



An
Bord
Pleanála

Inspector's Report

ABP-312598-22

Development	Extension of the existing supermarket carpark to provide 39 no. additional carparking spaces, alterations to existing carparking layout, landscaping, boundary treatments and connection to existing services.
Location	Oranmore, County Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	212059
Applicant	Aldi Stores (Ireland) Ltd
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Eoin Butler
Observer	Heather Finn
Date of Site Inspection	6 th September 2022

Inspector

Ian Campbell

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.86 ha. and accommodates an Aldi store (stated GFA 1,672 sqm) and a surface car park. The location of the proposed development comprises an area of open space (0.09 ha), located south of the existing supermarket car park. A low stone wall surrounds the appeal site, which is relatively flat.
- 1.2. The appeal site is located c. 150 metres west of the centre of Oranmore. Tesco is located to the north-east of the appeal site and Oranmore Castle is located to the west of the appeal site. The appeal site is bound to the south by Castle Road, south of which is Calasanctius College. Beyond the appeal site to the west is a grass embankment which slopes down to Oranmore Bay (an inlet of Galway Bay).

2.0 Proposed Development

- 2.1. The proposed development, as permitted by the Planning Authority, comprised;
 - the extension of an existing supermarket car park, providing an additional 39 no. car parking spaces, resulting in the total number of car parking spaces increasing from 92 no. to 131 no.
 - landscaping and boundary treatments.
 - 3 no. new additional lighting standards within the proposed extended car park, and the relocation of 3 no. existing lighting standards.
 - connection into the existing surface water drainage system.
- 2.2. The first party has revised the proposed development at appeal stage. The car park has been reconfigured and the number of car parking spaces proposed has been reduced from 39 no. to 31 no. The overall total number of car parking spaces is now 123 no.

3.0 **Planning Authority Decision**

3.1. **Decision**

The Planning Authority issued a Notification of Decision to GRANT Permission on the 6th January 2022 subject to 5 no. conditions. These conditions are standard in nature and relate to issues including surface water and landscaping.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The report of the Planning Officer includes the following comments;

- The site is sensitive, being adjacent to several Protected Structures, Recorded Monuments and Oranmore Architectural Conservation Area (ACA).
- The proposal would not have a negative impact on the visual amenity of the area.

The report of the Planning Officer recommended a grant of permission consistent with the Notification of Decision which issued.

3.2.2. Other Technical Reports

None received.

3.3. **Prescribed Bodies**

None received.

3.4. **Third Party Observations**

5 no. observations/submissions were received by the Planning Authority. The following is a summary of the main issues raised in the third-party observations/submissions:

- Proposal for additional car parking spaces is unjustified, and would increase the number of cars accessing the site.
- Additional bicycle parking should be provided.

- Traffic safety concerns arising from HGV's traversing the car park, and in the vicinity.
- Potential impact on the visual amenity of area, architectural and archaeological heritage. No screening is provided. Light from the car park has a negative impact on the amenities of the area.
- Loss of green space.
- Potential impact on tourism arising from the impact of the proposal on Oranmore Castle.
- Potential impact on Galway Bay SAC and pNHA, and the wider ecology of the area. A NIS is required.
- Proposal contravenes objectives of the Oranmore LAP in respect of habitat protection, heritage and visual amenity.
- Potential impact on bats arising from light and noise. Bats use Castle Road as a feeding corridor and may roost in adjacent buildings.
- Landscape issues, including the planting of native species, removal of dead trees etc.
- No details provided in relation to how the existing surface water system will cater for proposal, or if Irish Water network can cater for increase in discharge.

4.0 Planning History

Appeal Site:

PA. Ref. 09/1936 & ABP Ref. PL.07.235842 – Permission GRANTED for alterations to PA. Ref. 03/5413 to include food store, ESB substation, childcare facility and site works. Condition No. 4 required that 99 no. car parking spaces be provided to serve the discount food store.

5.0 Policy Context

5.1. Development Plan

5.1.1. The proposed development was considered by the Planning Authority under the Galway County Development Plan 2015-2021 however the Galway County Development Plan 2022-2028 came into effect on the 20th June 2022 and is now the relevant development plan.

I note that the Oranmore Local Area Plan 2012 (which had previously been extended) expired on the 22nd May 2022.

5.1.2. The appeal site is included in the Metropolitan Area Strategic Plan (MASP) area and is zoned 'Town Centre' in the Galway County Development Plan 2022 – 2028.

5.1.3. The provisions of the Galway County Development Plan 2022 - 2028 relevant to this assessment are as follows:

- NRR 8: Car Parking
- DM Standard 31: Parking Standards

5.1.4. The appeal site is located within an 'Urban Environs Landscape' (see Map 1) for the purpose of landscape type, which is described as having a 'low' sensitivity to change.

5.1.5. The appeal site is located within the Galway County Transportation and Planning Study Area (GCTPS).

5.1.6. The southern part of the appeal site is located within the Oranmore Architectural Conservation Area (ACA).

5.1.7. The appeal site is proximate to the following heritage sites;

National Monuments

- Oranmore Castle (GA095-110), west of appeal site.
- Graveyard (GA095-111001 & GA095-111003), east of appeal site.
- Church (GA095-111002 & GA095-111), east of appeal site.
- Grave Slab (GA-095-111004 & GA-095111005), east of appeal site.

Protected Structures

- Oranmore Castle (RPS No. 241), west of appeal site.
- Graveyard (RPS No. 930), east of appeal site.
- Convent (RPS No. 925), south of appeal site.
- Convent School House (RPS No. 926), south of appeal site.

5.2. **Natural Heritage Designations**

- Inner Galway Bay SPA (Site Code 004031), c. 53 metres west of appeal site.
- Galway Bay Complex pNHA (Site Code 000268), c. 44 metres west of appeal site.
- Galway Bay Complex SAC (Site Code 000268), c. 44 metres west of appeal site.

5.3. **EIA Screening**

Having regard to the limited nature and scale of the proposed development, 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. I consider that any issues arising from the proximity/connectivity to European Sites can be adequately dealt with under the Habitats Directive (Appropriate Assessment).

6.0 **The Appeal**

6.1. **Grounds of Appeal**

This is a third-party appeal against the decision to grant permission. The third party has also attached their observation which was submitted to the Planning Authority with the appeal. The grounds for appeal can be summarised as follows;

- The proposed development has not been adequately assessed in terms of Appropriate Assessment, specifically the impact on Galway Bay Complex SAC has not been sufficiently addressed.

- The issue of light spillage on Galway Bay Complex SAC, Oranmore Castle, and in the context of Objective UD7 of the Oranmore LAP have not been considered.
- The impact of the proposed development on bats and wildlife corridors has not been considered by Galway County Council.
- The implications for traffic safety arising from the increase in traffic generated by the proposed development has not been considered by Galway County Council. A Traffic and Transport Assessment is required.
- An Archaeological Impact Assessment is required to ascertain the potential impact of the proposed development on adjacent archaeological heritage sites. Screening is required to protect Oranmore Castle. The issue of light spillage on Oranmore Castle has not been considered.
- A Landscape and Visual Impact Assessment should have been required.
- The justification for the proposed development, and alternatives to the proposal have not been examined by Galway County Council.

6.2. Applicant Response

The applicant has submitted a response to the third party appeal, specifically;

- The configuration of the car park has been revised and the first party requests that the Board assess the revised proposal. This revision was undertaken for traffic safety reasons and results in a reduction in the number of proposed car parking spaces from 39 no. to 31 no. The overall total number of car parking spaces is now 123 no.
- There is a shortfall of car parking on the site, having regard to DM Standard 22 of the Galway County Development Plan 2015 – 2021, and a planning justification therefore exists for the proposed development.
- As per TII Guidelines, it is the content of development which determines the level of traffic generated, and not the level of car parking provided. As such there is no requirement for a Traffic Impact Assessment.
- An Autotrack analysis illustrating HGV access has been submitted.

- An Ecological Impact Assessment (EclA) has been submitted.
- A Natura Impact Statement (NIS) has been submitted.
- An Archaeological and Built Heritage Impact Assessment has been submitted.
- The report of the Planning Officer noted that the proposed development would not have a negative impact on the visual amenities of the area.
- The proposed development will have no negative effect on traffic. The proposed development does not intensify the use of the existing store, however it will solve the current parking issues occurring at the store.
- The proposed development will not result in any significant effects on the biodiversity, flora and fauna of the existing environment.
- The proposed development will not impact on the physical, visual, or functional setting of features of historic or archaeological value within the local or wider landscape.
- The matters raised by the appellant have been thoroughly addressed and do not warrant the refusal of planning permission.

6.3. Planning Authority Response

None received.

6.4. Observations

An observation has been received from Heather Finn. Issues raised may be summarised as follows;

- Potential impact of the proposed development on Oranmore Castle.
- Potential impact of the proposed development arising from extending the car park into one of the few green spaces in Oranmore.
- Potential impact of the proposed development on Galway Bay Complex SAC arising from light pollution.
- Justification for additional car parking is queried, both in terms of demand for spaces and also in the context of the climate crisis.

6.5. Further Responses

The third party has submitted a response to the first party submission, specifically;

- Traffic safety, in particular the use of the site by HGV's, has not been addressed. The applicant has acknowledged that the original car park layout was flawed.
- The first parties contention that additional car parking will not result in an increase in the level of traffic is questioned. No justification for the proposal has been provided. Reliance on traffic data used by the first party is queried, specifically survey data from a Saturday when schools are closed, and also traffic counts for a national road which bypasses Oranmore.
- Parking demand does not take account of new Aldi stores which have opened within County Galway, in particular Athenry, and the possibility that customers will switch to this new store.
- The proposal should be assessed against all elements of DM Standard 22.
- The Board are requested to ensure that all traffic management requirements are complied with, on the appeal site and also on adjacent lands within the applicant's ownership.
- The NIS was submitted at appeal stage, with no notification to the public or statutory consultees. The Board should either consider that an Appropriate Assessment is not required, or invalidate and refuse the proposal.
- The NIS does not include any surveys.
- Inaccurate maps submitted in the EclA and NIS, specifically a building has been indicated to the west of the appeal site, whereas no such building exists, nor has planning permission been granted for a building at this location. This misrepresents the visual impact of the proposed development.
- The impact of artificial light has not be adequately addressed on Galway Bay Complex SAC, Oranmore Castle or on Castle Road. Castle Road is not served by streetlighting which allows bats to feed.
- Numerous inaccuracies contained within the Archaeological & Built Heritage Assessment. The assessment acknowledges that views from Oranmore Castle to

the town have already been compromised and there is no reason to exacerbate this impact further.

7.0 **Assessment**

I consider the main issues in relation to this appeal are as follows:

- Scope of Appeal
- Principle of Development/Compliance with Development Plan Policy
- Impact on Visual Amenity
- Impact on Archaeological and Built Heritage
- Traffic Impact & Traffic Safety
- Other Issues
- Appropriate Assessment

7.1. **Scope of Appeal**

7.1.1. The first party's submission to the Board in respect of the third party appeal has resulted in revisions to the proposed development. The first party has requested that the Board assess the revised proposal. Specifically, the configuration of the car park has been altered for traffic safety reasons. The revised proposal results in a reduction in the number of car parking spaces from 39 no. to 31 no. The overall total number of car parking spaces is now 123 no. I intend to assess the revised proposal, the layout of which is set out on the amended site layout plan (*Drawing No. 19.16.103 Revision 4*) in Appendix 6 of the submission received by the Board on the 4th March 2022.

7.2. **Principle of Development/Compliance with Development Plan Policy**

7.2.1. The proposed development comprises an extension to an existing supermarket car park in the centre of Oranmore. Having regard to the 'Town Centre' zoning of the appeal site in the Galway County Development Plan 2022 – 2028, I consider the principle of the proposed development to be acceptable.

7.2.2. Objective NNR8 of the Galway County Development Plan 2022 – 2028 states *‘provide/improve parking facilities in towns and villages in a manner which supports policies relating to promotion of sustainable transport choices and modal shift’*. Objective DM31 of the Galway County Development Plan 2022 – 2028 sets out quantitative requirements for car parking. The existing supermarket on the appeal site falls under the category of ‘large store’ for the purpose of land use typology in Table 15.3 within Objective DM31, having a gross floor area greater than 1,000 sqm, with a corresponding car parking requirement of 1 space per 12 sqm GFA. I note that the car parking standards set out in Table 15.5 are maximum standards. The gross floor area of the supermarket on the appeal site, which the proposed additional car parking spaces are intended to serve, is stated as being 1,672 sqm. In accordance with Objective DM31, the supermarket on the appeal site has a maximum car parking requirement of 139 no. spaces. The proposed development would result in a total of 123 no. car parking spaces serving the supermarket. I therefore consider that the proposal accords with the quantitative requirements of Objective DM31 in relation to car parking provision. As the provision of car parking serving the supermarket is less than the maximum provided under Objective DM31 I consider that the proposal complies with the requirements set out under Objective NNR8 of the Galway County Development Plan 2022 – 2028 in supporting the promotion of sustainable transport choices and modal shift.

7.3. Impact on Visual Amenity

7.3.1. In assessing the impact of the proposal on the visual amenity of the area it is important to consider the context of the appeal site and the proposal. In this regard I note that the appeal site is located within an urban area, adjoining an existing supermarket and a surface car park, and I also note that the appeal site is located within an ‘Urban Environs Landscape’ for the purpose of landscape type, which is described as having a ‘low’ sensitivity to change.

7.3.2. The appeal site is contiguous with the existing car park serving the supermarket. With the exception of 3 no. lighting poles, which have a height of 6 metres, and low boundary treatments, no buildings or structures form part of the proposed development. The concerns of the third party, as they pertain to visual impact, primarily

relate to the impact of the proposed development on the built and archaeological heritage of the area, and the amenities of the wider area. Whilst I note the sensitivities of the area, and in particular the proximity of the appeal site to Galway Bay and Oranmore ACA and Oranmore Castle, I note that the appeal site would be perceived as part of the existing supermarket, and when viewed in the context of the wider urban area, which includes a school and an adjacent supermarket (Tesco), I do not consider that the proposed development would appear discordant in the wider landscape, nor do I consider that the proposal would result in significant impacts on the visual amenity of the area such as to warrant a refusal of permission. I note that the scheme of landscaping serving the proposed development is indicated as matching that serving the existing car park.

7.4. Impact on Archaeological and Built Heritage

- 7.4.1. The appeal site is located proximate to a number of National Monuments and Protected Structures. The southern part of the appeal site is also located within Oranmore ACA. The third party has expressed concerns in relation to the potential impact of the proposed development on the archaeological and built heritage of the area, and in particular on Oranmore Castle, and contends that an Archaeological Impact Assessment is required, in addition to a scheme of screening to protect Oranmore Castle.
- 7.4.2. The submission of the first party to the Board in respect of the third party appeal includes an Archaeological and Built Heritage Impact Assessment, prepared by John Cronin and Associates. The assessment is based on a desk top study and a site survey, and includes a cartographic review of the area and a review of aerial photography. The assessment identifies 8 no. archaeological sites and 11 no. recorded built heritage sites (Protected Structures and structures on the National Inventory of Architectural Heritage - NIAH) within a 250 metre radius of the appeal site.
- 7.4.3. Regarding impacts on archaeology, the assessment notes that there are no archaeological sites within the appeal site, that based on an examination of aerial

photography, there is no indication of undiscovered archaeological features on the appeal site, and that the appeal site is located outside the zone of archaeological notification for the graveyard and church to the north-east of the appeal site. The assessment notes that the appeal site previously accommodated a haul road used in the construction of the Tesco to the north of the appeal site, and as such the appeal site has been previously disturbed. Whilst archaeological testing was undertaken in the vicinity of the appeal site it did not extend to the appeal site. The assessment concludes that given the level of previous disturbance on this site and the absence of archaeological material identified during the development of the existing store and carpark, the appeal has a low potential to contain previously unrecorded subsurface archaeological deposits. However, given the site's location close to recorded archaeological sites, archaeological mitigation in the form of archaeological monitoring is recommended.

7.4.4. In relation to impacts on Oranmore ACA, the assessment notes that the south-eastern quadrant of the existing Aldi site is situated on the periphery of the Oranmore Architectural Conservation Area (ACA). The significance of Oranmore ACA relates to the late 18th. and 19th-century town core, which is located further to the east, and as such the proposed development does not encroach on the setting or character of Oranmore ACA, or any of its constituent parts, including the medieval graveyard, which is separated from the appeal site by a road, forming a physical and visual separation, ensuring that there is no physical impact on the graveyard as a result of the proposed development.

7.4.5. Regarding potential impacts on Oranmore Castle, the assessment notes that the low elevation of the current carpark walls allow clear views across the carpark towards the castle and seascape beyond, that the extension to the carpark will not impact on sight lines as they currently exist, and that the screening measures advocated by the third party would be to the detriment of such views. The assessment also notes that the local and wider landscape around the castle already contain modern interventions, including overhead powerlines and other, more visually prominent structures, and that historically as the function of the castle was linked to fisheries control, communication and transport in Oranmore Bay, key views would have been seaward, and there are no long-range or uninterrupted vistas from the castle towards the appeal site.

Concluding on the impact of the proposed development on Oranmore Castle, the assessment notes that given the low elevation of the carpark above existing ground levels and the small scale of the extension, the assessment notes that the proposal will not result in any significant change to the character of the existing landscape or to the visual amenity or setting of Oranmore Castle.

- 7.4.6. The assessment concludes that the proposal will not be visually intrusive, will not impact on the physical, visual, or functional setting of features of the historic or archaeological value within the local or wider landscape, and that the adjoining landscape is capable of absorbing the relatively insignificant change that will arise on foot of the carpark extension.
- 7.4.7. Having considered the Archaeological and Built Heritage Impact Assessment, and its conclusions, I do not consider that the proposed development would result in significant impacts on the archaeological or built heritage of the area. I concur with the recommendation of the assessment in relation to the requirement for an archaeological monitoring condition in the event that the Board are minded to grant permission for the proposed development.

7.5. Traffic Impact & Traffic Safety

- 7.5.1. The justification for the proposed development is based on the demand for car parking at the appeal site to serve the supermarket, which the first party contends cannot be met by the existing level of car parking provision. The first party states that as a consequence of the shortfall in car parking illegal parking occurs on the public road in the vicinity of the appeal site, interfering with deliveries and resulting in vehicular and pedestrian safety issues. Evidence to support the contention of a shortfall in car parking was submitted to the Planning Authority with the initial planning application and included photographs and car parking surveys at the store over six consecutive days. The survey showed that the number of cars at the car parking exceeded the number of spaces available.

- 7.5.2. The third party queries the justification for the proposal and the validity of the traffic data used by the first party. I note that an alternative survey undertaken by the third party does not take account of weekends, which I consider to be peak periods for supermarkets, and the survey is also confined to two days, whereas the survey undertaken by the first party includes peak time/day data and includes survey data for a greater number of days. An occupancy level of 79% on a particular Saturday is noted in the survey undertaken by the first party. This period coincided with Covid restrictions and it is noted that typical demand would be higher in normal circumstances. I have reviewed the information submitted by the first party and I consider it to represent a sound basis in support of the proposal for additional car parking to serve the supermarket. I consider that the survey submitted by the applicant clearly indicates an undersupply of car parking relative to demand. At the time of my site inspection, a weekday lunchtime, I observed that the car park was operating at c.70% of its capacity. Having regard to the forgoing, I consider that the first party has provided a satisfactory justification for additional car parking.
- 7.5.3. The third party also raise concerns in relation to the potential traffic impact of the proposed development, specifically that the proposal will result in increased trip generation. I note that the proposed development does not entail any increase in the floor area of the supermarket, or any changes to its retail offer, and as such in my opinion the provision of additional car parking will not result in an increase in trips to the store, but rather cater for the overspill of car parking from customers who have already made the trip to the store, within the confines of the site. Importantly, I note that the overall number of car parking spaces proposed to serve to supermarket at 123 no. is below that maximum set out under Objective DM31.
- 7.5.4. The third party contend that there is a requirement for a Traffic Impact Assessment (TIA) for the proposed development. I note that the TII Guidance document, Traffic and Transport Assessment Guidelines, 2014, set out circumstances where a TIA is required, with threshold and sub-threshold criteria are set out in Table 2.1 and Table 2.3 respectively. Having reviewed these criteria I do not consider that the proposal would require a TIA, in particular noting the supplementary nature of the spaces and to the number of additional car parking spaces proposed.

7.5.5. The third party raise concerns in relation to traffic safety, and in particular in relation to HGV's accessing the appeal site for the purpose of deliveries. I note that the principle of the wider development on the site is established, that the proposal does not significantly alter the manner in which HGV's access the site and loading dock, and as such I consider that any assessment of the principle of HGV's accessing the site is therefore outside the scope of this appeal. The first party has revised the layout of the car park and an Autotrack analysis demonstrating HGV manoeuvres within the appeal site has been submitted to Board with the appeal. The first party notes that HGV's are required to travel through the car park, that this occurs once per day, and that warehouse staff are available to assist the HGV driver in accessing the loading bay. Having reviewed the revised layout of the car park and the Autotrack analysis, I do not consider that the proposed development would result in any new or additional issues concerning traffic safety. I note that the Planning Authority did not raise any concerns in relation to traffic safety in the initial planning application. Additionally, having regard to the nature of the proposed development, I do not consider that a Traffic Management Plan, as suggested by the third party, would be required.

7.6. Other Issues

7.6.1. The third party notes that the NIS was submitted at appeal stage, with no notification to the public or statutory consultees. I note that the first party was requested to give public notice in respect of the submission of the NIS in accordance with Section 142(4) of the Planning and Development Act, 2000, as amended. Both a revised site notice and newspaper notice were erected/published and as such I consider that this issue of public notification has been addressed as statutorily required.

7.6.2. The third party highlight discrepancies in the maps submitted in the EclA and NIS, specifically reference to a building to the west of the appeal site, whereas no such building exists at this location. I have examined the documentation submitted by the first party and I note that this discrepancy relates to two block plans contained in the EclA and the NIS and also to the Existing Site Plan (*Drawing No. 19.16.102*) and External Lighting Plan (*Drawing No. E(97) 01*) in Appendix 6 of the submission to the Board dated 4th March 2022. Reference to the block is also made in a number of the drawings which accompanied the initial planning application, specifically the lighting

plans (*Drawing No. P186-795 and Drawing No. E(97) 01*). I note that the area in question is open in nature and there is no existing building west of the appeal site. I consider the reference to a building to be a mapping error and as such I have not relied on the presence of a building at this location in assessing the impact of the proposal on the amenity of the area, on Oranmore Castle, or in my Appropriate Assessment of the proposed development.

- 7.6.3. I note that Galway County Council's Notification of Decision to grant permission did not include a condition requiring the payment of a development contribution. Part 2 of the adopted Galway County Council Development Contribution Scheme (as revised 1st August 2019) concerns commercial and industrial developments and states that *'changes of use in Town Centre zoned lands within LAP areas that do not impose significant additional demand for services (i.e. additional car parking), will also be regarded as exempted from the provisions of the Development Contributions Scheme'*. Whilst I note that the Oranmore LAP has expired, noting the specific reference in the Galway County Council Development Contribution Scheme to the provision of car parking as being exempt from the payment of development contributions within town centre locations, I do not consider it necessary to attach a condition requiring the payment of a development contribution in respect of the proposed development.

7.7. Appropriate Assessment

7.7.1 Stage 1 Screening

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

7.7.3 Background. The applicant submitted an Appropriate Assessment Screening report (prepared by MKO, dated 21st February 2022) for the proposed development¹. 11 no. European sites within a 15km zone of influence of the appeal site were examined in the Stage 1 Appropriate Assessment Screening report. The zone of influence used in the NIS was defined with reference to hydrological connectivity and the foraging

¹ Section 2 of the NIS 'description of the proposed development' refers to the proposal as comprising 39 no. car parking spaces. This appears to be a typographical error and the site layout plan contained in this section of the NIS reflects the amended proposal, which comprises an additional 31 no. car parking spaces.

ranges of birds. Following this screening exercise, 2 no. European sites where potential indirect effects could not be discounted were identified, specifically Galway Bay Complex SAC and Inner Galway Bay SPA. The Stage 1 Appropriate Assessment Screening report notes the following;

Regarding Galway Bay Complex SAC -

- A potential for indirect effects via deterioration of water quality during construction and operation of the development was identified, potentially affecting the following downstream aquatic QIs within Galway Bay Complex SAC:
 - 1140 Mudflats and sandflats not covered by seawater at low tide
 - 1150 Coastal lagoons*
 - 1160 Large shallow inlets and bays
 - 1170 Reefs
 - 1310 Salicornia and other annuals colonising mud and sand
 - 1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritima*)
 - 1355 Otter *Lutra lutra*
 - 1365 Harbour seal *Phoca vitulina*
 - 1410 Mediterranean salt meadows (*Juncetalia maritimi*)
- There is no suitable habitat for Harbour Seal at the development site, as the site consists of buildings, artificial surfaces and amenity grassland in an urban setting. Therefore, there is no potential for disturbance/displacement of Harbour Seal.
- Due to the small scale of the extension and the existing external lighting and human activity at the site, there is no potential for significant increase in disturbance to otter during operation of the development. Taking a precautionary approach, a potential for disturbance to otter during construction of the development was identified.

Regarding Inner Galway Bay SPA -

- No wintering SCI species were observed using the amenity grassland area during the site survey. Due to the small scale and nature of the footprint area being lost to the development, and the proliferation of similar habitats in the wider area, there is no potential for significant indirect effect via displacement of SCI species.

- Due to the small scale of the extension and the existing external lighting and human activity at the site, there is no potential for significant increase in disturbance to SCI species during operation of the development.
- A potential for indirect effect via deterioration of water quality during construction and operation of the development was identified, potentially affecting the downstream SCI-supporting habitat.
- Taking a precautionary approach, a potential for disturbance to SCI species during construction of the development was identified.

The applicant's Stage 1 Appropriate Assessment Screening report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. Having reviewed the document, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

Supplementary Studies/Reports:

A multidisciplinary Ecological Survey (walkover) of the appeal site was undertaken on the 4th February 2022 as part of the NIS, during which all habitats were readily identifiable. In terms of the baseline ecological environment, the ecological survey described the appeal site as comprises, '0.09ha of amenity grassland (GA2) which includes the following species: perennial rye grass (*Lolium perenne*), daisy (*Bellis perennis*), dandelion (*Taraxacum officinale* agg.), ribwort plantain (*Plantago lanceolata*), creeping buttercup (*Ranunculus repens*), creeping thistle (*Cirsium arvense*), broadleaved dock (*Rumex obtusifolius*), pointed spear-moss (*Calliergonella cuspidata*), springy turf-moss (*Rhytidiadelphus squarrosus*), with occasional white clover (*Trifolium repens*), common figwort (*Scrophularia nodosa*) and willowherb (*Epilobium* sp.). No invasive species were found during the survey. No evidence of Annex II protected species associated with Galway Bay Complex SAC were recorded within, or adjacent to the site boundary. No species listed as a Special Conservation Interest (SCI) species of Inner Galway Bay SPA were recorded using the development

site or adjacent grassland during the site visit. No significant foraging habitat exists within the development site. Additionally, no QI's or SCI's associated any other European site were recorded within or adjacent of the proposed development site boundary. The NIS notes that it is likely that otter use the nearby coastal habitats to the west of the appeal site for foraging.

An Ecological Impact Assessment (EclA) prepared by MKO and dated 21st February 2022 was also submitted. The EclA provides a comprehensive description of the baseline environment, a description of all aspects of the proposed development, and an assessment of the impact of the proposed development on biodiversity, prescribing measures to minimise effects where they occur. The EclA uses sites which are designated as Natural Heritage Areas (NHA) and proposed Natural Heritage Areas (pNHA's) within 15km of the appeal site for the purpose of defining the zone of impact². The EclA identifies potential water quality impacts and disturbance to otter as possible impacts arising from the proposed development. Regarding bats, the EclA states that the appeal site was visually assessed for potential use as bat roosting habitat using a protocol set out in BCT Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn.) (Collins, 2016), which entails a grading protocol for assessing structures, trees and commuting/foraging habitat for bats. The protocol is divided into four Suitability Categories: High, Moderate, Low and Negligible, with the appeal site being assessed as having 'negligible' potential for roosting bats and a 'low' suitability for commuting or foraging. Whilst the southern stonewall boundary may provide some linear connectivity between potential foraging/roosting grounds of Oranmore Castle and the open green space and trees at Oranmore Graveyard, the wider area is fragmented by urban landscape and external lighting. The development of the appeal site is not determined as resulting in a significant loss owing to the ecological value of the site. The impact on otters, bats and birds from disturbance during the construction phase was deemed to have a temporary slight negative effect and mitigation measures are proposed, including noise minimisation measures. Operational phase impacts on birds were deemed to be 'permanent, neutral and not significant', given the existing level of disturbance associated with being located within an urban area, with 'no

² I note that the EclA correctly identifies Cregganna Marsh NHA (which overlaps with Cregganna Marsh SPA) as being located c. 1.4 km from the appeal site, and not 9.2 km from the appeal site as has been stated on page 24 of the NIS.

potential' for significant effects on bats, due to the low suitability of the appeal site for roosting and commuting/foraging and noting the urban context of the appeal site. The EclA notes that whilst otters are crepuscular in nature, and research indicates unlikely to be disturbed by anthropocentric disturbance, best practice disturbance limitation measures are proposed which will exclude potential adverse effects on otter populations. A range of mitigation measures, replicating those in the NIS are proposed in the EclA. The EclA concludes that subject to the incorporation of best practice and mitigation measures set out in the EclA, the proposed development will not result in any significant effects on biodiversity, flora and fauna, or on Galway Bay Complex pNHA.

7.7.4 Likely Significant Effects. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated as SACs and SPAs to assess whether it may give rise to significant effects on any European site.

7.7.5 The Proposed Development. The development is described on page 5 of the Stage 1 Appropriate Assessment Screening report. It comprises;

- An extension to an existing supermarket car park, providing 31 no. additional car parking spaces.
- 3 no. new additional lighting standards, and the relocation of 3 no. existing lighting standards.
- Landscaping and boundary treatments.
- Connection into the existing surface water drainage system within the existing carpark. Reference is made to a hydrocarbon interceptor under a description of surface water drainage.

7.7.6 Potential Effects of the Proposed Development. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of the implications for likely significant effects on European Sites:

- The uncontrolled release of pollutants to ground or surface water (e.g. run-off, silt, fuel, oils, etc.) at construction and operational phases of the proposed

development, and subsequent impacts on water quality sensitive habitats of Galway Bay Complex SAC (Site Code – 000268) and Inner Galway Bay SPA (Site Code – 004031).

- Disturbance to bird species which are Special Conservation Interests (SCI) of Inner Galway Bay SPA (Site Code – 004031).
- Should any bird species which are Special Conservation Interests (SCI) of Inner Galway Bay SPA (Site Code – 004031), or another European site use the site for resting, foraging, breeding etc., then the proposed development would have the potential to result in habitat fragmentation and disturbance to bird species (i.e. ex-situ impacts).
- Disturbance to otter, a Qualifying Interest of Galway Bay Complex SAC (Site Code – 000268).

7.7.7 Submissions and Observations – see paragraph 6.4 (above). The observation specifically raises concerns in relation to the potential impact of light pollution on Galway Bay Complex SAC.

7.7.8 European Sites and Connectivity. A summary of European Sites that occur within a possible zone of influence of the proposed development is presented in Table 7.1. I note that the applicant included a greater number of European sites in their initial screening consideration, however here is no ecological justification for such a wide consideration of sites, and I have only included those sites with any possible ecological connection or pathway in this screening determination. Where a possible connection between the development and a European site has been identified, these sites are examined in more detail.

Table 7.1 - Summary Table of European Sites within a possible zone of influence of the proposed development.

European Site (code)	List of Qualifying interest /Special conservation Interest	Distance from proposed development (Km)	Connections (source, pathway receptor)	Considered further in screening Y/N
Galway Bay Complex SAC (Site Code 000268)	<ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] 	c. 44 metres west of appeal site	Noting the proximity of the appeal site to Galway Bay Complex SAC a	Y

	<ul style="list-style-type: none"> • Coastal lagoons [1150] • Large shallow inlets and bays [1160] • Reefs [1170] • Perennial vegetation of stony banks [1220] • Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows (Glaucopuccinellietalia maritima) [1330] • Mediterranean salt meadows (Juncetalia maritimi) [1410] • Turloughs [3180] • Juniperus communis formations on heaths or calcareous grasslands [5130] • Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] • Calcareous fens with Cladium mariscus and species of the Caricion davalliana [7210] • Alkaline fens [7230] • Limestone pavements [8240] • Lutra lutra (Otter) [1355] • Phoca vitulina (Harbour Seal) [1365] 		<p>likelihood of significant effects exists.</p>	
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<p>Inner Galway Bay SPA (Site Code 004031)</p>	<ul style="list-style-type: none"> • Black-throated Diver (Gavia arctica) [A002] • Great Northern Diver (Gavia immer) [A003] • Cormorant (Phalacrocorax carbo) [A017] • Grey Heron (Ardea cinerea) [A028] • Light-bellied Brent Goose (Branta bernicla hrota) [A046] • Wigeon (Anas penelope) [A050] • Teal (Anas crecca) [A052] • Red-breasted Merganser (Mergus serrator) [A069] • Ringed Plover (Charadrius hiaticula) [A137] • Golden Plover (Pluvialis apricaria) [A140] • Lapwing (Vanellus vanellus) [A142] • Dunlin (Calidris alpina) [A149] • Bar-tailed Godwit (Limosa lapponica) [A157] • Curlew (Numenius arquata) [A160] • Redshank (Tringa totanus) [A162] • Turnstone (Arenaria interpres) [A169] 	<p>c. 53 metres west of appeal site</p>	<p>Noting the proximity of the appeal site to Inner Galway Bay SPA a likelihood of significant effects exists.</p>	<p>Y</p>
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	<ul style="list-style-type: none"> • Black-headed Gull (Chroicocephalus ridibundus) [A179] • Common Gull (Larus canus) [A182] • Sandwich Tern (Sterna sandvicensis) [A191] • Common Tern (Sterna hirundo) [A193] • Wetland and Waterbirds [A999] 			
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7.7.9 Galway Bay Complex SAC and Inner Galway Bay SPA have been ‘screened in’ having regard to the connectivity and proximity with the appeal site. All other Natura 2000 sites surrounding the proposed development have been ‘screened out’ due to a lack of connectivity. In relation to ex-situ effects, the appeal site would not represent an appropriate habitat for the SCI’s associated with sites in proximity to the appeal site for resting, foraging or breeding.

7.7.10 Conservation Objectives of European Sites ‘Screened-In’. There is no Conservation Management Plan for Galway Bay Complex SAC. The generic Conservation Objective for Galway Bay Complex SAC is;

‘to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II habitats for which the SAC has been selected’.

There is no Conservation Management Plan for Inner Galway Bay SPA. The generic Conservation Objective for Inner Galway Bay SPA is;

‘to maintain or restore the favourable conservation condition of the Bird Species listed as Special Conservation Interests for this SPA’.

7.7.11. Identification of Likely Effects. In light of the above Conservation Objectives, the main elements of the proposal which may give rise to impacts on the European sites listed above are as follows:

Construction Phase Impacts on Galway Bay Complex SAC - During the construction phase, there is potential for surface water runoff from site works to temporarily

discharge to groundwater. Surface water could flow into the SAC. There is the potential for the water quality pertinent to this European Site to be negatively affected by any contaminants, such as silt from site clearance and other construction activities and also from the release of hydrocarbons. Additionally, the construction phase of the proposed development could result in disturbance impacts (including from light and noise) to otter.

Construction Phase Impacts on Inner Galway Bay SPA – Should any of the Special Conservation Interests (SCI) for Inner Galway Bay SPA use the site for resting, foraging, breeding etc. then the proposed development would have the potential to result in habitat loss, habitat fragmentation or disturbance to birds which are SCIs of Inner Galway Bay SPA.

Operational Phase Impacts on Galway Bay Complex SAC - During the operational phase, there is potential for surface water runoff to discharge to groundwater. Surface water could flow into the SAC. There is therefore the potential for the water quality pertinent to this European Site to be negatively affected by any contaminants, such as the release of hydrocarbons.

Operational Phase Impacts on Inner Galway Bay SPA – Should any of the Special Conservation Interests (SCI) for Inner Galway Bay SPA use the site for resting, foraging, breeding etc. then the proposed development would have the potential to result in habitat loss, habitat fragmentation or disturbance to birds which are QI's of Inner Galway Bay SPA.

In-combination Impacts. There are no recent planning applications for the surrounding area that share a direct link with the subject site.

A summary of the outcomes of the screening process is provided in the screening matrix Table 7.2 overleaf.

Table 7.2 - Summary Screening Matrix				
European Site	Distance to proposed development/	Possible effect alone	In combination effects	Screening conclusions:

	Source, pathway receptor			
Galway Bay Complex SAC (Site Code 000268)	c. 44 metres	<p>During the construction phase there is potential for surface water runoff from site works to temporarily discharge to groundwater. Surface water could also flow into the SAC. There is the potential for the water quality pertinent to this European Site to be negatively affected by contaminants, from site clearance and other construction activities and also from the release of hydrocarbons.</p> <p>Run-off from the site during the operational phase of the development could flow into the SAC.</p> <p>The construction phase of the proposed development could result in disturbance impacts to otter.</p>	No effect	Screened in for AA
Inner Galway Bay SPA (Site Code 004031)	c. 53 metres	<p>Should any of the SCI's for Inner Galway Bay SPA use the site for resting, foraging, breeding etc. then the proposed development would have the potential to result in habitat loss, habitat fragmentation or disturbance to birds which are SCI's of Inner Galway Bay SPA during both</p>	No effect	Screened in for AA

		construction and operational phase of the development.		
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7.7.12 Mitigation Measures. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

7.7.13 Screening Determination. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act, 2000, as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually **could have a significant effect** on Galway Bay Complex SAC/European Site Code 000268 and Inner Galway Bay SPA/European Site Code 004031, in view of the site's Conservation Objectives, and Appropriate Assessment is therefore required.

7.7.14 **Stage 2 – Appropriate Assessment**

7.7.15 Article 6(3). The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177U and 177V of the Planning and Development Act, 2000, as amended are considered fully in this section. The areas addressed in this section are as follows:

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

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

that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

7.7.17 Screening The Need for Appropriate Assessment. Following the screening process, it has been determined that Appropriate Assessment is required as it cannot be excluded on the basis of objective information that the proposed development, individually or in-combination with other plans or projects will have a significant effect on the following European sites:

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

The possibility of significant effects on other European sites has been excluded on the basis of objective information and noting that there is no possible ecological connection or pathway between the appeal site and other Natura 2000 sites surrounding the proposed development. Measures intended to reduce or avoid significant effects have not been considered in the screening process.

7.7.18 The Natura Impact Statement. An NIS prepared by MKO examines and assesses potential adverse effects of the proposed development on Galway Bay Complex SAC and Inner Galway Bay SPA, and notes the following;

- The main potential impacts from the proposed development on Galway Bay Complex SAC are identified as;
 - Impacts on water quality from the discharge of contaminated surface water runoff during the construction and operational phase of the proposed development to ground water and surface water, affecting aquatic QIs.
 - Disturbance impacts to otter during the construction phase of the proposed development.
- The main potential impacts from the proposed development on Inner Galway Bay SPA are identified as

- Impacts on water quality from the discharge of contaminated surface water run-off during the construction and operational phase of the proposed development to ground water and surface water, affecting SCI-supporting habitat.
- Disturbance to SCI species during the construction phase of the proposed development.

7.7.19 Section 4 of the NIS sets out mitigation measures which will be adhered to. Measures are proposed for both the construction and operational phase of the proposed development and include;

Construction Phase:

Site Set-Up

- The site boundary will be fenced off with a barrier prior to works commencing to protect adjacent habitats and to prevent any egress of machinery outside of the site during construction activities.
- A double silt fence will be in place around the extent of the works site to prevent any surface water run-off entering Galway Bay during construction works.
- A designated section of the site will be fenced off as the construction compound and will be contained entirely within the construction site.

Pollution Prevention

- All site plant will be inspected at the beginning of each day prior to use. Defective plant shall not be used until the defect is satisfactorily fixed. All major repair and maintenance operations will take place off site.
- Vehicles will never be left unattended during refueling. Only dedicated trained and competent personnel will carry out refueling operations and plant refueling procedures shall be detailed in the contractor's method statements.
- Fuels, lubricants and hydraulic fluids for equipment used on the site will be carefully handled to avoid spillage, properly secured against unauthorised access or vandalism, and provided with spill containment.
- Potential impacts caused by spillages etc. during the construction phase will be reduced by keeping spill kits and other appropriate equipment on-site.

- Any groundwater encountered during construction will be pumped through a silt bag to a designated area where it can percolate naturally through the soil. There will be no discharge of construction generated surface runoff or groundwater directly to any watercourse or to Galway Bay.

Earth Works

- In all circumstances, excavation depths and volumes will be minimised.
- Excavated spoil will be stockpiled and contained entirely within the confines of the works site boundary.
- Excavated material will be reused for landscaping works or backfill of excavations. Alternatively, spoil will be transported off site to a designated waste facility.
- Earthworks, including excavation of trenches and borehole drilling, will only be carried out during periods of dry weather.
- Works will not take place during periods of high rainfall and shall be scaled back or suspended if heavy rain is forecast during excavation works.
- There will be no release of suspended solids to any watercourse as a direct or indirect result of the proposed works.
- Any requirement for temporary fills or stockpiles will be surrounded by embedded silt fencing and covered with polyethylene sheeting as required to avoid sediment release associated with heavy rainfall.
- Ground disturbance should be kept to a minimum. Exposed surfaces should be surfaced or re-vegetated as soon as possible following excavation.

Cement-based Products Control Measures

- No batching of wet cement products.
- Ready-mixed supply of wet concrete products will be used and where possible, emplacement of pre-cast elements will take place.
- No washing out of any plant used in concrete transport or concreting operations will be allowed on-site.
- Where concrete is delivered on site, only chute cleaning will be permitted, using the smallest volume of water possible. No discharge of cement contaminated waters to the construction phase drainage system or directly to any artificial drain or watercourse will be allowed.

- Use weather forecasting to plan dry days for pouring concrete.
- Ensure pour site is free of standing water and plastic covers will be ready in case of sudden rainfall event.

Waste Management

- All waste will be collected in skips and the site will be kept tidy and free of debris at all times.
- Waste oils and hydraulic fluids will be collected in leak-proof containers and removed from the site for disposal or recycling.
- All construction waste materials will be stored within the confines of the construction site.

Measures to Avoid Disturbance

- The construction site will be screened from Galway Bay with a barrier and silt fence.
- All plant and equipment for use will comply with Statutory Instrument No 359 of 1996 "European Communities (Construction Plant and Equipment) (Permissible Noise Levels) Regulations 1996.
- Operating machinery will be restricted to the proposed works site area.
- Construction works will be limited to daylight hours and artificial lighting to facilitate works will not be permitted. Otters, being crepuscular in nature, will therefore not be disturbed by construction works.
- The best means practical, including proper maintenance of plant, will be employed to reduce the noise produced by on-site operations.
- All vehicles and mechanical plant will be fitted with effective exhaust silencers and maintained in good working order for the duration of the contract.
- Compressors will be of the "sound reduced" models fitted with properly lined and sealed acoustic covers which will be kept closed whenever the machines are in use and all ancillary pneumatic tools shall be fitted with suitable silencers.
- Machines which are used intermittently will be shut down or throttled back to a minimum during those periods when they are not in use.
- Any plant such as generators or pumps which are required to work outside of normal working hours will be surrounded by an acoustic enclosure.

Environmental Monitoring

- The contractor will assign a member of the site staff as the environmental officer with the responsibility for ensuring the environmental measures prescribed in this document are adhered to. Any environmental Incidents or non-compliance issues will immediately be reported to the project team.

Operational Phase:

Pollution Prevention

- The additional surface water demand created by the car park extension will be serviced via connection to the existing storm water drainage system which includes a hydrocarbon interceptor. The drainage system has been designed in accordance with SuDS and will remove the potential for additional surface water run off to the wider environment or any potential run-off of hydrocarbons.

Biosecurity measures

- Good construction site hygiene will be employed to prevent the introduction and spread of problematic invasive alien plant species (e.g. Rhododendron, Japanese Knotweed, Giant Rhubarb etc. by thoroughly washing vehicles prior to entering the site.
- Materials used on site will be confirmed to be from a clean source that is free of invasive species.

Measures to Avoid Disturbance

- All lighting will be focused downwards and away from ecologically sensitive areas³.

7.7.20 In relation to Galway Bay Complex SAC, the NIS concludes that;

- Subject to the implementation of the measures set out in Section 4 of the NIS, no potential pathway for adverse indirect effects via surface water or groundwater,

³ Figure 2.4 in the NIS indicates the extent of light spill from the lighting standards within the extended car park. This drawing indicates the containment of light spill within the confines of the appeal site.

during construction or operation of the development exists and there will be no potential for adverse effects on this EU Designated Sites.

- Subject to the implementation of disturbance-limitation measures, there will be no potential for adverse effect on otter.

In relation to Inner Galway Bay SPA, the NIS concludes that;

- Subject to the implementation of the measures set out in Section 4 of the NIS, no potential pathway for adverse indirect impact via surface water or groundwater exists and there will be no potential for adverse effect on this SCI habitat or any of the SCI species it supports.

Furthermore, the NIS concludes that;

- There is no potential for adverse effects on the identified European sites, their Qis/SCIs, and associated targets and attributes.
- That all identified pathways have been robustly blocked through measures to avoid impacts and the incorporation of best practice/mitigation measures into the project design, and that the project will not have an adverse effect on the integrity of any European site.
- That following a review of permitted developments in the vicinity of the appeal site, and also of plans, the proposed development will not result in any residual adverse effects on any of the European Sites, their integrity or their conservation objectives when considered on its own, there is therefore no potential for the proposed development to contribute to any cumulative adverse effects on any European Site when considered in-combination with other plans and projects.
- That provided that the development is constructed in accordance with the provisions of this report, it can be objectively concluded that the proposed development, individually or in combination with other plans or projects, will not adversely affect the integrity of any European Site.

7.7.21 Having reviewed the documents, submissions and consultations, I am satisfied that the information allows for a complete assessment of any adverse effects of the development, on the conservation objectives of the following European sites alone, or in combination with other plans and projects:

- Galway Bay Complex SAC (Site Code: 000268)

- Inner Galway Bay SPA (Site Code: 004031)

The applicant's NIS was prepared in line with current best practice guidance and provides an assessment of the potential impacts on Galway Bay Complex SAC and Inner Galway Bay SPA.

7.7.22 Appropriate Assessment of implications of the proposed development. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

7.7.23 The following sites are subject to Appropriate Assessment:

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

A description of the sites and their Conservation and Qualifying Interests/Special Conservation Interests are set out in Table 7.1 of this report. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website (www.npws.ie).

7.7.24 The main aspects of the proposed development that could adversely affect the conservation objectives of the European sites include;

- Impacts on water quality from the discharge of contaminated surface water run-off during the construction and operational phase of the proposed development to ground water and surface water, affecting aquatic Qis and SCI-supporting habitat.
- Disturbance impacts to otter during the construction phase of the proposed development.
- Disturbance to SCI species (birds) during the construction phase of the proposed development.

7.7.25 Assessment of proposed Mitigation Measures - The NIS outlines a number of mitigation measures. For the most part the mitigation measures are intended to avoid the release of contaminated run-off to from the site and to groundwater, and minimising disturbance. I am satisfied that the measures are sufficient to address potential impacts from pollution during construction and operation, disturbance to QI/SCI associated with

European sites, and that the potential for deterioration of habitats and species identified within the European Sites is not likely. The NIS is not accompanied by a map to indicate the location of the silt fencing. Should the Board be minded to grant permission for the proposed development I recommend that a condition is attached requiring the submission of site plan clearly indicating the location of silt fence(s) on the appeal site. Additionally, it is proposed to connect into the existing surface water drainage system serving the existing car park and to use a hydrocarbon interceptor to prevent the run-off of hydrocarbons from the appeal site. I consider these measures to be key in preventing the release of contaminated run-off from the appeal site during the construction and operational phase of the proposed development. I note that no drainage drawing or details have been submitted with either the initial planning application or with the documentation submitted to the Board. Should the Board be minded to grant permission for the proposed development I recommend that a condition is attached requiring the submission of drainage plan indicating the proposed development connecting into the existing surface water drainage system serving the existing car park and details, including the location of the hydrocarbon interceptor.

7.7.26 Integrity test. Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of Galway Bay Complex SAC and Inner Galway Bay SPA in view of the Conservation Objectives of these sites. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

7.7.27 Appropriate Assessment Conclusion. The proposed development has been considered in light of the assessment requirements of Sections [177U and 177V] of the Planning and Development Act, 2000, as amended. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on Galway Bay Complex SAC and Inner Galway Bay SPA. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of Galway Bay Complex SAC (Site Code 000268) and

Inner Galway Bay SPA (Site Code 004031), in view of the site's Conservation Objectives.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of Galway Bay Complex SAC and Inner Galway Bay SPA.
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Galway Bay Complex SAC.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Inner Galway Bay SPA.

8.0 Recommendation

- 8.1. Having regard to the above it is recommended that permission is granted based in the following reasons and considerations and subject to the attached conditions.

9.0 Reasons and Considerations

- 9.1. Having regard to:

- The nature and layout of the proposed development,
- The demonstrated requirement for additional car parking to serve the store,
- The pattern of development in the area,
- The provisions of the Galway County Development Plan 2022-2028,
- The conclusion of the Appropriate Assessment,
- The adopted Galway County Council Development Contribution Scheme (as revised 1st August 2019),

it is considered that subject to compliance with the conditions set out below, the proposed development would not be seriously injurious to the amenities of the area, would not adversely impact the archaeology or built heritage of the area, including

Oranmore Architectural Conservation Area, would not negatively impact traffic safety within the site appeal, or in the vicinity of the appeal site, and would not have a significant impact on ecology or on European sites in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the plans and particulars submitted to the Board on the 4th March 2022 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.</p> <p>Reason: In the interest of clarity.</p>
2	<p>All mitigation measures in the Natura Impact Statement, dated 21st February 2022, and the best practice/mitigation measures in the Ecological Impact Assessment, dated 21st February 2022, shall be implemented in full and shall be supervised by a suitably qualified ecologist.</p> <p>Reason: In the interest of environmental protection, public health and orderly development.</p>
3	<p>Prior to commencement of development, the developer shall submit to the Planning Authority for its written agreement;</p> <p>(i) A Site Plan indicating the location of the silt fence proposed as mitigation in Section 4 of the NIS.</p> <p>(ii) A drainage plan indicating the proposed development connecting into the existing surface water drainage system serving the existing car park and details, including the location of the hydrocarbon interceptor.</p> <p>Reason: In the interests of clarity.</p>

4.	<p>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</p> <p>(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.</p> <p>(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and</p> <p>(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.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>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.</p>
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Ian Campbell
Planning Inspector

17th January 2023