



An
Bord
Pleanála

Inspector's Report ABP-303937-19

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| Development | Permission to extend the existing aquarium to incorporate a purpose built Penguinarium. |
| Location | Seapoint Promenade, Salthill, Galway. |
| Planning Authority | Galway City Council |
| Planning Authority Reg. Ref. | 18405 |
| Applicant(s) | Galway Alantaquaria Limited |
| Type of Application | Permission |
| Planning Authority Decision | Refuse |
| Type of Appeal | First Party |
| Appellant(s) | Galway Alantaquaria Limited |
| Observer(s) | (1) Jonathon Powell. (2) Michael J Lally. (3) 167-169 Upper Salthill Management Company. (4) Maritimo Management. (5) Rose Ward. (6) Paschal & Catherine Quinn. |

(7) Seamus Lyons.

(8) Dermot Hehir.

(9) Noel Boyle.

(10) Tommy Mee.

Date of Site Inspection

06th June 2019

Inspector

Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.238363 hectares, is located in Salthill to the south west of Galway City. The appeal site is occupied by a vacant single-storey tourist information centre within an open area defined by a paved and grassed area. The appeal site is defined by Seapoint Promenade (R336) to the south east of the site and Quincentennial Drive to the north west. To the north east and immediately adjoining the site is Galway Atlantaquaria, which is a two-storey structure. To the north west and north of site are various existing structures on the opposite side of Quincentennial Drive, these include Seapoint Leisure (Bingo Hall), Lann Na Farrage, which is a five-storey apartment block, Maritimo, which is five-storey apartment block and Jameson Court apartments, which is also a five-storey apartment block.

2.0 Proposed Development

2.1. Permission is sought for the extension of the existing aquarium to incorporate a purpose built Penguinarium comprising of the following...

- Construction of penguin pool and beach areas.
- Construction of enclosure wall, with viewing apertures and external seating.

Change of use of portion of existing interpretative centre building to provide quarantine, food preparation and plant room areas.

- Construction of landscaped amenity area.
- Construction of new entrance plaza and canopy.

The proposal includes landscaping, boundary treatment and site development works, connection to existing services.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based

1. The site is located in an area of public open space predominantly free from structures and zoned in the city plan as 'Recreational Amenity', it is prominent in public views from the promenade, marking the entrance to Salthill Village and flanking recently developed residential units. When assessed from this context the proposal, in particular the nature and extent of the perimeter walling and its interface with the public realm, would be contrary to Galway City Council Development Plan 2017-2023, Policy 10.3, which seeks to "Enhance the role of Salthill as an urban village, a leisure, recreation and coastal amenity for the city .." and to "Ensure high quality in design of new developments which has regard to the distinctive character of Salthill". As the scale and design of the perimeter wall is such that it has poor contextual reference and would be an unduly prominent feature due to its unrelenting nature, extent, height and finish and would adversely impact upon the existing and surrounding public open space and diminish the character and setting of this area of Salthill.

2. The site is at the location of the former tourist office, the peripheral open space which is made up of a mixture of hard landscaping and a grassed area, is an area that has generally been open and available for public access and as an area of open space. Any new developments within this area should be assessed on their capacity to result in enhancement of the area for the public and positive contribution to the urban structure. In this regard the proposed design fails in this regard and does not accord with the principles of good urban design as stated in the Galway City Council Development Plan 2017-2023, section 8.7, most particularly-

- *"Character: The promotion of character by reinforcing. The local distinctiveness, identity and sense of place. The typology of streets, layout of parks, open spaces, the natural heritage and the urban morphology*

contributes to character which evolves over time, new development should enhance this character.

- *Quality of the public realm: The promotion of streets and public spaces that are attractive and safe and that allow for social interaction.”*

In particular, the extensive footprint of the development in conjunction with the introverted design of the enclosure and the lack of contextual relationships, runs contrary to the stated development plan policies and if built, would erode local identity and sense of place and would detract from the distinctive open character of Salthill at this location.

3. Notwithstanding the existence of a structure on the site, the predominantly open and undeveloped, it is supported by a zoning objective for RA, under Section 11.2.2 of the Galway City Development Plan 2017-2023 where “outdoor recreation” and “buildings of recreational, cultural or educational nature...” are open for consideration dependant on the RA location and scale of development. It is considered that the particular nature, and use coupled with the intensity of the operation housed in an unroofed structure, is likely to generate a level of nuisance in particular in relationship to noise and odours which are considered to be unacceptable owing in particular to the location which is in close proximity to high density residential apartments and their associated balconies/outdoor living areas.

It is therefore considered that the proposal is incompatible with the RA zoning in that uses/buildings may be only be open for consideration where they are deemed to contribute to the zoning having considered their scale and location. The characteristics of the proposal and the location combined is considered to be both contrary to the zoning objectives for the area and likely to negatively impact the adjacent residential amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (14/02/19): The report noted concerns regarding the impact of the proposed structure on an open space area, visual amenity and its compliance with Development Plan policy in regards to areas zoned Recreational Amenity. Concerns were also expressed regarding its proximity to residential development with potential impacts from noise and odour. Refusal was recommended based on the reasons outlined above.

3.2.2. Other Technical Reports

Recreation & Amenity Department (20/02/19): Condition recommended in regards to landscaping.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

13 submission were made during the application stage. The issues raised can be are similar in nature to the grounds of appeal, which are outlined below.

4.0 Planning History

91/191: Permission granted for construction of tourist information centre.

On the adjacent site...

04/277: Permission granted for alterations to ground floor entrance to restaurant.

99/196: Permission granted for a gas storage tank.

98/690: Permission granted to alter approved design of enlarged public aquarium.

95/429: Permission granted for a public aquarium.

5.0 Policy and Context

5.1. Development Plan

The relevant Development Plan is the Galway City Development Plan 2017-2023. The appeal site is zoned RA, Recreational and Amenity with a stated objective 'to provide for and protect recreational uses, open space, amenity uses and natural heritage'.

Uses which are compatible with and contribute to the zoning objective, for example:

Outdoor recreation.

Uses which may contribute to the zoning objectives, dependent on the RA location and scale of development, for example:

Development of buildings of a recreational, cultural or educational nature or car parking areas related to and secondary to the primary use of land/water body for outdoor recreation.

Section 10.3 relates to Salthill

Objectives identified for the area include...

Enhance the role of Salthill as an urban village, a leisure, recreation and coastal amenity area for the city and service centre for the surrounding residential neighbourhoods.

Ensure high quality in the design of new developments which has regard to the distinctive character of Salthill.

5.2. Natural Heritage Designations

Galway Bay Complex SAC (000268) 0km from the site.

Lough Corrib SAC (000297) 1.6km from the site.

Connemara Bog Complex SAC (002034) 11.8km from the site.

East Burren Complex SAC (001926) 12.3km from the site.

Moneen Mountains SAC (000054) 13.7km from the site.

Lough Fingall Complex SAC (000606) 13.7km from the site.

Ross Lake and Woods SAC (001312) 14.2km.

Inner Galway Bay SPA (004031) 20m from the site.

Lough Corrib SPA (004042) 4.7m from the site.

Cregganna Marsh SPA (004142) 9.2km from the site.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal has been lodged by McCarthy Keville O'Sullivan Ltd on behalf of the applicants, Galway Atlantaquaria Ltd. The grounds of appeal are as follows...

- It is noted that the site is occupied by a disused tourist information centre with a mix of hard and soft landscaping in its curtilage. It is noted that the site does not currently offer any recreational or amenity value and the proposal is reuse/regeneration of the site providing a high quality amenity and being satisfactory in terms of impact on public realm. It is noted there are high quality public spaces in the area and that the site is not a formal public open space and is limited in its potential as such.
- It is noted that the design is of good quality and takes into account its location and context. The height means that the proposal does not obstruct views at first floor level and above the scale and design would have an acceptable visual impact at this location.

- The applicants/appellants note that the site is not a formal public open space and although the public currently have access, such does not mean that this arrangement should be maintained. It is noted that the proposed use is acceptable in principle within the zoning objective and the design and scale of such is acceptable.

6.2. Planning Authority Response

Response by Galway City Council.

- The Council noted that in pre-planning consultation the issues raised in the reasons for refusal were flagged. The proposal is not compliant with the zoning objective and the form of development is not compliant with Development Plan objectives.
- The overall visual impact of the proposal was considered unacceptable.
- It is noted that had the issues of zoning and visual impact been satisfactory then a request for further information regarding noise and odour would have been merited as insufficient information was submitted in regard to such.
- The impact on residential amenity is also reiterated.

6.3. Observations

Observations have been received from the following....

Jonathon Powell & Elaine Boyle, Jameson Court Apartments, Quincentennial Drive, Salthill, Galway.

Michael J Lally, Apt 3 Maritimo House, Quincentennial Drive, Salthill, Galway.

167-169 Upper Salthill Management Company CLG.

Maritimo Management Limited.

Rosaleen Ward, 4 Lann Na Farriage, Quincentennial Drive, Salthill, Galway.

Paschal & Catherine Quinn, 28 Jameson Court, Salthill, Galway.

Seamus Lyons, 2 Seagrove Court, Quincentennial Drive, Salthill, Galway.

Demot J Hehir, 16 Jameson Court, Quincentennial Drive, Salthill, Galway.

Noel Boyle, 9 Seagrove Court, Quincentennial Drive, Salthill, Galway.

Tommy Mee, 7 Seagrove Court, Quincentennial Drive, Salthill, Galway.

The issues raised can be summarised as follows...

- The proposal would reduce available open space in the area.
- The proposal will impact on existing sea views and an outlook over open space from residential development along Quincentennial Drive.
- The proximity of the proposed development to existing residential development is noted with concerns regarding the impact of noise and odours causing disturbance and subsequent devaluation of property.
- The visual impact of the proposal is considered unacceptable in terms of its location in an open area, its scale and the blank nature of the screen walls.
- The viability of the proposal is questioned with it noted that if such fails then the structure proposed will be left. The need for the outdoor enclosure is also noted with it stated that such could be catered for indoors.
- The proposal is contrary to the zoning objective with it noted that the original tourist information centre was granted as a result of material contravention.
- It is noted that this location is subject to flooding and that the proposal includes no analysis of flood impact.
- The area experiences traffic congestion with limited parking available for the aquarium and reliance on a car park adjoining that floods. There is no proposal for additional parking with it noted that the proposal is likely generate additional traffic.
- The appeal site is used at night as parking and the proposal will mean loss of such in an area where parking provision is an issue.
- The screening report for Appropriate Assessment is deficient in terms of consideration of waste generated by the proposed development.

- The transmission of diseases is noted as a concern due to proximity to residential development.

7.0 Assessment

7.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Development Plan policy/principle of the proposed development.

Visual impact

Adjoining amenities

Traffic/car parking

Flooding

Appropriate Assessment

7.2 Development Plan policy/principle of the proposed development:

7.2.1 The appeal site is zoned Recreational and Amenity (RA) under the Galway City Development 2017-2023, which has a stated objective 'to provide for and protect recreational uses, open space, amenity uses and natural heritage'. Under Section 11.2.2 of the City Development Plan compatible uses in this zoning are indicated as being 'outdoor recreation'. It is does note that "uses which may contribute to the zoning objectives, dependent on the RA location and scale of development" include, "development of buildings of a recreational, cultural or educational nature or car parking areas related to and secondary to the primary use of land/water body for outdoor recreation".

7.2.2 The existing site is occupied by a structure that was formerly used as a tourist information centre and is currently vacant and around it is an open area. The proposed use is an extension of the existing aquarium on the adjoining site to the north east. I would consider that the proposed use would fall under the definition of buildings of a recreational, cultural or educational nature and in this regard such uses would be permitted within the RA zoning objective. I would consider that

principle of the proposed development acceptable but would not that its acceptability is contingent on visual impact, adjoining amenities, traffic impact among other factors and zoning policy does indicate that such uses are “dependent on the RA location and scale of development”. Such factors are to be explored in later sections of this report.

7.3 Visual impact:

7.3.1 Permission was refused on the basis of impact on visual amenity with the proposal considered unacceptable in the context of the open nature of the location, the blank nature of the walls proposed and its location at the entrance to Salthill. The existing site is open in nature and is located at the entrance point to Salthill Village due to the arrangement of the public roads. The proposal is an extension to an existing structure and activity in the form of the aquarium and provides for an outdoor enclosure defined by rendered walls. The wall along the front section range from 4m in height rising to 5 where it adjoins the existing structure and entrance to the aquarium. The walled section to rear is 3m in height and is consistent in height along Quincentennial Drive. Two planters with landscaping are to be provided along the promenade side of the development with breaks in the wall to provide a glazed section (two panels). The applicants/appellants did revised the design of the walled section along Quincentennial Drive to provide a planter and glazed break in wall to address the concerns raised by the reason for refusal.

7.3.2 The area is characterised by an open nature due to the width of the promenade and the lack of existing structures apart from the aquarium building and the tourist information centre as well as the existing car park to the north east and a larger area of open space further to the north east of such. Taken in conjunction with the promenade the area has a very open character. Permission was refused on the basis of overall visual impact and the quality of the design proposed at such a prominent location. I would consider that the prominent and open location of the site merits a design of high quality. I would question whether the design proposed is of sufficient quality having regard to its prominent location and the open character of the area. The use of a single and somewhat blank/plain and bright external finish on

what is significant expanse of blank walls that range from 3m up to 5m would have a significant visual impact at this location. I would note there is distinct lack of variation and texture to boundary treatment for the proposed enclosure providing for a monolithic style of design that is likely to have a prominent and adverse visual impact at this location. In addition the bright external finish and its location at an exposed coastal location raises issues regarding its ability to remain in good aesthetic condition when it has been in place for a prolonged period. I would concur with the Planning Authority's assessment and note that where the proposal is on land zoned for Recreational Amenity such should be of a good quality design and contribute positively to the public realm.

7.3.3 I would consider that there is significant scope for a more distinctive and adventurous design proposal in relation to the treatment of the boundary walls of the enclosure and that despite the revisions proposed by the applicant/appellant the concerns regarding visual impact and overall architectural quality remain. I do consider that there is scope for development of this type at this location, however such requires an alternative design solution. I do not consider that such can be addressed by way of condition or further information, however such are potential options if deemed necessary and appropriate. I would recommend refusal on the grounds of visual impact. I would note that under Section 10.3 of the Galway City County Development 2017-2023 it is an objective to "ensure high quality in the design of new developments which has regard to the distinctive character of Salthill". Having regard to the prominent location of the site within Salthill and to the open nature of the site and its zoning for Recreational Amenity, it is considered that the design of the proposal, which is characterised by high and expansive blank walls with a bright rendered finish would be lacking in sufficient quality for a prominent and public location such as this, would have a visually obtrusive and negative impact, and would be detrimental to the visual amenities and architectural character of the area. The proposal would be contrary development objectives under the City Development Plan in regards to development at this location and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

7.3.4 I would note that the height of the structure is such that it would no impact on views of the seafront for existing apartments to the north and north east of the site, with all apartment at first floor level and above having an unobstructed views. I would consider that the proposal does not impact the adversely on the outlook existing residential development to the north and north east of the site.

7.4 Adjoining amenities:

7.4.1 The proposal is an extension of an existing operation at this location albeit with the provision of an external enclosure. There are a number of apartment structures located to the north and north east of the site on opposite side of Quincentennial Drive, which face south with views over the appeal site and with balconies that overlook such. The proposal was refused on the basis of the potential impact in terms of disturbance with noise and odour noted in particular.

7.4.2 The proposal is an extension of an existing activity although the proposal differs from the existing development in that it provides for an external element. Notwithstanding the external element of the proposal the activity is managed and controlled environment with opening hours of the aquarium currently until 5pm weekdays and 6pm at weekends.

7.4.3 A noise assessment report was submitted. The report notes there are no mandatory standards for commercial developments. The report identifies the nearest noise sensitive receptors as being the existing apartment developments to the north and north east of the site. The report notes that the appeal site is in an area with a soundscape dominated by traffic due to the existing roads traversing the area, which are heavily trafficked. It is noted that noise level experience along the promenade range from 70-75 dB and fall to 50-55 dB adjacent the apartment development along Quincentennial Drive with levels of 55-60dB at the apartment developments nearest the site. The report notes there are a number of potential noise sources as pumps required for the penguin pool, animal noises, which are noted as unlikely to arise after initial settling in period, visitor voices and noise emissions associated with the facility. The report indicates the most significant source of noise is the pumps, which

operate 24/7. It is indicated that these will be contained in plant room and a number of measures are proposed to mitigate noise impact as well as noting that noise generated by such are likely to be masked by existing background traffic noise in the area.

7.4.4 I would agree with the assessment of the proposal that the site is in a public area that is busy and active urban location with existing visitor attractions in the form of the existing aquarium and the sea front and that the area is busy in terms of overall traffic meaning there is a reasonable level of background noise. I would consider that having regard to the location of the site, the fact that measures are proposed to mitigate noise levels from the pumps, as well as the proposal for significant scale of external boundary treatment and the restricted open hours, which are no later than 6pm, the proposed development would be satisfactory in the context of noise impact.

7.4.5 The issue of odour is noted in the reason for refusal as well as the observations submitted. The activity is likely to generate waste and there is potential for odour from feeding activities. I would consider that odour is an issue that could be managed on site. It is important to note that the penguin habitat is a managed and controlled environment within the confines of the existing aquarium activity and adequate protocols in terms of waste management should be enough to deal with odour concerns. I would consider that given the nature of the proposal, which is a visitor attraction, that it is in the interest of the applicants to ensure good management of the activity.

7.4.6 The observations indicate concerns about potential for transmissions of disease in the context of adjoining residential development. As noted above the proposal is a visitor attraction with members of the public visiting the facility. The existing operation on site has been in place and operating successfully for a significant period of time. I would consider that it is likely to be the case that enough expertise and management will be in place to prevent such and I would note that such a scenario would not be in the interest of the applicants. I am satisfied that the proposed development, subject to appropriate conditions regarding noise and waste

management would be satisfactory in the context of the amenities of adjoining properties.

7.5 Traffic/car parking:

7.5.1 The proposal is an extension of the existing aquarium at this location. The existing aquarium has off street car parking and there is an existing public car park located further to the north east of the aquarium (Toft Car Park). The observations note that the area is subject to significant traffic congestion, that the proposal would entail an increase in traffic and that no additional car parking is provided. The observations also note that the site is used for parking at night for activities at the Seapoint Leisure and that such would put pressure on parking availability in the area. The observations also note that the Toft public car park is subject to flooding and not accessible at times.

7.5.2 I would first note the proposal is an extension of an existing and long established activity at this location. The impact of the proposal on traffic exclusive of the existing activity is not clear, however I would note that the proposal is an extension of the existing operation and that the two cannot be separated in terms of traffic impact. The existing operation does have off-street car parking, there is also a sizeable public car park located to the north east of the site and existing aquarium as well as on street car parking along the Seapoint Promenade. Having regard to the fact that the proposal is an extension to the existing aquarium and is not an activity exclusive of the existing activity and having regard to the level of existing car parking in the area including off-street car parking associated with the aquarium, public car parking (on-street and off-street), I would consider that there is sufficient car parking in the area to cater for the proposal. In relation use of the site as parking in evening times, I would note that the site is not a designated car parking area and such is not a reason to preclude the proposal. In addition I would note that the proposed use would have no parking demand in the evening time as the opening hours of the aquarium are until 5pm during the week and 6pm at weekends. I would also note that the proposal does not alter the layout of parking along Quincentennial Drive.

7.5.3 In terms of overall traffic impact, the proposal may result in an increase in traffic as it is a new attraction within the existing aquarium. I would however note that it is an extension of an existing operation and I would question whether such an increase would be so significant to have a major impact on the traffic patterns at this location, which is an urban location within an urban speed limit zone. The urban location of the site also means it is accessible by pedestrians/cyclists and is in proximity to existing holiday and short term stay accommodation. I am satisfied that the proposed development would be acceptable in the context of traffic safety and convenience.

7.6 Flooding:

7.6.1 The appeal submission notes that the area and the immediate vicinity of the site has been subject to flood incidences for a significant period of time including a period of flooding as recent as February 2019. The appeal submission question whether the proposal would be acceptable in such a context or exacerbating such. A Flood Risk Assessment was submitted with the application.

7.6.2 The Flood Risk Assessment notes that the site and location is not impacted by flood sources including fluvial, pluvial, groundwater or urban drainage. It is noted that this location has been subject to flooding by tidal storm surge flooding with the appeal site predominantly in Flood Zone A (0.5% or 1 in 200 for coastal flooding) and the remainder in Flood Zone B (0.1% or 1 in 1000 year and 0.5% or 1 in 200 for coastal flooding). The analysis in the Flood Risk Assessment estimates that the 200 year tide level for the location is 3.91m OD and for the 1000 years tide level is 4.20m OD.

7.6.3 The proposed development is noted as being less vulnerable development as defined by the Planning System and Flood Risk Management guidelines. The Flood Risk Assessment outlines the justification for the proposal based on the requirements of the guidelines. The justification includes the fact that the proposal constitutes less vulnerable development to flooding, is a brownfield site, no alternative sites are available as the proposal is an extension of an established use/activity, the proposal would improve facilities in the area, there is a tidal flood warning system in place, a flood risk management policy will be implemented

(closure while flood warnings in place), a 1.1m high flood barrier balustrade is proposed around the enclosure and the duration of flooding is relatively short. The Flood Risk Assessment notes that the proposal passes the justification test for development within Flood Zones A and B as set out under the Planning System and Flood Risk Management Guidelines. It is also noted in the Flood Risk Assessment that the proposal does not reduce flood storage capacity in that the majority of the site is above 4.0m OD.

7.6.4 I am satisfied that the proposal constitutes less vulnerable development as defined under the Planning System and Flood Risk Management guidelines. I am also satisfied that the development is at a level, which should not be affected by flood incidences and the proposal does not reduce flood storage capacity at this location. I am satisfied that the proposal passes the justification test as set down under the guidelines and the fact that the proposal is an extension to an existing and long established permitted development is also a consideration. I would consider that the proposal is satisfactory in the context of flood risk management.

7.7 Appropriate Assessment:

7.7.1 Appropriate Assessment (AA) considers whether the plan or project in combination with other projects and plans will adversely affect the integrity of a European site in view of the site's conservation objectives and includes consideration of any mitigation measures necessary to avoid, reduce or offset negative effects. This determination must be carried out before a decision is made or consent given for the proposed development alone or in combination with other plans and projects would not adversely affect the integrity of a European site in view of the site's conservation objectives.

7.7.2 Guidance on appropriate assessment is set out in the European Commission's Assessment of plans and projects significantly affecting Natura 200 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (European Commission 2002) and in the Department of the

Environments' Appropriate Assessment of Plans and Projects Ireland, Guidance for Planning Authorities (December 2009, revised February 2010).

7.7.3 A screening report for Appropriate Assessment was submitted. The screening report identifies all designated Natura 2000 sites within 15km of the site. These are...

Galway Bay Complex SAC (000268) 0km from the site.

Lough Corrib SAC (000297) 1.6km from the site.

Connemara Bog Complex SAC (002034) 11.8km from the site.

East Burren Complex SAC (001926) 12.3km from the site.

Moneen Mountains SAC (000054) 13.7km from the site.

Lough Fingall Complex SAC (000606) 13.7km from the site.

Ross Lake and Woods SAC (001312) 14.2km.

Inner Galway Bay SPA (004031) 20m from the site.

Lough Corrib SPA (004042) 4.7m from the site.

Cregganna Marsh SPA (004142) 9.2km from the site.

The report outlines the Qualifying Interests and Conservation Objectives for these sites. In terms of assessment of likely effects the report focuses on the Galway Bay Complex within which the site is located and the Galway Bay SPA which is located adjacent the appeal site.

7.7.4 It is noted that the works proposed will not result in the loss or deterioration of habitats or species, which define the status of either the Galway Bay Complex SAC or Galway Bay SPA. In relation to emission it is noted there is no conduit for surface water with the proposal is linked to existing drainage services. In terms of excavation there will be no requirement for excavation of natural habitats within the boundary of

any of the designated site. It is noted that there will be no direct or indirect effects from construction, operation or decommissioning. There will be no reduction in Annex 1 habitats. It is noted that the existing public road provides a buffer between the appeal site and the coastal habitats within the Galway Bay Complex SAC and the Galway Bay SPA. There will be no habitat or species fragmentation with and no reduction in species density. It is also noted that the proposed development individually or in combination with other plans and projects would be unlikely to have a significant effects on any European Site and that there is no requirement for an Appropriate Assessment (Stage 2).

7.7.5 The screening report identifies all designated site within 15km of the site. The screening report focuses on the Galway Bay Complex SAC or Galway Bay SPA with the remainder located remote from the site and having no direct or indirect source or pathway to link them. The appeal site is located with the Galway Bay Complex SAC, however the site and the project is not directly connected with or necessary to the management of either of the designated sites including the one in which it is located. The site is located in an urban area that is distinct and segregated from the natural coastal habitat associated with the designated sites. The proposal entails no loss of habitat for either sites even in the case of the site within, which the appeal site is located. One of the observations indicates that the information submitted is inadequate in regards to impact of waste associated with eth proposal in the context of Natura 2000 sites. The proposal is a managed, controlled and enclosed environment in an urban area with existing public infrastructure. I am satisfied that the proposal, which is an extension of an existing aquarium, would have existing waste management protocols in operation which should be sufficient to ensure no effects on the integrity of any Natura 2000 site. I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the European Site, Lower River Shannon SAC, Site Code 002165, or any other European site, in view of site's Conservation Objectives.

8.0 Recommendation

8.1. I recommend refusal based on the following reason.

9.0 Reasons and Considerations

1. Under Section 10.3 of the Galway City County Development 2017-2023 it is an objective to “ensure high quality in the design of new developments which has regard to the distinctive character of Salthill”. Having regard to the prominent location of the site within Salthill and to the open nature of the site and its zoning for Recreational Amenity, it is considered that the design of the proposal, which is characterised by high and expansive blank walls with a bright rendered finish would be lacking in sufficient quality for a prominent and public location such as this, would have a visually obtrusive and negative impact, and would be detrimental to the visual amenities and architectural character of the area. The proposed development would be contrary development objectives under the City Development Plan in regards to development at this location. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Colin McBride
Planning Inspector

18th June 2019