



An  
Bord  
Pleanála

## Inspector's Report ABP-313029-22

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<b>Development</b>	Demolition of existing derelict buildings and construction of three-storey over part-basement 34-bed boutique hotel.
<b>Location</b>	26 & 34 Nun's Island Street, Galway
<b>Planning Authority</b>	Galway City Council
<b>Planning Authority Reg. Ref.</b>	21/418
<b>Applicant(s)</b>	Hanoview Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant, subject to 28 conditions
<b>Type of Appeal</b>	Third Party -v- Decision
<b>Appellant(s)</b>	Mary & Noel O'Connor
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	8 <sup>th</sup> December 2022
<b>Inspector</b>	Hugh D. Morrison

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## 1.0 Site Location and Description

- 1.1. The site is located towards the southern tip of Nun's Island, which lies to the west of the River Corrib and to the east of a millrace known as the Western Conduit Stream. Ecclesiastical, educational, and institutional uses predominate in the northern and central portions of the Island, while the southern portion includes residential uses, too. The retail and commercial centre of Galway lies to the south and east.
- 1.2. The site is on the western side of Nun's Island Street, which runs on a north/south axis through the southern portion of the Island. The site adjoins a three-storey dwelling house at No. 25 to the north and a pair of street-fronted three-storey dwelling houses at Nos. 27 & 28 to the south. The latter dwelling houses adjoin street-fronted two-storey dwelling houses further to the south. A pair of two-storey dwelling houses lie to the west of these latter dwelling houses. They are accessed by means of a public footpath, which runs along the bank of the millrace, and which also accesses the site.
- 1.3. The eastern side of Nun's Island Street is composed of rows of street-fronted two and three storey dwelling houses.
- 1.4. The site itself is roughly "L" shaped in plan-view. It extends over an area of 0.075 hectares, and it is bound to the east by Nun's Island Street, to the west/south-west by the Western Conduit Stream, and to the north and south by the residential curtilages to adjoining dwelling houses. This site presently accommodates a recessed three storey commercial building with part one and part two storey extensions to the rear and a two-storey dwelling house with a two-storey extension to the rear. The commercial building faces onto Nun's Island Street and the dwelling house faces onto the millrace. Both are vacant and in serious disrepair. The grounds of the site are overgrown.

## 2.0 Proposed Development

- 2.1. The proposal would comprise the following elements:
  - The demolition of the existing commercial building and dwelling house on the site, which have a combined floorspace of 327 sqm.

- The construction of a three-storey 34-bed boutique hotel with a floorspace of 1239 sqm. This hotel would comprise a front block, with projecting/recessed portions, a basement, and a second floor, which would be set back along its northern side and part of its western side. It would also comprise a rear block, which would face west and south-west towards the adjacent millrace. The two blocks would be connected by a link block of corridors, which would abut part of the southern boundary of the site. All three blocks would enclose a central courtyard, which would provide amenity space for residents, along with open space by the canal bank. This latter space would be capable of being accessed externally by the public footpath which serves the site at present. A café and residents lounge would be provided within the ground floor of the front block. Cycle parking would be provided, too, in front of the recessed portion of the front block.

2.2. The proposed building would be of modern design. Its street-side elevation would be finished in natural granite cladding, its canal-side elevation in pre-cast reconstituted stone, and the remaining elevations in painted render. Aluminium framed glazing would be used throughout, along with glass blockwork in places. Anodised aluminium panelling would also be incorporated in some of the glazed openings. A balcony on the south-western elevation would accompany the first-floor landing of the rear block.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission was granted, subject to 28 conditions, which address the following subjects amongst others:

- Condition 3: Pre-development archaeological testing,
- Condition 4: Conservation architect to survey and report on existing buildings,
- Condition 5: Structural engineer and conservation architect to supervise works, including measures to safeguard adjoining buildings and structures,

- Condition 6: First floor balcony on western elevation to be omitted in favour of a window,
- Condition 7: All upper floor bedroom windows facing the courtyard to be faceted as suggested in the Design Statement,
- Condition 8: Hotel management plan,
- Condition 9: Café to be continuously open to patrons as part of the hotel,
- Condition 10: Design of lighting for upper floor corridors and operating protocols,
- Condition 11: Landscaping plan,
- Condition 12: Cycling parking to be omitted in favour of landscaping,
- Condition 15: Management of right of way past Nos. 32 & 33 Nun's Island Street,
- Condition 22: Waste management plan,
- Condition 23: Construction and excavation management plan, and
- Condition 24: Implementation of NIS and Construction and environmental waste management plan mitigation measures.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

See planning decision.

#### 3.2.2. Other Technical Reports

- Irish Water: No objection – standard observations.
- An Taisce: Attention is drawn to the archaeological interest that may be attendant upon the site and to the site's conservation context within Nun's Island. Attention is also drawn to the planning history of the site. Objection is raised to the current proposal on the grounds that it would replace two buildings with one of excessive mass, which would be overbearing on the Western Conduit Stream, and which would detract from the streetscape of Nun's Island. This building would also be out of character with the establish

pattern of development and it would be seriously injurious to the visual and residential amenities of the area.

- Galway City Council

Heritage Officer: Objects to the demolition of the buildings on the site: All stonework in No. 26 should be surveyed and, preferably, its main walls should be retained and reused. No. 34 should be refurbished. The proposed building would be “completely at variance with the style, tone and materials used in the street at present.”

#### 4.0 Planning History

- 92/660: Permission for retention of change of use of premises to offices.
- 96/390: Demolition of existing premises and construction of offices and 6 no. residential units: Refused at appeal (PL61.100780) on the grounds that it would be out of character, and it would lead to overlooking.
- 97/297: Demolition of existing premises and construction of offices and 4 no. residential units: Refused at appeal (PL61.103715) on the grounds that it would be out of character, and it would lead to an over intensive use of the site.
- 98/350: Demolition of existing premises and construction of offices and 4 no. residential units: Permission granted at appeal (PL61.107849).
- 07/533: Demolition of existing buildings and construction of a three-storey office block onto Nun’s Island Street and a four-storey 8-unit apartment block onto the Western Conduit Stream: Permission was refused at appeal (PL61.225771) on the grounds that it would be out of character with the area/seriously injurious to visual amenity, it would constitute overdevelopment that would be seriously injurious to residential amenity in terms of overlooking and overshadowing, and it would fail to provide for quality open space for future residents.
- 08/759: Demolition of existing buildings and construction of a three-storey office block onto Nun’s Island Street and a three-storey boutique hotel block onto the Western Conduit Stream: Permission granted.

- 14/178: Permission for 08/759 extended until 6<sup>th</sup> July 2017.
- 19/119: Demolition of existing buildings and construction of a three-storey block onto Nun’s Island Street and a four-storey block onto the Western Conduit Stream, which in total would provide 20 apartments: Withdrawn.
- Pre-application consultation occurred on 20<sup>th</sup> February 2020.

## 5.0 Policy and Context

### 5.1. Development Plan

Under the Galway City Development Plan 2023 – 2029 (CDP), the site is shown as lying within an area zoned “R” residential, wherein the objective is “To provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods.” Within this zone, hotels are “open for consideration”.

Policy 6.8 of the CDP, entitled “Tourism Sector”, includes the following relevant strand:

- *Work in partnership with Failte Ireland and key stakeholders to support the hospitality sector and promote tourism related facilities including a sustainable range of tourism accommodation.*

Section 10.9 of the CDP proposes that a masterplan be prepared for Nun’s Island, and it cites factors that would be required to be considered in such preparation, e.g., increased public access to waterways, and the resilience of redevelopment schemes to the impacts of climate change.

Policy 3.6 of the CDP, entitled “Inner residential areas”, states the following:

*Protect the quality of inner residential areas including Claddagh, Shantalla and Newcastle (to Quincentenary Bridge) by ensuring that new development does not adversely affect their character and has regard to the prevailing pattern, form and density of these areas.*

The site lies within the Galway City Centre Zone of Archaeological Potential. The adjoining residential property to the north of the site at No. 25 Nun’s Island is a protected structure (RPS ref. no. 7410). Other properties further to the north and on

the opposite side of the street from the site are protected structures, too, i.e., Nos. 24 & 23, and 4, 5 & 6). All of these properties, except No. 6, are on the NIAH, too.

Policy 9.1(3) of the CDP addresses flood risk as follows:

*Ensure the recommendations of the Strategic Flood Risk Assessment (SFRA) for the Galway City Development Plan 2023-2029 are taken into consideration in the assessment of developments in identified areas of flood risk. Require site specific Flood Risk Assessment (FRA) and associated design and construction measures appropriate to the scale and nature of the development and the risks arising, in all areas of identified flood risk including on sites where only a small proportion of the site is at risk of flooding and adopt a sequential approach in accordance with the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009).*

## 5.2. Natural Heritage Designations

- Lough Corrib SAC (000297)
- Galway Bay Complex SAC (000268)
- Inner Galway Bay SPA (004031)

## 5.3. EIA Screening

Under Item 10(b)(iv) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2022, urban development on sites with an area greater than 10 hectares is required to be the subject of a mandatory EIA. The proposal is for a 34-bed hotel on an urban site with an area of 0.075 hectares. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall well below the relevant threshold, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

Noel & Mary O'Connor of No. 25 Nun's Island Street.



The appellants state that their dwelling house is a protected structure (reg. no. 7410), it lies to the north of the site, and the proposed building would adjoin this dwelling house. They draw attention to Nun's Island Street, which is the subject of a one-way system, and which is narrow and busy. They also draw attention to the planning history of the site.

The appellants raise no in principle objection to the redevelopment of the site, which is derelict. However, they cite the following detailed grounds of appeal to the current proposal for it:

(a) Basement element

- Attention is drawn to the likely minimal foundations to the dwelling house at No. 25. Consequently, the proposed basement, which would be sited adjacent to these foundations, would have a serious impact upon the structural stability of this dwelling house. In these circumstances, the application should have been accompanied by archaeological and flooding surveys, a method statement for the proposed works, and a site investigation report, to demonstrate the feasibility of these works.
- The submitted Architectural Heritage Impact Assessment fails to address the above concerns, including the need for mitigation, beyond stating that the demolition and development works should be carried out to the specification of and supervised by a structural engineer with experience in conservation.
- Attention is also drawn to the absence of any reference to de-watering measures that the appellants anticipate would be required, given the site's proximity to watercourses.

(b) Traffic

- Nun's Island Street already suffers from traffic congestion, particularly during the drop-off and collection times for the nearby school. Under the proposed 34-bed hotel, additional traffic would be generated, which would exacerbate existing congestion.
- A TIA should have been submitted.

- Under the CDP, the minimum parking provision for a 34-bed hotel is 17 spaces. No drop-off/set-down area is proposed. The mobility impaired, amongst others, would be disadvantaged thereby.
- During the construction phase, temporary road closures would be likely. This prospect should have prompted the submission of a Construction Traffic Management Plan.

(c) Parking

- No parking is proposed. The Planning Authority accepts this on the basis that “it is preferable that sustainable modes of transportation would be used instead of private car usage.” By contrast, the reality of the situation is that car usage continues and so the appellants anticipate that some guests will come by car. Consequently, the applicant should have addressed the availability of parking in the area of the site. Given the known pressure on such parking, the complete absence of parking from the proposal would be unacceptable.

(d) Policy considerations

- Policy No. 2.7 of the CDP is cited to the effect that infill development will have regard to the existing pattern of buildings in its vicinity. The proposal would have insufficient regard in this respect.

(e) Proposed height, mass, and scale

- The height, mass, and scale of the proposal would cause it to overpower No. 25 and to be odds with the host streetscape to the detriment of visual amenity.

(f) Overlooking

- Under Section 11.3.1(d) of the CDP, a minimum of 11m should separate residential units from private open spaces that they overlook. Some of the first and second floor bedrooms would overlook obliquely the appellants’ sunroom with a consequent loss of long-established privacy.

(g) Public realm

- The Galway Public Realm Strategy is recognised by Section 1.8.4 of the draft Galway City Development Plan 2023 – 2029. This Strategy seeks, amongst other things, the opportunity to explore the creation of new public spaces.

Under the proposal, the millrace side to the rear of the site would be used by hotel guests only. The opportunity to create a new space therein for the public would thus be missed.

(h) Built heritage

- Attention is drawn to the Heritage Officer's opposition to the proposal on the basis that it would involve the demolition of existing buildings and their replacement with one that would "set a precedent for inappropriate postmodern buildings and architecture which are completely at variance with the style, tone and materials used in the street at present."
- Attention is also drawn to the Heritage officer's request that the site be the subject of a full archival and photographic record and that a Conservation Architect's Report should be prepared that would require, amongst other things, the recording of stone walling and the retention of the main walls on the site.

(i) Shadow analysis

- The appellants' sunroom, patio, and rear garden benefit from sunlight that is admitted due to the set back in the rear extension to the existing dwelling house on the site.
- Under the proposal, the existing two-storey dwelling house would be replaced by a three-storey hotel with a consequent increase in overshadowing of the appellants' sunroom, patio, and rear garden.

(j) Building design

- Questions are raised concerning the design of the proposed hotel, i.e., no kitchen or reception are proposed and some of the bedrooms would be very small. While a café is proposed, no details of the same are provided.

(k) Other issues

- Other aspects of the proposal are of concern, i.e., non-compliance with Nun's Island Masterplan, plot ratio, and density.

## 6.2. Applicant Response

(a) Basement element

- The proposed basement would be carefully design in relation to the adjacent protected structure, e.g., it would be set back 1m from this structure.
- De-watering is not envisaged, as a secant pile wall form of construction would be used, which would prevent groundwater ingress.
- Existing party walls may need to be braced or buttressed during the construction phase. (This would be determined prior to demolition). Thereafter, the proposed building would support its neighbours.

(b) Traffic

- The appellant's comments on traffic are not substantiated by any submitted evidence.
- The school on Nun's Island Street is soon to be relocated.
- The previous use of the site generated traffic, e.g., deliveries and vehicular borne customers. The proposed use would generate limited traffic and so is suited to a historic city centre site.
- The CDP refers to the Galway Transport Strategy, which advocates the restriction of car parking for future developments within the city centre.
- The applicant undertakes to prepare a Construction Traffic Management Plan. It envisages that any temporary road closures would not deny local access.

(c) Parking

- The car parking standard cited is not a minimum, but a maximum that can be reduced in appropriate circumstances.

(d) Policy considerations

- The appellants' critique of the proposal is rejected: The principal elevation would be designed in two halves to transition well from neighbouring buildings on either side.

(e) Proposed height, mass, and scale

- While the western elevation on to the millrace is one storey higher than No. 33, the change in heights is less than that exhibited by Nos. 28 & 29.

Furthermore, there are examples of old and new buildings beside the millrace, which are larger again.

(f) Overlooking

- The standard cited by the appellants refers to relationships between residential units that entail direct correspondence. By contrast, the proposal is for a hotel and the views in question would be oblique ones. The applicant offered and the Planning Authority conditioned that windows affording such views would be angled so as not to overlook No. 25.

(g) Public realm

- Attention is drawn to the abundance of public realm spaces in Galway beside water. Surprise is expressed at the appellants enthusiasm for an extension of the public footpath in front of Nos. 32 & 33 along the millrace side boundary of the site as far as the appellants' property. Such an extension would pose possible security risks and it would represent a dis-amenity to hotel guests and the appellants themselves.

(h) Built heritage

- Exception is taken to the commentary of the Heritage Officer: the proposed hotel would not be of postmodern design and its style, tone, and materials would follow the advice of the Architectural Heritage Protection Guidelines that counsel against pastiche design.
- Positively, the proposal would exhibit good modern design that would ensure that it is an appropriate infill development on what is at present a derelict site.

(i) Shadow analysis

- Attention is drawn to the baseline of overshadowing that arises from the existing buildings on the site and a large evergreen tree in its north-western corner. The envisaged overshadowing would be eased by the siting of a courtyard in the centre of the site, which would allow sunlight to be admitted to the appellants' property.

#### (j) Building design

- The appellants critique the size of some of the proposed bedrooms. The applicant's architect testifies to the specification of similar sized bedrooms in some Dublin hotels that he has been involved with. These bedrooms have proved to be popular, manageable, and viable.
- The proposed café would provide only heated snacks. The proposed hotel would be permanently staffed, and check-ins would be conducted in-person.

#### Other issues

- The Nun's Island Masterplan is a non-statutory plan that the applicant has had no input to. It is not relevant to the assessment of the current proposal.
- The proposal would have a plot ratio of 1.6, which is below 2.0, the figure cited in the CDP for the site's zone.
- The proposal would have a bedroom density of 45.3 per 0.1 hectares, which is lower than in the cases of comparable hotels that the applicant's architect has been involved in in Dublin.

### 6.3. **Planning Authority Response**

The view is expressed that the majority of the grounds of appeal were considered at the application stage, which included a further information exercise. The Planning Authority confirms its decision.

### 6.4. **Observations**

None

### 6.5. **Further Responses**

None

### 6.6. **Consultees**

Department of Housing, Local Government, and Heritage

Advises that “prior to any grant of consent, the Board should be satisfied that the proposal will not have a significant impact on the qualifying interests and habitats of nearby European sites and on water quality.”

- *It is recommended that prior to demolishing works being undertaken, and regardless of the time of the year, that a pre-commencement dusk emergence and dawn re-entry bat survey should be undertaken by a suitably qualified bat Ecologist. This survey should be undertaken during the optimal time of year for bat activity to be observed. In addition to the survey results, the resulting Bat Survey should include specific lighting recommendations and measures, which it is recommended should then be considered for inclusion as a condition of any granted planning consent. This will mitigate for any negative impacts the development may pose to bat species.*
- *The Board should be satisfied that the proposed mitigation measures outlined in Chapter 6 of the NIS adequately address impacts the development may have on water quality during the pre and post-construction phases, such as run-off and works within the riparian zone.*

## 7.0 Assessment

7.1. I have reviewed the proposal in the light of the Galway City Development Plan 2023 – 2029 (CDP), relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Zoning, land use, density, and the proposal,
- (ii) Archaeology and conservation,
- (iii) Visual and residential amenity,
- (iv) Traffic, access, and parking,
- (v) Natural heritage,
- (vi) Water, and
- (vii) Appropriate Assessment.

### **(i) Zoning, land use, density, and the proposal**

7.2. Under the CDP, the site is zoned “residential”. The proposal is to replace a commercial building and a dwelling house on the site with a hotel. In land use terms,

hotels are “open for consideration” under the zoning and so there is no in principle objection to the proposed use of the site.

- 7.3. The planning history of the site indicates that, under 08/759, a three-storey boutique hotel was previously permitted for the site. It would have been sited adjacent to the Western Conduit Stream and it would have been accompanied by a three-storey office building sited beside Nun’s Island Street. Accordingly, there is a precedent for the current proposal.
- 7.4. The appellants express concern over the density of the proposal. The applicant has responded by drawing attention to the density measures of plot ratio and bedrooms per 0.1-hectare. Under the former measure, the proposal would register 1.6, which would be well within the maximum of 2.0 cited by the CDP. Under the latter measure, the proposal would provide a 34-bed hotel over a 0.075-hectare site, which would represent a bedroom density of 45.3 per 0.1-hectare. The applicant states that this density would be less than that of comparable hotels that its architect has been involved with in Dublin city centre.
- 7.5. The appellants have raised several questions concerning the design of the hotel itself, e.g., the absence of a kitchen or reception area, and the size of the bedrooms. They also enquire as to the nature of the café.
- 7.6. The applicant has responded by stating that the café would serve heated snacks only and that, as the hotel would be permanently staffed, in-person check-ins would occur. The applicant’s architect states that he has been involved in designing comparable hotels, which are now operational in Dublin. Similar sized bedrooms have been incorporated in these hotels to those now proposed and, in practise, all have proven popular with patrons.
- 7.7. Conditions 9 and 10 of the Planning Authority’s permission address, the need to ensure that there is an operative café to serve patrons and the submission of a hotel management plan.
- 7.8. I conclude that, under the site’s zoning, no in principle objection would arise to the proposed use of the site and there is precedent for permitting such use on the site. Under the density measure of plot ratio, the proposal would be of an appropriate density. I also conclude that concerns over the composition and management of the hotel would be capable of being addressed by condition.



## **(ii) Archaeology and conservation**

- 7.9. Under the Record of Monuments and Places, the site is shown as lying within the Zone of Notification for the walled town of Galway (ref. no. GA 094-0001000). Under Figure 8.12 of the CDP, the site is shown as lying within the City Centre Zone of Archaeological Potential.
- 7.10. The applicant's planning report presents extracts from historic maps of Nun's Island, which show the street that serves the site on a map from 1651 and the first building on the site on a map from 1837, i.e., in its north-western quadrant. More extensive buildings are subsequently shown on a map from 1872 and thereafter. The Heritage Officer states that all groundworks must be archaeologically monitored under licence. To this end, the Planning Authority attached Condition 3 to its permission, which addresses archaeology.
- 7.11. An Taisce states that the buildings on the site were originally used as a cooperage and so they were linked to brewing and distilling on Nun's Island. It also states that the buildings were in use as a pram factory. The applicant cites Griffith's Valuation from 1855, which described the site as "stores, bakery, and yard". The Heritage Officer states that the streetside building may have been used as a warehouse and shop-cum-dwelling. It was also used for a short time as an RIC station. In 1992, retention permission (92/660) was granted for a change of use of the streetside building to offices.
- 7.12. The applicant notes that the streetside building has been altered over the years, as is evident from the modern ground floor openings in its front elevation. It accepts that the shell of this building may date from the 1840s. However, its roof structure is highly unlikely to be original as it is composed of Belfast trusses, which are a design that evolved from the 1860s on. The buildings to the rear of the site were demolished to facilitate the construction of the detached two-storey dwelling house, at No. 34, in the 1930s.
- 7.13. The Heritage Officer considers that stonework comprised in the shell of the streetside building should be exposed and assessed with a view to its retention and incorporation within any development. The Planning Authority did not accept this advice, although it did, under Condition 4 attached to its permission, require that a

conservation architect undertake a full survey and record of the existing buildings on the site.

- 7.14. During my site visit, I observed the external alterations that have been made to the streetside building on the site. I also observed its poor state of repair and that of the detached dwelling house to its rear. Both buildings have been vacant for some time. Neither building is a protected structure or on the NIAH, they are not sited within an ACA, and they have both been the subject of permissions (98/350 & PL61.107849 and 08/759) in the past for their demolition as part of the redevelopment of the site. In these circumstances, I consider that the approach adopted by the Planning Authority, in seeking to survey and record them, is appropriate.
- 7.15. The appellants draw attention to their residential property at No. 25, which adjoins the site to the north. Under the CDP, this property is a protected structure. It is also on the NIAH (reg. no. 30313034), where it is described as comprising a three-storey house of Georgian style, which dates from c. 1830.
- 7.16. The appellants express concern over the stability of their property, as the house is built on shallow foundations and the proposal on the applicant's adjoining site would include a basement. An Taisce states that the sub-soils in Nun's Island consist of sand and silt and that test probes in the vicinity of the site have indicated that "solid ground" lies at depths of between 1.9 and 2.4m. The appellants go on to state that the application should have been accompanied by archaeological and flooding surveys, a method statement for the proposed works, and a site investigation report, to demonstrate the feasibility of these works. They also state that the need for de-watering of the excavated site should be addressed.
- 7.17. The applicant responds by stating that the basement would be carefully designed to ensure its compatibility with the stability of the appellants' protected structure, e.g., it would be set back 1m from the common boundary. During the construction phase, the need for de-watering is not anticipated, as a secant pile wall form of construction would be used, which would prevent groundwater ingress. During this phase, too, the need to brace or buttress party walls may arise, while, during the operational phase, the new building itself would support adjoining neighbouring buildings.
- 7.18. Condition 5 attached to the Planning Authority's permission requires that a structural engineer and conservation architect supervise the construction phase in order to

ensure that adjoining buildings and the walls, which are to be retained along the common boundaries of the site, remain stable.

- 7.19. During my site visit, I observed that the front elevation of the appellants' house exhibits cracks consistent with possible subsidence. I note the above observations and undertakings of the parties. While ultimately the need to safeguard the stability of neighbouring properties is a potential civil matter for the developer to address, the protected status of No. 25 means that the stability of the appellants' house is a matter of public interest, too. The Planning Authority's Condition 5 is therefore appropriate, and it should be augmented by a condition requiring the submission of a site-specific method statement on how the stability of the house and retained wall along the common boundary with No. 25 would be safeguarded.
- 7.20. I will address the question of the proposal's affect upon the setting of the protected structure under the following heading of my assessment.
- 7.21. I conclude that, subject to appropriate conditions, the proposal would be compatible with the archaeological and conservation interest of the site within the context of Nun's Island.

### **(iii) Visual and residential amenity**

- 7.22. The proposal would entail the demolition of the existing buildings on the site. The streetside building is a three-storey, five bay, flat roofed commercial building, which has been the subject of several rear extensions. Beyond this extended building is a detached, two-storey dwelling house, which faces west towards the Western Conduit Stream. These buildings are vacant, and they are presently in a state of considerable disrepair. Their grounds are overgrown.
- 7.23. The proposal would also entail the construction of a new building on the site, which would be used as a 34-bed boutique hotel. Essentially, this building would be three storeys in height, although its streetside portion would be part two-storey and part three-storey over a basement. This portion would comprise a southern projecting three-storey element, which would reflect the front building line of the house at No. 27, and a northern projecting two-storey element, which would reflect the front building line of the house at No. 25. This latter element would have a second floor, which would be stepped back from both the front building line and the adjoining house at No. 25. The parapets of the southern and the northern elements would

coincide with the eaves of the adjoining houses on either side. The streetside portion of the building would thus be designed to transition between the differing front building lines and heights of the adjoining three-storey houses. Its front elevation would be clad in natural granite and its glazed openings would have aluminium frames.

- 7.24. The waterside portion of the building would have a western elevation with a dogleg alignment. This elevation would comprise glazed and anodised aluminium panel openings set within a structural framework finished in pre-cast reconstituted Portland stone. A centrally sited courtyard would be overlooked on its eastern and western sides by elevations comprising the same type of openings and structural framework. The southern side would enclose corridors between the streetside and waterside blocks. It would be glazed behind vertical timberwork. The exposed side elevations of the overall building abutting the common boundaries of the site would be finished in painted render, apart from an expanse of glass blockwork on the southern elevation, which would accompany upper floor corridors.
- 7.25. The Heritage Officer and the appellants have critiqued the aesthetics of the proposal. The Heritage Officer expresses the view that design and appearance of the proposal would be inappropriate to its host historic streetscape. The appellants cite this view, and they add that, as an infill development, it should have greater regard to its context. They also state that, due to its size, particularly its height, and scale and mass, the proposal would overwhelm their residential property.
- 7.26. The applicant responds by insisting that its design approach is appropriate for the infill site in question. It states that good modernist design can contrast well with buildings of traditional design, and it is preferable to pastiche design. It draws attention to how the design of the streetside building would intentionally reference the adjoining houses in spanning the differences between them in their siting and height. It also draws attention to the existing juxtaposition of two and three-storey houses within the vicinity of the site and so its proposed essentially three-storey building would be of an appropriate scale. Furthermore, its mass would be eased by the centrally sited courtyard, which would relieve its presence along the northern boundary of the site with the appellants' residential property.

- 7.27. During my site visit, I observed that the southern portion of Nun’s Island comprises a mix of detached and terraced buildings, which exhibit a variety of historic designs, and modern buildings, e.g., “The Bish” secondary school complex. The alterations to the existing streetside building on the site have diluted its original traditional design and so at present its aesthetic contribution to the streetscape is ambiguous. The proposal would remove this ambiguity and it would continue the pattern of co-existing buildings of historic and modern design. Likewise, the increase in the scale of built form over the central and rear portions of the site would be moderated by its three-storey height, the specification of extensive glazing to “lighten” elevations, and the easing of its mass by means of the courtyard, which would coincide with the initial portion of the appellants’ rear garden, within which is sited their conservatory. I, therefore, consider that the proposal would be compatible with the visual amenities of the area.
- 7.28. The appellants express concern that the proposal would lead to overshadowing and overlooking of their residential property, which lies to the north of the site.
- 7.29. The applicant has responded to the first of these concerns by submitting a shadow analysis of the existing and proposed buildings on the site at various times during the equinoxes and solstices. This analysis shows that there would be an increase in the overshadowing of particularly the initial eastern portion of the appellants’ rear garden at mid-day during the equinoxes and new overshadowing of the further western portion of this garden at mid-day during the summer solstice.
- 7.30. During my site visit, I observed that a large evergreen tree in the north- western corner of the site exists. The shadow cast by this tree is not depicted in the applicant’s analysis. Normally, the shadows cast by trees are discounted from such analysis. However, in this case, the height and density of the coniferous tree is such that it does have a significant affect upon the lighting of particularly the further reaches of the appellants’ rear garden. If this tree were to be removed, then its absence would serve to compensate somewhat for the new overshadowing of this portion of the garden, i.e., it would be lighter during late afternoon/early evening periods. Such removal should therefore be conditioned.
- 7.31. The shadow analysis also shows that there would be an increase in the overshadowing of the residential property at No. 33 to the south-east of the proposed

waterside block. This increase is apparent in the depiction of the late afternoon/early evening of the summer solstice. By way of compensation, the applicant's design statement indicates that specification of an expanse of glass blockwork in the southern elevation of the proposed building would transmit daylight to this property. Likewise, if the accompanying expanse of rendered elevation is painted a light colour, then daylight would be further boosted.

- 7.32. The applicant appears to have anticipated the appellants second concern about overlooking insofar as its submitted design statement indicates that the upper floor bedroom windows could be faceted away from the northern boundary of the site. Accordingly, the Planning Authority attached Condition 7 to its permission, which requires that this be done.
- 7.33. The submitted shadow analysis shows two trees in the courtyard. While these could assist with screening views from bedrooms into the appellants' residential property, their presence would not be consistent with the proposed siting of an attenuation tank underneath this courtyard. They would also have a marginally detrimental effect on the overshadowing of the initial portion of the appellants' rear garden. I, therefore, consider that reliance should be placed upon the above cited faceting to address the need to mitigate overlooking.
- 7.34. The proposal would incorporate glazed corridors between the streetside and waterside blocks of the proposed building. To the south, glass blockwork would be specified, and to the north glazing would be accompanied by a vertical timber framework. The risk that light spillage into adjoining/adjacent residential properties may be a nuisance/source of disturbance would need to be addressed by a suitably designed lighting scheme. The Planning Authority attached Condition 10 to its permission in this respect.
- 7.35. I conclude that the proposal would be compatible with the visual amenities of the area. I, likewise, conclude that it would, subject to appropriate conditions, be compatible with the residential amenities of the area.

**(iv) Traffic, access, and parking**

- 7.36. The proposal would generate traffic during its construction and operational phases. The appellants express concern that, as Nun's Island already experiences traffic congestion especially due to "The Bish", such congestion would be exacerbated.

They express the view that a Construction Traffic Management Plan (CTMP) and a TIA should have been submitted.

- 7.37. The applicant responds by drawing attention to the previous commercial use of the site, which would have generated staff, customer, and delivery traffic. It also draws attention to relocation plans that have been announced by “The Bish”, and it undertakes to submit a CTMP. (Condition 23(iii) attached to the Planning Authority’s permission refers to one aspect of such a Plan).
- 7.38. During my site visit, I observed that the street beside the site is the subject of a one-way system in a southerly direction. I also observed that the near side of this street is the subject of double yellow lines, and the far side is too, although immediately to the north there is formally laid out on-street parking. I understand that the above cited relocation is not the subject of any established timeline, and that any re-use/ redevelopment of the site would be likely to generate traffic, too. While during my site visit traffic moved freely on the street, this visit did not coincide with either the morning or evening peaks or the opening and closing times of “The Bish”. Traffic generated by patrons of the proposed hotel could be expected to be spread out over the day. Thus, while some overlap with peak times could be expected to occur, it would typically not be concentrated in these times. Such generation would fall well below the thresholds for a TIA.
- 7.39. The appellants also express concern over the absence of parking from the proposal. They critique the Planning Authority’s emphasis on sustainable modes of transportation for its failure to recognise the on-going reality of private car usage and the corresponding need for the applicant to address the availability of off-site public car parking.
- 7.40. The applicant responds by stating that the CDP refers to the Galway Transport Strategy, which advocates the restriction of car parking for future developments within the city centre. It also refers to the CDP’s car parking standards that are expressed as a maximum that can be reduced in certain circumstances.
- 7.41. Figure 10.1 of the CDP shows the site as lying within the city centre for car parking purposes. Table 11.6 states that city centre hotels should be accompanied by 1 off-street car parking space per 2 bedrooms. Thus, as the proposed hotel would have a total of 34 bedrooms, a maximum of 17 spaces should be provided. The CDP states

that a reduction in this maximum can be entertained, where a Travel Plan is submitted.

- 7.42. The applicant proposes to provide six cycle stands in front of its proposed building. This would be in excess of the minimum standard cited by the CDP. Under Condition 12, the Planning Authority requires that these stands be omitted in favour of landscaping. However, I consider that they would be needed to facilitate the patronage of cyclists and the promotion of this sustainable mode of transportation. I, therefore, take the view that they should be retained.
- 7.43. During my site visit, I observed that the Cathedral car park, which is located in the northern half of Nun's Island, is available for public use. This car park is one of three in the city centre that are open on a 24-hour basis. It would be convenient for car-borne patrons of the proposed hotel. I also observed that the city centre is a hub for public transport in terms of buses and trains. Thus, while the absence of a Travel Plan submission from the application is regrettable, I consider that parking and transport options for patrons would exist.
- 7.44. Pedestrian access to the site would be from the street in front and from a public footpath, which serves the existing dwelling house at No. 34, and which passes in front of the dwelling houses at Nos. 32 and 33. Condition 15 attached to the Planning Authority's permission requires that how the latter access would be managed should be the subject of written agreement.
- 7.45. The appellants cite the Galway Public Realm Strategy and the outline Nun's Island Masterplan. In the light of these documents, they consider that the reservation of the open space by the millrace within the site for the use of patrons would represent a missed opportunity to provide a publicly accessible open space.
- 7.46. The applicant responds by drawing attention to the extent of public footpaths and public open spaces that already exist beside watercourses in Galway. It expresses concern that the use of the open space in question by the public would pose management challenges and that it may not be compatible with the amenities of hotel patrons.
- 7.47. During my site visit, I observed that the existing public footpath terminates on reaching the site. I also observed that it does not recommence to the north of the site. Accordingly, its extension into the site would be of limited amenity value to



recreational users. I note the applicant's concerns and I note, too, that neither of the documents cited by the appellants bring forward specific proposals to increase public access in the manner that the appellants envisage. While Section 10.9 of the CDP envisages that the detailed Nun's Island masterplan would address improved public access to waterways, this version of the masterplan remains to be prepared.

- 7.48. Delivery/bin collection access to the site would be from the street in front. A proposed door in the front elevation would afford access to a service lift to the basement where storage facilities would be provided for the hotel, including that needed for refuse.
- 7.49. I conclude that, subject to a CTMP, traffic generated by the proposal would be capable of being accommodated on the public road network. I also conclude that, during the operational phase of the proposal, it would be reasonable to expect that some patrons would use public transport and/or walk/cycle to the hotel. The proposed pedestrian and cyclist access arrangements to the site would be satisfactory. Car-borne patrons would be able to avail of public car parking options in the surrounding area.

**(v) Natural heritage**

- 7.50. The applicant has submitted a bat survey report of the site. This report refers to an earlier survey of the site in November 2018, which found a small number of old bat droppings in the dwelling house (No. 34) on the site. The size and age of these droppings did not suggest regular bat usage of this dwelling house.
- 7.51. The applicant undertook a further bat survey in November 2021. Internal and external inspections of the buildings on the site were made, in a bid to identify any evidence of bats. The dwelling house is sited in a more seclude position on the site than the commercial building and it is adjacent to the Western Conduit Stream/millrace, which forms part of the extensive waterways network in Galway City. This network provides foraging routes for bats. Despite the moderate suitability of the dwelling house for bat roosts, no evidence of their presence was found.
- 7.52. The bat survey states that although occasional usage cannot be altogether precluded in the absence of an emergence survey, it is considered improbable that the buildings on the site support significant bat roosts. Furthermore, the trees on the site are neither of sufficient age nor do they have the structural elements to support

bats. By way of mitigation, this survey recommends that any demolition be undertaken outside the bat breeding season and that, prior to any demolition, the site be resurveyed. Direct lighting of the millrace would where possible be minimised.

- 7.53. The Department of Housing, Local Government and Heritage, as consultee to the Board, underscores the need for a dusk emergence and a dawn re-entry survey, prior to demolition and at an optimal time of year for bat activity. It also advises that the report of such a survey should make lighting recommendations.
- 7.54. I conclude that, subject to conditions requiring a pre-demolition bat survey and report concerning lighting requirements, the proposal would be compatible with the nature conservation interest attendant upon the site arising from the possible presence of bats.

#### **(vi) Water**

- 7.55. Under the proposal, the existing connection to the public water mains from the site would be replaced with a new one. The applicant has submitted a pre-connection enquiry to Irish Water, which details the estimated water consumption of the operational hotel. Irish Water, as a consultee, has raised no objection to the proposal.
- 7.56. Under the proposal, the existing connection to the public foul water sewerage system from the site would be replaced with a new one. The applicant has submitted a pre-connection enquiry to Irish Water, which details the estimated foul water loading of the operational hotel. Irish Water, as a consultee, has raised no objection to the proposal.
- 7.57. Under the proposal, the existing stormwater drainage arrangements would be replaced with new ones, which would be attenuated by means of a storage tank sized to cope with a 1 in 100-year storm event. The new stormwater drainage system would discharge to the millrace by means of a headwall, which would be constructed above the level of the receiving waters and fitted with a non-return valve. Prior to discharge stormwater would be subject to a hydro-brake, which would ensure that the allowable flows are not exceeded, and a petrol interceptor.
- 7.58. Under the Planning System and Flood Risk Management (PSFRM) Guidelines, the proposed use of the site as a hotel is deemed to be a highly vulnerable use. The OPW's flood maps and the Western Catchment Flood Risk Assessment and

Management (CFRAM) Study show the site as lying within Zone C, i.e., less than 0.1% AEP, while the Strategic Flood Risk Assessment 2017 (SFRA) shows the easternmost (streetside) portion of the site as lying within Zone B, i.e., between 1% and 0.1% AEP and the Strategic Flood Risk Assessment 2023 (SFRA) shows the majority of the site as lying within Zone B. The proposed use would be appropriate in Zone C, but it would *prima facie* need to be the subject of a justification test in Zone B.

- 7.59. The applicant has submitted a Flood Risk Assessment (FRA) of the proposal. This FRA cites Section 5.28 (as amended) of the PSFRM Guidelines, and it states that the proposal would be a “minor development”. The applicant does not make explicit why its proposal can be thus categorised. Presumably, it is based on an assessment that the proposal would entail “small scale infill”. The site is an infill one. It extends over an area of 0.075 hectares and the floorspace of the development would total 1239 sqm and so it is “small scale”.
- 7.60. I consider that it is reasonable to accept the proposal as being “minor development”. Accordingly, the justification test does not arise. Instead, under Section 5.28 (as amended), applicants need to assess flood issues that may arise as a result of the obstruction of important flow paths, the introduction of significant additional numbers of people, and the storage of hazardous substances. They also need to assess flood risk with respect to watercourses, floodplains, and flood protection and management facilities.
- 7.61. The applicant has submitted a Flood Risk Assessment (FRA), which advises that the flood risk arising on the site is a fluvial one, which emanates from the River Corrib, to the east, and the Eglington Canal System, the Western Conduit Stream or millrace of which abuts the boundary of the site, to the west.
- 7.62. Of the issues and risks cited by Section 5.28 (as amended), the proposal would entail the introduction of significant additional numbers of people, and it would be subject to an undefended fluvial flood risk.
- In relation to the former, the applicant’s engineering report estimates that the average occupancy of the 34 proposed bedrooms (17 large and 17 small bedrooms) would be 51 guests along with 10 staff, i.e., a total of 61 people.

- In relation to the latter, the applicant states that the finished ground floor level (FGFL) of the proposed hotel would be 5.15m OD. It cites Section 6.7 of the SFRA (2017), which states that finished floor levels are to be set above the 1% AEP, plus 20% to allow for climate change, and a further 300mm by way of a freeboard. Chapter 5 of the SFRA (2023) reiterates this formula. Under 1% AEP and 0.1% AEP, the level of the millrace would be 4.45m OD and 4.99m OD, respectively. The Mid-Range Forecast Scenario (MRFS) for these AEPs would be 4.58m OD and 5.21m OD, i.e., 0.57m below the FGFL and 0.06m above the FGFL.

7.63. Given the flood risk posed by the MRFS for 0.1% AEP, the applicant's engineer recommended that the following control measures be considered by the design team:

- Mixing of uses vertically in the building placing less vulnerable uses at ground floor and basement levels,
- Siting of living accommodation (particularly sleeping areas) above the MRFS for 0.1% AEP, i.e., 5.21m OD,
- Tanking/waterproofing, e.g., levels below 5.21m OD, and
- Maintaining the existing ground levels alongside the millrace at 5.228m OD, to ensure the availability of emergency access/egress.

Notwithstanding the citation of the above control measures, it is unclear if any of them were incorporated by the design team within the proposal.

7.64. The proposed hotel is a highly vulnerable use, and its estimated average occupancy underscores the importance of mitigating the fluvial flood risk that the site faces. In these circumstances, the sleeping accommodation on the ground floor should be above 5.21m OD. The floor-to-ceiling height of this floor would be 2.9m and so there would be scope to raise the proposed FGFL from 5.15m OD to over 5.21m OD in the proposed western block. In the proposed eastern block, any increase in FGFL may militate against a smooth level of entry/exit with the adjoining street. The three small bedrooms at ground floor should therefore be omitted in favour of an expansion of the communal facilities for guests. The ground floor corridor would be capable of spanning the resulting difference in FGFLs between the two blocks. The ground floor

skirting to the eastern block and the basement beneath it should be tanked/ waterproofed and the landscaping scheme should ensure that access/egress to the western block is available at above 5.21m OD.

- 7.65. On Page 21 of the applicant's FRA, it is recognised that the footprint of the new building on the site would exceed that of the combined areas of the two existing buildings and so there would be some loss of flood plain from the site. Nevertheless, as the new building would be "allowed to flood", any displacement of flooding would be minimal. Clearly, the above cited control measures would be designed to avert such flooding and so the need would exist to increase the volume of the available flood plain on the site, e.g., by lowering the communal area of open space beside the millrace, while maintaining the height of the emergency access/egress to the western block.
- 7.66. I conclude that the proposed water supply and drainage arrangements for the site would be satisfactory. I conclude, too, that the fluvial flood risk would be capable of being mitigated on the basis of the control measures cited by the applicant's engineer. These measures should be conditioned to ensure their incorporation into the proposal, as should the consequential need to ensure the maintenance of an adequate flood plain.

#### **(vii) Appropriate Assessment**

- 7.67. The site is beside the Western Conduit Stream, which flows into the River Corrib and onward into Galway Bay. Both the River and the Bay are European sites. A hydrological link thus exists between the site and these European sites. The proposal is for the redevelopment of the site to provide a 34-bed hotel. Accordingly, there is a source/pathway/receptor route between the redevelopment site and the relevant European sites, and so a Stage 1 screening exercise for Appropriate Assessment is needed. The applicant has submitted a "Report in support of Appropriate Assessment (AA) Screening and Natura Impact Statement (NIS)". I will draw upon this Report, the NPWS's website, the consultation response received by the Board from the Department of Housing, Local Government, and Heritage, and my own site visit in undertaking a Stage 1 screening exercise and a subsequent Stage 2 Appropriate Assessment.

- 7.68. The requirements of Article 6(3) of the Habitats Directive as they relate to the Appropriate Assessment of a project under Section 177U and 177V of the Planning and Development Act 2000 (as amended) are fully considered below.
- 7.69. Having reviewed the above cited Report and consultation response, 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.
- 7.70. The project is not directly connected with or necessary to the management of a European site. Under Stage 1, the question posed is whether the project is likely to have a significant effect either individually or in combination with other plans and projects on a European site(s).
- 7.71. The project is for the redevelopment of a 0.075-hectare site to provide a 34-bed hotel over a floorspace of 1239 sqm. The existing buildings on the site would be demolished and cleared as part of its redevelopment.
- 7.72. Under the source/pathway/receptor model, there would be a hydrologic link between the redevelopment site and the River Corrib via the Western Conduit Stream. The River Corrib is a European site, i.e., Lough Corrib SAC (000297), and it flows into Galway Bay, which is the subject of two European sites, i.e., Galway Bay Complex SAC (000268) and Inner Galway Bay SPA (004031).
- 7.73. The qualifying interests of the above cited European sites are set out below. Their conservation objectives are either to restore (R) or to maintain (M) their favourable conservation condition.

### **Lough Corrib SAC**

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

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

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

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

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

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

Active raised bogs [7110] – R

Degraded raised bogs still capable of natural regeneration [7120] – See raised bogs

Depressions on peat substrates of the *Rhynchosporion* [7150] – See raised bogs

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

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

Alkaline fens [7230] – M

Limestone pavements [8240] – M

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

Bog woodland [91D0] – M

*Margaritifera margaritifera* (Freshwater Pearl Mussel) [1029] – R

*Austropotamobius pallipes* (White-clawed Crayfish) [1092] – M

*Petromyzon marinus* (Sea Lamprey) [1095] – R

*Lampetra planeri* (Brook Lamprey) [1096] – M

*Salmo salar* (Salmon) [1106] – M

*Rhinolophus hipposideros* (Lesser Horseshoe Bat) [1303] – R

*Lutra lutra* (Otter) [1355] – M

*Najas flexilis* (Slender Naiad) [1833] – M

*Hamatocaulis vernicosus* (Slender Green Feather-moss) [6216] – R

## **Galway Bay Complex SAC**

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

Coastal lagoons [1150] – R

Large shallow inlets and bays [1160] – M

Reefs [1170] – M

Perennial vegetation of stony banks [1220] – M

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

*Salicornia* and other annuals colonising mud and sand [1310] – M

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

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

Turloughs [3180] – M

*Juniperus communis* formations on heaths or calcareous grasslands [5130] – R

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

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

*Alkaline fens [7230] – M*

*Limestone pavements [8240] – ?*

*Lutra lutra (Otter) [1355] – R*

*Phoca vitulina (Harbour Seal) [1365] – M*

### **Inner Galway Bay SPA**

*Black-throated Diver (Gavia arctica) [A002] – ?*

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

*Cormorant (Phalacrocorax carbo) [A017] – M*

*Grey Heron (Ardea cinerea) [A028] – M*

*Light-bellied Brent Goose (Branta bernicla hrota) [A046] – M*

*Wigeon (Anas penelope) [A050] – M*

*Teal (Anas crecca) [A052] – M*

*Shoveler (Anas clypeata) [A056] – M*

*Red-breasted Merganser (Mergus serrator) [A069] – M*

*Ringed Plover (Charadrius hiaticula) [A137] – M*

*Golden Plover (Pluvialis apricaria) [A140] – M*

*Lapwing (Vanellus vanellus) [A142] – M*

*Dunlin (Calidris alpina) [A149] – M*

*Bar-tailed Godwit (Limosa lapponica) [A157] – M*

*Curllew (Numenius arquata) [A160] – M*

*Redshank (Tringa totanus) [A162] – M*

*Turnstone (Arenaria interpres) [A169] – M*

*Black-headed Gull (Chroicocephalus ridibundus) [A179] – M*

*Common Gull (Larus canus) [A182] – M*

*Sandwich Tern (Sterna sandvicensis) [A191] – M*

*Common Tern (Sterna hirundo) [A193] – M*

*Wetland and Waterbirds [A999] – M*

7.74. During the construction phase, surface water run-off could potentially be contaminated with silt, cement, and hydrocarbons and so have adverse impacts



upon water quality in the European sites. During the operational phase, increased surface water run-off and foul water discharges could potentially have adverse impacts upon water quality in these sites, too.

7.75. The qualifying interests that could be affected by a deterioration in water quality would be as follows:

- In the Lough Corrib SAC: White-clawed Crayfish, Sea Lamprey, Brook Lamprey, Salmon, and Otter,
- In the Galway Bay Complex SAC: Otter, and
- In the Inner Galway Bay SPA: All the sea and wetland bird species listed.

7.76. During the construction phase, noise and disturbance, e.g., light spillage, could potentially impact upon on the Otter, which is a qualifying interest in both the Lough Corrib SAC and the Galway Bay Complex SAC. Such noise and disturbance would be unlikely to affect the qualifying interests of the Inner Galway Bay SPA as they are either sea or wetland birds which would neither roost in or forage on the site or its built-up urban vicinity.

7.77. During the construction phase, the invasive species Japanese Knotweed, which has been detected on the site, could be disturbed and spread by water to affect the habitats of each of the cited European sites and hence their qualifying interests.

7.78. In-combination effects from other development sites could potentially arise.

7.79. I conclude that the potential for significant effects either individually or in combination with other plans and projects on a European site(s) cannot be excluded and so Appropriate Assessment is required. The applicant has submitted a NIS, which addresses the European Sites Nos. 000297, 000268, and 004031 that need to be considered under a Stage 2 Appropriate Assessment.

7.80. Under Stage 2, the question posed is whether the project will adversely affect the integrity of a European site(s) either individually or in combination with other plans and projects in view of the conservation objectives.

7.81. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interests 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.

7.82. The relevant European sites, their qualifying interests and their conservation objectives are all as presented above under the Stage 1 screening exercise. I will discuss below each of the four impacts identified under Stage 1 in greater detail.

(i) Impact upon water quality during the construction phase

These impacts arise from silt, cement, and hydrocarbons.

- In relation to silt, high levels can damage the gills of fish, smother aquatic invertebrates, and stunt aquatic plant growth.
- In relation to cement, high levels can adversely affect fish, aquatic invertebrates, and aquatic plants by changing the pH levels of water.
- In relation to hydrocarbons, water borne toxins can either be absorbed by fish or they can damage their gills.

The above cited impacts would upset the ecology of the European sites leading potentially to a reduction in fish stocks, which are a major food source for sea and wetland birds.

(ii) Impact upon water quality during the operational phase

The average occupancy rate of the proposal would be 61 PE. The Galway WWTP has a design capacity of 170,000 PE and it is presently operating at 102,558 PE. The additional loading from the proposal would, therefore, be capable of being handled without any significant impact on the quality of the receiving waters.

Surface water discharge to the millrace would pass through a petrol interceptor and a hydro-brake set to simulate the greenfield run-off rate. The quality and level of water in the millrace would be safeguarded thereby.

Any flood risk to the proposal and associated pollution risk would be addressed by means of control measures that would be incorporated within its design.

Given the above factors, no adverse effect upon the integrity of a European site, due to water quality during the operational phase of the project, would arise.

(iii) Impact of noise and disturbance during the construction phase

Noise and disturbance generated by construction activities would occur during normal working hours. Otters are a nocturnal or crepuscular species, i.e., they are active at night, particularly after dusk and before dawn. They are known to forage rather than to have breeding holts along the waterways network near to the site. They are also known to habituate to human activities. Thus, while some temporary loss of connectivity along the millrace may occur, this would be slight, as normal working hours would only overlap with dusk and dawn during the winter.

(iv) Impact of invasive species during the construction phase

Any Japanese Knotweed on the site would be the subject of controlled eradication and so it would not spread to any European site.

7.83. In the view of the above potential construction phase impacts, the applicant's NIS sets out the following mitigation measures:

(i) Impact upon water quality during the construction phase

- Silt fencing and a buffer zone would be utilised in conjunction with other standard mitigation measures to prevent silt and other solids from entering the millrace.
- Pouring of cement-based materials would be carried out under dry conditions, pumped concrete would be monitored to ensure that no accidental spillages occur, and concrete washout areas would be used, again, to ensure that no accidental spillages occur.
- Hydrocarbons would be stored in a bunded area and refuelling would occur therein. Any accidental spillages would be dealt with by means of spill kits.

(iii) Impact of noise and disturbance during the construction phase

- Noise and vibration protocols would be followed to ensure their minimisation.
- Lighting would be cowled and directed away from the millrace. The height of lighting would be carefully considered to minimise spillage.

(iv) Impact of invasive species during the construction phase

- A detailed management plan will be prepared and implemented to eradicate Japanese Knotweed.

- 7.84. The NIS identifies potential in-combination impacts that would arise from the implementation of plans by Irish Water and Inland Fisheries Ireland and other projects within Galway City. It reasonably concludes that as the subject project, including the mitigation measures assessed above, would not adversely affect the integrity of any European sites, so in-combination with these plans and projects no adverse effect would ensue.
- 7.85. Following the Appropriate Assessment and consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of European Sites Nos. 000297, 000268, and 004031 in view of the conservation objectives of these sites. This conclusion is based on a complete assessment of all implications of the project alone and in combination with plans and projects.

Appropriate Assessment conclusion

- 7.86. The project to demolish the existing buildings and construct a 34-bed hotel on the site at Nos. 26 and 34 Nun's Island, Galway 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 the European Sites Nos. 000297, 000268, and 004031. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying interests of these sites in the 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 the European Sites Nos. 000297, 000268, and 004031, or any other European site, in view of their conservation objectives.

This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project, including mitigation measures and ecological monitoring in relation to conservation objectives of European Sites Nos. 000297, 000268, and 004031,
- Detailed assessment of in-combination effects with other plans and projects, and
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of European Sites Nos. 000297, 000268, and 004031.

## 8.0 Recommendation

That permission be granted.

## 9.0 Reasons and Considerations

Having regard to the Galway City Development Plan 2023 – 2029, it is considered that, subject to conditions, the proposal would be consistent with the residential zoning objective and indicative plot ratio for the site. The site lies within a Zone of Archaeological Potential and so groundworks would be archaeologically monitored. The site adjoins the house at No. 25 Nun's Island, which is a protected structure, and so the stability of this house would be addressed. Subject to the specification of faceted upper floor bedroom windows to the proposed courtyard and the removal of a large coniferous tree from the north-western corner of the site, the proposed hotel would be compatible with the visual and residential amenities of the area. Traffic generated by the proposed hotel would be capable of being accommodated on the public road network and in city centre public car parks. Given the central location of the site, patrons would be able to avail of sustainable modes of transportation. The possible presence of bats on the site would be the subject of further pre-demolition investigation. Water supply and drainage arrangements for the proposed hotel would be satisfactory, and, subject to both a rise in the ground floor level of the western block and some reallocation of floorspace in the eastern block, flood risk would be capable of being satisfactorily mitigated. The proposal would, therefore, accord with the proper planning and sustainable development of the area.

The project to demolish the existing buildings and construct a 34-bed hotel on the site at Nos. 26 and 34 Nun's Island, Galway 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 the European Sites Nos. 000297, 000268, and 004031. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying interests of these sites in the 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 the European Sites Nos. 000297, 000268, and 004031, or any other European site, in view of their conservation objectives.

This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project, including mitigation measures and ecological monitoring in relation to conservation objectives of European Sites Nos. 000297, 000268, and 004031,
- Detailed assessment of in-combination effects with other plans and projects, and

No reasonable scientific doubt as to the absence of adverse effects on the integrity of European Sites Nos. 000297, 000268, and 004031.

## 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 particulars received by An Bord Pleanála on the 8 <sup>th</sup> day of April, 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed
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	<p>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><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) The upper floor bedroom windows that overlook the proposed courtyard shall be faceted as indicated in the applicant's submitted design statement.</p> <p>(b) The tall coniferous tree in the north-western corner of the site shall be removed and the trees proposed for the courtyard shall be omitted.</p> <p>(c) (i) The western block of the proposed hotel shall have a finished ground floor level above 5.21m OD.</p> <p>(ii) The ground floor bedrooms denoted as nos. 1, 2, and 3 shall be omitted from the eastern block and the proposed communal facilities on this ground floor shall be expanded into the space thus vacated.</p> <p>(iii) The basement shall be waterproofed and the ground floor of the eastern block to skirting level shall be waterproofed.</p> <p>(iv) The access/egress route to the external door of the western block from the south shall have a finished level above 5.21m OD.</p> <p>(v) Any loss of flood plain volume from (i) – (iv) shall be compensated for in the design and layout of the open space on the site.</p> <p>Revised drawings and supporting documentation showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interests of residential amenity and in order to mitigate the risk of flooding in the interest of public safety.</p>

3.	<p>Prior to the commencement of the demolition of the buildings on the site, a dusk emergence and dawn re-entry bat survey shall be undertaken of these buildings by a suitably qualified bat ecologist during the optimal time of year for bat activity. A report of this survey shall be submitted to the Planning Authority. This report shall advise on any bat sensitive lighting specifications that may be appropriate for incorporation in the development.</p> <p><b>Reason:</b> To ensure the protection and well-being of bats.</p>
4.	<p>Prior to the commencement of the construction of the proposed hotel, a scheme for the lighting of the hotel and its grounds shall be submitted to and agreed in writing with the Planning Authority. This scheme shall specify the type of lighting to be installed and it shall incorporate, where appropriate, the specifications set out in the bat report required under Condition 3.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of the area.</p>
5.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:-</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, and</p> <p>(b) employ a suitably-qualified archaeologist prior to commencement of development. The archaeologist shall assess the site and monitor all site development works.</p> <p>The assessment shall address the following issues:-</p> <p>(i) the nature and location of archaeological material on the site, and</p>



	<p>(ii) the impact of the proposed development on such archaeological material.</p> <p>A report containing the results of the assessment shall be submitted to the planning authority with any application for permission consequent on this grant of outline permission. Details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to the commencement of construction work, shall be determined at permission consequent stage.</p> <p><b>Reason:</b> In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
6.	<p>A full architectural survey of buildings proposed for demolition shall be carried out and submitted to the planning authority prior to commencement of development. Archive standard drawings and a photographic survey shall be prepared in accordance with the requirements of the planning authority.</p> <p><b>Reason:</b> In order to facilitate the recording of the architectural heritage of the site.</p>
7.	<p>Prior to commencement of development, a construction methodology statement indicating the means proposed to ensure the protection of the structural stability and fabric of the house and common boundary treatment of the protected structure at No. 25 Nun's Island shall be submitted to and agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of preserving the architectural integrity and heritage value of the adjoining protected structure.</p>
8.	<p>All works shall be carried out under the supervision of a qualified professional(s) with specialised structural engineering and conservation expertise.</p>

	<p><b>Reason:</b> In the interest of preserving the architectural integrity and heritage value of the adjoining protected structure.</p>
9.	<p>A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-</p> <p>(a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials;</p> <p>(b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;</p> <p>(c) details of proposed street furniture, including bollards, lighting fixtures and seating;</p> <p>(d) details of retained and any proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.</p> <p>The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
10.	<p>Details including samples of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and</p>

	<p>agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of the visual amenities of the area.</p>
11.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>
12.	<p>Drainage arrangements entailing the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works.</p> <p><b>Reason:</b> In the interest of public health.</p>
13.	<p>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.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
14.	<p>Construction traffic shall be managed in accordance with a construction traffic management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of good traffic management and road safety.</p>
15.	<p>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</p>

	<p>development. This plan shall provide details of intended construction practice for the development, including:</p> <ul style="list-style-type: none"> <li>(a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;</li> <li>(b) Location of areas for construction site offices and staff facilities;</li> <li>(c) Details of site security fencing and hoardings;</li> <li>(d) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;</li> <li>(e) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</li> <li>(f) 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;</li> <li>(g) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.</li> </ul> <p>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.</p> <p><b>Reason:</b> In the interest of amenities, public health and safety.</p>
16.	<p>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</p>

	<p>planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
17.	<p>Prior to the installation of external signage, details of such signage shall be submitted to and agreed in writing with the Planning Authority.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
18.	<p>Prior to the opening of the hotel, a hotel management plan shall be submitted to the Planning Authority. This plan shall address the following:</p> <p>(a) The presence of staff on a 24-hour, 7-day a week basis,</p> <p>(b) The use and operating hours of the gate to the site from the footpath, which runs past Nos. 32 &amp; 33 Nun's Island, and</p> <p>(c) Refuse collection arrangements.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of the area.</p>
19.	<p>Prior to the opening of the hotel, the cycle parking shown on the submitted plans shall be provided and thereafter retained in-situ for the duration of the use of the site as a hotel.</p> <p><b>Reason:</b> In order to promote and facilitate cycling, as a sustainable mode of transportation.</p>
20.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the</p>

	<p>matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>■</p> <p><b>Reason:</b> 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.</p>
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Hugh D. Morrison  
Planning Inspector

16<sup>th</sup> January 2023