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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Galway City Council**

**Planning Register Reference Number: 19/372**

**Appeal** by Michael Murphy and Others care of 3 Aughnacurra, Dangan, Galway against the decision made on the 18<sup>th</sup> day of September, 2020, by Galway City Council to grant subject to conditions a permission to the National University of Ireland Galway care of MKO of Tuam Road, Galway in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Development of one number 3G pitch and one number grassed GAA/soccer pitch plus all ancillary infrastructure, ball stop fencing, floodlighting, drainage, an enhanced biodiversity area and all associated site development works. The proposed development also seeks permission for temporary changing room facilities and a shared access lane for emergency/maintenance vehicles and pedestrians during the construction phase of the proposed N6 Galway City Ring Road, development at the National University of Ireland, Galway Sports Grounds, Dangan, Galway. The proposed development was revised by further public notices received by the planning authority on the 24<sup>th</sup> day of August, 2020.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

Having regard to:

- (a) the provisions of the Galway City Council Development Plan 2017-2023, including the zoning objective of the subject site for recreational use, open space, amenity uses and natural heritage,
- (b) the existing pattern of development at this location,
- (c) the design, scale and layout of the proposed development, and
- (d) the submissions and observations on file,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with development plan policy, would not detract from the visual amenities of the area, would be acceptable in the context of the amenities of adjoining properties, would be satisfactory in the context of pedestrian and traffic safety, would be acceptable in the context of flood risk management and surface water drainage, would not lead to a material intensification of use at the overall sporting campus, and would constitute an acceptable use at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

#### **Appropriate Assessment Screening:**

The Board agreed with 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 the 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 and that a Stage 2 Appropriate Assessment is therefore required.

#### **Appropriate Assessment:**

The Board considered the Natura impact statement and associated documentation submitted with the application for permission, 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 the Inner Galway Bay Special Protection Area (Site Code:004031), in view of the sites' 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,
- (iii) the submissions on file, and
- (iv) the conservation objectives for the European Site.

In completing the appropriate assessment, the Board accepted and adopted the screening and the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's 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 and 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, as amended by the further plans and particulars submitted to the planning authority on the 31<sup>st</sup> day of July 2020, 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. Floodlighting shall operate in compliance with the standards identified in the documentation, lodged with the planning application. The lighting shall only be in operation during the period 15<sup>th</sup> September to 30<sup>th</sup> April and on all operational days, the floodlights shall be switched off during the period 2230 hours to 0700 hours.

**Reason:** In the interest of clarity, amenity and proper planning and sustainable development.

3. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including measures to prevent and mitigate the spillage or deposit of debris, soil or other material on the adjoining public road network, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

4. All mitigation measures listed in the Natura Impact Statement lodged with the application, and the Updated Natura Impact Statement received by the planning authority on the 31<sup>st</sup> day of July 2020, shall be implemented in full.

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

5. Site development and building works shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of adjoining property in the vicinity.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. These shall include that all surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or to adjoining properties.

**Reason:** In the interest of public health and to ensure a proper standard of development.

7. All public service cables associated with the proposed development (such as electrical and telecommunications) shall be located underground.

**Reason:** In the interest of orderly development and the visual amenities of the area.

8. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan. This plan shall provide for screened bin stores.

**Reason:** In the interest of public health and to ensure the provision of adequate refuse storage.

9. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:-
  - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

- (b) employ a suitably-qualified archaeologist prior to commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:-

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report containing the results of the assessment shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority, details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to the commencement of construction work.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

- 10. The landscaping scheme lodged with the application shall be implemented within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.



**Reason:** In the interest of visual amenity.

11. The treatment of Japanese Knotweed shall be carried out as per an eradication plan to be submitted as part of the construction management plan.

**Reason:** In the interest of natural heritage.

12. All mitigation measures relating to biodiversity as outlined in the Ecological Impact Assessment Report shall be implemented.

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

13. Detailed measures in relation to the protection of bats shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction/removal of trees that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

**Reason:** In the interest of wildlife protection.

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**Chris McGarry**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2021.**