



An
Bord
Pleanála

Inspector's Report ABP-309519-21.

Development	Demolition of existing building and construction of a new 3 storey office building to accommodate the Galway Rape Crisis Centre. An NIS is submitted with the application
Location	No. 7 Claddagh Quay, Galway.
Planning Authority	Galway City Council.
Planning Authority Reg. Ref.	20/115.
Applicant(s)	Galway Rape Crisis Centre.
Type of Application	Permission.
Planning Authority Decision	Grant with Conditions.
Type of Appeal	Multiple Third Party
Appellant(s)	Frank Henegan Creaven House Limited
Observer(s)	Vincent Taffe Kieran O'Flaherty & Others Saint Nicholas National School John Milroy
Date of Site Inspection	26/05/2021.
Inspector	A. Considine.

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1.0 Site Location and Description

- 1.1. The appeal site is located in the Claddagh Quay area of Galway City, and overlooks the Eglinton Canal and Claddagh Basin. The site is accessed off the R336, Galway to Spiddal, and Father Griffin Road. The surrounding area includes a variety of uses including residential, office and the fire station which is accessed via the laneway to the north of the subject site. There is also a judo club located adjacent to the site. St. Mary's Church and Graveyard, both included in the RPS, are located to the south of the site. This area of Galway City includes a number of protected structures and recorded monuments, although the subject building is not included in the RPS.
- 1.2. The site has a stated area of 0.0128 hectares and is currently occupied by an existing two storey building with a stated floor area of 126.93m². The detached former house is a rendered, three bay two storey house with a porch and is noted to have been constructed c 1940s. The subject appeal site is regular in its shape and does not have any real private open space, with the area to the rear having been enclosed.
- 1.3. The Board will note that the existing building has been used by the Galway Rape Crisis Centre for over twenty years and is used as a counselling and training centre for the past number of years, after the service expanded 7 years ago and moved to their current location in the Lodge, Forster Court. The lease on the current location is due to expire in July 2021.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices for the development which will consist of:
 - (a) demolition of existing substandard building which accommodates Galway Rape Crisis,
 - (b) construction of a new 3 storey building to accommodate Galway Rape Crisis,
 - (c) connection to services and all associated site works.

NIS submitted as part of Further Information, all at No. 7 Claddagh Quay, Galway

2.2. The application included a number of supporting documents including as follows;

- Plans, particulars and completed planning application form,
- Cover letter & Letter from the Director of the Galway Rape Crisis Centre
- Archaeological Impact Assessment
- Appropriate Assessment Screening Report
- Flood Risk Assessment
- Planning & Design Statement

2.3. Following a request for further information, the applicant submitted the following additional documents:

- Revised design including Architectural Visualisations
- Planning & Design Statement
- Natura Impact Statement
- Flood Risk Assessment
- Shadow Cast Analysis
- Report from Chartered Surveyor

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant planning permission for the proposed development subject to 21 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report considered the proposed development in the context of the details submitted with the application, internal technical reports, third party submissions, planning history and the County Development Plan policies and

objectives. The report also includes an Appropriate Assessment Screening Report and Flood Risk Assessment.

The initial Planning Report concludes that further information was required in relation to the development in terms of a number of issues including design - given the location of the site, finishes, revised AA or NIS, updated FRA, car parking, residential amenity issues and impacts on adjacent properties as well as waste storage.

Following the submission of a response to the FI request, the final planning report concludes that proposed development is acceptable. The Planning Officer recommends that permission be granted for the proposed development, subject to 21 conditions. This Planning Report formed the basis of the Planning Authority's decision to grant planning permission.

3.2.2. Other Technical Reports

Transportation Department: Notes that further information is required in relation to facilities for cyclists.

Following the submission of the response to the FI request, the Department advised no objection subject to conditions.

Heritage Officer: The Heritage Officer submitted a report following the submission of the response to the FI request noting that given the proximity of the development to the site of the Dominican Friary and its precursor the Premonstratencian Priory, all works must be archaeologically monitored. Rendered finishes would be preferable and the building should not exceed the height of or detract from the nearby Piscatorial School – a protected structure.

The report concludes that a more traditional building form echoing the nearby protected structures is desirable.

3.2.3. Prescribed Bodies

Irish Water: No objections

An Taisce: The submission notes no objection in principle and highlights a number of details which are requested to be considered as part of the PAs assessment of the development.

3.2.4. Third Party Submissions

There are 2 no. third party objections/submissions noted on the planning authority file. The issues raised are summarised as follows:

- A number of unauthorised developments have been carried out at the site which have had an adverse and damaging effect on property.
- The proposed development encroaches onto adjacent property.
- Questions if the site is large enough to accommodate the staff numbers proposed.
- No permission was granted to use the site for the purpose it has been used for and as the GRCC vacated the site more than 7 years ago, the adverse right acquired is lost.
- Why would the house be demolished to build an ultra-modern edifice?
- The development will impact adjacent property by reason of shading and blocking out most of the natural light for the greater part of the day.

Following the submission of the response to FI, the original two third parties made further submissions. A further three objectors are also noted. The submissions are summarised as follows:

- No consulting rooms are now noted in the floor plans.
- The description of the development is vague, and any grant of permission should restrict the use of the development as a healthcare centre for medical or well-being purposes only and not as offices or for any other commercial purpose.
- The scale of the development exceeds the needs of the applicant if 4 staff members is the maximum number at peak times.
- The mass, scale and design of the proposed development is totally out of context, at odds and conflicts with the immediate environment and the adjacent buildings.

- Creaven House does not function as a commercial property as stated, it is a Sports Hall run on a voluntary charitable basis with all involved giving their time free of charge.
- The site is located within a low density residential zoned area.
- Access issues and impact on the access to the Fire Station
- Encroachment on adjoining property
- Inaccurate information supplied in relation to the length of time GRCC has owned and occupied the dwelling.
- The property is not being used by the GRCC as they have it rented to a third party.
- Water leaks from the building are a concern and are a health and safety risk to pedestrians.
- The development will impact on residential amenity by reason of overshadowing and overlooking.
- The nature of the proposed use is questioned given the open plan nature of the layout. It is submitted that the layout would suggest an office development which is not appropriate to the area.
- Issues with public notices

4.0 Planning History

The following is the relevant planning history pertaining to the subject site:

PA ref: 95/439: Permission refused to provide a new dormer roof to dwelling, to change the front elevation and to provide two rooms for residential use in the proposed roof space.

Adjacent Site:

PA ref: 94/647: Permission granted to demolish existing clubhouse and construction of new clubhouse.

5.0 Policy and Context

5.1. Urban Development and Building Heights Guidelines for Planning Authorities December 2018.

- 5.1.1. The guidelines encourage a more proactive and flexible approach in securing compact urban growth through a combination of both facilitating increased densities and heights, while also mindful of the quality of development and balancing the amenity and environmental considerations. Building height is identified as an important mechanism to delivering such compact urban growth and Specific Planning Policy Requirements (SPPRs) of the building height guidelines take precedence over any conflicting policies and objectives of the Dublin City Development Plan.

5.2. Development Plan

- 5.2.1. The Galway City Development Plan 2017 – 2023, is the relevant policy document relating to the subject site. The site is located on lands zoned R Residential where it is the stated objective ‘to protect residential amenity and to provide for limited associated use’.
- 5.2.2. The site is also located within the Inner Residential Area neighbourhood of Claddagh, where it is the priority of the Council to ensure that new development will not adversely affect the character of the area. Infill development should not be of a scale that represents a major addition to, or redevelopment of the existing urban fabric. Section 2.7 of the Plan states that ‘In this respect, infill development will have regard to the existing pattern of development, plots, blocks, streets and spaces. Infill development will also have regard to the scale and proportion of existing buildings, building lines, massing and height of buildings in relation to the street.’
- 5.2.3. Section 11.2.8 of the CDP deals with Residential R Land Use Zoning Objectives and it is noted that ‘Buildings for the care of the health, safety or welfare of the public’ is considered a use which is compatible with and contribute to the zoning objective. Local offices are also included in this zoning.
- 5.2.4. Lands to the west are zoned for community purposes.

5.3. Natural Heritage Designations

The site is not located within any designated site. The closest Natura 2000 site is the Galway Bay Complex SAC (Site Code: 000268) which is located approximately 80m to the east of the site. The Lough Corrib SAC (Site Code: 000297) is located approximately 105m to the north of the site and the Inner Galway Bay SPA (Site Code: 004031) lies approximately 0.65km to the east.

The Board will note that the applicant submitted an NIS following a request for further information from the PA. I will address this issue further in my assessment below.

5.4. EIA Screening

5.4.1. The application was submitted to the Board after the 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.

5.4.2. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

5.4.3. The proposed development involves the demolition of an existing house and the construction of a 3 storey building to accommodate the Galway Rape Crisis Centre and connections to all services on a site of 0.0128ha in Galway City. The site is located in an urban area which lies in proximity to, but outside of, the area that may come within the above definition of a “business district”. The site area is below the threshold of 2 ha for such a location. It is therefore considered that the development does not fall within the above classes of development and does not require mandatory EIA.

- 5.4.4. In accordance with section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.
- 5.4.5. Having regard to nature and scale of the development, together with the brownfield nature of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

This is a multiple third-party appeal, from Frank Heneghan and Creaven House Limited, against the decision of the Planning Authority to grant planning permission for the proposed development. The issues raised reflect those raised with the PA during their assessment of the proposed development and are summarised as follows:

- Unauthorised works at the site and ongoing damage to adjoining property due to a water leak which has not been addressed by the applicant.
- The development is in breach of the residential zoning of the site.
- The development encroaches onto the adjoining property.
- Issues raised with regard to communication with the applicant.
- The City Council refused permission for a residential extension on the site due to excessive density yet has permitted the subject development which is

almost twice the size of the existing house on the site and has no residential element.

- The property has been neglected and lack of maintenance at the site has resulted in significant loss of treated water and the site becoming overgrown, causing damage to the adjacent property. The proposed development interferes with the fascia / soffit boards, rainwater gutters and downpipes of the adjacent property.
- Details of a meeting with the applicant are included. The applicant failed to address any concerns raised.
- The ultra-modern open plan office complex bears no resemblance to a healthcare facility. There are no private consulting rooms proposed which are essential for a healthcare centre to function.
- The inclusion of condition 3 in the PAs decision to grant is raised as a concern as it is submitted that it is impossible to satisfy.
- The development will result in overlooking of adjacent property. If permission is granted, it is requested that no windows or vents (mechanical or otherwise) be permitted which overlooks adjacent property.
- Access via the side entrance on the Fire Stations Emergency Entrance / Exit is questioned as the entrance is too narrow to accommodate footpaths.
- There are security cameras on the access to the Fire Station which would compromise the privacy of victims attending the premises.
- Details of ownership of the site provided are inaccurate.
- Issues raised in relation to public notices. The incorrect reference number was cited in the newspaper notice and therefore the revised notices, following the submission of the response to the FI request are invalid. This is a legal requirement and not a matter to be arbitrarily decided by the PA.
- Both appellants support the principle of a bespoke healthcare / welfare centre development for the purposes of the work of the GRCC, built to an appropriate design and scale. The proposal does not satisfy these requirements.

- No permission was ever granted to change the use of the dwelling for use as the GRCC.
- Density of development raised as an issue particularly given the location within a historic, visually sensitive area being that of the highly unique heritage of the Claddagh village.
- No details of car parking or cycling parking is provided.
- Questions regarding the number of staff on the site are raised and it is submitted that the scale of the development exceeds the needs of the applicant.

The appeals include a number of appendices.

6.2. Applicant Response

The first party submitted a response to the third-party appeals through their agent, McGill Planning. The submission sets out a background to the development proposal, including details of the site location, planning history, relevant policy pertaining to the site, the details of the application and response to the FI request and a rationale for the proposed development. The response to the third-party appeals is summarised as follows:

- The final layout of the floors will be optimised for the creation of private consulting rooms and access to the rooms. Internal walls will be erected once the building is constructed, under exempted development. Should the Board consider it necessary, prior to commencement of development, floor plans can be submitted to the PA for agreement by way of condition.
- The applicant refutes the claims that GRCC have encroached on adjacent property and submits that the opposite has occurred.
- Allegations of unauthorised development are not a matter for the Board. Any alleged unauthorised development will be fully removed and resolved by the current proposed development.
- The error in the registration number in the public notice as referred to, was a typo and as there were 3 further submissions in relation to the proposed

development following the publishing of the press notice, third parties were not disenfranchised as a result of the mistake. This matter does not constitute a meritorious ground for an appeal.

- Alleged encroachment onto adjacent lands was addressed at further information stage. No part of the proposed development will extend beyond the title boundary.
- Issues of title to land are civil matters.
- The proposed development accords with zoning for the site and the development is compatible with neighbouring uses.
- Issues of density relate to a previous development plan and it is submitted that time has moved on with the current S28 Guidelines currently applicable. The issue of excessive density is rejected.
- With regard to design and scale, it is noted that the PA consider that the site can accommodate a three-storey building and that the design takes a traditional approach.
- Other buildings in the area are 100% non-residential.
- Parking issues raised in the appeals have been addressed with no objection from the PAs Transportation Department.
- With regard to the issues in relation to water drainage from the roof of the existing building, it is submitted that this is a historic civil matter. Said matters will be addressed as part of the proposed development.
- The only rear windows serve toilets. No issues arise in terms of overlooking.
- The side entrance in the building is a fire escape door.
- Issues raised in terms of how long GRCC have owned and occupied the site are not a planning matter.

It is concluded that the appeals relate to primarily civil and historical issues, and it is requested that the Board uphold the decision of the PA and grant permission for the proposed development.

6.3. Planning Authority Response

The Planning Authority submitted a response to the third-party appeals advising that due consideration has been given to the issues raised and it is requested that the Board uphold the decision of the PA.

The Board will note that the response requests that the Board refuse permission, which is not in line with the decision of the PA.

6.4. Observations

6.4.1. There are 2 original observations noted in relation to this appeal from Mr. Vincent Connolly, a teacher at St. Nicholas National School Claddagh and Mr. Vincent Taaffe. The Board sought the submission of new public notices as the submission of the NIS, lodged after the request for further information, had not been included in said notices. Following the publication of the public notices, 2 further observations were received by the Board from Mr. Kieran O'Flaherty & Others and Mr. John Milroy. The observations are summarised as follows:

6.4.2. Mr. Vincent Connolly, a teacher at St. Nicholas National School Claddagh;

- The children of the national school use the existing facilities at Creaven House.
- It is noted that the second floor sought to Creaven House was refused due to an unauthorised development at the subject appeal site.
- It is submitted that while the children have been able to experiment and participate in a variety of sports due to the fact that the floor is always covered by the heavy judo mats, they have been restricted from trying a range of other sports.
- Had Creaven House been permitted the second floor, a range of sports could be facilitated.
- It is requested that if permission is granted, a condition should be included to exclude windows, frosted or otherwise, or vent pipes mechanical or otherwise, or any other service structure from the rear and side walls which directly

adjoin and overlook Creaven House, which would restrict or impede any future development of the sports hall.

6.4.3. Mr. Vincent Taaffe:

- Mr. Taaffe submits that contrary to the opinion of the Planning Authority and the applicant, he has been denied his legal right to make an appeal in his own right by an unlawful decision of the PA.
- The PA was advised that the obligatory newspaper notice included an incorrect reference number yet did not request new notices.
- The incorrect reference number related to a HSE development which was refused permission and the observer was therefore denied his right to appeal the decision to the Board.
- The name of the applicant is also incorrect – identified as Galway Rape Crisis Centre and not Galway Rape Crisis Centre Limited, which is its legal name and status.
- It is submitted that the observer thought that the GRCC was run by and under the auspices of the HSE, who have made numerous applications for services.
- As a taxi driver in Galway, the observer is fully aware of the numerous outpatient services of the HSE and is familiar with the precise location of individual units as the people he transports are not.
- He was misled by the incorrect planning reference number cited in the newspaper notice.
- It is also submitted that the PA was confused as they filed paperwork associated with other HSE developments to the subject appeal file, so it is submitted that a member of the public would be more likely to be mistaken.
- The application form is also incorrect as the GRCC is a registered company. The application form was completed with N/A in the relevant section.
- Issues raised with regard to contradictions in the PAs report.
- Supports the third party appeals in relation to the nature of the proposed development and submits that the building was never used as office accommodation.

- Notes that the PA has now requested the Board to refuse permission.

6.4.4. Mr. John Milroy:

- Notes the drawings indicate an open plan arrangement which is unsuitable for its intended purpose.
- The size of the building will cater for a large number of clients. Concern is raised in terms of traffic congestion and limited parking in the area.
- The size, scale and design of the building is out of character with the Claddagh area and the Quays which has retained and preserved the neighbourhood in its original format, and many of the buildings are protected structures.
- The NIS is not available for viewing online and therefore a review of the documents is not possible.

6.4.5. Mr. Kieran O'Flaherty & Others:

- Noted the incorrect planning reference number used and raises concerns regarding the fact that the Board sought new public notices for a NIS which is not available on the online records of Galway City Council. This procedure is alien to the observer.
- The Claddagh Village is highly unique in its diverse history and includes a number of protected structures. The proposed development is totally out of character with the existing structures.
- The GRCC has had no regard for the planning regulations, has never sought permission for the use and has carried out unauthorised works at the site.
- A substantial number of photographs have been provided to show how the history and heritage of the area has survived.
- A similar type dwelling to that of the No. 8 Claddagh Quay would be a more appropriate design. The proposed design will be grievously injurious to the unique historical architecture of St. Mary's Claddagh Church and other historical structures in the vicinity.

This observation includes an extensive collection of photographs and historical references.

7.0 Assessment

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Administrative Issues & Public Notices
2. Principle of the Development & Use
3. Design, Visual Impacts & Heritage
4. Roads & Traffic
5. Water Services & Flood Risk Assessment
6. Other Issues
7. Appropriate Assessment

7.1. Administrative Issues & Public Notices

- 7.1.1. I consider it appropriate to address the issues raised by third parties in relation to public notices at the outset. It has been submitted that the decision of the PA not to request corrected public notices, which included the correct planning reference number, renders the application invalid. It is noted that it is a legal obligation to include the correct planning reference number in such public notices where significant further information has been submitted and is not a discretion afforded to the Planning Authority. It is submitted that the public was disenfranchised by the inclusion of the incorrect reference number, and I note that the reference number used related to a development by the HSE which had been refused.
- 7.1.2. I would accept that this typo in the public notice would have given rise to some confusion. I also note that following the publishing of the public notices, with the incorrect planning reference number, the Planning Authority received further third-party submissions in relation to the proposed development. In this regard, the PA is satisfied that the public has not been disenfranchised.

- 7.1.3. The Board sought new public notices as the fact that the applicant submitted a Natura Impact Statement with the response to the FI request was not noted in the notices dated 31st of December 2020 and submitted to the Planning Authority on the 4th of January 2021. I note that these public notices included all of the correct information and planning references and resulted in two observations being received with regard to the proposed development. I note that the two observations indicate that the NIS was not available on the Galway City Council online service and therefore, they were unable to comment on this report.
- 7.1.4. In the context of the public notices, and notwithstanding the decision of the PA not to seek corrected notices from the applicant, I am satisfied that the Board, in seeking new press notices, published in the Galway Tribune on the 9th of April 2021, and inviting written submissions or observations, has ensured that adequate public notice has been given. I am further satisfied that adequate time was afforded to the public to make submissions to the Board. While I acknowledge the third-party submissions in terms of the availability of the NIS on the Galway City Council website, I can confirm that the report is available on the Councils website on the date of this report.

7.2. Principle of the development & Use

- 7.2.1. Permission is sought for the demolition of the existing building on the site and its replacement with a modern 3 storey building which will accommodate the Galway Rape Crisis Centre. While I note that there is some disagreement regarding the length of time the GRCC has operated from this site, I would accept that the building has been used in the past to provide the services of the GRCC. I also note that amendments were made to the proposed design during the course of the PAs assessment of the development.
- 7.2.2. The Galway City Development Plan 2017 – 2023, is the relevant policy document relating to the subject site. The site is located on lands zoned R Residential where it is the stated objective 'to protect residential amenity and to provide for limited associated use'. The site is also located within the Inner Residential Area neighbourhood of Claddagh, where it is the priority of the Council to ensure that new development will not adversely affect the character of the area. Infill development should not be of a scale that represents a major addition to, or redevelopment of the existing urban fabric. Section 2.7 of the Plan states that 'In this respect, infill

development will have regard to the existing pattern of development, plots, blocks, streets and spaces. Infill development will also have regard to the scale and proportion of existing buildings, building lines, massing and height of buildings in relation to the street.'

7.2.3. Section 11.2.8 of the CDP deals with Residential R Land Use Zoning Objectives and it is noted that 'Buildings for the care of the health, safety or welfare of the public' is considered a use which is compatible with and contribute to the zoning objective. Local offices are also included in this zoning. In this context, it is reasonable to consider that the use of the site as a building for the care of the health, safety or welfare of the public is fully compliant with the provisions of the City Development Plan.

7.2.4. The Board will note that concerns have been raised by third parties regarding the actual intended use of the building, as the floor plans submitted provide for an open plan layout. Such a layout would not be conducive to the use proposed and it is a concern that the use may be for office rather than that described in the description of the development. In response, I note the applicant has advised that the internal layout is to be finalised following construction so that the layout of the floors will be optimised for the creation of private consulting rooms and access to the rooms. Should the Board be minded to grant permission in this instance, and in the interest of clarity, I consider that the floor plans should be agreed with the PA prior to the commencement of any development on the site.

7.3. Design, Visual Impacts & Heritage

7.3.1. The development has been amended, following a request for further information by the PA and the application before the Board seeks to construct a three-storey building, which the applicant submits, embraces the architectural syntax of the street which remains sympathetic to the street rhythm, materiality, proportion, stepping and massing. It is noted that the building on the site is not a protected structure and is not located within an Architectural Conservation Area.

7.3.2. In terms of the dwelling on the site to be demolished, the Board will note that it rises to two storeys with a rendered finish, constructed in the 1940s. It is submitted that the house is sub-standard in terms of construction and function and does not add

any intrinsic value to the streetscape, with little material richness. Saving, replicating or restoring this building is considered neither viable nor of any gain within the wider urban streetscape context. The existing building has a stated floor area of 127m² and the existing plot ratio is 1:1.

- 7.3.3. I also note that there was no objection to the proposed demolition from the City Councils Heritage Officer, although I do acknowledge his comments with regard to a preference for a more traditional building form, echoing the nearby protected structures is desirable. I also note that rendered finishes are considered preferable and the building should not exceed the height of or detract from the nearby Piscatorial School – a protected structure. Having regard to all of the submissions in relation to the proposed development, together with the amended proposal presented by the application, I am generally satisfied that the principle of the demolition of the existing house on the site is acceptable.
- 7.3.4. In terms of the proposed design, the development has sought to reflect the traditional form and features, while proposing a modern building on the site. At three storeys, I would accept that the building will rise slightly above the adjacent buildings, but I consider that the treatment of the building, including the proposed roof structure, is both acceptable and appropriate to this quayside location. While the height rises above adjacent properties, I am satisfied that national policy with regard to building heights seeks to encourage increased densities on serviced city sites. In support of the proposed development, the applicant submitted architectural visualisations which included a number of photo montages of the development in the streetscape.
- 7.3.5. The proposed development will rise to a height of approximately 10.8m comprising three floors. The building will be finished using a limestone panel, zinc cladding to the rear side elevation and a masonry render. The roof of the building will be finished in blue/black slate and the parapet capping will be aluminium. Windows will be a timber sash windows and of a scale which reflects the adjacent properties and triple glazing will be used. The Board will note that the submitted specifications indicate that Aluclad or uPVC frames will be used. In the event of a grant of permission, and having regard to the location of the site, details of the proposed front door, and all proposed finishes, should be submitted for the written agreement of the PA prior to the commencement of any development on site. The front boundary wall is proposed

to continue the style and finishes of the adjacent flood defence wall and railings to the front of Creaven House to the south. I have no objections in this regard.

- 7.3.6. In terms of the scale of the building, the proposed floor area is indicated at 237.95m². This will result in an increase of approximately 110m² of floor area on the site and will result in a plot ratio of 1.85:1. The density of development on the site will therefore increase. The Galway City Development Plan states that plot ratio/density requirements for developments within the Inner Residential Areas / Established Suburbs, 'In the interests of sustainability and urban design, higher densities may be appropriate when new residential development or commercial / community development has regard to the prevailing pattern, form and density of these areas.'
- 7.3.7. While I acknowledge that the plot ratio as proposed exceeds the development plan, having regard to national policy and the circumstances of the subject site within Galway City, I am satisfied that the Board can favourably consider the proposal in this context. I would also note that the issue of plot ratio is only one element of a suite of factors employed to determine the acceptability or otherwise of a development and that each application should be considered in the whole and on its merits. In this regard, I am satisfied that the proposed development can be considered acceptable and that the plot ratio as proposed is appropriate. The Board will note my comments in terms of the necessity for the applicant to submit for the written agreement of the Planning Authority, the full details of the proposed floor plan layout prior to the commencement of development.
- 7.3.8. In terms of the development and its impact on the heritage of the wider Claddagh Village, I would acknowledge the concerns of the third parties. In this regard, I consider that the Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht 2011) are also relevant, having regard to the location of the subject site in the context of Claddagh Village. There are a number of protected structures and national monuments located within this historical area of Galway City. The guidelines are issued under Section 28 and Section 52 of the Planning and Development Act 2000.
- 7.3.9. Under Section 52 (1), the Minister is obliged to issue guidelines to planning authorities concerning development objectives:

- a) for protecting structures, or parts of structures, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social, or technical interest, and
- b) for preserving the character of architectural conservation areas.

7.3.10. While I acknowledge the rich history of the Claddagh area of Galway City, supported in the extensive photographs and details submitted with third party submissions to the Board, the subject site does not lie within an identified ACA and the subject building is not a protected structure. I have discussed the detail of the overall design of the proposed building above and I am satisfied that the development has considered the requirements of the 2011 Architectural Heritage Guidelines.

Archaeology:

7.3.11. The Archaeological Impact Assessment submitted with the application, at Section 4, sets out a description of the site while Section 5 of the report addresses the impact of the proposed development on the archaeological potential of the site. The report notes that the archaeological profile of the surrounding area suggests that the site has moderate to high archaeological potential and features or finds of archaeological interest may be found during the proposed works. With regard to the visual impacts associated with the development, the report concludes that the views from the historic town will be moderately impacted by the proposed development.

7.3.12. The Heritage Officer submitted a report following the submission of the response to the FI request noting that give the proximity of the development to the site of the Dominican Friary and its precursor the Premonstratencian Priory, all works must be archaeologically monitored. I consider that this a reasonable conclusion and should the Board be minded to grant permission in this instance, a condition to this effect should be included.

7.3.13. Overall, I am satisfied that the proposed development is acceptable in the context of the archaeology of the site and I am satisfied that the visual impacts from the city side of the river are acceptable.

7.4. Roads & Traffic

- 7.4.1. The proposed development does not propose to provide any car parking on the site. Two bicycle parking spaces are proposed in the front area of the overall site. In terms of existing parking in the vicinity of the site, I note that there is existing on-street public parking available on Claddagh Quay, as well as public car parks adjacent to the Church and on Father Griffin Road, as well as across the bridge at Jurys and in proximity to the docks area of the city. The location of the site lends itself to accessing public transport modes within easy reach of the site also. I note that the proposed centre will have a total staff of 26, with 8-10 people working at the centre during any one day. Even then, it is submitted that all 8-10 members of staff will not be on site at the same time, with a peak staff occupancy of 4 in any one counselling appointment session. All of the GRCC staff are aware that there is no parking available at the site location and are encouraged to use public transport.
- 7.4.2. In this regard, I note the requirements of Section 11.10.1 of the Plan which deals with parking space requirement. This section notes that in Inner City Residential Areas, parking requirements will not be exceeded and where developments do not provide car parking, a transportation contribution will be levied in lieu of on-site parking spaces.
- 7.4.3. Table 11.5 of the Galway City Development Plan sets out the parking space requirements for different types of development. The subject site lies outside the identified City Centre Area as defined in Fig 10.1 of the Plan. In the context of the existing / former use of the site together with the proposed development which is to provide for the Galway Rape Crisis Centre, together with the lack of any internal floor plans, it is unclear as to how to calculate the necessary contribution for the provision of car parking. The existing building is indicated as accommodating 5 consulting rooms.
- 7.4.4. The Plan provides for three potential development types which might be considered relevant in relation to the subject proposal:

Development Type	Parking Requirement	City Centre Parking Area
Offices & Banks	1 space per 25m ² gross floor area	1 space per 50m ² gross floor area
Surgeries, Clinics, Group Medical Practices	2 spaces per consulting room	1 spaces per consulting room
Specialist Offices	1 space per 75m ²	-----

- 7.4.5. Having regard to the nature of the intended use of the building, for counselling of rape victims, one might consider the parking requirement to fall under Surgeries, Clinics, Group Medical Practices category. I note that the Planning Authority has indicates that 1 parking space per 30m² in city centre is required and therefore, the development requires three parking spaces. The development contribution in this regard is €7,500.
- 7.4.6. In any case, I acknowledge that the development, if permission is granted, is liable to pay the transportation contribution. This matter can be dealt with by way of condition and shall be subject to the submission of the floor plans which will identify the number of consulting rooms to be provided in the scheme.
- 7.4.7. The Board will note that concerns were raised with regard to the accessing of the proposed building via the existing laneway which serves the Fire Station to the west of the site. This access is a secondary access used by the fire service. The proposed development includes a fire door which will open out onto this access laneway. In the event of a grant of planning permission, this door will require to be recessed into the building so as not to obstruct the laneway, which is too narrow to accommodate a footpath. The Board will note the inclusion of condition 6 of the PAs decision to grant which I consider appropriate and reasonable in the interests of traffic and pedestrian safety.

7.5. **Water Services & Flood Risk Assessment**

- 7.5.1. The applicant has noted that an application has been made to Irish Water for the modifications required to the existing connections at the site to facilitate the

proposed development. The applicants consulting engineer has submitted details of the water demands for the proposed development and notes that the development will discharge to the existing combined sewer for stormwater and wastewater. There is no objection to the proposed development in this regard.

- 7.5.2. A Flood Risk Assessment has been submitted in support of the proposed development. The purpose of the report is to address the potential flood implications associated with the development and notes the proximity of the site to the River Corrib and canal to the site. Surface water features in the vicinity of the site are identified on maps included as part of the FRA and the site is located in the bedrock area of Undifferentiated Quartz-Diorite Gneiss (Qd), Quartz Diorite Gneiss & Granitic Gneiss (Qg) and Metagabbro and Related Lithologies. The underlying aquifer is identified as being poor PI where the bedrock is generally unproductive except for local zones with a high vulnerability rating.
- 7.5.3. In terms of the flood risk maps for the area, the subject site is identified as being within the coastal flood risk area and the fluvial flood risk area of the Corrib estuary. The subject site is located within an area which is identified as being Flood Zone A in the Galway City Development Plan Strategic Floor Risk Assessment which notes the primary risk to the area is from tidal flooding. The FRA identifies the location of the subject site within Flood Zone B. It is noted that the detail of this Assessment was queried by the PA at further information stage.
- 7.5.4. The submitted FRA notes that there are no hard flood defences in place at present except for the demountable flood defences along the quay wall to the east of the subject development site. Section 4 of the FRA presents the detailed flood risk assessment including the methodology employed in the preparation of the assessment report. The initial assessment identified that the site is potentially at risk due to a combination of fluvial and coastal flooding.
- 7.5.5. Coastal flooding is caused by high tide, a storm surge or a combination of both. Sea water levels are observed at the Galway Port tide gauge which is located in the Galway Port, not far from the subject site to the east. The annual maximum sea water levels observed at the tide gauge indicate that the highest levels observed was 3.772m AOD on the 2nd January 2018, which happened during Storm Eleanor.

- 7.5.6. The FRA notes that the finished floor level and the front entrance of the proposed development will be 3.93m AOD and the rear entrance will be 3.37m AOD which suggests that the front entrance and building ffl will be at a higher level than the 0.5% flood level, while the back entrance is higher than the 10% flood level. In this regard, the FRA submits that the front entrance and ffl is in Flood Zone B and the rear entrance is in Flood Zone A. Given that the proposed development does not include residential facilities, and only visiting sessions, the development is considered to be a less vulnerable development in the context of Flood Risk Assessment. I would consider this conclusion to be reasonable.
- 7.5.7. I note that the FRA concluded that as only the rear entrance to the development is located within Flood Zone A, a justification test is not required. Section 4.5 of the FRA present water management measures and safety measures which will include water tight covers on all manholes and other openings on ground associated with the sewer system and surface water drainage system, the provision of a waterproof doors and other waterproof methods will be considered below the level of 4.07mAOD, including a demountable barrier at the rear entrance and all electrical outlets on the ground floor will be at a level higher than 4.07mAOD.
- 7.5.8. Having regard to the context and location of the subject site, I accept that the development is unlikely to increase flood risk to adjacent properties.
- 7.5.9. While I acknowledge the content of the FRA, together with the additional submission following the request of FI, I consider it appropriate to address the necessity for a justification test. As part of the site, albeit a small area, is identified as being located within Flood Zone A, the following is relevant in terms of the justification test criteria of the FRM Guidelines:
1. The subject lands have been zoned or otherwise designated for the particular use or form of development in an operational plan, which has been adopted or varied taking account of these guidelines:

The subject site is located within a built-up area of Galway City and is zoned land. There is an existing building on the site which is to be replaced to accommodate the new building. I am satisfied that the proposed use is in accordance with the zoning objective and therefore, the subject site is reasonably considered to be appropriately designated for use proposed.

2. The development has been subject to an appropriate flood risk assessment that demonstrates:
 - (i) The development proposal will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk;
 - (ii) The development proposal includes measures to minimise flood risk to people, property, the economy and the environment as far as reasonably possible;
 - (iii) The development proposed includes measures to ensure that residual risks to the area and/or development can be managed to an acceptable level as regards the adequacy of existing flood protection measures or the design, implementation and funding of any future flood risk management and provisions for emergency services access;
and
 - (iv) The development proposed addresses the above in a manner that is also compatible with the achievement of wider planning objectives in relation to development of good urban design and vibrant and active streetscapes.

In terms of a consideration of part 2 of the JT Criteria, I would accept that the FRA, has presented mitigation measures which, if adhered to, will ensure that the proposed works will not increase flood risk elsewhere and that the development will not have a negative impact in this regard. The Flood Risk Assessment concludes advising that adherence with the recommendations of the submitted FRA, the proposed development will not have a negative impact on the local drainage network, on local private property or to the surrounding environment and human health. As such, I am satisfied that the development, if permitted, will not exacerbate or add to flooding risk in the area.

7.6. Impact on adjacent residential amenity

- 7.6.1. There is an existing residential property located across the access lane to the rear of the Fire Station, to the north of the subject site. The access laneway is approximately 5m in width and the gable ends of both buildings form the boundary to the lane.

There is an existing window facing onto the lane serving the bungalow and there is a gate providing access to the rear of the bungalows site also. It is therefore possible that the proposed development, rising to three storeys, may have an impact on the existing residential amenity of this property in terms of overlooking and overshadowing.

- 7.6.2. With regard to the potential for overlooking, I note that the windows on the northern elevation of the proposed building will be restricted to the eastern side of this elevation. As such, there is potential for the occupants of the building to overlook the front garden area of the houses to the north, as well as the public road and onto the canal and river. I have no objection in this regard.
- 7.6.3. The upper floor windows, as one moves west along this northern elevation however, have the potential to overlook into the rear private amenity spaces of the adjacent houses. I would note that at present, there are two first floor windows associated with Creaven House located on this elevation. In the context of the nature of the use of the proposed development, I am generally satisfied that the potential for overlooking of the private amenity spaces will be minimal. However, should the Board consider it necessary, a condition could be included to require the windows on the northern elevation at first and second floors be obscured glazing.
- 7.6.4. In terms of potential overshadowing, the Board will note that the applicant submitted a Shadow Cast Analysis in response to the PAs FI request. I would note that the existing building on the site, to be demolished, already affects the adjacent bungalow in terms of shadowing the window on the laneway. In the context of the proposed development, I am generally satisfied that there will be no significant additional impacts arising as a result of the development in terms of overshadowing.

7.7. Other Issues

7.7.1. Site Boundary Issue

The Board will note that the pertinent issue arising in the third-party appeal relates to a disagreement on the boundary of the site, which is a civil matter. However, I would be satisfied that the provision of Section 34(13) of the Planning & Development Act, 2000 as amended, which states 'A person shall not be entitled solely by reason of a permission under this section to carry out any development' is sufficient to ensure

that the civil issues is rectified prior to the commencement of development on the site.

7.7.2. Impacts on adjacent property

Third party's have raised concerns in terms of the potential for overlooking, particularly in relation to the proposed first floor rear windows and the windows on the northern elevation. With regard to the windows on the rear, I note that they will serve toilets and as such, I do not consider that they will result in any significant overlooking of the adjacent property. I do, however, acknowledge the concerns of the adjacent property owner with regard to the potential impact of these windows on the future development potential of their property. This is due to the proposed development being constructed in line with the boundary wall – which is the subject of a disagreement as referred to above. It may be reasonable to exclude these windows in this instance.

I also note the issues raised with regard to ongoing water leaks from the subject site. I am satisfied that these matters are not an issue for the Board.

7.7.3. Development Contribution

The subject development is not liable to pay development contribution, as no development contributions are applicable to charitable organisations.

The applicant is not exempt from paying a transportation contribution for car parking as discussed above in Section 7.4 of this report.

7.8. Appropriate Assessment

Introduction:

7.8.1. The EU Habitats Directive 92/43/EEC provides legal protection for habitats and species of European importance through the establishment of a network of designated conservation areas collectively referred to as Natura 2000 (or 'European') sites.

7.8.2. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken for any plan or programme not directly connected with or necessary to the management of a European site but likely to have a significant effect on the site

in view of its conservation objectives. The proposed development is not directly connected with or necessary to the management of a European site. The Board will note that following a request for further information by the Planning Authority, a Natura Impact Statement (NIS) was submitted as part of documentation for permission for the proposed development to assess the likely or possible significant effects, if any, arising from the proposed development on any European site.

7.8.3. In accordance with these requirements the Board, as the competent authority, prior to granting a consent must be satisfied that the proposal individually or in combination with other plans or projects, is either not likely to have a significant effect on any European Site or adversely affect the integrity of such a site, in view of the site(s) conservation objectives.

7.8.4. Guidance on Appropriate Assessment is provided by the EU and the NPWS in the following documents:

- Assessment of plans and projects significantly affecting Natura 2000 sites – methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (EC, 2001).
- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (DoEHLG), 2009.

Both documents provide guidance on Screening for Appropriate Assessment and the process of Appropriate Assessment itself.

Screening for Appropriate Assessment

7.8.5. The applicant initially submitted an Appropriate Assessment Screening Report with the planning application which noted that the site is not located within any designated site. I note that the proposed development is not directly connected or necessary to the management of a European Site. The AA Screening Report identified the Natura 2000 sites within 15km of the subject site, and screened in 2 sites, for the purposes of AA Screening, including as follows:

- The Galway Bay Complex SAC (Site Code: 000268) which is located approximately 80m to the east of the site.
- The Inner Galway Bay SPA (Site Code: 004031) which lies approximately 0.65km to the east of the site.

The Lough Corrib SAC (Site Code: 000297) is located approximately 105m to the north of the site and was screened out on the basis that the site is found hydrologically upstream of the site, ending at Wolf Tone Bridge. The Eglinton sea lock prevents water from the adjacent Eglinton Basin from being pushed upstream into the subject SAC during high tides.

- 7.8.6. Table 2-2 and Table 2-3 of the AA Screening Report present the details of the habitats and qualifying interests associated with the Galway Bay Complex SAC and Table 2-4 of the report details the Annex I Species for which the Inner Galway Bay SPA is so designated. The report sought to address the potential pressures and threats to the Natura 2000 Sites and Section 2.4 presents an 'in combination' assessment of other plans and projects in the area.
- 7.8.7. The Screening Report summarises the findings of the screening matrix in Table 2-8 and the report concludes that no significant effects are expected on the qualifying interests or conservation objectives of the Galway Bay Natura 2000 Sites as a result of the proposed development, either alone or in combination with other plans and projects.
- 7.8.8. The Planning Authority raised concerns in terms of the groundwater vulnerability of the area, and the potential for direct, indirect or secondary impacts associated with the proposed development. In response to the FI request, a Natura Impact Assessment was submitted.

Natura Impact Statement

- 7.8.9. The Natura Impact Statement (NIS, dated 21st October 2020) examined the potential impacts of the proposed development on the following European Sites:
- The Galway Bay Complex SAC (Site Code: 000268)
 - The Inner Galway Bay SPA (Site Code: 004031)

Table 1-1 of the NIS identifies the details of Natura 2000 Sites within the likely zone of influence and categorises them into screened in and screened out.

The following sites were excluded at Stage 1 Screening, primarily for lack of relevant connectivity:

- Lough Corrib SAC (Site Code: 000297)

- Lough Corrib SPA (Site Code: 004042)
- Cregganna Marsh SPA (Site Code: 004142)
- Connemara Bog Complex SAC (Site Code: 002034)
- East Burren Complex SAC (Site Code: 001926)
- Lough Fingall Complex SAC (Site Code: 000606)
- Ross Lake and Woods SAC (Site Code: 0013112)
- Moneen Mountain SAC (Site Code: 000054)

7.8.10. Having reviewed the NIS and supporting documentation and relevant submissions, and having undertaken a site inspection, I am satisfied that the following identified sites can be screened out in the first instance, as they are located outside the zone of significant impact influence because the ecology of the species and / or the habitats in question is neither structurally nor functionally linked to the proposal site. There is no potential impact pathway connecting the designated sites to the development site and therefore, it is concluded that no significant impacts on the following sites is reasonably foreseeable based on the sites Conservation Objectives, Qualifying and Special Qualifying Interests. I concur with the applicants' determination in relation to the following 8 Natura 2000 sites:

- Lough Corrib SAC (Site Code: 000297)
- Lough Corrib SPA (Site Code: 004042)
- Cregganna Marsh SPA (Site Code: 004142)
- Connemara Bog Complex SAC (Site Code: 002034)
- East Burren Complex SAC (Site Code: 001926)
- Lough Fingall Complex SAC (Site Code: 000606)
- Ross Lake and Woods SAC (Site Code: 0013112)
- Moneen Mountain SAC (Site Code: 000054)

7.8.11. I am satisfied that a Stage 2 Appropriate Assessment is required for the following two European Sites on the basis of the proximity of the sites to the appeal site and the potential for indirect impacts to water quality arising:

- The Galway Bay Complex SAC (Site Code: 000268)
- The Inner Galway Bay SPA (Site Code: 004031)

7.8.12. I am satisfied that the submitted NIS provides adequate information in respect of the sites, clearly identifies the potential impacts, and uses best scientific information and knowledge. Section 4 of the NIS presents an Assessment of Likely Effects on European Sites, while Section 2.3 sets out the Best Practice Measures to be employed in the development of the site with mitigation measures detailed in Table 4-2. The NIS concludes that, with the implementation of best practice measures as outlined in Section 2.3, on the basis of objective scientific information, that the proposed plan, individually or in combination with other plans or projects, will not adversely affect the integrity of the European Sites. I am satisfied that the information is sufficient to allow for Appropriate Assessment of the proposed development.

Consultations and Observations

7.8.13. In the course of the assessment of the proposed development, I note that there were no comments from Council departments or third-party observations with regard to AA. None of the submissions made to An Bord Pleanála related to AA.

Stage 2 Appropriate Assessment

7.8.14. The Qualifying Interests for the relevant European Sites are set out below.

European Site	Qualifying Interests
Galway Bay Complex SAC (Site code 000268)	1140 Tidal Mudflats and Sandflats 1150 Coastal Lagoons* 1160 Large Shallow Inlets and Bays 1170 Reefs 1220 Perennial Vegetation of Stony Banks 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts 1310 Salicornia Mud

	<p>1330 Atlantic Salt Meadows</p> <p>1410 Mediterranean Salt Meadows</p> <p>3180 Turloughs*</p> <p>5130 Juniper Scrub</p> <p>6210 Orchid-rich Calcareous Grassland*</p> <p>7210 Cladium Fens*</p> <p>7230 Alkaline Fens</p> <p>8240 Limestone Pavement*</p> <p>1355 Otter (<i>Lutra lutra</i>)</p> <p>1365 Common (Harbour) Seal (<i>Phoca vitulina</i>)</p>
<p>Inner Galway Bay Complex SPA (Site Code: 004031)</p>	<p>A003 Great Northern Diver <i>Gavia immer</i></p> <p>A017 Cormorant <i>Phalacrocorax carbo</i></p> <p>A028 Grey Heron <i>Ardea cinerea</i></p> <p>A046 Brent Goose <i>Branta bernicla hrota</i></p> <p>A050 Wigeon <i>Anas penelope</i></p> <p>A052 Teal <i>Anas crecca</i></p> <p>A056 Shoveler <i>Anas clypeata</i></p> <p>A069 Red-breasted Merganser <i>Mergus serrator</i></p> <p>A137 Ringed Plover <i>Charadrius hiaticula</i></p> <p>A140 Golden Plover <i>Pluvialis apricaria</i></p> <p>A142 Lapwing <i>Vanellus vanellus</i></p> <p>A149 Dunlin <i>Calidris alpina alpina</i></p> <p>A157 Bar-tailed Godwit <i>Limosa lapponica</i></p> <p>A160 Curlew <i>Numenius arquata</i></p> <p>A162 Redshank <i>Tringa totanus</i></p> <p>A169 Turnstone <i>Arenaria interpres</i></p>

	A179 Black-headed Gull <i>Chroicocephalus ridibundus</i>
	A182 Common Gull <i>Larus canus</i>
	A191 Sandwich Tern <i>Sterna sandvicensis</i>
	A193 Common Tern <i>Sterna hirundo</i>
	A999 Wetlands

Galway Bay Complex Special Area of Conservation (Site code 000268)

7.8.15. Situated on the west coast of Ireland, this SAC site comprises the inner, shallow part of a large bay which is partially sheltered by the Aran Islands. The Burren karstic limestone fringes the southern sides and extends into the sublittoral. West of Galway city the bedrock geology is granite. There are numerous shallow and intertidal inlets on the eastern and southern sides, notably Muckinish, Aughinish and Kinvarra Bays. A number of small islands composed of glacial deposits are located along the eastern side. A diverse range of marine, coastal and terrestrial habitats, including several listed on Annex I of the E.U. Habitats Directive, occur within the site, making the area of high scientific importance.

7.8.16. Detailed Conservation Objectives for the Galway Bay Complex SAC (Site Code 000268) are included in the NPWS Conservation Objectives Series for the site, dated April 2013, with the overall objective being 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 designated.

Inner Galway Bay Complex Special Protection Area (Site Code 004031)

7.8.17. The Inner Galway Bay SPA is a very large, marine-dominated site situated on the west coast of Ireland. The inner bay is protected from exposure to Atlantic swells by the Aran Islands and Black Head. The long shoreline is noted for its diversity, and comprises complex mixtures of bedrock shore, shingle beach, sandy beach and fringing salt marshes.

7.8.18. The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for a number of species, and the E.U. Birds Directive pays particular attention to wetlands and, as these form part of this SPA, the site and its

associated waterbirds are of special conservation interest for Wetland & Waterbirds. The SPA supports an excellent diversity of wintering wetland birds, with divers, grebes, cormorants, dabbling duck, sea duck and waders all well represented. There are internationally important wintering populations of Great Northern Diver and Light-Bellied Brent Goose and nationally important wintering populations of an additional sixteen species. The site provides both feeding and roost sites for most of the species.

7.8.19. Detailed Conservation Objectives for the Inner Galway Bay SPA (Site Code 004031) are included in the NPWS Conservation Objectives Series for the site, dated May 2013, with the overall objective being to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SPA has been designated.

Potential Significant Effects

7.8.20. The NIS submits that as the subject site, and proposed works, are located outside the boundary of any European Site, there is no potential for direct effects on the Qualifying Interests of the sites, with mitigation in place. With regard to the consideration of a number of key indications to assess potential effects, the following is relevant:

- Habitat loss / alteration / fragmentation: There shall be no direct loss / alteration or fragmentation of protected habitats within any Natura 2000 site.
- Water Quality: There is potential that aquatic habitats may be indirectly altered in the event of pollution or sediment runoff, primarily during the construction phase. A reduction in water quality due to chemicals or other substances could potentially impact on the habitats that support aquatic species. No works are proposed within or immediately adjacent to a Natura 2000 site and the proposed development includes a number of best practice and mitigation measures which have been integrated into the proposal. The development will connect to the existing public water services and no potential adverse effects are considered likely.
- Cumulative / in-combination Impacts: The NIS identifies a suite of plans and projects in the vicinity of the site which were considered in terms of in-combination impacts on the Natura 2000 sites. It is concluded that, subject

to adherence with mitigation measures, there is no potential for adverse effects on any European Site.

Mitigation Measures

7.8.21. Mitigation and best practice measures are proposed to address the potential adverse effects of the development to ensure that the development will not adversely affect the identified European Sites or the conservation status of protected habitats and species they support. A construction management plan has also been compiled to oversee the development has also been prepared. The NIS also includes a suite of environmental measures which deal with runoff prevention, refuelling and hazardous material storage, dust control and noise control associated with the construction phase. I also note the submission of a Flood Risk Assessment and proposals for drainage control.

Overall Appropriate Assessment Conclusion

7.8.22. Having regard to the nature of the subject development site, the nature of the proposed development and its location within an existing built up area of Galway City, together with the details presented in the Natura Impact Statement, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, I consider it reasonable to conclude on the basis of the information on the file, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the following Natura 2000 sites, or any other European site, in view of the sites Conservation Objectives:

- The Galway Bay Complex SAC (Site Code: 000268)
- The Inner Galway Bay SPA (Site Code: 004031)

A Demolition and Construction Environmental Management Plan, which includes all mitigation and best practice measures identified in the NIS should be submitted for the written agreement of the Planning Authority prior to the commencement of the development.

8.0 Recommendation

I recommend that planning permission be granted for the proposed development for the following stated **reason and subject to the following stated conditions**.

9.0 Reasons and Considerations

Having regard to the pattern of permitted development in the area, to the provisions of the Galway City Development Plan 2017-2023, and to the scale, layout and design as submitted, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of adjoining properties and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment:

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Galway Bay Complex SAC (Site Code: 000268) and 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 best practice and mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the Galway Bay Complex SAC (Site Code: 000268) and Inner Galway Bay SPA (Site Code: 004031), in view of the site's conservation objectives.

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

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

In completing the appropriate assessment, the Board accepted and adopted the screening and the appropriate assessment carried out in the Inspector's report in

respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' conservation objectives.

10.0 Conditions

1. The 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 on the 15th day of December, 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. The developer shall submit the following:
 - (a) Revised drawings to clearly detail the internal floor plan and layout. The internal layout shall provide for the setting back of the fire exit door on the northern elevation from the building line.
 - (b) Full details of design and specification of all external materials, including windows, doors, roof finish and wall finishes.
 - (c) The first and second floor windows on the northern elevation shall be obscured glazing.
 - (d) Full details of signage, if any, proposed to be erected on the building.Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of clarity, traffic & public safety, visual and residential amenity.

3. The proposed development shall be used solely for the purposes as detailed in the application, being accommodation for the Galway Rape Crisis Centre as a building for the care of the health, safety and welfare of the public.

Reason: In the interests of clarity.

4. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
 - (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - (b) Location of areas for construction site offices and staff facilities;

- (c) Details of site security fencing and hoardings;
- (d) Details of car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

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

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

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation

from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential and general amenities of property in the vicinity.

7. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

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

8. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

9. The developer shall pay to the planning authority a financial contribution in respect of public transportation and parking facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the

Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended and the Galway Transportation Strategy. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

A. Considine

Planning Inspector

14th June 2021