



An
Bord
Pleanála

Inspector's Report ABP-308280-20.

Development

Works to an existing 16 no. unit housing development to reconfigure to an 18 no. unit housing development.

Location

Bridge Court, Ahascragh, Co. Galway.

Planning Authority

Galway Co. Council.

Type of Application

Application for approval under Section 177AE of the Planning and Development Act, 2001 as amended.

Observers

None.

Date of Site Inspection

13th November 2020.

1.0 Overview

- 1.1. Galway Co. Council is seeking approval from An Bord Pleanála for works to an existing 16-unit housing scheme and ancillary infrastructure at Ahascragh. Co. Galway. No increase is proposed in the number of bedspaces, but the total number of residential units would increase to 18 no.
- 1.2. A Natura Impact Statement (NIS) and application under Section 177AE was lodged by the Local Authority on the basis of the proposed development's likely significant effects on a European site.
- 1.3. A request for further information was issued requesting clarification of some items in the Flood Risk Assessment. A response was received on 12 January 2021.

2.0 Site Location and Description

- 2.1. The stated site area is 0.46 ha. It is located within the centre of Ahascragh and accessed from Main Street. The site is close to the western edge and entry point to Ahascragh. It is bounded to the east by Mill Stream, which was put in place to serve a mill and is a substantial stream. The mill buildings are at the opposite side of the road and are largely intact. Together with an associated three-storey dwellinghouse these form a strong architectural statement at one side of the street at the entry point to the village. The character of the area is further defined by old stone walls and to the west the bridge over the main river channel is feature of note.
- 2.2. The subject site, which is occupied by the existing Bridge Court housing scheme is defined by a two-storey building height. The existing houses are generally in poor structural and decorative condition. To the west and south of Bridge Court is Greene's Hardware and Feed merchants. This includes a retail outlet to the front and a feed / grain store to the rear.
- 2.3. Photographs taken by me at the time of my inspection are attached.

3.0 Proposed Development

- 3.1. The proposal development involves works to an existing 16-unit housing scheme as follows:

- Reconfiguration of the scheme to an 18-unit housing development.
- To be achieved by demolition of 10 no. units, construction of 12 no. units and renovation of 6 no. existing units.
- To include extension of one existing dwelling.
- Ancillary works to include car parking, landscaping, site clearance, roads, footways, amenity facilities, public lighting, signage, connections to existing services and all ancillary site development works.
- Connection to services to include provision of separate system for foul and surface water discharges in lieu of existing combined system on site.
- An enlarged area towards the rear of the site is described as a home zone/shared surface.
- A small area of soft landscaping facilitates the location of the existing foul water holding tank and pump station.

3.2. The application is accompanied by the following reports:

- Architect's Design Statement.
- Environmental Impact Assessment Screening Report.
- Engineering Planning Report including Flood Risk Assessment and Irish Water Confirmation of Feasibility.
- Natura Impact Statement.
- Bat Survey Report.
- Ecology Report.
- Coffey Consulting Engineers Reports and drawings.
- Tobin Consulting Engineers drawings.
- Vincent Hannon Architects drawings.

4.0 Prescribed Bodies

4.1. The application was referred to:

- Department of Culture, Heritage and the Gaeltacht (DAU)
- Inland Fisheries Ireland
- Inland Waterways Ireland
- Irish Water.

4.2. The nature conservation issues of DAU related to in combination effects, mitigation bats and other ecological considerations.

5.0 Third Party Observations

5.1. None.

6.0 Planning History

6.1. The following permissions were granted in relation to the development at the adjacent commercial site (Greene's Hardware).

6.2. Under reg. ref. 18/508 permission was granted for an extension to the existing shop.

6.3. Under reg. ref. 16/1084 permission was granted on 13 February 2017 for retention of an extension to a permitted grain store at the rear of the site and for construction of a new extension to provide an agricultural feed store, as well as flood prevention and other works.

6.4. Under reg. ref. 16/566 permission was sought for an extension to the existing agricultural feed storage buildings to the rear of the site. The application was withdrawn on 16 June 2016.

6.5. Reg. ref. 05/4591 refers to the original permission for the grain store at the rear.

7.0 Legislative Context

7.1. The EU Habitats Directive (92/43/EEC):

7.1.1. Article 6(3) and 6(4) of this requires an appropriate assessment of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site.

7.2. European Communities (Birds and Natural Habitats) Regulations 2011:

7.2.1. These Regulations are relevant in terms of the transposition of the Directive in Ireland.

7.3. **Planning and Development Acts 2000 (as amended):**

7.3.1. Part XAB of the Planning and Development Acts 2000-2017 sets out the requirements for the appropriate assessment of developments which could have an effect on a European site or its conservation objectives.

- 177(AE) sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.
- Section 177(AE) (1) refers to preparation of a Natura Impact Statement in respect of proposed local authority developments.
- Section 177(AE) (3) states that where a Natura Impact Statement has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the appropriate assessment.
- Section 177(V) (3) states that a competent authority shall give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site.
- Section 177AE (6) (a) states that before making a decision in respect of a proposed development the Board shall consider the NIS, any submissions or observations received and any other information relating to:
 - The likely effects on the environment.
 - The likely consequences for the proper planning and sustainable development of the area.
 - The likely significant effects on a European site.

8.0 **Policy Context**

8.1. **National policy**

8.2. **National Planning Framework – Project Ireland 2040 (February 2018)**

8.2.1. Amongst the objectives set out in section 6.6 of Chapter 6 are:

- High level priorities include use of existing housing stocks as a means to meet future demand.
- Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location (Objective 33).
- Increase residential density in settlements through a range of measures including reductions in vacancy, re-use of buildings, infill development schemes, area or site-based regeneration and increased building heights (Objective 35).

8.3. Recent announcements and programmes

- 8.3.1. The Department of Housing, Local Government and Heritage set out the 2020 Voids Stimulus Programme, which will oversee the refurbishment and re-letting of vacant units.

8.4. Rebuilding Ireland – Action Plan for Housing and Homelessness (July 2016)

- 8.4.1. Key objectives to be delivered under this Action Plan include increase the level and speed of delivery of social housing and other state-supported housing including through ensuring that existing housing stock is used to the maximum degree possible. This includes programme measures to return vacant properties to productive use and the undertaking of village and rural renewal initiatives. The objective set is to increase the social housing stock owned by local authorities and approved housing bodies by at least an annual average of 10,000 per annum through a programme of acquisition, refurbishment and new build.

8.5. Social Housing Strategy 2020 (November 2014)

- 8.5.1. This set the objective of providing 35,000 new social housing units over a six-year period. Key actions include the setting of targets for local authorities and the undertaking of a multi-annual planned program of local authority housing stock refurbishment.

8.6. The Planning System and Flood Risk Management Guidelines

- 8.6.1. In considering proposals for development which may be vulnerable to flooding and that would generally be inappropriate a number of criteria may be considered under

a Justification Test. These include that the subject lands are designated for the form of development and that the proposal has been subject to a flood risk assessment that demonstrates that measures to ensure that residual risks can be managed to an acceptable level.

8.7. Flood Risk Management Climate Change Adaptation Plan 2015

8.7.1. This includes recommended allowances for likely and extreme future scenarios, which are to be considered in the preparation of flood risk assessments.

8.8. Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009

8.8.1. These guidelines encourage sustainable urban development through the avoidance of excessive suburbanisation and the promotion of higher densities in appropriate locations. The greatest efficiency will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities (involving a variety of housing types where possible) should be encouraged generally. Development at net densities less than 30 dwellings per hectare should generally be discouraged, particularly on sites in excess of 0.5 hectares.

8.9. Galway County Development Plan 2015 – 2021

8.9.1. Under the settlement hierarchy for the county, Ahascragh is on the lowest tier, 'Other Settlements and the Countryside'. These smaller settlements provide basic services to their community such as convenience goods and primary education and religious services. It is important to support the growth and development of these small centres to facilitate the needs of local communities.

8.9.2. Policy FL 4 is to implement the key principles of flood risk management from national guidelines and permit development in areas at risk of flooding only when there are no alternative, reasonable sites in areas at lower risk that also meet the objectives.

8.9.3. On brownfield sites a minimum of 10% public open space will be required.

8.9.4. The following is on the record of protected structures - The mill complex comprising of two, three and four-storey mill buildings and including single arch bridge, mill race and adjoining mill owners house constructed in 1820. This is described as being of

regional value. The buildings are an important street and landscape feature on account of their architectural quality and scale.

8.10. Environmental Impact Assessment

- 8.10.1. Having regard to the nature and extent of the proposed development within Ahascragh village there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.
- 8.10.2. I note that the application documentation includes a Screening Report. It concludes that ‘the proposed works are not development for which an EIA is mandatory’.

9.0 Planning Assessment

The issues arising are considered under the following headings:

- Flood Risk.
- Principle and Density.
- Open Space.
- Design, Standards and Parking
- Ecology.
- Wastewater Treatment.

9.1. Flood Risk

- 9.1.1. The site is between the Bunowen River and Ahascragh Mill Race and there has been some flooding of the site and area, including in 2015 when the Bunowen burst its banks and the site was flooded. Having regard to the nature of the proposed development, I consider that the potential for flooding of the redeveloped housing scheme is the key issue in this case.
- 9.1.2. Residential development is ‘highly vulnerable’ under the Planning System and Flood Risk Management Guidelines. I note and accept the applicant’s statement that the

sequential approach for alternative sites would not be relevant to this proposal. Policy FL 4 of the development plan includes the objective of permitting development in areas at risk of flooding only when there is no alternative, reasonable site in areas at lower risk that also meet the objectives. I consider that the development involving the partial redevelopment of an established residential scheme would meet the objectives of the development plan and the proper planning and sustainable development.

9.1.3. The submitted Flood Risk Assessment was subject of a request for further information. The revised FRA and associated documentation clarify the selection of baseline information, eliminate errors in the original report and expand on the flood risk at the site. With respect to the detail and robustness of the information provided in support of the application, I note the following:

- Site specific assessment in section 4 of the FRA assesses the fluvial risk to the proposed development involving development of a HEC-RAS model and assessment for climate change based on the most likely future scenario, the Mid-Range.
- Assessments for 100-year and 1,000-year events are made.
- Pluvial flooding modelled for the OPW PFRA 2012 was deemed not likely.
- A separate assessment as part of the PFRA study did not indicate any sources of groundwater flooding in the vicinity of the site.
- The use of data from hydrometric station 29001 which is proximate to Ahascragh and is hydrologically similar is justified on the basis of available data and the lack of flow records at the nearer station, Ahascragh Pump House. The channel at Ahascragh has been altered which complicates the estimation of reliable past flood flows.

9.1.4. I am satisfied that the revised FRA and the general suite of information provided is robust and can be relied upon by the Board.

9.1.5. In terms of predicting flood risk impacts my comments on the applicant's submissions are:

- The conclusions of the FRA identify requirements for finished floor levels which are shown and for sealing of manholes, which will be undertaken. The

modelled 1,000-year flood of 48.8mOD is below the finished floor level of all houses (48.92 and above). The water levels in 2015 did not enter any occupied houses. I am of the opinion that it is demonstrated that there is no reasonable likelihood of flooding of houses on the basis of the information provided.

- The further information requested in relation to the depth and duration of flood waters as they would affect roads and gardens was not addressed in detail. However, I consider that there is sufficient information to show that there would be long duration inundation of the site and no significant issues in terms of emergency / normal access. The 2015 event is informative - there was a small amount of flooding of the roads and paths at the entrance and at the rear of the site the water depth at roads and footpaths reached about 2ft / 0.6m. The proposed levels of roads and parking areas is 48.45mOD and above. It can therefore be concluded that in the event of a 1,000-year flood of 48.8mOD flooding of public areas would occur to a depth of about 0.35m, which is substantially less than before and which would not give rise to significant amenity or safety effects.
- The prediction is that the likely flood duration in an extreme event is stated to be 24-48 hours. It would therefore be anticipated that amenity areas including private gardens would recover rapidly.
- In the absence of flood defences at the site boundaries and having regard to the fact that in extreme events there would be water contained on the site, it can be concluded that there will be no significant consequences for downstream areas.
- Construction phase flooding the risks can be mitigation through a CEMP and I recommend a condition to that effect.

9.1.6. In the context of the above information I consider that the proposed development is acceptable in terms of the risk to property and to the safety and amenity of future occupants.

9.2. Principle and Density

- 9.2.1. The proposed development is located within the built-up environs of a designated village and at a location where there is an established use for a similar form and intensity of development. Some of the existing 16 no. dwellinghouses are stated to have been long-term unoccupied and in poor state of repair.
- 9.2.2. I consider that the principle of re-development of this site is acceptable. The redevelopment of the site for residential purposes will assist in the meeting of demand for housing in the village. Furthermore, the redevelopment and upgrading of the street frontage will contribute to the improvement of the streetscape at the entry point to the village.
- 9.2.3. Regarding the density of the development I consider that it is acceptable in the context of the small scale of the village and its position at the lowest tier of the county settlement hierarchy. The subject development involving traditional houses set out in a fairly standard residential estate layout provides for the retention of a substantial portion of the existing housing and its redevelopment. It also makes use of existing infrastructure and thus provides for cost efficiencies.
- 9.2.4. I note that there are some existing constraints in the wastewater treatment plant, although these are likely to be overcome in the near future. The existing constraints support the decision not to increase bed spaces.
- 9.2.5. I conclude that the development is in keeping with relevant policy provisions and is acceptable in principle and in relation to its density and character.

9.3. Open Space

- 9.3.1. The proposed development incorporates a small private open space with each residential unit and is acceptable in terms of arrangements for private open space.
- 9.3.2. When considered in its entirety the applicant's submission is that the increased space to the front of houses is a very significant improvement over the existing layout. In general, I accept that proposition and consider that while the individual residential units are provided with sufficient private amenity space, the layout is improved in terms of public open space provision.

- 9.3.3. The public open space proposed is however limited in its extent. It comprises a home zone of stated area of 538 m² and a small green area adjacent house number 11 in the corner of the site. These areas are positioned towards the rear of the site and adjacent to each other. The overall area which is described as open space is above the 10% requirement set down in the development plan. I consider that it is reasonable to conclude that the home zone area would function reasonably for amenity purposes having regard to the scale of the development.
- 9.3.4. I conclude that the layout provides for an improved balance between public and private open space and that the development provides adequately for open space.

9.4. Design, Standards and Parking

- 9.4.1. In terms of the mix of housing units I note the predominant demand for housing in this area is stated to be for one and two bed units. The proposed development seeks to meet that demand as all new houses are either one-bedroom or two-bedroom units. The houses to be retained and refurbished are larger, thus ensuring a good mix throughout the scheme.
- 9.4.2. In terms of the detail of the actual housing units these are stated to have been designed to comply with the Quality Housing for Sustainable Communities Guidance in terms of layout, size and provision of private amenity space. I note also the addition of a single-storey house and the extension of one house to provide for a ground floor bedroom. I am satisfied that the proposed development is acceptable in this regard and that the houses will meet the reasonable needs of future residents.
- 9.4.3. In terms of the aesthetics of the proposed development and the architectural treatment I note that the development is described as incorporating a modern design approach and displaying a high standard of civic design. The use of a neutral palette of contemporary materials will provide for minimal upkeep it is stated. To enhance the streetscape at Main Street an additional dwelling unit is inserted to abut an existing blank gable and present a new façade addressing the public realm. Upgrading of the existing site entrance with new stone walls and pillars will improve the development as seen from the public road and will reflect the dominant boundary treatment in the vicinity.

- 9.4.4. Regarding the standard of the development it is clear from the applicant's submission that it will provide a marked improvement in thermal efficiency and associated cost reductions as well as possible improvements in the air quality in the village arising from changes to heating systems.
- 9.4.5. Provision for parking for cars is in the form of 23 no. group car parking spaces. 10 no. bicycle spaces are proposed. I consider that the parking arrangements are acceptable.
- 9.4.6. It is considered that the scale and nature of the proposed redevelopment of this site reflects the character of the village and will provide for the amenity needs of future residents. The scheme presented is an efficient model of development as the utilisation of existing services is facilitated.

9.5. Ecology

- 9.5.1. The original conclusion presented in relation to bats was there was no use of any of the buildings on site by roosting bats and it was also concluded in the Bat Survey Report that the site is of little or no importance in terms of foraging/commuting. This survey detailed and external inspection of the houses, assessment of habitats for suitability foraging and commuting purposes by bats and a follow-up emergence and re-entry survey. No bats were emerging or re-entering the buildings in the follow-up survey. The submitted reports had identified bat activity but concluded that the site was not of importance due to the habitats present. On that basis it was concluded by the applicant that no derogation licence is required.
- 9.5.2. In response to the submission of DAU a further report is presented by the applicant which reports on further internal and external inspection undertaken in March 2021. On the basis of this report which included checking of roof spaces by standing on a ladder at the attic entrance, 5 no. Houses were found to have a significant amount of bat droppings with evidence of small tortoiseshell butterfly wings and indications into of the houses that there may be feeding roosts. 2 no. other houses revealed evidence suggesting use by bats, though less frequently. Two houses were not inspected as they are occupied.
- 9.5.3. The conclusion of the report is that the internal inspection of the buildings found clear evidence that bats have been regularly roosting within some of the houses. The

character and level of use of houses by bats could not be fully determined as the internal inspection was undertaken outside of the bat activity season. Further surveys will be required, and recommendations are set out in this regard and depending on the outcomes of the surveys a derogation licence and mitigation measures may be required which will be agreed with NPWS. Subject to licence it is the applicant's submission that the actions authorised would not be detrimental to the maintenance of the populations of the various species of bats listed in the derogation licence at a favourable conservation in their natural range.

- 9.5.4. Based on the revised surveys undertaken the applicant has presented adequate information relating to the use of the derelict houses by bats and has assessed the issue in sufficient detail for the purposes of this application. In the context of the legislative protection for bats and the level of information presented as well as the recommendations for further surveys including a comprehensive bat report, I am satisfied that the further resolution of matters relating to the protection of bats are appropriate for addressing under a condition of consent.
- 9.5.5. I consider the contents of the overall Ecology Report do not raise any issues which would warrant being addressed by condition. I note however that the recommendation of DAU includes the maintenance and protection of Mill stream as an ecological corridor in particular in relation to minimising lighting adjacent the stream. The applicant has confirmed that the lighting design has taken into account the need to maintain the stream as an ecological corridor and that the lighting has been designed with regard to EUROBATS and Dark Sky lighting recommendation. The applicant has also confirmed that the landscape design will consider the *All Ireland Pollinator Plan*.
- 9.5.6. In relation to the potential for construction phase impacts I note the preparation of an outline CEMP which takes into account best practice measures to ensure that water quality from construction activities does not impact on the downstream SPA and that it refers to relevant IFI guidance.
- 9.5.7. I refer to appropriate assessment issue separately below.
- 9.5.8. I conclude that the development is acceptable in terms of the likely significant effects on ecology.

9.6. Wastewater treatment

- 9.6.1. The existing arrangements on site provide for a combined storm and foul network. The surface water discharge is to the adjacent Bunowen River (Mill Stream).
- 9.6.2. The proposed development will give rise to improved conditions in terms of the wastewater treatment system as the provision of a separate network will reduce the volumes entering the wastewater treatment plant thereby reducing overflows. In addition to this significant measure there are a further set of upgrades described in the Tobin report. There is no increase in the population equivalent to be served and Irish Water has confirmed that the wastewater treatment plant can facilitate the development. Compared with the existing development on the site the effect on the village wastewater treatment system would be positive. Regarding surface water infrastructure I consider that the proposed SUDs and other measures including controlled discharge and installation of interceptors would be likely to have a positive effect on the adjacent stream.
- 9.6.3. I conclude that the proposed development is acceptable in terms of proposals for foul and surface water discharge.

9.7. Other matters

- 9.7.1. Given the proximity of the site to the centre of the settlement and adjacent water courses it is considered that a condition requiring archaeological monitoring would be appropriate.
- 9.7.2. As demolition is involved it is relevant to address this by condition in terms of the CEMP and waste management. An outline CEMP has been presented as part of the submission to the Board received on 19 March 2021.

9.8. Conclusion

- 9.8.1. I consider that the development is acceptable in principle and in terms of flood risk, design detail, ecology and other matters and that it may be concluded that the proposal is in accordance with the proper planning and sustainable development of the area.

10.0 **Appropriate Assessment**

10.1. **Introduction**

10.1.1. The requirements of Article 6(3) as related to appropriate assessment of a project under the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- The Natura Impact Statement and associated documents
- Appropriate assessment of implications of the proposed development on the integrity each European site.

10.2. **Compliance with Article 6(3) of the EU Habitats Directive**

10.2.1. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

10.2.2. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

10.3. **Screening**

10.3.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

10.4. Background on the Application

- 10.4.1. The applicant has submitted a screening report as part of the planning application. This report is presented as Section 4 of the report entitled Bridge Street, Ahascragh Natura Impact Statement (NIS) prepared for Galway County Council by JBA Consulting and dated August 2020.
- 10.4.2. I consider that the applicant's Stage 1 AA Screening Report was prepared in line with current best practice and that it has regard to the project description in section 2 of the NIS, which is adequate and is highly precautionary in terms of the identification of European Sites. The European Sites which are listed are all outside the 5 km zone of influence of the proposed development. The baseline information provided includes an Ecology Report, a Bat Survey (as revised by the submission received on 19 March 2021) and a Flood Risk Assessment.
- 10.4.3. The applicant's AA Screening Report concluded that 'In the absence of mitigation measures it is possible that the project could have a likely significant effect on a Natura 2000 site. Given the People of Wind judgement, mitigation measures should only have be (*sic*) taken into account at the Appropriate Assessment stage unless they are clearly integral to the project. Therefore an Appropriate Assessment is required for this project'.
- 10.4.4. The Natura 2000 sites considered in the Screening Report are:
- Ballynamona Bog and Corkip Lough SAC (002339)
 - Glenloughaun Esker SAC (002213)
 - Killeglan Grassland SAC (002214)
 - Carrownagappul Bog SAC (001242)
 - Lough Croan Turlough SAC (000610) and SPA (004139)
 - Four Roads Turlough SAC (001637) and SPA (004140)
 - Castlesampson Esker SAC (001625)
 - River Suck Callows SPA (004097)

- 10.4.5. The Screening Report refers to the dismissal of all of these sites as being too isolated and having no hydrological connection to the site with the exception of the River Suck Callows SPA.
- 10.4.6. Having reviewed the documents and submissions I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

10.5. **Screening for Appropriate Assessment- Test of likely significant effects**

- 10.5.1. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site.
- 10.5.2. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

10.6. **Brief description of the development**

- 10.6.1. The applicant provides a description of the project on page 4 of the NIS and in the Engineering Report Planning Stage. In summary, the development comprises:
- Retention and refurbishment of 6 no. dwellinghouses and an extension to one of those houses.
 - Demolition of 10 no. houses and construction of 11 no. houses.
 - No change to number of bedspaces.
 - Works to roads, parking and hard and soft landscaping.
 - Works to engineering services including separating of foul and storm networks, upgrading of pumping station to meet Irish Water storage requirements and storm water attenuation.
- 10.6.2. The existing environment and the development site are described on pages 5 and 6 of the NIS. The brownfield site is an area of residential development which is noted

to have no semi-natural habitat present and to be of low ecological value. The houses which are on site are derelict for many years and have some value for bats. The eastern boundary of the site adjoins Mill Stream, which is an artificial channel of the Ahascragh River and which re-joins the main river channel 150m downstream. The Ahascragh flow south and joins the River Suck approximately 9.5km downstream of the proposed development site.

10.6.3. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Construction related -uncontrolled surface water/silt/ construction related pollution.
- Operation related – impacts on water quality resulting from effects on Ahascragh wastewater treatment plant.

10.7. Submissions and Observations

10.7.1. The application was referred to relevant prescribed bodies namely Development Applications Unit in Department of Culture, Heritage and the Gaeltacht, Inland Fisheries Ireland, Inland Waterways and Irish Water.

10.7.2. No responses were received from prescribed bodies and no observations received.

10.8. European Sites

10.8.1. The development site is not located in or immediately adjacent to a European site. The closest European site is River Suck Callows SPA, which is stated to be over 9 km downstream and which is connected to the site of the proposed development by way of Mill Stream and the Ahascragh River.

10.8.2. I consider that River Suck Callows SPA is the only Natura 2000 site which can reasonably be described as being within the possible zone of influence of the proposed development. A possible connection between the development and a European site has been described above.

10.8.3. I referred above to the highly precautionary approach taken in the applicant's documentation to the identification of sites for the purposes of screening, which

considered all sites within a 15km radius. I consider that the conclusions therein are reasonable and do not require further discussion or assessment in view of the nature and scale of the proposed development and having regard to the separation distance and lack of ecological connectivity to all of the relevant sites (apart from River Suck Callows SPA).

10.9. Identification of likely effects

- 10.9.1. I consider that the elements of the project which may give rise to impacts on the River Suck Callows SPA in the construction and operation phase are related to the demolition and construction works and to the discharge of wastewater to the wastewater treatment system.
- 10.9.2. In the event of discharge of large volumes of liquids to the watercourse including as a result of demolition, excavation, stockpiling or as a result of a chemical, oil or fuel spill polluted material could be transported to the River Suck Callows SPA.
- 10.9.3. I consider that there is potential that the proposed development in combination with the operation of the wastewater treatment plant, which is due to be upgraded in 2021 could affect the River Suck Callows SPA through pollution of the watercourse.
- 10.9.4. Reductions in water quality could reduce the quality and feeding and resting habitat and thereby reduce the carrying capacity of the River Suck Callows SPA.

10.10. Mitigation measures

- 10.10.1. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

10.11. Screening Determination

- 10.11.1. The proposed development was considered in light of the requirements of 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) could have a significant effect on European Site No. 004097, in view of the site's Conservation Objectives, and Appropriate Assessment is therefore required.

10.12. Appropriate Assessment – Stage 2

- 10.12.1. Following the screening process, it has been determined that Appropriate Assessment is required as it cannot be excluded on the basis of objective information that the proposed residential development at Bridge Court individually or in-combination with other plans or projects will have a significant effect on the River Suck Callows SPA. The potential for in combination effects includes those arising from two recently permitted developments in the vicinity.
- 10.12.2. Measures intended to reduce or avoid significant effects have not been considered in the screening process.

10.13. The Natura Impact Statement

- 10.13.1. The application includes a NIS which examines and assess potential adverse effects of the proposed development on the River Suck Callows SPA.
- 10.13.2. I consider that the information supplied is adequate. It is clear that the NIS was prepared in line with current best practice. It provides an assessment of potential impacts and pathways which I consider is comprehensive. The information provided also demonstrates an understanding of the relevant construction and operation phase impacts.
- 10.13.3. The submission of DAU outlines the need for consideration of in combination effects on the river from plans and projects including the development of Ahascragh Mills and Ahascragh pumping station. These matters are addressed in the revised NIS presented.
- 10.13.4. The applicant's NIS concluded that provided the avoidance and mitigation measures suggested are implemented in full, it is not expected that the proposed development will have a significant adverse impact on the above Natura 2000 site.
- 10.13.5. Having reviewed the documents, I am satisfied that the information allows for a complete assessment of any adverse effects of the development, on the conservation objectives of the River Suck Callow SPA alone, or in combination with other plans and projects.

10.14. Appropriate Assessment of implications of the proposed development

- 10.14.1. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.
- 10.14.2. In the foregoing I have regard to relevant guidance including the publication of DoEHLG (2009), Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service. Dublin and the document of EC (2002), Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC

10.15. European Sites

- 10.15.1. The qualifying interests of the River Suck Callows SPA are:
- Whooper Swan
 - Wigeon
 - Golden Plover
 - Lapwing
 - Greenland White-fronted Goose
 - Wetland and Waterbirds.
- 10.15.2. The conservation objectives set for the SPA are:
- To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.
 - To maintain or restore the favourable conservation condition of the wetland habitat at River Callows SPA as a resource for the regularly-occurring migratory water birds that utilise it.

10.16. Aspects of the proposed development.

10.16.1. The main aspects of the proposed development that could adversely affect the conservation objectives of European sites are related to discharge of potentially polluted liquids from the site entering the water course during the construction phase and on completion of the development and include:

- Run-off of large volumes of silt-laden water during construction.
- Run-off of water contaminated by cement, concrete or other liquids or spillages of these materials.
- Run-off of water contaminated by fuel, oil and hydrocarbons or spillages of these materials.
- Impacts related to silt, fuel and chemicals from the site entering the aquatic environment including when the scheme is completed and as a result of maintenance of the estate or private gardens.

10.16.2. In addition, I consider that it is appropriate to consider the effects related to discharge of foul water to the wastewater treatment plant. Increased discharges of nutrients could lead to downstream eutrophication in the SPA itself and in supporting habitat (including ex-situ habitats). The consequences could be to reduce the diversity and abundance of food resources for birds which are qualifying interests. This is addressed in the applicant submission under section 6.1.3. This notes that the number of bed spaces is the same and therefore the sewage load would be unchanged. It also describes that an integral part of the proposed development is the separation of surface water flows from the houses which is likely to reduce the frequency and impact of the WWTP being overloaded. Without this element of the scheme the residential development would continue to discharge all surface and foul water through the Ahascragh WWTP which is stated to be potentially leading to in combination impacts on the River Suck Callows SPA in relation to water quality.

10.16.3. It is relevant to note the significant distance and the dilution effect which would reduce the impact on the SPA and on habitats in the vicinity which are used by birds.

10.17. Mitigation

- 10.17.1. The proposed mitigation measures which are related to the construction phase are outlined in section 7.1 of the NIS. This notes the preparation of the outline CEM P which include surface water protection measures including pollution prevention and control and spill control measures and measures to ensure appropriate storage of material on site. The measures outlined therein including in relation to the site set up and surface water management and pollution prevention will be incorporated into a final CEM P which will be strictly adhered to on site. Industry standard pollution prevention measures have been proven to work and there is a high level of certainty that they will reduce the risk of a pollution incident to negligible levels.
- 10.17.2. The proposed mitigation measure in relation to the operational phase are set out in section 7.2. These relate to surface water drainage design. The separation of surface water from the foul water will avoid overloads to the WWTP. Further, surface water will be attenuated prior to discharge by way of a nonreturn valve and after passing through a hydrocarbon interceptor.
- 10.17.3. I note that the upgrade of the Ahascragh wastewater treatment plant is planned for 2021. In the interim I consider that the proposed development by reason of the measures which are incorporated is likely to have a positive effect through the provision of the separate system which will lead to a reduction in overflows from the wastewater treatment plant. Relevant to this potential impact also is that there is no increase in bedspaces as the applicant has noted.
- 10.17.4. Subject to the mitigation measures above I support the conclusion in the revised NIS that there would be no significant residual impacts.
- 10.17.5. Regarding in combination effects the revised NIS incorporates further detail on this matter in response to the DAU report. The construction projects which have been considered include improvement works to the Mill Weir, the upgrade to the existing WW TP, the permission granted for a new whiskey distillery at Ahascragh Mills and the upgrade and engineering works to Ahascragh pumping station. As described in section 7.5.1 all of these projects are associated with appropriate protective measures to avoid impacts on water quality during the construction phase. I concur with the conclusion presented in relation to in combination effects therefore

which is that there are no in combination effects which could result in adverse impacts upon the River Suck Callows SPA.

10.18. Integrity test

10.18.1. Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of River Suck Callows SPA in view of the Conservation Objectives of this site.

10.18.2. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

10.19. Appropriate Assessment Conclusion

10.19.1. 'The Bridge Court Redevelopment has been considered in light of the assessment requirements of Sections 177U and 177AE of the Planning and Development Act 2000 as amended.

10.19.2. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on European site No 004097 River Suck Callows SPA. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of that site in light of its conservation objectives.

10.19.3. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site No 004097 River Suck Callows SPA, or any other European site, in view of the site's Conservation Objectives.'

10.19.4. This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of River Suck Callows SPA.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of River Suck Callows SPA.

11.0 Recommendation

On the basis of the above assessment, I recommend that the Board approve the proposed development subject to the reasons and consideration set out below and subject to the conditions requiring compliance with the submitted details and the mitigation measures set out in the NIS.

Reasons and Considerations

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

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (c) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European site,
- (d) the conservation objectives and special conservation interests for the European site No 004097 River Suck Callows SPA,
- (e) the policies and objectives of the Flood Risk Management Guidelines for Planning Authorities and the Galway County Development Plan 2015-2021,
- (f) the nature and extent of the proposed works set out in the application for approval,
- (g) The report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

Appropriate Assessment

The Board agreed with and adopted the screening assessment and conclusion reached in the Inspector report that the European site No 004097 River Suck Callows SPA is 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. The Board completed an

appropriate assessment of the implications of the proposed development for European site No 004097 River Suck Callows SPA, in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow for a complete assessment of all aspects of the proposed development and enable them reach complete, precise and definitive conclusions for appropriate assessment.

In completing the appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the 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 site's conservation objectives and there is no reasonable scientific doubt remaining as to the absence of such effects.

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

It is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of flood risk for the future occupants, would not contribute to downstream flooding, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area and would be acceptable in terms of traffic safety and convenience. The proposed development is in accordance with the Flood Risk Management Guidelines and with the stated objectives of the Galway

County Development Plan 2015-2021. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further information received on 12 January 2021 and 19 March 2021 and the information contained in the revised Natura Impact Statement, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

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

2. The external finishes of the houses shall be as shown on the plans and particulars submitted.

Reason: In the interests of visual amenity.

3. Prior to commencement of development, the local authority or any agent acting on its behalf shall prepare a final Construction Environmental Management Plan (CEMP) incorporating all measures set out in the Outline CEMP, the mitigation measures indicated in the Natura Impact Statement and demonstration of proposals to best practice and protocols.

The plan shall address *inter alia* measures relating to the demolition works, waste and water quality.

The plan shall be placed on the file and retained as part of the public record.

Reason: In the interests of protecting the environment and European Sites.

4. The local authority and any agent acting on its behalf shall facilitate the preservation, recording, protection or removal of archaeological materials or features that may exist within the site. In this regard, the County Council shall:

- a) employ a suitably qualified archaeologist prior to commencement of the development who shall assess the site and monitor all site investigations and other excavation works, and
- b) provide suitable arrangements acceptable to the Department of Culture, Heritage and the Gaeltacht for the recording and removal of any archaeological materials which is considered appropriate to remove.

Reason: In order to conserve the archaeological heritage of the site and secure the preservation and protection of any remains that may exist within the site.

5. All mitigation measures set out in the report entitled Internal Inspection for Bat Roost Potential Survey Report received by the Board on 19 March 2021 shall be adhered to in full. This shall include the recommendation for further surveys as described in section 5.1 of the report

Reason: To mitigate impacts on bat species which may be present on the site.

6. All areas of open space shown on the submitted drawings shall be reserved for such use and shall be levelled, contoured, soiled, seeded and landscaped. The open space shall be laid out and landscaped within six months of the occupation of the houses.

Reason: In the interests of proper development and to facilitate phased occupation of the houses.

7. A comprehensive boundary treatment and landscaping scheme shall be prepared and placed on file as part of the public record. The scheme shall include the following:

- (a) details of all proposed hard surface finishes, including samples of proposed paving flags/materials for footpaths, kerbing and road surfaces within the development;
- (b) proposed locations of landscape planting in the development;
- (c) details of proposed street furniture, including bollards and lighting fixtures.

The boundary treatment and landscaping shall be completed within three months of occupation of the scheme.

Reason: In the interests of visual amenity.

8. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

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

9. The proposed development shall make provision for the charging of electrical vehicles. All car parking spaces serving the proposed development shall be provided with electrical connections, to allow for the future provision of future charging points. Details of how it is proposed to comply with these requirements, including details of the design of, and signage for, the electrical charging points (where they are not in the areas to be taken in charge) shall be placed on the file and retained as part of the public record.

Reason: In the interest of suitable transportation.



Mairead Kenny
Senior Planning Inspector

31 March 2021