. All mitigation, environmental commitments and monitoring measures identified in the planning particulars submitted shall be implemented in full as part of the proposed development, including inter alia:
 - (a) Construction Environmental Management Plan (CEMP)
 - (b) Flood Risk Assessment (FRA)
 - (c) Archaeology Assessment
 - (d) Arboricultural Assessment and Landscape Plan

Where such measures require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development.

Reason: To protect the environment and water quality in the interest of proposed planning and sustainable development.

5. The proposed security fencing shall not exceed two metres high and shall be continuously maintained in good repair.

Reason: In the interest of visual amenity and to protect the residential amenities of the area.

6. (a) Surface water run-off associated with this development shall not be permitted to discharge onto the public road or footpath or onto adjacent properties.
- (b) Surface water drainage from the proposed development should discharge to a suitably designed soakaway. Design details of the proposed soakaway system shall be agreed in writing with the planning authority prior to the commencement of development. An Alternative solution incorporating discharge attenuation or other appropriate SUDS measures can be developed and agreed with the planning authority in the event that discharge to ground is rendered inappropriate due to ground conditions.

Reason: In the interest of the proper planning and sustainable development of the area.

7. Any alterations to public services, public areas or utilities necessitated by the development shall be carried out at the developers' expense having firstly obtained the agreement in writing of the planning authority or other public bodies responsible for such areas or utilities, before any alterations are carried out.

Reason: In the interests of public safety and the proper planning and sustainable development of the area.

8. The developer shall ensure that all construction activity within this site shall comply with the following:

- (a) All construction activity shall be restricted to between 0700 hours and 1900 hours Monday to Friday, between 0800 hours and 1400 hours Saturday, unless otherwise agreed in writing with the planning authority. No works shall take place on Sundays, Bank Holidays or Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been issued by the planning authority.

- (b) All workers and visitors to the site shall not park on the adjacent public footpaths or roadways.
- (c) In the event that rock breaking is required on the site, a schedule of works including mitigating measures, and the hours and days of operations shall be submitted for the agreement of the planning authority in writing.

Reason: In the interest of residential amenity and the proper planning and sustainable development of the area.

9. All works shall be carried out in accordance with the requirements for "Site Development Works for Housing Areas" and issued by The Department of the Environment, Community and Local Government unless otherwise agreed in writing with the planning authority.

Reason: In the interest of orderly development and proper planning and sustainable development of the area.

10. (a) The developer shall engage a suitably qualified Archaeologist to monitor (licensed under the National Monuments Acts) all site clearance and preparatory works, engineering trial pits, site investigations, breaking/removal of existing surfaces, topsoil stripping and other groundworks associated with the development. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. No sub-surface work shall take place in the absence of the Archaeologist without his/her express consent.
- (b) Should archaeological remains be identified during the course of archaeological monitoring, all works shall be suspended in the area of archaeological interest pending a decision of the planning authority, in consultation with this Department, regarding appropriate mitigation (preservation in situ / excavation).
- (c) The developer shall facilitate the Archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by

the planning authority, following consultation with this Department, shall be complied with by the developer.

- (d) Following the completion of all archaeological work on site and any necessary post excavation specialist analysis, the planning authority and this Department shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required.
- (e) All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

11. With regards to the landscaping of the development, the following shall be applicable:

- (a) The developer shall appoint a qualified landscape architect.
- (b) On completion of the landscaping/amenity scheme for the development, the developer shall submit to the planning authority a certificate of completion from a suitably qualified landscape designer confirming that the landscaping works have been satisfactorily carried out in accordance with the approved landscaping/amenity scheme. The developer shall be responsible for full maintenance of the landscaping and for the replacement of all failed stock. A copy of the maintenance agreement with a suitably qualified person shall be submitted with the required certification.
- (c) Tree Protection Areas, Root Protection Areas and tree protection measures including protective fencing and monitoring, as outlined in the submitted Arboricultural Assessment shall be carried out under the direct supervision of a qualified consultant Arborist.

Reason: In the interest of visual amenity.

12. The developer shall ensure that all demolition/construction activity within this site shall comply with the following:
 - (a) Prior to the commencement of development, the developer shall prepare a Construction and Demolition Resource Waste Management Plan (RWMP) as set out in the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Development Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.
 - (b) All wastes arising, including construction spoil and hazardous waste, from the development shall be disposed of by suitably licenced service provider to a suitably licensed facility.

Reason: In the interest of the proper planning and sustainable development of the area.