



An
Coimisiún
Pleanála

Direction
CD-022198-26
ACP-323024-25

The submissions on this file and the Inspector's report were considered at a meeting held on 19/05/2026.

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

Planning

Commissioner:

Mick Long

Date: 20/05/2026

DRAFT WORDING FOR ORDER

In performing its functions in relation to the making of its decision, the Coimisiún was consistent with Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, and the requirement to, in so far as practicable, perform its functions in a manner consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

And in coming to its decision, the Coimisiún 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 Kilkieran Bay and Islands SAC (site code: 002111),
- (e) the policies and objectives of Project Ireland 2040 National Planning Framework (NPF),
- (f) the policies and objectives of the Regional Spatial and Economic Strategy for the Western and Northern Region (RSES),
- (g) the policies and objectives of the Galway County Council Development Plan, 2022-2028,
- (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 and Ecological Impact Assessment,
- (j) the submissions and observations received in relation to the proposed development,
- (k) the report and recommendation of the person appointed by the Commission to make a report and recommendation on the matter.

Appropriate Assessment Stage 1

The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Kilkieran Bay and Islands SAC (site code: 002111), is the only European Sites in respect of which the proposed development has the potential to have a significant effect on.

Appropriate Assessment Stage 2

The Commission 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 Commission completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely Kilkieran Bay and Islands SAC (site code: 002111), in view of the site's conservation objectives. The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Commission 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 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 integrity of the aforementioned European Sites, having regard to the site's conservation objectives.

In overall conclusion, the Commission 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.

Environmental Impact Assessment Screening:

The Commission completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report and other documents and drawings submitted by the local authority identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development, which is not listed in Part 1 or 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, and,
- (c) the features and measures proposed by the local authority envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Ecological Impact Assessment, Natura Impact Statement and Construction Environmental Management Plan.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report is not required.

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 proposed development would improve accessibility and road safety on this section of the L-52214 local road and would result in an improved environment for the surrounding residents. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Water Framework Directive Screening

An assessment of the proposed development has been undertaken in accordance with Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed by the European Communities (Water Policy) Regulations 2003, as amended, and with regard to The Water Action Plan 2024: A River Basin Management Plan for Ireland.

Having regard to the nature, scale, and location of the proposed development, and the proposed mitigation measures, it is concluded that the proposed development will not:

- Result in deterioration of the ecological, chemical, or quantitative status of any relevant surface water or groundwater body;
- Increase pollutant loading or alter the hydrological regime of any receiving watercourse;
- Prevent or impede achievement of environmental objectives under the applicable River Basin Management Plan;
- Any residual risks are capable of being addressed through the proposed mitigation measures, mitigation conditions and full implementation of a Construction Environmental Management Plan (CEMP).

The proposed development is considered to be in compliance with the requirements of Article 4 of the Water Framework Directive.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application and by way of further information except as may otherwise be required in order to comply with the following conditions. Where any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file 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. The mitigation and monitoring measures identified in the Natura Impact Statement submitted with the application shall be implemented in full 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.

3. The mitigation and monitoring measures identified, commitments and recommendations set out in the Ecological Impact Assessment submitted with the application shall be implemented in full as part of the proposed roads development and placed on file and retained as part of the public record.

Reason: In the interest of protecting the environment 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. The ecologist shall be present during the 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 interest of nature conservation and biodiversity.

5. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the project ecologist and relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement and Ecological 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) details of a temporary cofferdam arrangements to be installed on site (if required) that will facilitate minimal disturbance to the lagoon bed and risk of pollution during deployment and removal.
- d) specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness.

Reason: In the interest of protecting the environment and the European Site

6. The following nature conservation requirements shall be complied with:
- a) Prior to the commencement of development, details of measures to protect fisheries and water quality of the lagoon waterbody system shall be outlined and placed on file. Full regard shall be had to Inland Fisheries Ireland's published guidelines for construction works near waterways (Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters, 2016). A programme of water quality monitoring shall be prepared in consultation with the contractor, the local authority and relevant statutory agencies and the programme shall be implemented thereafter.
 - b) no vegetation removal shall take place during the period of the 1st day of March to the 31st day of August (inclusive) without the written approval of the Ecological Clerk of Works. Such approval shall be placed on the public file.
 - c) a pre-construction otter survey by a suitability qualified ecologist shall be carried out before works commence and be kept on file as part of the public record.
 - d) a pre-construction invasive species survey by a suitability qualified ecologist shall be carried out before works commence and be kept on file as part of the public record.
 - e) A post-construction ecological monitoring programme shall be put in place to verify that the predicted outcomes of the ecological assessment are realised in practice

Reason: In the interests of biodiversity and nature conservation.

7. 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 European sites.

8. All development shall be carried out in compliance with Uisce Éireann's Standard Details and Codes of Practice. Note that Uisce Éireann does not permit Build Over of its assets. Where the applicant proposes works or build over existing water or wastewater services, the applicant shall have received a written Confirmation of Feasibility (COF) of Diversion(s) from Uisce Éireann prior to any works commencing.

Reason: To protect the public water and wastewater facilities.