



An
Bord
Pleanála

Inspector's Report

ABP-306384-20

Development

Extension to Jurys Inn Hotel consisting of 89 additional rooms, a restaurant/bar at ground floor level and internal reconfiguration. A Natura Impact Statement (NIS) has been prepared in respect of the proposed development.

Location

Jurys Inn, Quay Street, Galway.

Planning Authority

Galway City Council

Planning Authority Reg. Ref.

1951

Applicant(s)

Fattal Jurys Operation Ireland Ltd

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third and First Party

Appellant(s)

- (1) Bernie & Mary Casey.
- (2) An Taisce.
- (3) McDonogh Fertilizers Limited
- (4) Fattal Jurys Operation Ireland Ltd

Observer(s)

Eugene McKeown

Date of Site Inspection

04th March 2020

Inspector

Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.26 hectares is located in Galway City Centre on the north side of Quay Street/Fr Griffin Road. The site is occupied by a four-storey hotel building. The River Corrib runs to the south west of the site with a publicly accessible walkway along the south western boundary of the site linking Fr. Griffin Road to Bridge Street. The appeal site includes the second floor level of Blakes castle, which is a three-storey structure adjoining the site to north east on Quay street as well as the first and second floor of the adjoining three-storey structure to Blakes castle (north east). The lower levels of Blakes castle (protected structure) and the ground floor of the adjoining structure is occupied by Costa Coffee and is not part of the appeal site. To the north of the site and immediately adjoining the existing structure on site is a multi-storey car park (Spanish Arch car park), which has a vehicular entrance through the hotel building from Quay Street as well as another vehicular entrance off Bridge Street to the north west.

2.0 Proposed Development

- 2.1. Permission is sought for an extension to the existing Jurys Inn Hotel located at Quay Street, Galway. The overall extension results in a total increase in floor area of appropriately 3.822sqm, resulting in a building of 8,906sqm total gross floor area. The extension will result in the provision of 89 no. additional rooms, a restaurant/bar at ground floor level and internal reconfiguration.

The development consists of...

- (1) an extension of the existing buildings comprising two additional floors and external plant at roof level (2,795sqm including plant);
- (2) the creation of a new wing facing onto the River Corrib comprising of an extension to the existing four storeys at all levels;
- (3) revisions to the existing facades, including a single-storey extension to the main entrance area;
- (4) landscaping works facing onto the River Corrib and Father Griffin Road/Quay Street;

(5) all other associated site development and servicing works.

Part of Blakes Castle is included within the planning application boundary and is a Protected Structure (RPS Ref: 8116). A Natura Impact Statement (NIS) has been submitted.

2.2 The proposal was revised in response to further information and approved in granting permission. The main changes are the reduction in floor area of the new wing facing onto the River Corrib. The increase in floor area of the revised proposal is 3,178sqm (a reduction of 644sqm). The revised proposal also entails alterations to the external elevations.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 25 conditions. Of note are the following conditions...

Condition no. 3: Development contribution of €127,500.00 towards the provision of public transport facilities in accordance with the Galway Transportation Strategy.

Condition no. 4: Landscaping scheme to be submitted and agreed in writing prior to the commencement of development.

Condition no. 5: Building adjacent Blakes Castle shall be constructed as per image D.2 in the response to further information. Revised plans as per this change to be submitted and agreed in writing.

Condition no. 22: Provision of a piece of artwork with an area accessible to the public.

Condition no. 24: Sound attenuation measures for the boiler house adjoining the walkway.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (17/04/19): Further information required including measures to deal with concerns regarding the scale of development with an excessive plot ratio and obtrusive visual impact at this location, details of consent for works outside of the site boundary, provision of increased public access to amenity space, details regarding water supply, clarification regarding issues of ownership/rights of way and mitigation measures to deal with potential noise impact along the river walkway.

Planning report (12/12/19): The revised proposal submitted in response to further information were noted. The amended proposal was considered to be satisfactory in the context of visual amenities of the area, the amenities of adjoining properties and to be in accordance with the proper planning and sustainable development of the area. A grant of permission was recommended based on the conditions outlined above.

3.2.2. Other Technical Reports

Irish Water (26/03/2019): Further information required including details of water supply.

City Heritage Officer (03/12/19): Archaeological monitoring required, a conservation Architect should be retained and there should be no increase in height of the existing structure adjoining Blakes castle.

Irish Water (09/12/2019): No objection subject to conditions.

Parks Department (10/12/2019): No objection subject to conditions regarding construction and landscaping.

3.3. Prescribed Bodies

An Taisce (31/03/19): Archaeological monitoring require, concerns regarding height and scale relative to river walkway, adjoining protected structure and ACA.

Failte Ireland (01/04/19): The submission is supportive of the proposal on the basis of the provision of improved tourism facilities.

DoCHG (04/04/19): Prior to grant of permission the Planning Authority should be satisfied that the proposal would have no significant effects on the integrity of the adjacent Lough Corrib, Galway Bay Complex and Inner Galway Bay European Sites.

An Taisce (14/11/19): Concerns regarding plot ratio despite the amended proposal, height and scale relative to visual amenity, impact on adjoining protected structure and ACA are reiterated.

3.4. Third Party Observations

3.4.1 Submission were received from...

Galway Chamber of Commerce,

McDonogh Fertilizers Limited

Eugene McKeown

An Taisce

Bernie & Mary Casey

The issues raised can be summarised as follows...

- Visual impact, architectural heritage, impact on river walkway, car parking issues, site ownership issues, letter of support for additional tourist accommodation.

4.0 Planning History

4.1 93/38: Permission for erection of signs previously approved for the hotel and car park.

4.2 91/892: Permission granted for the construction of a multi-storey car park.

4.3 91/891: Permission granted for the erection of a hotel and 3 level car park.

4.4 91/329: Permission granted for the construction of a hotel and car park.

4.5 91/330: Permission granted for a car park over 5 levels.

4.6 89/932: Permission granted for a hotel, multi-storey car park, 3 no. townhouses, craft workshops and restoration of Blakes castle.

5.0 Policy Context

5.1. Development Plan

The relevant development Plan is the Galway City Development Plan 2017-2023. The appeal site is zoned 'CC' with a stated objective 'to provide for city centre activities, and particularly those which preserve the city centre as the dominant commercial area for the City.

Section 11.4.2: Plot Ratio

- In general for new development, the maximum plot ratio permitted will be 2:1.
- In the CC zone consideration will be given to development proposal in excess of the normally permissible plot ratio where such proposal would contribute to urban regeneration or make a significant contribution to urban character, this excess will be interpreted as a proportional increase only.
- Where a site has an established plot ratio in excess of the general maximum for its zone, re-development may, in exceptional circumstances, be permitted in line with sits existing plot ratio if this conforms to the proper planning and sustainable development of the area.

The appeal site is located on the edge of the City Core Architectural Conservation Area (Fig 8.1). It is described as....

"The medieval core of Galway is a mix of streetscape and buildings of many periods. The layout and the scale of some of the streets reflect the medieval street pattern. The City Core is the most important area of built heritage in Galway. Its designation is beneficial in ensuring the area character is enhanced and protected".

Policy 8.3 Built Heritage

Ensure that developments within Architectural Conservation Areas enhance the character and space interest of the Architectural Conservation Area.

Policy 8.7 Urban Design

Encourage high quality urban design in all developments.

Improve qualitative design standards through the application of design guidelines and standards of the

Development Plan, in particular the *Galway Shop Front and Signage Design Guidelines (2012)* and *Design Guidelines: Canopies (2011)*.

Ensure that high quality urban design contributes to successful urban regeneration in the city.

Encourage innovation in architecture and promote energy efficiency and green design.

Prepare Local Area Plans for Ardaun, Murrough and the Headford Road Area (south of the Bodkin junction) which provide an urban design framework to contribute to the development of sustainable and vibrant living and working environments.

Encourage the use of design statements and masterplans/framework plans for large-scale development where appropriate.

Prepare a public realm strategy to guide the enhancement, management, use and development of the public domain in collaboration with all stakeholders.

Proposals for buildings which are taller than the prevailing benchmark heights will only be considered where they do not have an adverse impact on the context of historic buildings, Architectural Conservation

Areas, residential amenity or impinge upon strategic views.

Explore the potential for improvements to the environment of the city centre street network that can be delivered through implementation of the traffic management measures and the introduction of the Cross–City Link as proposed in the Galway Transport Strategy and integrate with the strategy for the public realm.

5.2. Natural Heritage Designations

Lough Corrib SAC (0000297) to the west of the site.

Galway Bay Complex (0000268) 3m from the site

Connemara Bog Complex SAC (002034) 12.7km from the site.

East Burren Complex SAC (001926) 13.5km from the site.

Lough Fingall Complex SAC (000606) 13.5km from the site.

Ross Lake and Woods SAC (0013112) 14.4km from the site.

Inner Galway Bay SPA (004031) 0.5km from the site.

Lough Corrib SPA (004042) 3.6km from the site.

Cregganna Marsh SPA (004142) 8.1km from the site.

5.3. EIA Screening

5.3.1 Having regard to the nature and scale the development which consists of the extension of an existing hotel, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A third party appeal has been lodged by James Roche Consulting Engineer on behalf of Bernie & Mary Casey. The grounds of appeal are as follows...

- The appellants are the owners of Costa Coffee, which occupy the first and second floor level Blakes Castle and the ground floor of the building adjoining the Castle to the north east. The hotel occupies the second floor level of Blakes Castle and the first and second floor level of the adjoining structure.

- The appellants note that their property is included within the application site and that they did not give any form of consent for the application being lodged.
- It is noted that the conditions attached to the grant of permission which include a number that require further drawings/agreements with the Planning Authority excluded the appellants' from making any observation or comments on these aspects of the proposal.

6.1.2 A third party appeal has been lodged by An Taisce. The grounds of appeal are as follows...

- The appeal site is located adjoining an ACA, within a zone of archaeological potential with numerous protected structures adjoining or within the vicinity of the site.
- The scale and height of development would have an adverse visual impact at this prominent city centre location and impact on protected views. The development is excessive in height and the appellants refer to a recent refusal for excessive development at a city centre site nearby (Hynes Building, (ABP 305537-19)).
- The proximity of the site and proposed development to the River Corrib SAC and Galway Bay Complex SAC and its associated habitats and species is noted. The appellant notes that the Board must establish that the submitted NIS is adequate to determine whether the proposal would have significant effects or not. If it cannot be determined that there would be no significant effects the precautionary principle applies and permission should be refused.

6.1.3 A third party appeal has been lodged by John Mooney & Company Ltd on behalf of McDonogh Fertilizers Ltd. The grounds of appeal are as follows...

- The appellants are the owners and operators of the Spanish Arch Car Park located adjacent to the proposed development.

- The appellants note that there is a current agreement in place between them and the hotel operators to provide c24 spaces for hotel use in their car park and that this agreement is up until 2028. The appellant notes that the applicants' statements in the submitted traffic report and note that there are no agreements in place to provide any additional spaces dedicated to the hotel use under the current arrangement.
- The appellants express concerns that the development potential (alterative use to parking) of their site may be impacted on the basis of the fact that existing hotel is reliant on car parking spaces within the existing car park. The appellant note that they cannot be restricted by any ongoing planning requirement to provide parking spaces beyond 2028 when the current agreement expires.
- The Board are requested to review the proposals parking requirement on the basis that parking spaces in the appellants' car park will not be available beyond the limitations of the existing agreement.

6.1.4 A first party appeal has been lodged by MKO on behalf of the applicants, Fattal Jurys Operation Ireland Ltd. The grounds of appeal are as follows...

- The appeal concerns Condition no. 3 and the application of a contribution of €127,500.00 towards the provision of public transport facilities in accordance with the Galway Transportation Strategy.
- The basis for the contribution is €2,500 x the 51 car parking spaces that the proposed development requires under Development Plan policy.
- It is noted there is sufficient car parking available within the adjoining car park which was agreed under the original application. The appellants note that the planning history illustrates that the car park has been historically been an integral part of the development.
- A formal agreement exists with the car park owners and a redacted version of such can be made available to the Board if necessary. The applicants also have an agreement with the Hynes Car Park on Merchants Road allowing guests a preferential rate (submitted).

- Having regard to the existing relationship between the hotel and the Spanish Arch Car Park and arrangements with the Hynes Car Park to be subject to a development contribution in lieu of on-site car parking spaces is unjust. It is considered that the terms of the Development Contribution Scheme has not been properly applied.

6.2. Applicant Response

6.2.1 Response by MKO on behalf of the applicants, Fattal Jurys Operations (Ireland) Ltd.

- The proposal has adequate regard to the built heritage and architectural heritage with the proposal revised on foot of further information and a number of conditions attached in this regard.
- National Policy promotes increased height and density of development within cities. Development Plan policy does allow for modest increases in height with the design, scale and visual impact of the proposal considered to be satisfactory in the context of the surrounding area. The proposal does not impact on any protected views within the city.
- In regards to impact on Natura 2000 sites an NIS was submitted and it concludes that the proposal would have no significant effects on the integrity of any European site.
- The applicant notes that the appellants property (Bernie & Mary Casey) adjoining the site was not included within the planning application boundary.
- It is noted that the development will be carried out in accordance with conditions attached and use of conditions requiring agreement is an acceptable arrangement.
- In relation to parking it is noted that based on surveys carried out the existing hotel has a parking requirement of 24 spaces and that the approved extension would add a demand for at maximum 14 spaces. It is considered that this additional demand could be absorbed by existing parking infrastructure in the city centre and that there are existing arrangement with both the Spanish Arch Car Park and Hynes Car Park. It is also noted the site is well serviced in terms of public transport and is in a city centre location.

6.3. Planning Authority Response

6.3.1 Response by Galway County Council.

- It is noted that majority of issues raised in the third party appeals were given adequate consideration in assessing the proposal.
- In relation to the first party appeal it is noted that the terms of the Development Contribution scheme have been properly applied.
- The Planning Authority request that the decision to grant permission be upheld.

6.4. Observations

6.4.1 An observation has been submitted by Eugene McKeown, Trusky East, Barna, Co. Galway.

- The observer notes the importance of the walkway between the site and the River Corrib.
- The existing hotel has two sources of noise that impact the walkway, a boiler house and amplified music in the garden area beside the walkway. The observer notes that there will be alterations to the boiler house.
- The traffic management report notes that a hoarding will be erected to the west of the walkway to block access to the walkway for the duration of construction. This is unnecessary and will be an unacceptable loss of amenity.
- The observer requests that the conditions regarding phasing/construction programme be strengthened in wording to ensure that the policy objective under of CDP regarding the green network (4.1) be maintained.
- In relation to condition no. 24 relating to sound attenuation measures for the boiler house, the observer wishes for a more strongly worded condition and noted that an appropriate standard is the British Standards.

7.0 Assessment

7.1 Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Design, scale, visual impact and architectural heritage

Car parking

Adjoining amenities

Appropriate Assessment

First party appeal

7.2 Design, scale, visual impact and architectural heritage:

7.2.1 One of the main issues raised relates to the visual impact of the proposal in the context of its location along the River Corrib, within Galway City centre, adjoining an Architectural Conservation Area and a number of protected structures. It is notable that the original proposal was amended in design and scale in response to the further information request outlining concerns regarding visual impact.

7.2.2 The existing structure on site has a gross floor area of 5,084sqm. The original proposal entailed an increase in floor area by 3,822sqm (8906sqm GFA). The approved development entails an increase in floor area by 3178sqm (8262sqm GFA). On the issue of plot ratio the existing hotel development on site has a plot ratio of 1.9:1. The original proposal had a plot ratio of 3.4:1 with the approved development having a plot ratio of 3.1:1. The proposed plot ratio is in excess of that indicated under Development Plan policy (2:1) however it is noted that development in excess of such is permissible under certain circumstances as outlined above under the planning policy section. I would note that plot ratio is not a sole determining factor regarding development and the overall physical and visual impact of the proposal should be assessed on its merits.

7.2.3 The appeal site is a prominent location given its location along the River Corrib, the existing structure on site is visible from Quay Street and Bridge Street and their

associated bridges over the river as well as from the public area to the south of Quay Street (adjoining the Spanish Arch) and Claddagh Quay to the south west of the site. The existing structure on site is a sizeable four-storey structure, which due to the configuration of the site has its longest façade facing the river (western elevation). The proposal entails the construction of 2 no. additional floors and a new wing projecting from the western facade. The approved development entails reduction in the size and level of projection of the new wing on the western elevation and alterations to the design of western elevation. The applicants submitted photomontages to illustrate the visual impact of the original proposal and the amended and subsequently approved proposal from the surrounding area

7.2.4 The historic core of Galway is characterised by narrow streets is located to the east of the site. The site is on the western edge of the city core ACA. I would consider that views of the site and the existing structure from this area are limited due to intervening structure including the existing multi-storey car park (Spanish Arch car park), which has a higher ridge height than the existing structure on site. I would consider that the proposal for additional floors would have no significant visual impact from the historic core and architectural conservation area to the east due to the pattern of development and intervening structures between it and the appeal site.

7.2.5 As noted above the site is most visible from Quay Street, the open area to the south of Quay Street and adjacent the River Corrib, at Claddagh Quay to the south west of the site, along the river walkway to the west of the site and from Bridge Street. I would consider that the photomontages submitted by the applicants to illustrate the original proposal and the amended/approved proposal give an accurate impression of the likely visual impact at this location. I would consider that the appeal site can absorb the visual impact of two additional floors at this location and would note that the existing Spanish Arch Car Park structure is taller in height and currently visible above the roof level of the existing hotel. There are existing buildings in the vicinity that are higher/five-storeys in height (existing structure on southern side of Quay Street and adjoining the open space area).

7.2.6 The original proposal was altered in response to concerns regarding visual impact with particular concerns regarding the plot-ratio, the proximity/overbearing impact of the extension to the western elevation in relation to the river walk and concerns regarding external finishes and the design of the western elevations (recessed balconies) and the height of the structure immediately adjoining Blakes Castle (on the record of protected structures). The amended/approved proposal reduced the scale of the extension on the western elevation and provided a more simplified western elevation. I would consider that the amended/approved proposal is satisfactory in regards overall visual impact and that the reduced scale of the extension on the western elevation is appropriate in the context of the overall visual impact from the river walkway. I would consider that overall design and scale of the amended/approved development is satisfactory in the context of the visual amenities of the area and that the photomontages submitted demonstrate this fact.

7.2.7 The appeal site does include a protected structure with the upper level of Blakes Castle (second floor) within the site. The proposal entails no change or alterations to the protected structure. It is proposed to increase the height of the part of the hotel adjoining Blakes castle to the south west by one-storey to make it five-storeys. In response to further information a photomontage was submitted showing this section of the structure remaining as four-storeys and with a shallower roof pitch that at present (image D.2 of the A3 document in response to further information) with the applicants expressing a preference for the additional storey. In granting permission Condition no. 5 notes that the building adjacent Blakes Castle shall be constructed as per image D.2 and revised plans in this regard are to be submitted and agreed prior to the commencement of development. I would consider that the additional storey would not be detrimental to the character and setting of the existing protected structure and is an appropriate and graduated transition in scale to the six-storey element of the proposed development. I am satisfied that the overall scale and visual impact of the approved proposal would be satisfactory in the context of the visual amenities of area, the status of the adjoining Architectural Conservation Area and would have no adverse impact on the character or setting of a protected structure. I am satisfied that the design and scale of the approved development is satisfactory in

the context of the river walkway and would not diminish the existing amenity it provides at this location.

7.3 Car parking:

7.3.1 One of the appellants are the owners and operators of the Spanish Arch Car Park, which is the multi storey car park adjoining the site to the east. There is an entrance to the car park through the existing hotel building from Quay Street as well as another entrance to the car park from Bridge Street to the north of the site. The appellants note that they have an existing agreement with the operators of the hotel to provide c24 car parking spaces for hotel use. It is noted that this agreement is up until 2028. The appellants raise concern regarding the reliance on the existing car park to provide parking for the hotel and note there is no guarantee that such an arrangement will continue. The appellants express concerns that the development potential (alterative use to parking) of their site may be impacted on the basis that the existing hotel is reliant on car parking spaces within the existing car park. The appellants note that they cannot be restricted by any ongoing planning requirement to provide parking spaces beyond 2028 when the current agreement expires.

7.3.2 The Traffic & Transport report submitted notes that the existing hotel is located within Galway city centre, the proposed extension will generate a low volume of additional traffic on the surrounding road network and that there is sufficient parking capacity in the adjacent Spanish Arch Car park to accommodate the additional parking demand. The applicants note in their response to the third party appeal that based on surveys carried out the existing hotel has a parking requirement of 24 spaces and that the approved extension would add a demand for at maximum 14 spaces.

7.3.3 The appeal site is located in Galway city centre and is an extension to a long established use on site. The proposal is adjacent to an existing city centre car park, which has 348 car parking spaces and there appears to be an existing relationship between the hotel and car park operators. Notwithstanding such, I would consider that the fact that the proposal is an extension to an existing hotel use in the city

centre means that traffic impact is not major concern. The existing hotel generates traffic and I do not consider that the level of extension would generate a significant level of traffic over and above the existing use so as to have an adverse impact on the road network in the vicinity. There are city centre parking facilities in the vicinity that cater for the nature of parking required for such uses. In relation to the appellant's (McDonogh Fertilizers Ltd) concerns regarding restriction of development potential on their site, I would note that any arrangements/agreements between themselves and applicants are not a planning consideration. Any development proposal on the appellant's site would be assessed on its merits and is not subject to scrutiny under this application. I am satisfied based on the fact the proposal is an extension to an established city centre hotel use that the proposal would have no adverse impact in regards to traffic safety and convenience.

7.4 Adjoining amenities:

7.4.1 The approved proposal has adequate regard to the amenities of adjoining properties and would have no adverse impact on any adjoining properties. There is no change in scale of development adjoining Blakes castle or changes to the castle itself and the three-storey part of the hotel adjoining such. The majority of the site is adjoined by a multi-storey car park and the proposal does not impact on the continued operation of such.

7.4.2 The observer raises concerns regarding impact on the river walkway and in particular noise impact. As noted earlier the amended proposal reduced the level of the extension on the western façade giving a better degree of separation from the public walkway. I consider that this change is appropriate and provides for a development acceptable scale relative to the existing amenity. The observer raises concern regard noise impact from an extended boiler house area on the western elevation. The applicant were requested to deal with this issue in the further information request with the response noting that external heat pumps are to be on the roof at 5th floor level and that existing gas boilers have not caused noise issues with consideration given to the provision of acoustic attenuation to the doors and vents of the existing boiler house. Having inspected the site I would note that the

background noise levels on the walkway are significant due its city centre location in close proximity to busy roads and the river itself. I do not consider that the existing boiler house was generating a significant noise impact and do not consider that the approved proposal is likely to be a noise nuisance or result in diminished standards of amenity on the existing walkway. The Board may to consider application of a condition requiring acoustic attenuation measures if considered necessary. In relation to the impact of the construction phase on the walkway, I would consider it appropriate that construction management should entail measures to ensure accessibility to such can be maintained during construction.

7.5 Appropriate Assessment:

7.5.1 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.

7.5.2 Guidance on appropriate assessment is set out in the European Commission's Assessment of plans and projects significantly affecting Natura 2000 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).

7.5.3 I consider that development as proposed, comprising of the extension of an existing hotel and associated site works, is not directly connected or necessary to the management of a European Site. The following assessment sets out to:

- Identify European Sites which could be potentially affected using the Source Pathway Receptor Model.
- Identify Conservation Objectives for these sites.
- Examine Predicted Impacts on sites and assess whether these impacts would likely to be significant.
- Assess likely significant impacts against the conservation objectives. Assess whether these impacts would likely to be significant.
- Consider cumulative and in-combination effects.
- Consider Mitigation.
- Appropriate Assessment Conclusion.

7.5.4 The NIS submitted in support of the proposed development, examined the potential impacts on 9 European Sites within the zone of influence of the project (15km). The European Sites considered for Stage 1 screening include:

Lough Corrib SAC (0000297) to the west of the site.

Galway Bay Complex (0000268) 3m from the site

Connemara Bog Complex SAC (002034) 12.7km from the site.

East Burren Complex SAC (001926) 13.5km from the site.

Lough Fingall Complex SAC (000606) 13.5km from the site.

Ross Lake and Woods SAC (0013112) 14.4km from the site.

Inner Galway Bay SPA (004031) 05km from the site.

Lough Corrib SPA (004042) 3.6km from the site.

Cregganna Marsh SPA (004142) 8.1km from the site.

The submitted NIS concluded, having regard to information and submissions available, nature, size and location of the proposed development and its likely direct, indirect and cumulative effects, the source pathway receptor principle and sensitivities of the ecological receptors, three European Sites were considered relevant to include for the purposes of screening for Stage 2 Appropriate Assessment on the basis of likely significant effects, that being the Lough Corrib

SAC (site code 0000297), Galway Bay Complex SAC (site code 0000268) and Inner Galway Bay SPA (004031)

7.5.5 Based on my examination of the NIS report and supporting information, the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European site, their conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, I would concur with the conclusion of the applicants NIS, that a Stage 2 Appropriate Assessment is required for only three of the European Sites referred to above, that being the Lough Corrib SAC (site code 0000297), Galway Bay Complex SAC (site code 0000268) and Inner Galway Bay SPA (004031). This is on the basis of potential indirect impact on water quality due to proximity to the designated sites, the potential for disturbance during the construction phase in regards to otters associated with the Lough Corrib SAC and Galway Bay Complex SAC and bird species associated with the Inner Galway Bay SPA.

7.5.6 The remaining sites can be screened out from further assessment because of the scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Qualifying Interests, the separation distances and the lack of substantive hydrological and ecological pathways between the proposed works and the European Sites. It is therefore reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on remaining European Sites within the zone of influence of the subject site. In view of these sites conservation objectives a Stage 2 Appropriate Assessment is not required for these sites.

7.5.7 Relevant European Site:

Lough Corrib SAC (site code 0000297),

Qualifying interests...

Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*) [3110]

Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or *Isoeto-Nanojuncetea* [3130]

Hard oligo-mesotrophic waters with benthic vegetation of *Chara* spp. [3140]

Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation [3260]

Semi-natural dry grasslands and scrubland facies on calcareous substrates (*Festuco-Brometalia*) (* important orchid sites) [6210]

Molinia meadows on calcareous, peaty or clayey-silt-laden soils (*Molinion caeruleae*) [6410]

Active raised bogs [7110]

Degraded raised bogs still capable of natural regeneration [7120]

Depressions on peat substrates of the *Rhynchosporion* [7150]

Calcareous fens with *Cladium mariscus* and species of the *Caricion davallianae* [7210]

Petrifying springs with tufa formation (*Cratoneurion*) [7220]

Alkaline fens [7230]

Limestone pavements [8240]

Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles [91A0]

Bog woodland [91D0]

Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]

Austropotamobius pallipes (White-clawed Crayfish) [1092]

Petromyzon marinus (Sea Lamprey) [1095]

Lampetra planeri (Brook Lamprey) [1096]

Salmo salar (Salmon) [1106]

Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]

Lutra lutra (Otter) [1355]

Drepanocladus vernicosus (Slender Green Feather-moss) [1393]

Najas flexilis (Slender Naiad) [1833]

The conservation objective for all of the above interests is to restore and to maintain favorable conservation conditions.

Galway Bay Complex SAC (site code 000268)

Qualifying interests

Mudflats and sandflats not covered by seawater at low tide [1140]

Coastal lagoons [1150]

Large shallow inlets and bays [1160]

Reefs [1170]

Perennial vegetation of stony banks [1220]

Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]

Salicornia and other annuals colonising mud and sand [1310]

Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330]

Mediterranean salt meadows (*Juncetalia maritimi*) [1410]

Turloughs [3180]

Juniperus communis formations on heaths or calcareous grasslands [5130]

Semi-natural dry grasslands and scrubland facies on calcareous substrates (*Festuco-Brometalia*) (* important orchid sites) [6210]

Calcareous fens with *Cladium mariscus* and species of the *Caricion davallianae* [7210]

Alkaline fens [7230]

Limestone pavements [8240]

Lutra lutra (Otter) [1355]

Phoca vitulina (Harbour Seal) [1365]

The conservation objective for all of the above interests is to restore and to maintain favorable conservation conditions.

Inner Galway Bay SPA (004031)

Qualifying interests

Great Northern Diver (*Gavia immer*) [A003]

Cormorant (*Phalacrocorax carbo*) [A017]
Grey Heron (*Ardea cinerea*) [A028]
Light-bellied Brent Goose (*Branta bernicla hrota*) [A046]
Wigeon (*Anas penelope*) [A050]
Teal (*Anas crecca*) [A052]
Shoveler (*Anas clypeata*) [A056]
Red-breasted Merganser (*Mergus serrator*) [A069]
Ringed Plover (*Charadrius hiaticula*) [A137]
Golden Plover (*Pluvialis apricaria*) [A140]
Lapwing (*Vanellus vanellus*) [A142]
Dunlin (*Calidris alpina*) [A149]
Bar-tailed Godwit (*Limosa lapponica*) [A157]
Curlew (*Numenius arquata*) [A160]
Redshank (*Tringa totanus*) [A162]
Turnstone (*Arenaria interpres*) [A169]
Black-headed Gull (*Chroicocephalus ridibundus*) [A179]
Common Gull (*Larus canus*) [A182]
Sandwich Tern (*Sterna sandvicensis*) [A191]
Common Tern (*Sterna hirundo*) [A193]
Wetland and Waterbirds [A999]

The conservation objective for all of the above interests is to maintain favorable conservation conditions.

7.5.8 Potential direct and indirect effects:

The submitted NIS predicts the following potential effects arising from the proposed development.

The assessment of potentially significant effects include...

Direct effects/habitat loss:

There is to no direct effects or habitat loss as a result of the proposed development.

Habitat disturbance during construction:

Construction activity has the potential to disturb species such as otters. It is noted that no otter breeding or resting sites were identified in the vicinity of the site. It is noted that appropriate construction management would minimise disturbance and that no significant effects are anticipated.

Pollution/surface water discharge:

The designated sites are aquatic habitats with the potential for discharge of pollutants or suspended solids and subsequent deterioration of water quality. The nature of the proposed development is such that there are no works proposed immediately adjoining the River Corrib or to the existing riverbank structure and that subject to adequate construction management and best practice measures there is unlikely to be any discharges of polluting material or suspended solids to the designated sites in the vicinity. The proposal will be connected to existing municipal wastewater treatment and surface water drainage systems. No potential significant effects are anticipated to any designated European Sites.

Disturbance during operation:

It is not anticipated that the operational phase would have any significant effects.

Potential in-combination effects:

It is noted that development in combination with other plans and projects would not adversely affect the integrity of the European Sites, Lough Corrib SAC (site code 0000297), Galway Bay Complex SAC (site code 0000268) and Inner Galway Bay SPA (004031), or any other European site, in view of sites' Conservation Objectives.

Mitigation measures:

In terms of mitigation a number of such measures are identified. Construction management including securing the site with silt fencing.

7.5.9 Appropriate Assessment Conclusions:

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 Lough Corrib SAC (site code 0000297), Galway Bay Complex SAC (site code 0000268) and Inner Galway Bay SPA (004031), or any other European site, in view of sites' Conservation Objectives.

A Construction Environmental Management Plan, which incorporates all mitigation measures indicated in the Natura Impact Statement should be agreed between the Council and the relevant statutory authorities prior to the commencement of development.

7.6 Other issues:

7.6.1 One of the appellants raised concerns that their property was included in the site boundary with no consent or consultation from the appellants. The appellants in question are the owners of the Costa Coffee on Quay Street. The appellants' property consists of ground floor coffee shop that takes up the ground and first floor level of Blakes Castle. The existing hotel has bedrooms in the second floor level of Blakes Castle and the first and second floor above the coffee shop in the adjoining structure to the north east of Blakes Castle. The site layout and location maps when viewed show the red line correctly around the entire site that would include the appellants' property however the elevation drawings clearly show that the appellants' property is not part of the appeal site.

7.6.2 I would note that the proposed/approved development entails no alterations to Blakes Castle or alteration to the existing structures that house the appellants' property at the lower levels.

7.7 First Party appeal:

- 7.7.1 The appeal concerns Condition no. 3 and the application of a contribution of €127,500.00 towards the provision of public transport facilities in accordance with the Galway Transportation Strategy. The basis for the contribution is €2,500 x the 51 car parking spaces that the proposed development requires under Development Plan policy. The contribution was charged on the basis that no parking is provided as part of the proposed development and that the requirement under Development Plan policy for the approved development is 51 spaces.
- 7.7.2 The Galway City Development Contribution Scheme (attached) sets out the various categories of development that are subject to Development Contributions and such includes 'Offices, Leisure Uses, Medical and Allied Professions, Hotels and Guesthouses' and the requirement of a development contribution of €28 per sqm for such uses. It is also noted that "where no parking space is provided in conjunction with above Development in the City Centre an additional transportation charge of €2,500.00 will apply per unit normally generated. This will only apply to any additional areas specified in the Galway City Development Plan".
- 7.7.3 The first party appellants note that the Spanish Arch car park is integral to the hotel development based on planning history, that there is sufficient car parking in such to cater for the proposed development and that there is an existing agreement between the hotel and car park to facilitate car parking. The first party appellants note that the terms of the scheme has not be applied correctly.
- 7.7.4 I would consider that the facts in this case are that the proposal entails an extension to an existing hotel with the approved development having a parking requirement of 51 spaces based on the Development Plan policy (based on 1 space per 15sqm for bars with 167sqm approved and 1 space per 2 bedrooms with 79 bedrooms approved). It is clear based on the information on file that the adjoining car park is in separate ownership and operation and that although there is some form of agreement in place between the two parties that the car park does not cater solely for the hotel and is a city centre multi-storey open to a wide range of users. The current proposal is for an extension of the existing structure and there is no proposal

for any additional car parking to be provided in conjunction with this proposal. The terms of the Development Contribution scheme clearly state that “where no parking space is provided in conjunction with above Development in the City Centre an additional transportation charge of €2,500.00 will apply per unit normally generated. This will only apply to any additional areas specified in the Galway City Development Plan”. In this case no additional car parking is provided with the proposed development and the appellant is relying on existing car parking part of separate multi-storey car park already in place. I would consider that based on these facts that the Planning Authority have applied the terms of the Development Contribution Scheme as written and would recommend that condition no. 3 be retained.

8.0 Recommendation

8.1. I recommend a grant of permission subject to the following conditions...

9.0 Reasons and Considerations

Having regard to the provisions of the Galway City Development Plan 2017-2023 and to the scale and pattern of development in the area including the scale and proximity of existing residential development it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment:

The Board agreed with the screening assessment and conclusion carried out in the Inspector’s report that the Lough Corrib SAC (site code 0000297), Galway Bay Complex SAC (site code 0000268) and Inner Galway Bay SPA (004031) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

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 Lough Corrib SAC (site code 0000297), Galway Bay Complex SAC (site code 0000268) and Inner Galway Bay SPA (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 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.

10.0 Conditions

1. The proposed 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 received on the 01st day of November, 2019, 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. 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.

Reason: In the interest of public health.

3. Site development and building works shall be carried only out between the hours of 0700 to 1800 Mondays to Fridays inclusive, 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 property in the vicinity.

4. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

5. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

6. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of

development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interests of sustainable waste management.

7. 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:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.
- (b) Details of measures to ensure the walkway along the River Corrib is kept open and accessible.
- (c) Location of areas for construction site offices and staff facilities.
- (d) Details of site security fencing and hoardings.
- (e) Details of car parking facilities for site workers during the course of construction.
- (f) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
- (g) Measures to obviate queuing of construction traffic on the adjoining road network.
- (h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- (i) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.

(k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

8. (a) The developer shall employ a qualified archaeologist to monitor all groundworks associated with the development.

(b) Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs with regard to any necessary mitigating action (that is, preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found.

(c) The planning authority and the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs shall be furnished with a report describing the results of monitoring.

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

9. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development. This scheme shall include the following:-

details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;

details of proposed street furniture, including bollards, lighting fixtures and seating;

details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

10. A suitably qualified conservation architect shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.

Reason: To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

11. Noise attenuation shall be implemented at the boiler house at ground floor level on the western side of the proposal. Details indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the amenities of property in the vicinity.

12. The developer shall pay to the planning authority a financial contribution of €127,500.00 (one hundred and twenty seven thousand five hundred euro) as an additional transportation charge in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000 where no additional car parking is provided as part of the proposed development. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Colin McBride
Planning Inspector

17th April 2020