



An
Bord
Pleanála

Inspector's Report

ABP-308412-20

Development	Development of 1, 3G pitch and 1 GAA/soccer Pitch and ancillary infrastructure.
Location	National University of Ireland, Galway Sports Grounds, Dangan, Galway
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	19372
Applicant(s)	National University of Ireland Galway
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First / Third Party
Appellant(s)	Paddy O'Malley, Michael Murphy, Henry Bourke, Don Courtney, Seamus McLoone and Stephen Meagher
Date of Site Inspection	09 th December 2020
Inspector	Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 8.92 hectares, is located to the north west of Galway City and is part of NUIG sports campus at Dangan. The appeal site consists of an area located to the north of existing dwellings in Aughnacurra and two existing sports pitches, the area to north of the two sports pitches and south of the River Corrib and are connected by a sliver of land to the west of the existing sports pitches. The appeal site also includes a narrow strip of land on an east west axis from the internal road serving the campus to the main body of the site. Adjoining uses to the east are the remainder of lands in the sports campus consisting of a number of sports pitches and some wooded areas. The eastern boundary is the rear boundary of a number of detached dwellings, which are accessed off Chesnut Lane. To the south of the site is Aughnacurra, a housing development consisting of detached houses around a cul-de-sac. The southern boundary of the site is the rear boundary of three of the dwellings in Aughnacurra. To the north of the site is a strip of land running along the banks of the River Corrib. The southern part of the site is a wooded area with an existing pathway/laneway providing access from the sports centre to the existing pitches. Levels on this part of the site are elevated relative to the existing sports pitches that divide the two main parts of the site. The area to the north of the sports pitches is relatively level and similar in level to the existing sports pitches.

2.0 Proposed Development

2.1. Permission is sought for the development of 1 no. 3G pitch and 1 no. grassed GAA/soccer pitch plus all ancillary infrastructure, ball stop fencing, floodlighting, drainage, and enhanced biodiversity area and all associated site development works. The proposal also seeks permission for temporary changing rooms and facilities and a shared access lane for emergency/maintenance vehicles and pedestrians during construction phase of the proposed N6 Galway City Ring Road.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 8 no. conditions. Of note are the following conditions...

Condition no. 2: maximum headroom clearance specified under the N6 Galway City Ring Road.

Condition no. 3: Mitigation measures associated with construction and operation specified in the NIS to be implemented.

Condition no. 7: Archaeological assessment required.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (20/02/20): Further information is required including details of the post development biodiversity enhancement plan and the effects of such on the Annex 1 habitat types relating to the adjacent Lough Corrib SAC. Justification is sought for removal of an area of woodland classified as priority Annex I habitat Alluvial forest in documentation prepared for the N6 Ring Road proposal.

Planning report (17/09/20): The proposal was considered to be acceptable in context of land use policy, design, scale, visual amenity, ecological impact and to be in accordance with the proper planning and sustainable development of the area. A grant of permission was recommended subject to the conditions outlined above.

3.2.2. Other Technical Reports

Transport, Planning and Physical Development (31/01/20): No objection.

ARUP (29/01/19): Shared access lane crosses the area subject the proposed Galway City Ring Road. A condition is required to ensure a headroom clearance of 5.3m below the proposed viaduct.

Drainage Section (04/02/20): No objection.

Transport, Planning and Physical Development (05/02/20): proposal to be sent for review to the N6 Galway Ring Road Project Office.

ARUP (16/09/20): A condition is required to ensure a headroom clearance of 5.3m below the proposed viaduct.

3.3. Prescribed Bodies

Department of Culture, Heritage and the Gaeltacht (DAU)(04/02/20): Condition requiring archaeological impact assessment. Noted that site is adjacent the Lough Corrib SAC, condition required to ensure implementation of mitigation measures

TII (03/02/20): Consultation required with the Roads Design Office and regard to be had to the submission by ARUP regarding headroom.

An Taisce (06/02/20): The AA screening document and subsequent NIS are deficient in and inadequate consideration given to a qualifying interest of the Lough Corrib SAC, the Lesser Horseshow Bat. Such are also deficient regarding bird species that move between the habitats on the site and other designated European Sites in the area.

3.4. Third Party Observations

A number of submissions were received. The issues raised can be summarised as follows...

- Project siting, impact on conjunction with N6 GCRR, construction impact, noise/disturbance, ecological impact.

4.0 Planning History

ABP-302885-18: N6 Galway City Ring Road project. The line of this route traverses the site. Pending decision.

On adjoining sites

17/159: Extension of duration of ref no. 11/210 granted.

14/104: Permission granted for a new all-weather sports pitch.

11/210: Permission granted for 7 no. 18m high floodlights to serve an existing pitch and extension of existing street lighting along access road.

07/772: Permission granted to construct two no. grass playing pitches.

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 RA with a stated objective ‘to provide for and protect recreational uses, open space, amenity uses and natural heritage’.

The line of the proposed N6 Ring Road traverses the appeal site and is identified on the zoning map.

5.2. Natural Heritage Designations

Lough Corrib SAC (Site Code 000297), adjacent the northern boundary of the appeal site.

Galway Bay Complex SAC (Site Code 000268), 3.1km from the site.

Inner Galway Bay SPA (Site Code 004031), 3.3km from the site.

5.3. EIA Screening

5.3.1 Having regard to the nature and scale of the development which consists of the development of 1 no. 3G pitch and 1 no. grassed GAA/soccer pitch, temporary changing rooms, plus all ancillary infrastructure, ball stop fencing, floodlighting,

drainage, and enhanced biodiversity area and all associated site development works. 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 Paddy O'Malley, Michael Murphy, Henry Bourke, Don Courtney, Seamus McLoone and Stephen Meagher, Aughnacurra, Dangan Galway. The grounds of appeal are as follows...

- The appellants are concerned regarding the lack engagement from Galway County Council in relation to the issues raised in submissions made in relation to the proposal and consider that such have not been addressed.
- The application seeks permission for temporary changing facilities due impact of the N6 Galway City Ring Road (GCRR). Such is still under consideration by the Board and the proposal in this case premature and presumptive that it will be approved. It is also contended that the proposal is project splitting from the overall N6 GCRR project. The inclusion of condition no. 2 regarding headroom under the N6 GCRR viaduct proposed at this location is noted as in the appellants' position on this matter.
- There is a conflict of interest in that the applicant for the N6 GCRR is Galway County and City Council and the City Council have adjudicated on the current proposal. The current proposal should be adjudicated by the Board within the scope of the overall N6 GCRR application.
- The location of the pitches is on an attractive wooded area with underground streams and a habitat for birds and wildlife. The proposal would have an adverse impact in terms of its proximity to existing dwellings within the Aughnacurra housing development, which would be surrounded by major infrastructure. The proposal would have a negative environmental impact on the existing housing and wildlife.

- There is a lack of information on how the applicant proposed to ameliorate the impact of noise and dust during the construction phase with extensive earthworks required due to the topography of the site.

6.2. Applicant Response

6.2.1 Response by the applicant, the National University of Ireland Galway.

- In relation to allegations of prematurity it is stated that the proposal is consistent with land use zoning policy and is sustainable extension of existing development within the NUIG campus.
- In regards to the allegation of project splitting the proposal is not a development for which mandatory or sub-threshold EIA is required.
- It is stated that the proposal and the N6 proposal are not functionally interdependent development. The applicant refers to High Court Case O’Grianna v An Bord Pleanala and Supreme Court Case Fitzpatrick v An Bord Pleanala in this regard. Condition no. 4 is noted that that on completion of the project the two existing pitches are to be decommissioned and that proposed development is independent of the proposed N6 GCRR.
- In relation to claims of conflict of interest the status of proposal as a standalone proposal in relation to N6 GCRR is reiterated. The proposal is in the functional area of Galway City Council who are the appropriate and competent authority and the proposal is compliant with section 34 of the Planning and Development Act, 2000 (as amended).
- The applicant has submitted a noise report to demonstrate that the operational impact of the proposal on adjoining properties would not be detrimental to residential amenity.
- The applicant has submitted a technical report to demonstrate that the floodlighting impact on adjoining properties would not be detrimental to residential amenity.
- In relation to ecological impact the applicant refers to Biodiversity Management Plan, which proposes to offset the loss of woodland habitat, the updated NIS which includes mitigation measures to protect water quality and

the habitat that is qualifying interests of the adjacent SAC and the woodland assessment report.

- The applicant has provided a list of construction management measures that common practice in construction projects to minimise the impact of noise and dust.

6.3. Planning Authority Response

6.3.1 Response by Galway City Council (two separate responses summarised together).

- In relation to construction noise and dust concerns, Condition no. 8 restricts construction hours and requires provision of wheel wash facility.
- Condition no. 3 requires that all mitigation measures outlined in the NIS and the updated NIS be implemented. Such measures include management of excavation works and material on site.
- In relation to the issue of project splitting it noted that it is separate, distinct and standalone application from the N6 GCRR project currently being considered by the Board. The proposal is not project splitting and the Council refer to the Supreme Court decision in Fitzpatrick v An Board Pleanala in this regard.

6.4. Further Responses

6.4.1 Response by the third party appellants.

- The response reiterates the claim that proposal is integral to the N6 GCRR project and represents project splitting due to the significant impact such would have on the sport grounds. The new sports pitches are part of the mitigation measures proposed in the EIAR associated with the road project
- In relation to the noise report submitted by the applicant in response to the appeal, the appellant notice due to the cumulative impact of the N6 GCRR project and the NUIG proposal the information submitted on this application is unreliable. The appellants refer to the fact that proposal should be considered

in conjunction with the N6 GCRR and highlight the cumulative impact of both in terms of residential amenities of the properties in Aughnacurra. The appellant refers to a report that was submitted in relation to the N6 GCRR project and that the overall impact of construction of both projects would be severely detrimental to the existing dwellings.

7.0 **Assessment**

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

Principle of the proposed development

Design, layout, pattern of development

Adjoining Amenity

Ecological Impact

7.2 Principle of the proposed development:

7.2.1 The proposal is for the development of 1 no. 3G pitch and 1 no. grassed GAA/soccer pitch plus all ancillary infrastructure, ball stop fencing, floodlighting, drainage, an enhanced biodiversity area and all associated site development works. The appeal site is part of land with the curtilage of the NUIG campus. The appeal site is currently a wooded area located to the north west of the existing sports centre and south of two existing playing pitches as well as including lands to the north of the existing pitches and located to south of the River Corrib. The appeal site is zoned RA under the Galway City Development Plan 2017-2023 with a stated objective 'to provide for and protect recreational uses, open space, amenity uses and natural heritage'. Development permitted within this zoning include "development of buildings of a recreational, cultural or educational nature or car parking areas related to and secondary to the primary use of land/ water body for outdoor recreation". The proposed use is consistent with the land use zoning objective and is extension of the uses within the NUIG campus/landholding.

7.2.2 The proposed route of the N6 Galway City Ring Road (GCRR) traverses the site and specifically the proposed shared access laneway. Such is subject to a current appeal file under ref no. ABP-302885-18 and is pending decision. The route of the N6 GCRR impacts the existing sports centre and the playing pitches located to the north of sports centre. The N6 GCRR scheme includes alternative pitch facilities as a mitigation measure to replace existing pitches directly impacted and include the provision of a 3G GAA pitch and 3G training area (both floodlit) by repurposing the two existing pitches that split the site. It is noted that despite the mitigation measures the applicants are concerned regarding the impact of the N6 GCRR and are proposing this alternative. The applicant also states that the proposal is to replace existing pitches that will be lost and is not an intensification of use.

7.2.3 The appellants are the residents of the housing development to the south of the site, Aughnacurra. One of the main issues raised relates to the fact the proposal is premature pending a decision on the N6 GCRR proposal, is project splitting should be considered as part of that proposal and the overall cumulative impact of such. Additional issues such as conflict of interest were also raised.

7.2.4 The proposal is a pre-emptive strategy that is being sought due to the potential impact of the N6 GCRR. Notwithstanding such the nature, scale and type of development is not interdependent on the N6 GCRR project. The possibility of the N6 GCRR may be the motivation for seeking permission, however it is a development that can be provided regardless of the N6 GCRR project should it get the go ahead. The proposal is not a functional part of the N6 GCRR project and is a development that can be carried out irrespective of the proposed roads project. The application is an application under Section 34 of the Planning and Development Act, 2000 (as amended) and the applicants are fully in within their rights to make the application on lands within their control and have it considered based on its merits and in the context of the proper planning and sustainable development of the area. In relation to issue of conflict of interest, the proposal is within the functional area of Galway City Council and they are the appropriate and only authority able to process

an application for permission under section 34 of the Planning and Development Act. Having regard to the fact the proposal is not a functional part of the N6 GCRR or essential for its operation, is a separate and different category of development and a development that can be carried out irrespective of the proposed road project, I do not consider that the proposal constitute project splitting and can be assessed on its merits.

7.3 Adjoining Amenity:

7.3.1 The proposal is for two new pitches located to the north of an existing housing development. Three of the existing dwellings back onto the appeal site. The issues raised by the appellants include the impact of the proposal in terms of disturbance through noise impact and floodlighting during both construction and operational phase. The loss of the woodlands area to the rear of the existing dwellings is also noted as being detrimental to residential amenity and the cumulative impact of the proposal in conjunction with the N6 GCRR project.

7.3.2 Firstly I would reiterate that proposal is for a development under Section 34 of the Planning and Development Act, 2000 (as amended) and is being assessed on its merits and is a separate proposal from the N6 GCRR, which is currently under consideration and pending decision. I am going confine my assessment to the proposed development as described. Three dwellings (in Aughnacurra) back onto the southern boundary of the appeal site. The proposal is to provide two new pitches in the area to south of the existing sports pitches and north of the dwellings in Aughnacurra. This area is currently a wooded/heavily vegetated area and is elevated relative to the level of the existing pitches to the north. The proposal is to reduce the ground levels for the pitches, provide a temporary dressing room structure and floodlights. In terms of overall physical scale, the proposal does not consist of any structure of significant physical scale or bulk. The dressing room structure is modest in size and are located away from the boundary with the existing dwellings in Aughnacurra. The floodlighting and ball stopping nets are not physically bulky structures and would present no adverse impact in terms of its physical scale. The proposal entails a reduction in level in this area to facilitate the provision of the

pitches. The cross section show that there is a degree of a buffer area to south of the pitches and north of existing dwellings with embankments to the south of the pitches. There are proposal for planting and landscaping on the area to the south of the pitches including semi-mature planting. I am satisfied the physical scale of development relative to the existing dwellings to the south would be satisfactory. I am off the similar view in the case of the dwellings to the west (off Chesnut Lane), which have a higher degree of separation from the boundary with the appeal site the dwellings to the south.

7.3.3 The construction impact of the proposal is raised as a concern including noise impact, dust and general disturbance. I would acknowledge the construction impact of such a proposal has the potential to cause some degree of disturbance in the area. The construction impact is temporary in nature and can be managed through appropriate construction management. In the case of the proposed development, it is accessed through an internal service road serving the NUIG Sports Campus and construction traffic is well separated from the existing residential development in the vicinity. The applicant has submitted details regarding construction management including a preliminary Construction and Waste Management Plan (CWMP), which include measures to minimise noise, dust and general disturbance. The restriction of construction hours is the norm and should be applied in this case. I am off the view that the development sought is neither exceptional in terms of its nature and scale or unusual in terms of its relationship to existing development. I would consider that the implementation of construction management measures would be sufficient to minimise the construction impact of the proposed development.

7.3.4 In relation to the operational phase, I have already outlined that the overall scale of development would not be detrimental to existing residential amenities on adjoining sites. The proposal entails the provision of floodlighting with the provision of 6 no. 20m high lighting poles. The proposal is designed to minimise light spillage outside of the appeal site and the extent of the proposed pitches. The technical details regarding floodlighting is outlined under Appendix C of the Engineering Services Planning Report. The information on file indicates that flood lights will only be in

operation between April 1st and September 14th each year not after 10:30pm. I am satisfied that such there would be no adverse impact on adjoining properties and would recommend an appropriate condition to this effect in the event of a grant of permission.

7.3.5 I would consider that the overall scale and nature of development and its location relative to adjoining residential properties is satisfactory in the context of adjoining amenity. The proposal does not entail the provision of any structures of significant bulk or scale adjoining the existing properties and the level of separation including embankments/changes of levels and planting is adequate to provide a sufficient degree of separation. I am satisfied that the nature, scale and type would be satisfactory in the context of the adjoining amenities of residential properties to the south and west of the site.

7.4 Ecological Impact:

7.4.1 The ecological impact of the proposal has been raised with the loss of the wooded area to the south of the site to provide for the pitches. Having inspected the site, the area where the pitches are located is heavily vegetated and the proposal entails a reduction in levels of this area to facilitate the pitches. An ecological impact assessment was submitted with the proposal, which includes details of the development proposed, construction management measures, details of surveys carried out on site, ecological impact of the proposal and measures to offset such.

7.4.2 In relation to bird and bat species the surveys indicate that there are no bird species of special conservation interest on the appeal site. In relation to bats the surveys indicate there are no bat roosts on site, however the site is identified as being suitable for bat roosting. The applicant was requested (FI) to elaborate regarding the fact that the site was identified as containing Annex I Alluvial forest habitat (documents associated with the N6 GCRR project). The applicant submitted a woodland assessment report. The assessment outlines the characteristics of the site and notes that vegetation on site has affinity with that found in an alluvial forest habitat but does

not occur on alluvial soils. I am satisfied that the site does not contain Annex I Alluvial forest habitat and would note that the site does not fall within the boundary of any designated Natura 2000 sites with the site adjacent the Lough Corrib SAC. I would refer to the Appropriate Assessment.

7.4.3 I am satisfied that the proposal would not result in the loss of any habitat of exceptional or important conservation interest. In addition I note that the proposal provides for a biodiversity enhancement area on the northern portion of the site. A Biodiversity Management and Enhancement Plan was submitted. This plan includes details of additional native planting, creation of a pond/wetland feature, erection of bird and bat boxes as well as a number of other ecological measures. It is noted that there is Japanese Knotweed (location of the proposed pitches) on the appeal site and the proposal entails management/eradication of such with appropriate measures. I am satisfied that the measures proposed including the biodiversity enhancement area would offset the ecological impact of the proposed development.

8.0 **Appropriate Assessment**

8.1 A Screening report, a Natura Impact Statement and a revised Natura Impact Statement (in response to further information) was submitted by the applicant.

8.2. Screening

8.2.1 I followed the staged approach to screening for appropriate assessment as recommended in both EU Guidance and by the Department of Environment, Heritage and Local Government:-

1. Description of the plan or project and local site or plan area characteristics.
2. Identification of relevant Natura 2000 sites and compilation of information on their qualifying interests and conservation objectives.
3. Assessment of likely significant effects-direct, indirect and cumulative, undertaken on the basis of available information.
4. Screening statement with conclusions.

8.2.2 Project Description and Site Characteristics

8.2.3 The proposed development is as described in the report above and in the application submissions.

8.2.4. Relevant Natura 2000 Sites, Qualifying Interests and Conservation Objectives:
Three site are identified within the zone of influence of the proposed development based on proximity and potential hydrological links...

Lough Corrib SAC (Site Code 000297), adjacent the northern boundary of the appeal site.

Galway Bay Complex SAC (Site Code 000268), 3.1km from the site.

Inner Galway Bay SPA (Site Code 004031), 3.3km from the site.

Site Code, Site Name and Designation	Approx. Distance form Site	Conservation Objectives; Qualifying Habitats and Species
000297 Lough Corrib SAC	Adjacent northern boundary of the site.	<p>To maintain or restore the favourable conservation condition of the habitats and species listed as Special Conservation Interests for this SAC:</p> <p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]</p>

		<p>Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. [3140]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]</p> <p><i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p> <p>Depressions on peat substrates of the <i>Rhynchosporion</i> [7150]</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]</p> <p>Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Bog woodland [91D0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p>	
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		<p>Salmo salar (Salmon) [1106]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Najas flexilis (Slender Naiad) [1833]</p> <p>Hamatocaulis vernicosus (Slender Green Feather-moss) [6216]</p>	
004031 Inner Galway Bay SPA	3.3km from the site.	<p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservations Interests for this SPA:</p> <p>Black-throated Diver (Gavia arctica) [A002]</p> <p>Great Northern Diver (Gavia immer) [A003]</p> <p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Grey Heron (Ardea cinerea) [A028]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Wigeon (Anas penelope) [A050]</p> <p>Teal (Anas crecca) [A052]</p> <p>Red-breasted Merganser (Mergus serrator) [A069]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Lapwing (Vanellus vanellus) [A142]</p> <p>Dunlin (Calidris alpina) [A149]</p>	

		<p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Sandwich Tern (<i>Sterna sandvicensis</i>) [A191]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Wetland and Waterbirds [A999]</p>	
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000268 Galway Bay Complex SAC	3.1km form the site.	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected:</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Turloughs [3180]</p>	
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		<p>Juniperus communis formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Phoca vitulina (Harbour Seal) [1365]</p>	
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8.2.5 Assessment of likely effects:

Potential effects identified are based on the surface water connectivity between the site and the Lough Corrib SAC in the form a stream on site with potential for indirect impact on water quality and qualifying interests dependant on good water quality. Both the Galway Bay Complex SAC and Inner Galway Bay SPA have connectivity in terms of surface water by virtue of their connection to the Lough Corrib SAC and being downstream of the appeal site with potential for indirect impact on water quality and qualifying interests dependant on good water quality. In relation to the Lesser Horseshow Bat, the site is not identified as containing bat roosts (ecological report) with such identified in other locations in the area (Menlo Castle and Aughnacurra). The proposal does not fall within the confines of any designated site or result in any habitat loss within the designated site, in this case the Lough Corrib SAC for which the Lesser Horseshow Bat is a qualifying interest. In relation to bird species, the appeal site is not a habitat for any of species identified as qualifying interests for the Inner Galway Bay SPA and the proposal is remote from such and would have no direct effect or result in habitat loss in relation those bird species.

8.2.6 Screening Statement and Conclusions:

It was concluded in screening assessment that significant effects cannot be ruled out on the Lough Corrib SAC (Site Code 000297), Galway Bay Complex SAC (Site Code 000268) and Inner Galway Bay SPA (Site Code 004031) and that a Stage 2 Appropriate Assessment is required. In conclusion having regard to the foregoing, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that significant effects cannot be ruled out and a Stage 2 Appropriate Assessment is therefore required.

8.3 Stage 2 Appropriate Assessment

8.3.1 The relevant sites are

Lough Corrib SAC (Site Code 000297), adjacent the northern boundary of the site.

Galway Bay Complex SAC (Site Code 000268), 3.1km from the site.

Inner Galway Bay SPA (Site Code 004031), 3.3km from the site.

8.3.2 Assessment of potentially direct and indirect effects:

There will no direct effects on the designated sites with the appeal site located outside of the boundaries of such. There is potential for indirect effects on the qualifying interests and special conservation interests of the designated site identified through deterioration of water quality resulting from surface water pollution associated with the construction and operational phase. The appeal site has existing surface water streams which drain into the Lough Corrib SAC to the north of the site and further downstream into the Galway Bay Complex SAC and Inner Galway Bay SPA. The NIS provides details of water quality downstream of the site based on EPA data (River Corrib Q4 Good status). Potential effects from construction phase would include deterioration of surface water quality through suspended solids and pollution. Indirect effects on surface water during the operational phase are not anticipated with surface water management proposals on site.

8.3.3 The qualifying interest of the site identified within the zone of influence are dependent on water quality being aquatic habitats and species and are listed as follows...

Lough Corrib SAC (000297)

White-clawed crayfish.

Sea Lamprey.

Brook Lamprey.

Salmon.

Otter.

Water courses of plain to montaine levels with Ranunculion fluitantis and Callitricho-Batrachion vegetation.

Alkaline Fens.

Galway Bay Complex SAC (000268)

Mudflats and sandflats not covered at seawater at low tide.

Large shallow inlets and bays.

Reefs.

Otter.

Harbour Seal.

Coastal Lagoons.

Mediterranean salt meadows.

Atlantic salt meadows.

Salicornia and other annuals colonising mud and sand.

Inner Galway Bay SPA (004031)

Wetlands and Waterbirds.

8.3.4 Construction Phase

The construction phase will entail excavations and earthmoving with the potential for pollution of surface water streams on the site with suspended solids and potential spillage of fuels associated with machinery/refuelling. There is also potential for pollution during construction of the stream culvert proposed, tree planting and boardwalk installation in the biodiversity area.

In relation to alkaline fens, the nearest alkaline fen habitat is located to the north west of the site on the southern bank of the River Corrib adjacent the north western corner of the site. There is no direct effect however there is potential for impact on water quality from construction as outlined above with this habitat located downstream of the site.

In relation to Otters and based on surveys carried out there was no evidence of Otters in the streams on site that are a potential supporting habitat. The appeal site is adjacent the Lough Corrib SAC and there is potential for disturbance of Otters through construction activities.

8.3.5 Operational Phase

During the operational phase there is potential for deterioration of water quality as a result of surface water run-off from the proposed pitches.

8.3.6 Mitigation Measures

A number of mitigation measures during construction and operation phases are outlined.

Construction Phase

The NIS includes details of mitigation measures during the construction phase. The culverting of an existing stream along the eastern boundary and one at the location of the proposed 3G pitch will reduce impact with no pathway for impact on downstream sites. The mitigation measures include construction management measures for the carrying out of culverting works themselves and the overall excavation works on site. Measures include use of silt fences, surface water

collection, use of silt bags, no discharge of pumped construction water into any local watercourse, daily monitoring, works carried out based on weather conditions, wheel washes and dust suppression measures.

The boardwalk install will have minimal footprint minimising habitat impact. The design of the boardwalk is to prevent the need for excavation and the need for heavy machinery. The use of clear span footbridge will ensure no need for excavations at the stream crossing. The planting of woodland in the biodiversity management and enhancement area includes native species, the provision of a 5m buffer zone either side of the existing watercourse and no need for machinery. The use of native woodland and no drainage associated will prevent the drying out of area immediately adjacent the north of the site. It is proposed to install a pond in the biodiversity management and enhancement area. Such is to be excavated by an appropriately sized machine and the material removed for use elsewhere on the site. Silt fencing is to be used on the nearby drainage ditch and the pond is to be allowed to naturally vegetate and fill with water.

There is no direct effect on alkaline fen areas which are downstream of the site, however the mitigation measures proposed would ensure no indirect effects from the construction on site.

Operational Phase

Mitigation measures during the operation phase include preventative measures to avoid impact on water quality with a surface water system design in accordance with SuDS system and storm water attenuation system. Provision of nutrient regime for the pitches and measures to prevent leaching of nutrients. It is also noted that there is to be no use fertilisers or herbicides in the management of the native woodland in the biodiversity management and enhancement area.

8.3.7 Residual Effects

The NIS provides an assessment of the residual effects of the proposal in relation to the qualifying interest listed above. It is concluded based on best scientific

knowledge and based on objective information and the conservation objectives of the site that the proposed development will not adversely affect any of the QI's listed above.

8.3.8 Cumulative effects

Cumulative effects may arise in-combination with other plans and projects in the vicinity including residential and commercial development in the vicinity. The NIS identifies permissions sought and granted within the Dangan area over the last 5 years with such including residential, commercial developments and intuitional development (within the NUIG campus grounds). The proposed N6 Galway City Ring Road is under consideration and all information (ecological) available in relation to such was considered in the NIS. It is concluded that there will be no in-combination effects with other plans and projects.

8.3.9 The NIS identifies the relevant designated site and associated qualifying interest within the zone of influence of the project, which are the Lough Corrib SAC (Site Code 000297), Galway Bay Complex SAC (Site Code 000268) and the Inner Galway Bay SPA (Site Code 004031). The proposal does have potential to have significant effects based on hydrological links (surface water streams on site) to the River Corrib SAC and subsequently the Galway Bay Complex SAC and the Inner Galway Bay SPA, which are downstream of such. The potential effects would be as the result of construction works with the discharge of suspended solids and pollutants and during the operational phase with discharge of pollutants or contaminated surface water impacting water quality. The potential effects, which are indirect effects and clear and comprehensive mitigation measures to prevent significant or adverse effects on the designated sites are provided. These mitigation measures are sufficient to prevent any significant effects on the designated sites. I am satisfied that the in-combination effects with other plans and projects have been assessed. In relation to the N6 GCRR, such is subject to assessment in the context of appropriate assessment in relation to the same designated sites. I am satisfied It has been demonstrated based on the information in the submitted Natura Impact Statement that with implementation of mitigation measures including construction management and operational measures that the proposed development, individually

or in combination with other plans and projects would not adversely affect the Lough Corrib SAC (Site Code 000297), Galway Bay Complex SAC (Site Code 000268) and the Inner Galway Bay SPA (Site Code 004031).

8.4 Appropriate Assessment Conclusions

8.4.1 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 000297), Galway Bay Complex SAC (Site Code 000268) and the Inner Galway Bay SPA (Site Code 004031), in view of the sites' Conservation Objectives.

9.0 Recommendation

9.1. I recommend a grant of permission subject to the following condition

10.0 Reasons and Considerations

Having regard to:

- (a) The provision of the Galway City Council Development Plan 2017-2023,
- (c) The existing pattern of development at this location,
- (d) The design, scale and layout of the proposed development, and
- (e) The submissions and observations on file,

It is considered that, subject to the compliance with the conditions set out below, the proposed development would be in accordance Development Plan policy, would not detract from the visual amenities of the area, would be acceptable in the context of the amenities of adjoining properties, be satisfactory in the context of traffic safety and convenience, and would be acceptable in the context of flood risk management and surface water drainage. 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 000297), Galway Bay Complex SAC (Site Code 000268) and the Inner Galway Bay SPA (Site Code 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 implications of the proposed development for the affected European Sites, namely the Lough Corrib SAC (Site Code 000297), Galway Bay Complex SAC (Site Code 000268) and the Inner Galway Bay SPA (Site Code 004031), in view of the sites' conservation objectives.

The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

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

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted to the planning authority on the 31st day of July 2020 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Floodlighting shall operate in compliance with the standards identified in the report, submitted to the planning authority on the 23rd day of December, 2019. The lighting shall only be in operation during periods when the pitches are in use and in any event the lighting shall be switched off during the period 22:30 hours to 0700 hours.

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

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

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

4. All mitigation measures listed in the Natura Impact Statement shall be implemented.

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

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

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

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

Reason: In the interest of public health.

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

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

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

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

9. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:-

notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and employ a suitably-qualified archaeologist prior to commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:-

the nature and location of archaeological material on the site, and the impact of the proposed development on such archaeological material.

A report containing the results of the assessment shall be submitted to the planning authority with any application for permission consequent on this grant of outline permission. Details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to the commencement of construction work, shall be determined at permission consequent stage.

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

10. The landscaping scheme submitted to the planning authority on the 23rd day of December 2019 shall be implemented within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years

from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

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

Reason: In the interests of natural heritage.

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

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

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

Colin McBride
Planning Inspector

08th February 2021