



An
Bord
Pleanála

Board Direction
BD-019152-25
ABP-320938-24

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

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

Reasons and Considerations

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

- (a) the European Union Habitats Directive (92/43/EEC),
- (b) the European Communities (Birds and Natural Habitats) Regulations 2011, as amended,
- (c) Climate Action Plan 2024,
- (d) National Biodiversity Action Plan 2023-2030
- (e) 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,
- (f) the conservation objectives, qualifying interests and special conservation interests for Lough Corrib Special Area of Conservation (Site Code: 000297), Galway Bay Complex Special Area of Conservation (Site Code: 000268) and Inner Galway Bay Special Protection Area (Site Code: 004031),

- (g) the policies and objectives of the Galway City Development Plan 2023-2029,
- (h) the nature and extent of the proposed works as set out in the application for approval,
- (i) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (j) the submissions and observations received in relation to the proposed development, and,
- (k) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

Appropriate Assessment: Stage 1:

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Lough Corrib Special Area of Conservation (Site Code: 000297), Galway Bay Complex Special Area of Conservation (Site Code: 000268) and Inner Galway Bay Special Protection Area (Site Code: 004031), are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment: Stage 2:

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 for the affected European Sites, namely the Lough Corrib Special Area of Conservation (Site Code: 000297), Galway Bay Complex Special Area of Conservation (Site Code: 000268) and Inner Galway Bay

Special Protection Area (Site Code: 004031), in view of the Site's 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 appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the Sites' 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 Sites' conservation objectives.

Proper Planning and Sustainable Development/Likely effects on the environment:

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 a risk of pollution, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area, would not interfere with the existing land uses in the area and would not interfere with traffic and pedestrian safety.

The Board considered the proposed upgrades would enhance the public realm, retaining the parks' integral role in defining the character of the area while improving links to adjoining neighbourhoods. The Board did not concur with the Inspector that providing a metal rail, along the length of the proposed mixed native hedge on the eastern and western park boundaries while retaining the ungated entrances, enhanced the design. The Board considered that the hedges provided a boundary and that the railings as proposed would detract from the overall design and would be superfluous.

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

Conditions

1. The proposed 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 any mitigation measures set out in the Natura Impact Statement or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on file and retained as part of the public record.

Reason: In the interests of clarity and the proper planning and sustainability of the area and to ensure the protection of the environment.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.

Reason: To protect the integrity of European Sites.

3. The mitigation and monitoring measures identified in the Ecological Impact Assessment. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.

Reason: In the interest of protecting the environment, the protection of European Sites and in the interest of public health.

4. A suitably qualified ecologist shall be retained by the local authority to oversee the site set up and construction of the proposed development and implementation of mitigation measures relating to ecology set out in the Natura Impact Statement and Ecological Impact Assessment. The ecologist shall be present during site construction works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

Reason: In the interests of nature conservation and biodiversity.

5. All mitigation measures in relation to archaeology and cultural heritage as set out in the Archaeological Impact Assessment report shall be implemented in full, except as may otherwise be required in order to comply with the requirements below. In this regard, the local authority and any agent acting on its behalf shall:

- (a) Retain/engage a suitably qualified archaeologist to carry out Archaeological Monitoring (licensed under the National Monuments Acts) of all site investigations, site clearance works, 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 ground disturbance 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, in consultation with the Department of Housing, Local Government and Heritage regarding appropriate mitigation (preservation in situ/excavation). Any further archaeological mitigation requirements shall be complied with in full.
- (c) Following the completion of all archaeological works on site and any necessary post-excavation specialist analysis, a final report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required shall be furnished to the Department of Housing, Local Government and Heritage and retained on file by the local authority. All resulting and associated archaeologist costs shall be borne by the local authority and any agent acting on its behalf.

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

6. The site layout shall be amended to include the following:

- (a) Standard secure bicycle parking shall be provided on site.

Prior to the commencement of development revised plans and details in this regard shall be provided and kept on file as part of the public record.

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

7. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the relevant statutory agencies, a Construction Environmental Management Plan (CEMP),

incorporating all mitigation measures indicated in the Natura Impact Statement , Ecological Impact Assessment and Archaeological Impact Assessment and demonstration of proposals to adhere to best practice and protocols. The CEMP shall include:

- (a) all mitigation measures indicated in the Natura Impact Statement and Ecological Impact Assessment,
- (b) location and extent of silt fencing to be installed on site,
- (c) all mitigation measures to protect the archaeological and cultural heritage as set out in the Archaeological Impact Assessment, and,
- (d) specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness.

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

8. The local authority and any agent acting on its behalf shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

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

Board Member



Mary Henchy

Date: 11/03/2025