



An
Bord
Pleanála

Inspector's Report ABP 313723-22

Development	Social housing development comprising 24 no. residential units
Location	Castlegar, Headford Road. Galway.
Planning Authority	Galway City Council
Type of Application	Application for approval made under Section 177AE of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment)
Prescribed Bodies	DAU Transport Infrastructure Ireland
Observer(s)	Eddie & Geraldine Kelly Michael Fallon Sharon Morris Shane Cumins Galway Cycling Campaign.

Date of Site Inspection

August 3rd, 2022

Inspector

Breda Gannon.

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1.0 Introduction

- 1.1. Galway City Council is seeking approval from An Bord Pleanála to undertake a social housing scheme close to Lough Corrib SAC (Site Code 000297), a designated European site. There are several other designated European sites (SPAs and SACs) in proximity to the proposed works (see further analysis below). A Natura Impact Statement (NIS) and application under Section 177AE was lodged by the local authority on the basis of the proposed development's likely significant effect on a European site.
- 1.2. Section 177AE of the Planning and Development Act, 2000 (as amended) requires that where an appropriate assessment is required in respect of development by a local authority, the authority shall prepare an NIS and the development shall not be carried out unless the Board has approved the development with or without modifications. Furthermore, Section 177V of the Planning and Development Act, 2000 (as amended) requires that the appropriate assessment shall include a determination by the Board as to whether or not the proposed development would adversely affect the integrity of a European site and the appropriate assessment shall be carried out by the Board before consent is given for the proposed development.

2.0 Site Location and Description

- 2.1. The site is located on the northern outskirts of Galway city and c.3km from the city centre. It has a stated area of 0.9 ha and is currently vacant. Ground levels on the site rise significantly from road level towards the rear of the site, which is heavily vegetated. An ESB line traverses the site and there is a sub-station immediately to the north.
- 2.2. The site is bounded to the east by the Headford Road (N84) and by agricultural land to the west and north. There is a commercial garage to the south. There is an industrial complex which includes Clada Group bottling plant and Western Beverages Ltd on the opposite side of the N84. Residential properties align the N84 to the north and east of the subject site.

2.3. In the wider area, Lackagh Quarry lies c 60m to the west. The site is c 2.6km south-east of Lough Corrib and Ballindooly Lough lies c 0.5km to the northeast. The route of the proposed N6 Galway City Ring Road lies immediately to the north of the site and the N84 will travel below as an underpass. The site is remote from neighbourhood and community services located c700m to the south.

3.0 Proposed Development

3.1. It is proposed to develop a social housing scheme consisting of 21 no. apartments and 3 no. traveller appropriate houses. The apartments would be accommodated in 2 no. three-storey blocks providing the following:

- 3 no. one bedroom units
- 14 no. 2 bedroom units, and
- 4 no. 3 bedroom units,

together with associated car and bicycle parking, open space and landscaping, connection to services and all ancillary/enabling site development works.

3.2. There are no existing public sewers in the immediate vicinity of the site. Foul effluent will discharge to a new onsite pumping station which will discharge to the existing gravity sewer located 530m to the south on the Headford Road. There is no surface water system in close proximity to the site. It is proposed to install an onsite underground surface water drainage with underground soakaway system with attenuation. A water supply will be obtained from an existing watermain on the Headford Road close to the site.

3.3. The application is supported by the following documents:

- Planning Report (MKO)
- Ecological Impact Assessment (Enviroguide)
- Screening For EIA (Ecofact)
- Screening for Appropriate Assessment (Ecofact)
- Technical Note on AA Screening Report (Enviroguide)
- Natura Impact Statement (Enviroguide)

- Archaeological Assessment (Arch Consultancy)
- Acoustic Design Statement (Amplitude Acoustics)
- Landscape Report (Cunnane Stratton Reynolds)
- Landscape Drawings (Cunnane Stratton Reynolds)
- Engineering Services Report (DBFL Consulting Engineers)
- Traffic & Transport Assessment (DBFL Consulting Engineers)
- DMURS Compliance Statement (DBFL Consulting Engineers)
- Engineering Drawing pack (DBFL Consulting Engineers)
- Utilities Report (Varming Consulting Engineers)
- Energy Statement (Varming Consulting Engineers)
- Daylight and Sunlight Report (Varming Consulting Engineers)
- Engineering Drawing Pack (Varming Consulting Engineers)
- Building Lifecycle Report (Varming Consulting Engineers)
- Architectural Design Statement (O' Brien Beary Architects)
- Architectural Drawing Pack (O' Brien Beary Architects)

4.0 **Planning History**

- 4.1. There is no reference to any planning history relating to the subject site. The planning documentation refers to 2 no. planning permissions granted for housing schemes further south at Caireal Mor (06/634) and (08/532).

5.0 **Submissions**

5.1. **Prescribed Bodies**

Development Applications Unit

Archaeology

- 5.1.1. Due to the scale of the proposed development and incomplete assessment of the proposed development site to date, it is recommended that an updated

Archaeological Impact Assessment including a programme of licensed pre-development Archaeological Test Trenching should be carried out as a condition of any grant of permission.

Nature Conservation

- Concerns over the validity and accuracy of the data collected as part of the application which has informed the content of the Natura Impact Statement and the Ecological Impact Assessment.
- Habitat surveys were not undertaken during the optimum period to accurately record many of the species that would indicate the full floristic diversity or record species indicative of the GS1 dry calcareous and neutral grassland that had previously been recorded on the site.
- There is no record of how the NIS has described or analysed the impact of the proposed development on the individual targets and attributes that inform the conservation objectives.
- There is a lack of detail of some of the proposed mitigation measures and most are generic in nature without any evidence that they have been designed to address a specific likely significant effect.
- In the absence of specific construction layout drawings, there is a risk that it may not be possible to accommodate some of the mitigation proposals within the development boundary. If any temporary works are to be considered outside of the application boundary, these must be identified and the NIS and Ecological Impact Assessment documentation revised to address this additional development footprint.
- In the context of groundwater and pathways to European sites, additional information is required to state the type of assessment that will be undertaken and what types of mitigation will be applied to ensure that there will be no adverse effects on the integrity of European sites. It is not acceptable to leave it open to interpretation at this stage in the application process.
- A Dust Management Plan should be provided as part of a revised NIS to allow the competent authority to determine if it is robust enough to address the likelihood of significant effects.

- It is recommended that wherever there are proposals for other mitigation measures (including interceptors and silt traps) that these are described in full and that there are no outstanding details such as locations or design.
- It is recommended that additional site surveys be undertaken at the optimum time of the year to determine the use of the site by hares, which is a species protected under the Wildlife Acts, 1976, as amended.
- It is recommended that the site is surveyed to determine the level of importance for bats, including use of static bat detectors, which are more effective at recording use by Lesser Horseshoe bats over a longer period of time. The information should be used to inform a proposed lighting design for the proposed development, so that it can be ensured that bats are not prevented from passing through the site or using the underpasses proposed as part of the N6 ring road development.

Transport Infrastructure Ireland

5.1.2. Having regard to the proximity of the residential development to the proposed N6 Galway City Ring Road scheme the following is recommended.

- Appropriate noise mitigation shall be incorporated into the development, where warranted to protected residential amenity. TII will not entertain future claims in respect of impacts (noise, visual etc) on the proposed development, if approved, due to the presence of the existing road or any new road scheme which is currently in planning.
- TII recommends consultation with the local County Council National Roads Project Office when considering this application.

5.2. Public Submissions

Submissions were received from 5 no. observers and the main issues raised relate to the following:

- Whilst recognising the need for social housing and traveller appropriate accommodation the proposed development is at a remove from local amenities. There are aspects of the development that will reduce the viability of active travel for future residents and potentially reduce the safety of

vulnerable road users. Active travel provisions and protections have not been appropriately prioritised for this development.

- There is a lack of cycling and pedestrian infrastructure provision on this section of the Headford Road and there are high incidents of traffic collisions.
- The footpaths that exist are not continuous, are not accessible for wheelchair users or those wheeling buggies and are a safety hazard. There are no plans to improve infrastructure before completion of the housing development.
- In its current form the Headford Road is one of the most hostile environments for cyclists in the city, combining high vehicles speeds, high traffic volumes (including a high percentage of HGV's), a narrow shared carriageway and one that is interspersed with 'traffic-calming' islands which have the effect of creating regular pinch points/conflict areas between cyclists and motorists in a shared street.
- The proposal is at odds with national guidance which seeks to integrate cycling into the design and operation of new apartment schemes. The cycle network proposed as part of the Galway Transport Study does not involve infrastructure for safe cycling between the proposed housing development and Bothar na Choiste Junction to the south.
- The proposed site entrance is dangerous and not compliant with Section 4.3.5 of DMURS. It does not provide priority for pedestrians
- 36 no. bicycle spaces are proposed for the scheme which is significantly below the 54 no. spaces required under the Sustainable Urban Housing: Design Standards for New Apartments. There are no details provided on cycle parking specifications (long term/short term) and these matters should be addressed by way of further information.
- Public transport in the area is inadequate to cater for a family without a car. Bus services are infrequent and there is no functioning pathway between the proposed development site and the bus stop to the south which provides a frequent service into the city centre.
- The proposal appears to be part of an emerging trend by Galway City Council to locate combined social housing and traveller appropriate accommodation

schemes at peripheral locations to Galway city, disconnected from its built-up footprint and at a distance from necessary services and amenities with little to no safe walking or cycling routes which make it nearly impossible for potential residents to access such services and amenities on foot or by bicycle.

- No development should take place on the site until footpaths, cycle routes and bus routes have been constructed in order to facilitate the sustainable growth of the urban area.
- The guidelines for the 'Outer Suburbs' in the development plan must not be discarded or ignored.
- Concerns regarding potential impacts on ground water sources.
- Destruction of the rural countryside, which is inhabited by all forms of wildlife so close to Galway city.
- Noise pollution, traffic congestion, road safety, crime, anti-social behaviour, noise and litter.

Other matters relating to the proposed N6 GCRR and the environmental effects associated with the operation of Lackagh Quarry to the northeast, which are not relevant to the current proposal.

6.0 Legislative and Policy Context

- 6.1. **The EU Habitats Directive (92/43/EEC):** This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) and 6(4) require an appropriate assessment of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site (SAC or SPA).
- 6.2. **European Communities (Birds and Natural Habitats) Regulations 2011:** These Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgements. The Regulations in particular require in Reg 42(21) that where an appropriate assessment has already been carried out by a 'first' public authority for the same project (under a separate code of legislation) then

a 'second' public authority considering that project for appropriate assessment under its own code of legislation is required to take account of the appropriate assessment of the first authority.

6.3. **National nature conservation designations:** The Department of Housing, Local Government and Heritage and the National Parks and Wildlife Service are responsible for the designation of conservation sites throughout the country. The three main types of designation are Natural Heritage Areas (NHA), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and the latter two form part of the European Natura 2000 Network.

European sites located in close proximity to the subject site include:

- Lough Corrib SAC
- Galway Bay Complex SAC
- Inner Galway Bay SPA
- Lough Corrib SPA

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

- 177(AE) sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.
- Section 177(AE) (1) requires a local authority to prepare, or cause to be prepared, a Natura impact statement in respect of the proposed development.
- Section 177(AE) (2) states that a proposed development in respect of which an appropriate assessment is required shall not be carried out unless the Board has approved it with or without modifications.
- Section 177(AE) (3) states that where a Natura impact assessment has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the appropriate assessment.

- Section 177(V) (3) states that a competent authority shall give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site.
- Section 177AE (6)(a) states that before making a decision in respect of a proposed development the Board shall consider the NIS, any submissions or observations received and any other information relating to:
 - The likely consequences for the proper planning and sustainable development of the area.
 - The likely effects on the environment.
 - The likely significant effects on a European site.

6.5. Planning Policy/Guidelines

National Policy

- 6.5.1. **National Planning Framework - Project Ireland 2040** was published in 2018 and it is the Government's plan for shaping the future growth and development of Ireland out to 2040. It is envisaged that the population of Ireland will increase by up to 1 million by that date and the strategy seeks to plan for the demands this growth will place on the environment and the social and economic fabric of the country. It sets out 10 no. goals, referred to as National Strategic Outcomes.
- 6.5.2. Under **National Strategic Outcome 1(Compact Growth)**, the focus is on pursuing a compact growth policy at national, regional and local level. From an urban perspective the aim is to deliver a greater proportion of residential development within existing built-up areas of cities, towns and villages, to facilitate infill development and enable greater densities to be achieved, whilst achieving high quality and design standards. Relevant policies include NPO 4,6,11,13, & 35.
- 6.5.3. **National Strategic Outcome 5 (Sustainable Mobility)** states that the overall NPF objectives are supported through 'the provision of a well-functioning integrated transport system...'enabling sustainable mobility choices for citizens'.. It acknowledges that many cities and major urban areas are too heavily dependent on road and car-based transport resulting in roads becoming more congested.
- 6.5.4. The NPF includes a specific Chapter, No. 6, entitled 'People Homes and Communities', which includes 12 objectives among which **Objective 27** seeks to

‘ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages’.

Objective 33 seeks to *‘prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location’.*

6.5.5. With regard to Galway, it states that in common with other cities it needs to accommodate a greater proportion of the growth it generates within its metropolitan boundaries. A key future growth enabler is *‘progressing the sustainable development of new greenfield areas for housing and the development of supporting public transport and infrastructure, such as Ardaun’.*

6.5.6. Future growth enablers identified for the city include the delivery of the Galway City Ring Road, the provision of a Citywide public transport network with enhanced accessibility between existing and proposed residential areas and the City Centre, third level institutions and the employment areas, and the development of a strategic cycleway network.

6.5.7. In Section 6.3 (Diverse and Inclusive Ireland) the travelling community are recognised as an ethnic minority and that not all traveller lifestyles are the same, some have particular housing needs, related to economic activity and kinship. There is also a requirement to accommodate nomadism for at least part of the year in some cases. It states that;

‘Local authorities working with the travelling community will continue to address the specific needs of travellers, ensuring the targeted provision is achieved in line with those needs and that this is also incorporated into housing and traveller accommodation strategies, city and county development plans and local area plans.

6.5.8. **National Objective 28:** *Plan for a more diverse and socially inclusive society that targets equality of opportunity and a better quality of life for all citizens through improved integration and greater accessibility in the delivery of sustainable communities and the provision of associated services.*

6.6. Regional Policy

6.6.1. The **Regional Spatial and Economic Strategy for the Northern and Western Region 2020-2032** (RSES) was adopted in January 2020. A key ambition of the

RSES is to deliver compact growth. It recommends the integration of land use and transport planning and acknowledges that the projected population for the area will bring challenges for the provision of supporting infrastructure and services, including for transport.

6.6.2. It identifies a number of strategic locations that present the opportunity and capacity to deliver the necessary quantum of housing to facilitate targeted growth, subject to the adequate provision of services, including:

- Development of Regeneration Lands at Ceannt Station Quarter, Inner Harbour and Headford Road.

6.6.3. The RSES supports modal shift to more sustainable options including walking and cycling to promote healthier lifestyles, better traffic management and mitigating climate change.

RPO.6.30 -Planning at the local level should promote walking and cycling and public transport by maximising the number of people living within walking and cycling distance of their neighbourhood or district centre, public transport services and other services at the local level such as schools.

RPO 6.31 – New development areas should be permeable for walking and cycle and the retrospective implementation of walking and cycling facilities should be undertaken where practicable in existing neighbourhoods, to provide competitive advantage to these modes.

6.7. National Guidelines

6.7.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant S.28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual').
- Design Manual for Urban Roads and Streets' (DMURS, 2019)
- Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities (2020).
- Urban Development and Building Height Guidelines 2018.

6.8. Local Policy

6.8.1. Galway City Development Plan 2017-2023.

The operative development plan is the **Galway City Development Plan 2017-2023**.

The site is located in an area zoned 'R', residential development with the following objective:

'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'

Residential uses including traveller accommodation are permitted uses.

There is a strip of land along the site frontage which is zoned RA 'Recreation and Amenity', with the following objective:

To provide for and protect recreational uses, open space, amenity uses and natural heritage.

The residential zoned lands to the west of Headford Road (Fig 11.5) which include the subject site have specific development objectives:

- Vehicular access points will be limited and residential layouts should demonstrate where connections between developments are feasible, safe and contribute to residential amenity.
- Residential development on these lands shall, by means of density, distribution, layout and design, assimilate into the topography of the site and shall not break the ridgeline.

Section 2.4 of the Plan sets out the framework of residential neighbourhoods in the city. The site is located within the 'Outer Suburbs' and Policy 2.5 sets out the principles for the development of new residential areas, including the following,

- Encourage higher residential densities at appropriate locations especially close to public transport routes and routes identified in the Galway Transport Strategy as suitable for high frequency public transport services,
- Ensure that sustainable neighbourhoods are places where housing, streets, open spaces and local facilities come together in a coherent, integrated and attractive form,

- Ensure that the layout of the development has regard to adjoining developments,
- Ensure a mix of housing types and sizes within residential developments,
- Require residential developments of over 10 units to provide recreational facilities as an integrated part of the proposed open space,
- Ensure a balance between the reasonable protection of the residential amenities of the outer suburbs and the protection of the established character and the need to provide for sustainable residential development.
- Encourage the integration of energy efficiency in the design and layout of residential development.

The development plan (section 11.3.1) set out specific policies for development in the 'Outer Suburbs' including the following:

- Plot ration of 0.46:1 for residential development shall not normally be exceeded.
- Residential development >10 units shall normally provide a mix of residential unit types.
- Communal recreation and amenity space requirement of 15% of gross site area.
- Recreational facility for all proposed residential development >10 units, to serve the needs of the residents and should reflect the profile of future residents, the scale and type of development.
- Private open space (areas generally not overlooked from a public road) exclusive of car spaces to be provided at a rate of not less than 50% of the gross floor area of the residential unit.
- Section 11.31. (g) Car Parking Standards, section 11.3.1(h) Cycle Parking Standards and section 11.3 (i) Bin Storage Standards.

Traveller Accommodation

Section 2.3 of the Plan sets out the policies and objectives relevant to the development of Traveller accommodation.

Policy 2.3 - Have regard to the Traveller Accommodation Programme 2014-2018 and any subsequent plan in the provision of accommodation for the Travelling community.

Facilitate the specific accommodation needs of Travellers through land use zoning objectives.

Traveller Accommodation Programme 2019-2024

The programme supersedes the previous programme. It was drafted in compliance with the Housing (Traveller Accommodation) Act, 1998, which requires each Housing Authority to adopt a programme for its functional area. The current programme was adopted by Galway City Council on July 8th, 2018.

An 'Assessment of Need' formed part of the programme and this indicated that 265 traveller families are in need of housing in Galway City Council's functional area. It sets a target for accommodation delivery across different streams, with an overall target of 242 housing supports over the period of the programme which includes 25 culturally specific traveller accommodation units.

6.8.2. **Galway City Council Draft City Development Plan 2023-2029**

The Draft Plan was published in February 2022 and the final date for public submissions was April 13th, 2022. Its Strategic Goals include the following:

Develop a more urban compact form in the city that provides for attractive, integrated and easily accessible neighbourhoods that are supported by appropriate levels of services and amenities.

Integrate land use and transport planning to maximise opportunities for active travel and public transport usage and enable key transport projects included in the Galway Transport Study which will deliver multi modal usage, smart mobility and accessibility for all.

It is estimated that there will be a need at a minimum for an additional 4,245 housing units in the city over the plan period up to the end of 2028. To deliver on compact growth, the Core Strategy seeks to concentrate a significant amount of development, at least half of the new homes within the built footprint of the city through the consolidation of existing residential areas, which are serviced lands in the built-up footprint of the city.

The subject site is part of a parcel of undeveloped residentially zoned land within the built-up footprint

Policy 1.4 Core Strategy includes the following:

‘Support the compact growth of Galway city through appropriate policies that promote co-ordination between land use and locations that can be served by public transport and walking and cycling networks and enables the delivery of 50% of new homes within the existing built footprint on lands as set out in the Core Strategy’.

‘Encourage new neighbourhoods and the consolidation of existing neighbourhoods to develop as sustainable, attractive, well connected neighbourhoods at appropriate densities, with a high quality of design of buildings and spaces, supported by services, amenities and local enterprises’.

6.8.3. **Galway Transport Strategy**

The Galway Transport Strategy (August 2016) identifies a number of issues leading to significant problems and inefficiencies with respect to movement in the city and its environs. These include an over reliance on private cars and large amounts of residential development located proximate to major employment and education destinations which are not readily accessible by walking, cycling or public transport, thereby encouraging travel by private car. It aims to establish a more sustainable approach to address current and future transport requirements.

It is recognised that a shift is needed towards sustainable travel, reducing the dependence on the private car and taking action to make Galway more accessible and connected. The measures required include the provision of a new orbital route (N6 GCRR) and improvements to public transport, cycling and walking networks.

The strategy highlights the importance of the integration of land use and transportation in creating sustainable travel patterns and city living. Guiding land use principles include the following:

- that residential development proximate to high capacity public transport should be prioritised over development in less accessible locations.
- planning at the local level should promote walking, cycling and public transport by maximising the number of people living within walking distance

and cycling distance of their neighbourhood or district centres, public transport services and other services at the local level such as schools.

- In urban areas, the Design Manual for Urban Roads and Streets (DMURS) will guide localised proposals with a view to reaffirming walking, cycling and public transport modes over the private car.

The GTS identifies key transport proposals and interventions to provide a framework for phased implementation of the plan-led approach to transportation to facilitate Galway to grow both physically and economically. It also includes traffic management measures, giving priority to walking, cycling and bus movements.

7.0 Assessment

7.1. Introduction

In accordance with the Section 177AE(6)(a) of the Planning and Development Act, 2000 (as amended) this section of the report is structured to address the following:

- The likely consequences for the proper planning and sustainable development of the area.
- The likely effects on the environment.
- The likely significant effects on a European site.

7.2. The likely consequences for the proper planning and sustainable development of the area:

7.2.1. The principal matters considered in this section of the report relate to the following:

- Principle of the development
- Residential amenity

7.2.2. Principle of the development

The Core Strategy of the current development plan sets out the overarching strategy for the spatial development of the city over the medium and long term. It includes a development scenario that supports significant further residential development within

the city. The focus is to consolidate the existing built imprint and to keep it as physically compact as possible. These aspirations are repeated in the draft plan.

It is recognised in the development plan that not all the lands available for residential development have the required infrastructure, which is a constraining factor in the supply chain. The lands at Arduan, which are earmarked for development are not sufficiently serviced with critical infrastructure and most of the other zoned lands will require some form of infrastructure investment to upgrade services, or investment to ensure that public transport and sustainable modes of transport are satisfactorily provided.

Having regard to the zoning provisions of the site, I accept that the proposed development is acceptable in principle in this location. However, I have concerns regarding its peripheral location, the distance to community facilities/ amenities and the absence of an adequate continuous and safe footpath, the lack of dedicated cycle facilities and inadequate public transport facilities connecting the proposed development with the built-up area to the south. I accept as stated by the observers, that the lack of facilities/amenities and the infrastructure to facilitate alternative travel options, would result in a car dependent development.

The proposed development does not provide a sequential approach to development within the city. There are significant undeveloped residential zoned lands between the existing built-up area of the city and the development site. There are also lands including the regeneration lands identified in the Core Strategy on the Headford Road which are closer to the city and would benefit from proximity to services and infrastructure providing a more sustainable development option.

I consider that the proposed development would be at variance with national, regional and local policy objectives and the provisions of the Galway Transport Strategy regarding compact growth and sustainable mobility. The development would not be readily accessible by walking and cycling or supported by an integrated public transport system. It would not enable mobility choices for residents of the scheme or support modal shift to more sustainable travel options. It would not result in a well connected neighbourhood supported by an appropriate level of services and amenities in accordance with the provisions of the development plan.

On this basis I would conclude that the proposed development is contrary to the proper planning and sustainable development of the area.

Residential amenity

A scheme of apartments and houses is proposed on the site and a number of factors have influenced the overall layout, which are detailed in Section 3.2 in the Architectural Design Statement.

The '*Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas*', encourages densities of 35-50 dwellings per hectare involving a variety of housing types in outer suburban/greenfield sites. The proposed development with a density of 26.4 units/ha is below this standard but is influenced by the challenges posed by the site, including the need to provide an on-site foul water pumping station. With a plot ratio of 0:22:1 the proposal does not exceed the development plan requirement (0.46:1) for residential development in the 'Outer Suburbs'.

The apartments are located towards the front of the site, providing definition at the corner where the site adjoins the proposed ring road. The three-storey height is not inappropriate having regard to the elevated nature of the ground to the rear and the finished height of the proposed new ring road to the north. The 3 no. houses are positioned towards the rear of the site where adequate space can be provided to accommodate a caravan and address the needs of the travelling community.

The apartments are designed as two blocks separated at ground level by a pedestrian access to the N84. The design is simple with flat roofs, vertical proportioned windows and a mix of materials (painted render over a brick plinth) which adds variety and interest to the scheme. The houses will have similar finishes but with pitched roofs using a single ply membrane (dark-grey) with a false standing seam detail.

The proposed scheme provides an appropriate mix of unit sizes including one, two and three bedroom apartments providing a range of options for different household types. The houses provided for the travelling community are four bedroom and suitable to accommodate potentially larger families.

Open space for the development will include a children's play area, and multi-use games area, in addition to passive seating areas and boundary landscaping which

will enhance the overall residential and amenity value of the site. The play areas will be located to the rear of the apartment blocks and capable of passive surveillance. The open space is isolated from the 3 no. dwellings (which have reasonably sized private amenity spaces) but is otherwise well integrated into the scheme. It provides amenities for all age groups and create opportunities for social interaction. The level of provision is marginally above the development plan requirement of 15% minimum site area on greenfield sites.

The landscaping details for the site are outlined in the Landscaping Report and shown on the Landscape Masterplan. Boundary treatment will include erosion control planting on the sloped area to the rear of the site and planted terraces to the north adjacent to the proposed ring road, incorporating native tree and hedgerow species. Landscaped swales will be incorporated along both the northern and southern boundaries to manage surface water runoff.

A total of 33 no. car parking spaces (including 2 no. accessible spaces) are proposed for the 24 no. apartments and curtilage parking for the 3 no. residential units. This level of provision is below the development plan requirement but accords with the Design Standards for New Apartments Guidelines for Planning Authorities (DHPLG, 2020).

The proposal includes the provision of 30 no. long term residents bike parking spaces and 6 no. visitor spaces, which is above the development plan requirement (10 spaces) and below the Design Standard for New Apartments (43 long term, 11 short term) The site layout plan shows bicycle stands for 10 bicycles and there is no indication of where the remaining bicycles stands would be accommodated.

I accept that the design and layout of the scheme is to a reasonable standard and is responsive to the site context. I accept that the layout and design of the development would provide a visually acceptable scheme which creates a sense of place.

Appendix A of the Architectural Design Statement provides a schedule of the accommodation provided in each apartment type and in the 3 no. houses. It provides details of the unit type, bed spaces, floor areas and private amenity space indicating that the proposed development is compliant with relevant internal room standards set out in the 'Sustainable Urban Housing: Design Standards for New Apartments' (DoHLGP 2020) and is capable of providing an acceptable level of amenity for future

residents. Details of the individual apartment types at a larger scale are provided in Drawing No.18.

Private open space is provided for each unit in the form of terraces on the ground floor and balconies at first and second floor levels, consistent with the space requirements set out in the 'Sustainable Urban Housing: Design Standards for New Apartments'. The balconies/terraces are accessible from the living rooms in accordance with best practice. Each of the 3 no. houses is provided with an adequate private rear garden area.

All of units are dual aspect delivering good daylight penetration to all living spaces and bedrooms. The development is well set back from the site boundaries and with no neighbouring developments there is no opportunity for overlooking issues to arise.

A Daylight and Sunlight report supports the application. Its purpose was to predict the internal daylight levels achieved by the proposed development and evaluate the quality and quantity of sunlight to the main amenity area. The results of the analysis indicates that all habitable rooms will benefit from good quality daylight. However, while the amenity areas will have good exposure to sunlight during the summer months, they will be significantly impacted by overshadowing at various times of the year associated which will reduce the level of amenity to residents of the scheme (Appendix 4).

There is potential for impacts on the residential amenity of future residents of the scheme associated with road traffic noise due to its proximity to the Headford Road and the proposed ring road. The application is supported by an acoustic assessment which concludes that mitigation will be required to reduce noise to acceptable levels. Various glazing types are proposed to mitigate these impacts, which are detailed in Table 6 together with sound reduction indices. Appendix D indicates the proposed façade mitigation requirements that will be necessary to achieve recommended indoor ambient noise levels.

Assessment

The design and layout of the residential units, incorporating rooms of adequate size with exposure to reasonable levels of daylight and incorporating appropriate levels of private amenity space will afford a reasonable level of amenity to future residents of

the scheme. However, the shared public spaces will be located between the apartment blocks to the east and the sloped higher ground to the west will be overshadowed at various time of the year which will detract significantly from their amenity value.

The proposed scheme will be vulnerable to noise pollution associated with traffic both on the N84 and the proposed N6 GCRR. Subject to the mitigation proposed incorporating specific glazing to abate these impacts, the impacts are not likely to be significant and will address the concerns raised by TII.

I consider that a major factor with the potential to significantly impact on the amenity of future occupants of the scheme is its isolation from facilities and services and the lack of convenient and safe connections in the form of adequate footpaths, dedicated cycle facilities and bus connections.

The development if approved, will comprise a housing development in the area which is isolated from the built-up area of the city which is not supported by appropriate facilities and lacks any community focus. It is therefore at variance with the strategy of the development plan which seeks to promote sustainable neighbourhoods where community facilities and services are easily accessible. It is also at variance with Policy 2.4 of the Plan (Neighbourhood Concept) which *'seeks to encourage the development of sustainable residential neighbourhoods, which will provide for high quality, safe, accessible living environments which accommodates local community needs'*.

7.3. Likely significant effects on the environment

The principal matters considered in this section of the report relate to the following:

- EIA Screening
- Traffic and Transportation
- Cultural heritage
- Biodiversity

EIA Screening

The proposed development falls below the threshold set for 'Infrastructural Projects' in Class 10(b) under Part 2 of Schedule 5 of the Planning and Development Regulations, as amended.

The threshold cited under Class 10 (b)(i) in Part 2 of Schedule 5 is the '*construction of more than 500 dwelling units*'. The proposal involves the construction of 24 no. residential units. The proposed development is therefore of a Class but does not meet the threshold to require mandatory EIA. It is therefore sub-threshold development for the purpose of EIA under this class.

Class 10 (b)(iv) is also relevant. It relates to '*urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere*'. The site is 0.9 ha and while it is of a class, it does not meet the area threshold of 10ha. It is therefore sub-threshold development for the purposes of EIA under this class.

Class 10 (b)(dd) relates to '*all private roads which would exceed 2000m in length*'.

The proposed development does not include a private road that exceeds 2000m. It is therefore sub-threshold development for the purposes of EIA under this class.

While there is no requirement to carry out an EIA screening exercise for section 177AE cases, Galway City Council submitted an EIA Screening Report to determine whether the proposed development, is likely to have significant effects on the environment. Regard was had to the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001 as amended.

Having regard to the characteristics of the proposed development, its location and the types and characteristics of potential impacts, I accept the conclusion reached in the screening report that the proposed development is not likely to result in significant adverse effects on the environment to warrant EIA.

Traffic and Transport

A Traffic and Transport Assessment supports the application. It describes existing conditions at the site and the surrounding area. It provides details of the traffic that will be generated by the development and its potential impact on the adjoining road

network. It includes a Framework Mobility Management Plan to encourage sustainable travel practices for journeys to and from the proposed development.

The site is immediately south of the proposed N6 Galway City Ring Road (GCRR) and as part of the scheme a grade separated signalised junction is proposed adjacent to the subject site. It will provide a connection between the N84 Headford Road and the proposed orbital route. According to the Traffic and Transport Assessment submitted with the application the design/layout of the site access arrangements and the development proposals have been purposefully set back to safeguard the future delivery/construction of the N6 Ring Road junction in the future. The vehicular access will be located on the southeast corner of the site to maximise its distance from the proposed N6 scheme. Two pedestrian access routes to the site are proposed.

The TRICS database was used to estimate likely trip generation from the proposed development. It is assumed that the proposed residential development will be complete in 2024 and in advance of the N6 GCRR. Pending the completion of the ring road, the proposed development would tie into the existing N84 corridor alignment via a priority-controlled junction. It has been determined using the PICADY model that the junction will operate within capacity for the opening year of 2024.

The TRANSYT model was used to determine if the proposed site access and surrounding road network will cater for the predicted level of traffic flows following the implementation of the proposed N6 GCRR scheme. The TRANSYT model considers the signal controlled intersections on the N84 proposed as part of the GCRR as well as the proposed site access onto the N84. The future design year of 2039 (opening year + 15 years) was modelled based upon available data in the N6 Ring Road modelling report compiled by Arup for TII. In accordance with Arup's assessment for the NG GCRR scheme only the AM peak is investigated as the analysis revealed that this is the worst-case period in terms of the network's operational performance. The TRANSYT results indicate that all junctions will operate within capacity for the 2039 'Do Something' AM (worst case) peak hour.

To encourage residents to reduce their dependency on travelling by car in favour of more sustainable modes of travel a Mobility Management Plan (MMP) will be prepared and implemented, designed to encourage sustainable travel.

Assessment

The site is located in the outer suburbs of Galway city and c 3.5km from the city centre. It is located along the N84 Headford Road which experiences significant traffic volumes particularly during peak periods by commuter traffic. The section of the road close to the site is narrow with poor horizontal and vertical alignment. The lack of adequate footpaths, dedicated cycle tracks and an acceptable bus service into the city centre is raised in many of the submissions.

Footpaths exist but are deficient in width and fail to provide a continuous link between the site and existing facilities to the south. As stated by the observers the footpaths are not suitable for buggies or wheelchair users. There are no dedicated cyclist facilities and the bus service close to the site is a regional service operating between Galway and Castlebar, providing an infrequent service (5 a day) into the city centre which is not an attractive alternative transport option. A more frequent service is available c 700m to the south at the Bothar na Choiste junction, but without the appropriate connecting infrastructure is not likely to be an attractive option for residents of the scheme. There is no public lighting along this stretch of the Headford Road, creating potential safety issues.

The proposed development is at a remove from local amenities. There are convenience shops c 700m to the south which is outside the convenient walking distance of 400m. Due to the lack of adequate and safe facilities for walking and cycling and the absence of any concrete proposals to address these deficiencies, there is no alternative to private car transport to access these facilities. The closest school is Castlegar primary school located on the L5149 (School Road) to the north east. The road which operates rat run for traffic between the Headford Road and the Tuam Road, is seriously deficient in terms of width and alignment, has no footpaths or cycle facilities and is unsuitable for children walking/cycling to school.

The Galway Transport Strategy (GTS) recognises that a major issue facing the city is the over reliance on private cars and significant congestion. It recognises that a shift is needed to more sustainable travel options. There are no new bus routes or any cycle routes proposed on the Headford Road adjacent to the site under the provisions of the Galway Transport Study which would provide alternatives to private car usage. Notwithstanding the proposal to develop a Mobility Framework Plan for

the proposed development to reduce reliance on private car usage the initiatives proposed are not supported by the requisite infrastructure outside the site. In the absence of convenient and accessible alternatives, the proposal will result in a development that is reliant on private car usage.

Conclusion

Having regard to the limited scale of the development and based on the information presented in the traffic and transport study, I accept that the proposed development can be accommodated on the site without impacting significantly on the carrying capacity of the existing road network.

Whilst I accept the pressing need to provide additional housing to cater for the needs of the city's population, this site is located in a peripheral location, isolated from local convenience services amenities and would be excessively reliant on car transport. I consider therefore that this proposal is premature pending the provision of adequate facilities for alternative travel options to cater for both existing and proposed developments in the area.

Cultural Heritage

One of the limitations noted in the Archaeological Assessment is that the walk over survey is incomplete due to access restrictions arising from the presence of dense vegetation/scrub to the east of the site. A possible cairn feature was identified in this area and it is recommended that vegetation be removed to enable a more thorough examination. No features of archaeological significance were observed in other areas of the site.

The DAU recommends that an updated Archaeological Impact Assessment, including a programme of licensed pre-development test trenching be carried out as a condition of any grant of approval.

I accept that there is potential for previously unrecorded features/deposits to be uncovered during groundworks, but that should the Board be minded to grant permission for the development, these impacts can be adequately addressed by condition.

Biodiversity

Issues have been raised in the submissions regarding impacts on wildlife. The DAU have concerns regarding the timing of the walk-over survey in March and habitat classification. It also raised issues regarding the lack of badger, bat and hare surveys.

As part of the proposal a multi-disciplinary field survey was carried and included habitat, bird, mammal and invasive species surveys. The survey was restricted to one day (March 3rd, 2022). Bat surveys and breeding bird surveys were not undertaken. The bird surveys identified 6 no. species, which are all Green listed with the exception of Goldcrest (Amber listed). The mammal surveys indicated the potential presence of badger but no setts or latrines were observed.

The Ecological Impact Assessment identifies one of the dominant habitats on the site as *Improved Agricultural Grassland* (GA1). The DAU noted the difference between the current classification and that recorded for the site during the N6 GCRR scheme (*GS1 dry calcareous and neutral grassland*). The DAU recommends that surveys be conducted during the optimum period in the summer to inform a revised report.

Intensive and dedicated surveys were carried out for the N6 GCRR scheme and given the survey for the proposed housing scheme was undertaken at a suboptimal time of the year, it may be the case that the habitat was mis-classified. In a worse-case scenario, the impact magnitude was underestimated for this habitat type, however it is not so significant to change the overall ecological impact at the site.

The Ecological Assessment refers to the ecological surveys carried out in respect of the proposed N6GCRR which provides information on the species recorded during the summer months. These surveys noted a high level of badger activity in this area in the vicinity of the site. The surveys also recorded nine species of Bat, including Lesser Horseshoe Bat, which is a qualifying interest species of Lough Corrib SAC. However, its key mating and hibernation roosts are at Menlo Castle and Cooper's Cave, located 2.5km and 1.2km respectively from the site. The species was recorded commuting and foraging within the limestone pavement to the west of the site. The breeding bird surveys carried out as part of the EIAR for the N6 GCRR recorded a total of 62 species including 3 species listed as SCI's for nearby SPA's.

There is potential for disturbance of mammals, bats, birds and other species arising from noise and dust associated with construction. There is also potential for displacement effects associated with the removal of grassland, scrub and hedgerows on the site. Groundwater discharges associated with construction has the potential to impact on aquatic fauna through a deterioration in water quality.

During the operation stage there is potential for disturbance on mammals from light pollution. No significant effects on birds are likely to arise or on aquatic fauna due to the measures that will be incorporated into the design to treat and minimise surface water run-off from the site.

A suite of mitigation measures are proposed including planting of native flora to improve local biodiversity and increase insect abundance, which will provide additional food sources for birds and bats. Vegetation will be cleared outside the bird breeding season and a pre-felling bat survey will be conducted. Standards best practise measures are proposed to reduce noise and dust related impacts during construction and to manage/avoid the introduction of invasive species. The lighting and layout of the development will be designed to minimise light-spill to minimise impacts on bats during the operation stage of the development.

Assessment

Having regard to the limited area of the site (0.9ha) and the abundance of similar habitat in the vicinity, which would provide foraging and refuge opportunities for species that could be disturbed/displaced by the proposed development, I consider that subject to the mitigation measures proposed, the potential impacts on local wildlife including hares, badger, birds and bats is not likely to be significant.

Should the Board be minded to grant approval for the development, I recommend that conditions be attached requiring pre-construction bat roost and badger surveys to minimise potential impacts on these species.

The potential for significant effects on the qualifying interests of the European sites which are likely to be impacted by the proposed development are discussed in more detail below under Appropriate Assessment.

7.4. **The likely significant effects on a European site:**

The areas addressed in this section are as follows:

- Compliance with Articles 6(3) of the EU Habitats Directive
- Stage 1 Screening for Appropriate Assessment
- The Natura Impact Statement
- Appropriate Assessment

Compliance with Articles 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.

The proposed development is not directly connected to, or necessary for the management of any European site and therefore is subject to the provisions of Article 6(3) and Part XAB of the Planning and Development Act 2000, as amended.

Stage 1 -Screening for Appropriate Assessment

The first test of Article 6(3) is to establish if the proposed development could result in likely significant effects to a European site. This is considered Stage 1 of the appropriate assessment process i.e., screening. The screening stage is intended to be a preliminary examination. If the possibility of significant effects cannot be excluded on the basis of objective information, without extensive investigation or the application of mitigation, a plan or project should be considered to have a likely significant effect and Appropriate Assessment carried out.

The AA screening report submitted with the application identifies 7 no. sites within 15km of the site which are as follows.

- Lough Corrib SAC (000297) c.200m to the north-west.

- Galway Bay Complex SAC (000268) c. 22.3km to the south
- Inner Galway Bay SPA (004031) c. 2.3km to the south. Lough Corrib
- Lough Corrib SPA (004042) c 2.4km to the north-west
- Creggana Marsh SPA (004142) c 8.4km to the south-east,
- Ross Lake and Woods SAC (001312) c. 12.9km to the north-west, and
- Connemara Bog Complex SAC (002034) C 13.7km to the west.

The location of the European site's relative to the development site are shown in Fig 1 of the report.

Table 2 of the Screening Report considers the qualifying interests of each site, their location in relation to the development site and the potential for a pathways for effects to occur. It identifies potential pathways between the site and 3 no. European sites, as follows:

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

The Screening Report concluded that there is potential for surface water and groundwater effects on Lough Corrib SAC (000297), which is proximate to the site. It also concluded that there is potential for significant effects on the qualifying habitats/species of the Galway Bay Complex SAC (000268) and the Inner Galway Bay SPA (004031) associated with discharges to the Mutton Island WwTP which discharges directly into Galway Bay.

No other pathways for effects were identified between the development site and the remaining 4 no. European sites. These sites were eliminated due to the significant separation distance, lack of hydrological connectivity with the habitats in the Connemara Bog Complex SAC (002034) and Ross Lake and Woods SAC (001312), or the habitats used by species in the Lough Corrib SPA (004042) or Creggana Marsh SPA (004142).

Euroguide Consulting was commissioned to carry out a review of the Appropriate Assessment Screening Report and to prepare a Natura Impact Statement. It agreed

that pathways exist between the proposed development and European sites including Lough Corrib SAC via hydrological pathways and that the foul waters from the site (which are treated by Galway via the WwTP) provide potential pathways to European sites in Galway Bay.

The report did not consider that there were pathways to European sites or Annex 1 habitats via overland flow as the site is located downstream of Lough Corrib SAC. It accepted that there is a pathway via groundwater flow which could affect Lough Corrib SAC and a number of Annex 1 habitats associated with the SAC. While these Annex 1 habitats are located outside the boundary of the SAC, impacts to these habitats could impact on the structure and function of Lough Corrib SAC. The potential for significant effects due to dust deposition on these habitats and potentially the SAC is also identified.

The report also noted that the AA Screening Report did not consider the potential for significant effects on Lough Corrib SPA, Galway Bay Complex SAC and the Inner Galway Bay SPA due to hydrological pathways. The site is stated to be underlain by a *Regionally Important Aquifer-Karstified (conduit)* and groundwater vulnerability ranges from X-rock at or near the surface to extreme.

Bulk excavation is required as part of the proposed development and given the karst bedrock aquifer underlying the site there is potential that groundwater would interact with Lough Corrib, the River Corrib and the Terryland river which are linked with Lough Corrib SAC, Lough Corrib SPA, Galway Bay Complex SAC and the Inner Galway Bay SPA. It also identified the potential for significant effects on SCI bird species at ex-situ feeding sites due to noise disturbance and/or groundwater contamination.

The Euroguide Report also considered that the treatment of wastewater at the Galway WwTP during the operational stage of the development stage does not constitute a mitigation measure in the context of the AA Screening Report. It examined the capacity of the WwTP and future discharge from the site to inform the AA Screening as to whether or not there is a risk from the site which could significantly impact on European sites associated with Galway Bay.

The most recent AER (2021) identified that the plant is compliant, and the annual mean and maximum hydraulic loading is less than the peak Treatment Plant

Capacity. The remaining capacity is 66744PE and the proposed development would result in a maximum load of 97 PE which is insignificant in terms of the overall scale of the WwTP. It is concluded that the proposed development does not therefore have the capacity to alter the effluent released from the WwTP to such an extent as to result in likely significant effects on the SAC's and SPA's hydrologically connected with Galway WwTP.

Conclusion Stage 1: Screening

Having regard to the AA Screening Report prepared by Ecofact and the review (Technical Note on the AA Screening Report) prepared by Enviroguide, I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European sites, Connemara Bog Complex SAC (Site code: 002034), Ross Lake and Woods SAC (Site code: 001312), and Creggana Marsh SPA (Site code: 004142).

I accept the conclusions reached in the AA Screening Reports that it is not possible to rule out the potential for significant effects on Lough Corrib SAC (000297), Galway Bay Complex SAC (000268), Lough Corrib SPA (Site code: 004042) and the Inner Galway Bay SPA (004031) and that a Stage 2 Appropriate Assessment and a Natura Impact Statement is required.

No measures designed or intended to avoid or reduce any harmful effects on a European site have been relied upon in this screening exercise.

The Natura Impact Statement

The NIS described the proposed development, the project site and the surrounding area. It outlines the methodology used for assessing potential impacts on the habitats and species within the European sites that have the potential to be affected by the proposed development. It predicted the potential impacts for these sites and their conservation objectives, it suggested mitigation measures, assessed in-combination effects with other plans and projects and it identified any residual effects on the European sites and their conservation objectives.

The NIS was informed by the following studies, surveys and consultations:

- A desk top study using recognise data sources (NWPS, National Biodiversity Data Centre, EPA, GSI).
- An examination of satellite imagery, aerial photography and maps.
- The site occurs within the zone of influence of the proposed ring road and detailed ecological field surveys were carried out on the site and in the general area to support this project. This included the following:
 - Habitat Surveys (carried out between 2015 and 2018),
 - Protected plant species for Slender naiad carried out for the route selection process (June-September 2014)
 - Varnished Hook-moss carried out for the route selection process (September 2014)
 - White-clawed crayfish survey (September 2014)
 - Molluscan Surveys (includes Freshwater pearl mussel and Vertigo snail species surveys (August 2014 and October 2017)
 - Wintering bird surveys (September 2014 to March 2015).
- Multi-disciplinary field survey of the proposal site and surroundings including a habitat and mammal survey, assessment of potential bat roost features, assessment of potential nesting habitat and the potential occurrence of any terrestrial invertebrates, reptiles or amphibians of conservation importance and presence of invasive species on the site.

The NIS concluded that, subject to the implementation of the mitigation measures proposed, the proposed development would not individually, or, in combination with other plans or projects adversely affect the integrity of any European site.

Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, does clearly identify the potential impacts, and uses best scientific information and knowledge. Details of mitigation measures are provided and they are summarised in Section 8 of the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

Appropriate Assessment

The following is an assessment of the implications of the project on the relevant conservation objectives of the European sites using the best scientific knowledge in the field (NIS). All aspects of the project which would result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are examined and assessed.

The Stage 1 screening exercise concluded that it is not possible to rule out the potential for significant effects on the Lough Corrib SAC (000297), Galway Bay Complex SAC (000268), Lough Corrib SPA (Site code: 004042) and the Inner Galway Bay SPA (004031). These sites are therefore subject to appropriate assessment. Details of each site, their Qualifying Interests, the distance to the development site and the potential pathways for significant effects are provided in the table below. The Qualifying Interests highlighted in bold are those with the potential to be significantly impacted.

European site (SAC/SPA)	Qualifying Interests	Distance/Pathway
Lough Corrib SAC (000297)	<ul style="list-style-type: none"> • Oligotrophic Waters containing very few minerals • Oligotrophic to Mesotrophic Standing Waters • Hard Water Lakes • Floating River Vegetation • Orchid Rich Calcareous Grassland* • Molinia Meadows • Raised Bog (Active)* • Degraded Raised Bog • Rhynchosporion Vegetation • Cladium Fens* • Petrifying Springs* • Alkaline Fens • Limestone Pavement* • Old Oak Woodlands • Bog Woodland* • Freshwater Pearl Mussel • White-clawed Crayfish • Sea Lamprey • Brook Lamprey • Atlantic Salmon 	<p>C 290m north-west</p> <p>Hydrological pathway via groundwater contamination during construction and operational phases (Karstic bedrock aquifer)</p> <p>Air pathway due to dust deposition during construction</p>

European site (SAC/SPA)	Qualifying Interests	Distance/Pathway
	<ul style="list-style-type: none"> • Lesser Horseshoe Bat • Otter • Slender Naiad • Slender Green Feather-moss. • 	
Galway Bay Complex SAC (Site code:000268)	<ul style="list-style-type: none"> • Tidal Mudflats and Sandflats • Coastal Lagoon* • Large Shallow Inlets and Bays • Reefs • Perennial Vegetation of Stony Banks • Vegetated sea cliffs of the Atlantic and Baltic Coasts • <i>Salornica</i> Mud • Atlantic Salt Meadows • Mediterranean Salt Meadows • Turloughs* • Juniper Scrub • Orchid-rich Calcareous Grassland* • Cladium Fens* • Alkaline Fens • Limestone Pavement* • Otter • Common (Harbour) Seal 	<p>C 1.8km south</p> <p>Hydrological pathway via groundwater contamination during construction and operational phases (Karstic bedrock aquifer)</p>
Lough Corrib SPA (Site code 004042)	<ul style="list-style-type: none"> • Dadwall • Shoveler • Pochard • Tufted Duck • Common Scoter • Hen Harrier • Coot • Golden Plover • Black-headed Gull • Common Gull • Common Tern • Artic Tern • Greeland White-fronted Goose • Wetlands and Waterbirds. 	<p>C 2.5km west</p> <p>Hydrological pathway via groundwater contamination during construction and operational phases (Karstic bedrock aquifer)</p> <p>Air pathway due to dust deposition during construction</p>
Inner Galway Bay SPA (Site code: 004031)	<ul style="list-style-type: none"> • Black-throated Diver • Great Northern Diver • Cormorant • Grey Heron • Light-bellied Brent Goose • Wigeon 	<p>1.8km to the south of the proposed development site.</p> <p>Hydrological pathway via groundwater contamination</p>

European site (SAC/SPA)	Qualifying Interests	Distance/Pathway
	<ul style="list-style-type: none"> • Teal • Red-breasted Merganser • Ringed Plover • Golden Plover • Lapwing • Dunlin • Bar-tailed Godwit • Curlew • Redshank • Turnstone • Black-headed Gull • Common Gull • Sandwich Tern • Common Tern • Wetlands and Waterbirds 	<p>during construction and operational phases (Karstic bedrock aquifer)</p> <p>Air pathway due to dust deposition during construction</p>

* =Priority

Lough Corrib SAC (Site code:000297)

The site synopsis (NPWS) describes the site as follows:

Lough Corrib is the second largest lake in Ireland, with an area of approximately 18,240 ha. A number of rivers are included within the SAC as they are important for Atlantic Salmon. In addition to the rivers and lake basin, adjoining areas of conservation interest, including raised bog, woodland, grassland and limestone pavement, have been incorporated into the site.

Lough Corrib is one of the best examples of a large lacustrine catchment system in Ireland, with a range of habitats and species still well represented. These include 15 habitats which are listed on Annex 1 of the E.U. Habitats Directive, six of which are priority habitats, and nine species which are listed on Annex 11.

Site specific conservation objectives have been published for the site which is to maintain/restore the favourable conservation condition of the habitats/species for which the site is selected.

The development site lies c 290m south east of the SAC.

Galway Bay Complex SAC (Site code: 000268)

The site synopsis (NPWS) describes the site as follows:

This large coastal site is of immense conservation importance for many habitats listed on Annex 1 of the E.U. Habitats Directive, some of which have priority status. The examples of shallow bays, reefs, lagoons and saltmarshes found within the site are amongst the best in the country. The site supports an important Common Seal colony and a breeding Otter population (Annex 11 species) and six regular Annex 1 E.U Birds Directive species. The site also has four Red Data Book plant species, plus a host of rare or scarce marine and lagoonal animal and plant species.

Site specific conservation objectives have been published for the site which is to maintain/restore the favourable conservation condition of the habitats/species for which the site is selected.

The development site is located c 1.8km to the east of the SAC

Lough Corrib SPA (Site code:004042)

The site synopsis (NPWS) describes the site as follows:

Lough Corrib SPA is of special conservation interest for 13 species. It is also of special conservation interest for holding an assemblage of over 20,000 wintering waterbirds. The E.U. Birds Directive pays special attention to wetlands and, as these form part of the SPA, the site and its associated waterbirds are of special conservation interest for Wetlands and Waterbirds.

The development site is located c2.5km to the south of the SPA.

Inner Galway Bay SPA (Site code 004031)

The site synopsis (NPWS) describes the site as follows:

Inner Galway Bay SPA is a large, marine dominated site and is of special conservation interest for 20 no. bird species and for Wetlands and Waterbirds. The site is of high ornithological interest with two wintering species having populations of international importance and a further sixteen having wintering populations of national importance. The breeding colonies of Sandwich Tern, Common Tern and Cormorant are also of national importance. Six of the regularly occurring species are

listed on Annex 1 of the E.U. Birds Directive i.e. Black-throated Diver, Great Northern Diver, Golden Plover, Bar-tailed Godwit, Sandwich tern and Common Tern.

Site specific conservation objectives have been published for the site which is to maintain the favourable conservation condition of each of the species and the wetland habitat for which the site is selected.

The development site lies c 1.8km to the north of the SPA.

Appropriate Assessment of the implications of the proposed development on the European sites

The Appropriate Assessment investigated the potential for direct and indirect effects during the construction and operational of the development on the integrity of the European sites and their qualifying interests. It is acknowledged that there are limitations associated with the field surveys and that the habitat surveys and invasive species surveys were carried out outside the optimum survey period. It is also stated that it was not possible to undertake breeding bird surveys and no bat activity surveys were undertaken.

However, the site is located within the zone of influence of the proposed N6 Galway City Ring Road (GCRR) and detailed ecological field surveys were carried out at the site and in the general area to support this project. The results of these surveys were used to inform the NIS for the proposed development.

The ecological surveys conducted for the proposed GCRR scheme indicated that several nearby fields correspond with various Annex 1 habitats. However, no Annex 1 habitats were identified within the proposed development site, and this was confirmed in field surveys conducted as part of the current proposal. The surveys for the road development indicated that there are no rare or legally protected plant species present within the development site for the road or known from within its zone of influence. White-clawed crayfish, Freshwater Pearl Mussel or any other legally protected mollusc species were not recorded within the zone of influence of the proposed road development. It is further noted in the NIS for the GCRR that none of the Hen Harrier (Lough Corrib SPA) winter roost sites are within the operational or disturbance zone of influence and would not therefore displace this species. Wintering bird surveys were carried out at 60 potential ex-situ sites as part of the ecological surveys conducted for the road development. The closest sites

surveyed to the proposed development site are Ballindooley Lough and Lackagh Quarry, which are located c 200m north-east and c 220 west of the proposed development respectively.

The submitted information indicates that there is no potential for direct effects on any of the qualifying interests of the European sites. The site does not contain any Annex 1 habitat and does not provide ex-situ habitat for SCI species associated with Lough Corrib SPA and Inner Galway Bay SPA.

The Stage 1 Screening Assessment concluded that there is potential for indirect effects on each of the 4 no. European sites and their QI's and these are documented in Table 4 of the NIS. The main potential for significant indirect effects on each of the 4 no. European sites arises from hydrological pathways and pollution of groundwater.

The site of the proposed development is located within the Clare-Corrib groundwater body. The groundwater body underlays part of Lough Corrib SAC as well as a number of Annex 1 habitats. There is a risk of groundwater pollution from sediment/silt as well as accidental spillages being transported to the karstified bedrock aquifer and for potential impacts on aquatic species and ground water dependent habitats associated with Lough Corrib SAC.

In the case of Galway Bay Complex SAC and Inner Galway Bay SPA, given the karst bedrock aquifer underlying the site, there is likelihood that groundwater within the Clare-Corrib groundwater body could interact with Lough Corrib, the River Corrib and the Terryland River, which are ultimately linked with the Galway Bay Complex SAC and the Inner Galway Bay SPA. As there is strong interconnection between surface water and groundwater in karstified bedrock aquifers, there is potential, albeit slight, for pollutants to migrate through the aquifer and surface waterbodies into Galway Bay Complex SAC and Inner Galway Bay SPA with impacts on QI's and SCI's for which the sites' are designated.

In the case of Lough Corrib SPA, there is potential for groundwater within the Clare-Corrib groundwater body which underlays the SPA to interact with Lough Corrib. This creates potential, albeit slight, for pollutants to migrate through the aquifer and surface waterbodies into Lough Corrib SPA.

The NIS also identifies the potential for groundwater related impacts to occur at *ex-situ* sites due to potential pollutants migrating through the aquifer and entering these habitats, with impacts on SCI bird species within Inner Galway Bay SPA and Lough Corrib SPA.

The NIS notes that the site is also close to several habitats associated with Lough Corrib SAC and potential *ex-situ* habitats for SCI bird species associated with Inner Galway Bay SPA and Lough Corrib SPA due to dust deposition and construction related disturbance. However, due to the limited scale of the development the construction stage will be short term and will not restrict the extent of habitat available to any SCI species such that any population level effects would occur.

Potential In-combination effects

The most significant development proposed in the area is the proposed N6 GCRR scheme. At the time of writing of the NIS the proposed N6 GCRR scheme was under consideration by the Board. In its subsequent determination of the application, the Board concluded that the proposed road development would not adversely affect the integrity of any European site in view of the sites' Conservation Objectives. There is therefore no potential for the proposal to act in combination with the proposed road scheme to create significant cumulative effect.

Mitigation Measures

During the construction stage a suite of mitigation measures are proposed to protect ground and surface water from pollutants and to minimise dust emissions. These are standard best practice and proven measures and are detailed in Section 8 of the NIS.

The measures to protect water will include management of any pumped water from excavations, no direct discharge of untreated water to groundwater and the use of silt fences at appropriate locations to prevent the migration of silt and sediment. All standard measures will be implemented to prevent pollutants from entering the water environment including appropriate storage of fuel and hazardous materials, designated refuelling areas, waste management, management of any contaminated material, and emergency response measures in the event of accidental spillages.

Best practice measures will be implemented to control dust which will be incorporated into a Dust Minimisation Plan. The measures will include site

management and monitoring, management of earthworks (re-vegetate exposed areas as soon as practicable etc), storage of sand/ aggregates in bunded areas, management of the delivery and use of cement, sustainable use of machinery on site, use of dust suppression equipment and techniques, speed controls and the provision of a wheel wash facility at site entrance.

During the operational stage measures for surface water management will be incorporated into the design of the development to prevent pollutants from entering the underlying aquifer. This would include swales which can treat, convey and attenuate runoff and can infiltrate to ground. The primary attenuation system for the site will be located underneath the car park and will comprise a proprietary modular block surrounded by a geotextile to create a tanked system that will infiltrate to ground. Petrol and silt traps chambers will be provided at all outfalls from the site to prevent pollutants from entering the surface water system.

Conclusion

The overall conclusion reached in the NIS is that subject to the mitigation measures proposed, the proposed development will have no significant adverse effect on the 4 No. European sites or their qualifying interests.

Assessment

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.

The proposed development is located downstream of the nearest European site, Lough Corrib SAC and the only pathway for effects is therefore through groundwater. The DAU have raised issues regarding the generic nature of the mitigation measures proposed. However, I am mindful of the limited scale and nature of the development, and the mitigation measures proposed which involve standard best practice and proven environmental controls, sufficient to address the potential effects of the development and mitigate the potential for adverse impacts on water quality and minimise dust emissions during construction.

The DAU refers to the absence of specific measures to mitigate impacts should karst features be encountered during construction. It recommends that additional information be sought on what type of assessment will be undertaken and what

types of mitigation will be applied to ensure that no significant adverse effects will arise.

I would point out to the Board that development site is located in an area of 'Moderate' vulnerability (Fig 6 of NIS) suggesting that the underlying soils will afford protection to the underlying aquifer. I note (Engineering Services Report) that no ground water was encountered in any of the test pits or boreholes carried out during the geotechnical site investigation in depths ranging from 2 to 5.5m. I note that in its determination of the GCRR scheme immediately to the north, which is for a significantly larger project, sections of which will be located in the same groundwater body and in areas of 'high' and 'extreme' vulnerability the Board concluded that no significant effects are likely on Lough Corrib SAC or any other European site.

The remaining 3 no. European sites are located a considerable distance from the development site and while there is a pathway for effects via groundwater, having regard to the nature and scale of the proposed development, the distance to the European sites and the diluting effects of intervening waters, I consider that the potential for significant effects can be ruled out.

I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of Lough Corrib SAC (Site code: 000297), Galway Bay Complex SAC (Site code: 000268), Lough Corrib SPA (Site code:004042) or Inner Galway Bay SPA (Site code 004031).

I conclude that the proposed development will not adversely affect the integrity of the European sites' in view of their conservation objectives.

This conclusion is based on:

- Avoidance of direct impacts on qualifying habitats and species of the European sites'
- Prevention of potential indirect effects on qualifying habitats and species of the European sites by the implementation of standard best practice and proven effective mitigation measures.

This assessment is based on a complete assessment of all aspects of the proposed development and there is no reasonable doubt to the absence of such effects.

8.0 Conclusion

Having regard to the zoning objectives for the site, I accept that the proposed development is acceptable in principle in this location. However, I consider that due to its peripheral location and lack of adequate and safe connections with the built up area of the city and associated services and facilities the proposed development would be at variance with national, regional and local policy objectives and the provisions of the Galway Transport Strategy regarding compact growth and sustainable mobility.

The proposed development is not supported by adequate and safe walking and cycling infrastructure or by an integrated public transport system. It would not enable mobility choices for residents of the scheme or support modal shift to more sustainable travel options. The proposed development would therefore be excessively car dependent which would be contrary to national, regional and local policy objectives on sustainable mobility.

9.0 Recommendation

- 9.1. On the basis of the above assessment, I recommend that the Board **Refuse to Approve** the proposed development for the reasons and considerations set out below.

10.0 Reasons and Considerations

1. Notwithstanding the residential zoning objective for the site, it is considered that the proposed development due its peripheral location and the lack of adequate and safe pedestrian and cycle linkages and adequate bus connections with the built up area of the city and associated facilities and services, the proposed development would be excessively car dependent and with a lack of alternative travel options would, be contrary to national, regional and local policy objectives relating to compact growth and sustainable

mobility. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Breda Gannon
Senior Planning Inspector

28th September 2022