



An
Bord
Pleanála

Inspector's Report ABP-314929-22

Development

5 no. mixed-use buildings comprising
22 no. apartments, 1 no. café/
restaurant, 2 no. retail/commercial
units, and ancillary storage rooms and
plants,

7 no. townhouses,

Coastal promenade,

Access roads and 56 no. surface
parking spaces, and

Connection to public sewers,
stormwater, mains and water services,
and all other ancillary site works.

Location

Seapoint, Barna, Co. Galway

Planning Authority

Galway County Council

Planning Authority Reg. Ref.

21/2193

Applicant(s)

Jim & Tom Cunningham

Type of Application

Permission

Planning Authority Decision

Grant, subject to 35 conditions

Type of Appeal

Third Parties -v- Decision

Appellant(s)

Pobal Bhearna Group

Pauline Hession

John & Rachel O'Donnell

Shauna Sharkey & Karen Moriarty

Cait Noone & Gordon Burke

Observer(s)

Des Fitzgerald & Meriel FitzSimon

Galway Cycling Campaign

Conradh na Gaeilge

Date of Site Inspection

11th May 2023

Inspector

Hugh D. Morrison

Contents

2.0 Site Location and Description	4
3.0 Proposed Development	5
4.0 Planning Authority Decision	6
4.1. Decision	6
4.2. Planning Authority Reports	7
5.0 Planning History.....	8
6.0 Policy and Context.....	8
6.1. National Planning	8
6.2. Development Plan.....	9
6.3. Natural Heritage Designations	10
6.4. EIA Screening	10
7.0 The Appeal	11
7.1. Grounds of Appeal	11
7.2. Applicant Response	19
7.3. Planning Authority Response	22
7.4. Observations	22
7.5. Further Responses.....	23
8.0 Assessment.....	23
9.0 Recommendation.....	50
10.0 Reasons and Considerations	51

2.0 Site Location and Description

- 2.1. The site is located in the village of Barna, which lies to the west of Galway City along the coastal route of the R336. The village has been the subject of a considerable amount of residential and retail/commercial development in recent years, not least within the vicinity of the site. Thus, the access road to this site from the R336 is initially lined on either side by rows of two and three storey buildings in retail/commercial use with some residential content in the upper floors. This road also serves a car park to the rear of the local Supervalu, and a further row of three storey buildings with retail/commercial uses on the ground floor and duplexes on the upper floors. These duplexes are accessed from the south and they overlook the site, which lies further to the south.
- 2.2. This site lies between the aforementioned new development and the coastline of Galway Bay, which is marked by a pebbly beach. Further to the east lies Barna Pier and further to the west lies a cul-de-sac known as Seapoint, which serves one-off dwelling houses. Between the Pier and Seapoint runs a stubby, low-level wall. This wall passes to the rear of the beach, and part of it traverses the southernmost reaches of the site. The wall is used by local walkers.
- 2.3. The site itself is of irregular shape and it extends over an area of 1.0638 hectares. The main body of the site is of undulating form. The low-lying bed of an occasional stream runs through its eastern portion on a roughly north/south axis. The north-eastern portion is scrubland, which is continuous with scrubland to the east. The central and western portions of the site rise at gentle/moderate gradients to a small plateau towards the north-western corner of the site. The site is largely vacant, apart from a service road and turning head, which serve a pumphouse that abuts the central portion of the western boundary. The northern portion of the western boundary encompasses a rocky outcrop, which supports elevated lands in residential use, while the southern portion is enclosed by means of a stone wall. Elsewhere, the northern boundary of the site is denoted by means of a close boarded timber fence within which is a pair of gates that serve the aforementioned service road. The remaining eastern and southern boundaries are undefined "on the ground".
- 2.4. The "tail" of the site would encompass the greater portion of the access road from the R336, i.e., the portion that accompanies the western side of the car park.

3.0 Proposed Development

3.1. Under the proposal the north-western half of the site would be developed to provide a cluster of 5 no. blocks, which would be of one, two, and three storey form, and 7 no. townhouses, which would be of two, and three storey form. These blocks and townhouses would be encircled by an access road, which would incorporate the existing service road and turning head in the western portion of the site, and which would be accompanied by 48 no. car parking spaces including 6 no. mobility impaired spaces and 7 no. spaces that would be formally laid out along the existing access road to the site. They would also be served by a pedestrian plaza within the cluster, and a diagonal footpath, which would run on a north-west/south-east axis to a children's playground in the south-eastern corner of the site. Elsewhere, in the south-eastern half of the site, a promenade would be laid out to the rear of the existing sea wall, and it would be accompanied by seating and landscaping. A water feature would be formed in the lowest portion of the site, and the aforementioned footpath would cross it by means of a footbridge.

3.2. The 5 no. blocks (denoted as A – E) would in their totality be the subject of the following mix of uses:

- 12 no. one-bed apartments (763 sqm),
- 4 no. two-bed apartments (475 sqm),
- 6 no. three-bed apartments (615 sqm),
- 1 no. café/restaurant (79 sqm),
- 2 no. retail/commercial units (196 sqm), and
- Ancillary storage rooms and plants (111 sqm).

3.3. Each of the blocks would have the following composition:

- Block A: Three-storey form: 6 no. apartments (one-bed/two person),
- Block B: Three-storey form: 1 no. retail unit, 1 no. plant area, and 6 no. apartments (2 no. one-bed/two-person, 2 no. two-bed/three-person, and 2 no. three-bed/five-person),
- Block C: One-storey form: 2 no. apartments (one-bed/two-person),

- Block D: Two-storey form: 1 no. café/restaurant, 1 no. residents' storage, and 6 no. apartments (2 no. one-bed/two-person and 4 no. three-bed (1 no. four-person and 3 no. five-person), and
 - Block E: Three-storey form: 1 no. retail unit and 2 no. apartments (two-bed/four-person).
- 3.4. The 7 no. townhouses would comprise 4 no. two-bed houses (1 no. four-person and 3 no. three-person) (395 sqm) and 3 no. three-bed/five-person houses (407 sqm). The former townhouses would be of two-storey form and the latter would be of three-storey form.
- 3.5. These blocks and townhouses would have a total floorspace of 3041 sqm, which would disaggregate as 2655 sqm in residential use (29 units) and 386 sqm in retail/commercial use, including café/restaurant and ancillary.
- 3.6. The proposed new build would comprise a variety of design styles and finishing materials. The layout of the cluster would be informal and ground floor retail/commercial units would occupy prominent corner sites.
- 3.7. The proposal would be connected to the existing public water mains and public foul and stormwater sewerage systems.
- 3.8. Under further information, the originally proposed one-way system for the on-site road layout was revised in favour of a two-way system, apart from a short portion of the road in the south-eastern half of the site which would remain one-way.

4.0 Planning Authority Decision

4.1 Decision

Following receipt of further information, the Planning Authority granted permission, subject to 35 conditions. Condition No. 4 states the following:

The development of the coastal promenade, coastal park and playground facility and other public open space areas shall be completed to the satisfaction of the Planning Authority prior to the occupation or use of the residential or commercial units in the development.

Reason: In the interest of orderly development.

4.2. Planning Authority Reports

4.2.1. Planning Reports

Further information was requested with respect to the following:

- i. Submit a Traffic and Transport Assessment (TTA),
- ii. Submit a stage 1/2 Road safety Audit (RSA),
- iii. Concern is expressed over the use in practise of the proposed one-way system,
- iv. Submit swept path analysis for cars and large vehicles,
- v. Demonstrate how bin collections would be managed,
- vi. Inclusion of car parking for the mobility impaired,
- vii. Inclusion of charging points for electric vehicles,
- viii. Submit a street lighting design,
- ix. Address actual number of car parking spaces, i.e., 56 cited in the description and 55 shown on the submitted plans,
- x. Clarify surface finishes for the public realm and respecify, as appropriate, to meet the Planning Authority's specifications,
- xi. Submit details of existing surface water outfall and outline how surcharging and scouring would be avoided,
- xii. Submit details and calculations for the surface water drainage system,
- xiii. Identify all buried services within the site, and address how these services would be protected,
- xiv. Details of the promenade, including retaining wall and rock armour,
- xv. Submit written consent from Irish Water to the inclusion of its part of the existing access road within the site,
- xvi. Submit 3-D perspectives of the proposal, and
- xvii. Submit photographs of all proposed external materials.

The Planning Authority was satisfied with the applicant's response to this request.

4.2.2. Other Technical Reports

- Roads: Following receipt of further information, no objection, subject to conditions.

5.0 Planning History

- **04/3066:** As revised, mixed-use development comprising 12 no. houses, 8 no. apartments, a restaurant, a gallery, a shop, a café, a health suite leisure centre, a car park, a beach front promenade, and associated site works and services to be connected to a new pumping station and storm drainage network: Following third party appeals, the Board refused permission (PL07.210938) on the grounds of prematurity and sub-standard development for future occupants.
- **08/2296:** Mixed-use development comprising 13 no. apartments, 6 no. office units, 10 no. retail/commercial units, a bar/restaurant, and car parking spaces: Following third party appeals, the Board granted permission (PL07.232440), subject to conditions, one of which required that the scale and bulk of the development be reduced, in the interest of residential amenity and in order to protect the coastal amenity strip. Under 13/593, this permission was extended for 5 years until 29th October 2018.
- Pre-application consultation occurred on 5th June 2019.

6.0 Policy and Context

6.1. National Planning

- Sustainable Residential Development in Urban Areas Guidelines
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines
- Quality Housing for Sustainable Communities: Best Practice Guidelines
- Design Manual for Urban Roads and Streets
- The Planning System and Flood Risk Management Guidelines

6.2. Development Plan

The Galway County Development Plan 2022 – 2028 (CDP) includes the Metropolitan Settlement Plan (MASP), which covers Bearna, amongst other settlements. Under the MASP, the site is shown as lying largely within Zone C1, town centre. The remainder of the site, which is the subject of a raised indicative flood risk, is within Zone OS, open space/recreation and amenity.

The objective for Zone C1 is “To provide for the development and improvement of appropriate town centre uses including retail, commercial, office and civic/community uses and to provide for “Living over the Shop” scheme Residential accommodation, or other ancillary residential accommodation.” The objective for Zone OS is “To protect and enhance existing open space and provide for recreational and amenity space.”

Under the MASP, several policy objectives are of relevance to the applicants’ proposal.

BMSP 2: sustainable town centre

Promote the development of Bearna, as an intensive, high-quality, well landscaped and accessible environment, with an appropriate mix of uses, including residential, commercial, service, tourism, enterprise, public and community uses as appropriate, that provide a range of retail services, facilities and amenities to the local community and visitors. The town centre and associated main street shall remain the primary focus for retail and service activity within these plan areas.

BSMP 5: coastal edge

a). The Coastal Edge will be conserved and enhanced, as appropriate as a strategic high amenity resource, providing opportunities for recreation, conservation and local amenity, whilst avoiding development which would have a detrimental impact on this area.

BSMP 7: coastal amenity park

Support the creation of a Coastal Amenity Park, extending from Mag’s Boreen to Lacklea Boreen, to serve the recreation and amenity needs of the Bearna community, to provide an appropriate public interface between the village and the coastline and to create a focal point and attractive setting for high quality tourism and mixed use development on adjoining lands. The design of any works being undertaken to achieve this objective shall be informed from the outset by ecological considerations.

BSMP 9: coastal setback

Ensure a general building setback of 30m from the foreshore field boundary line to allow for the development of the coastal amenity park and a seaside promenade, cycleway, children's playground(s), landscaped amenity space and improved access routes to the local beaches, Bearna Pier and water-based activities.

BSMP 15: pedestrian and cycle network

Encourage and support the development of a series of pedestrian and cycle routes linking the residential areas to the town centre and local community services, where feasible.

BSMP 17: language enurement clause

A Language Enurement Clause will be applied on a portion of residential units in development of two or more units in Bearna. The proportion of homes to which a language enurement clause will be a minimum of 20% or to the proportion of persons using Irish Language on a daily basis, in accordance with the latest published Census, whichever is greater.

6.3. Natural Heritage Designations

- Galway Complex SAC and pNHA (000268)
- Inner Galway Bay SPA (004031)

6.4. EIA Screening

Under Items 10(b)(i) and (vi) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2023, where more than 500 dwelling units would be constructed and/or where an urban site of more than 10 hectares would be developed, the need for a mandatory EIA arises. The proposal is for the development of 32 dwellings on a 1.0638-hectare site. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall well below the relevant thresholds, 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.

7.0 The Appeal

7.1. Grounds of Appeal

(a) Pobal Bhearna Group of Freeport, Barna

The appellant begins by describing the project and recounting the planning history of the site. It draws attention to several planning permissions granted since the 2016 Census for housing in Barna. If these permissions are implemented, then an additional 253 dwellings would be added to the housing stock or an increase in the village' population of 708 (35.4%) without the commensurate provision of physical and social infrastructure. It also draws attention to holding tanks and a pumping station beside the site, which have a record of malfunction, and which appear to be operating above their design capacity of 2000 PE. The view is expressed that planning precedents for the site are no longer relevant against the backdrop of climate change.

The appellant cites the following grounds of appeal:

(i) Traffic management, congestion, and car parking spaces.

- The R336 through Barna suffers from traffic congestion, which will only be relieved if and when the Galway City Ring Road is built.
- The TTA relies upon a single 12-hour traffic count on Tuesday 5th April 2022. This is inadequate and maybe unrepresentative.
- The TTA relies upon a model that underrepresents committed developments in Barna.
- Use of the existing access road by HGVs, during the construction and operational phases, would create a hazard to the public.
- The junction between the R336 and the access road suffers from congestion, which would be exacerbated under the proposal. Signals at this junction may be necessary.
- As originally submitted, confusion attends the number of proposed car parking spaces, which would fall short of CDP (2015 – 2021) standards.

- The proposed 48 car parking spaces would contrast with the 158 previously proposed for the site. Furthermore, 7 spaces would be provided along the existing access road, where they are already used on an informal basis.
- The allocation of 20% of car parking spaces to EV charging points contrast with the national target of 40% for 2030.
- No allocation of car parking spaces for the use of the public visiting the proposed promenade has been made.
- Access/egress to the proposed car parking spaces would be hazardous, especially along the existing service road, where conflict with HGV sludge tankers would occur.
- Cycle provision is scant. Under CDP Objective BMSP 9, provision for a cycleway along the proposed promenade is needed.

(ii) Sea front site boundary and 30m building set back from foreshore boundary wall.

- Under CDP Objective BMSP 9, a general building set back of 30m from a foreshore field boundary is required to facilitate the provision of a promenade.
- The proposal fails to comply with BMSP 9 and the equivalent provision of the Bearna LAP 2007 – 2017, which referred to the foreshore boundary wall. While reference points such as the high-water mark and a notional site boundary have been cited, this wall is a well-established fixture.
- The submitted plans show the southern site/ownership boundary extending to the south of the foreshore boundary wall, i.e., over part of the foreshore/beach. “On the ground” the foreshore boundary wall is the functioning southern boundary of the site, and it is the relevant reference for the above cited 30m set back.
- Under the proposal, new build development along with the existing sewerage system infrastructure lie within the 30m. Against the backdrop of climate change, the latter poses environmental and public health risks.
- Under PL07.232440, the inspector regarded the foreshore boundary wall as the southern boundary of the site.

(iii) Environmental grounds – sewerage infrastructure, wastewater treatment and water quality: flood risks and rising sea levels.

- Attention is drawn to the holding tanks and pumping station beside the site. These tanks require to be evacuated by sludge trucks during periods of high rainfall. As note above, a PE of c. 700 will be added to the population of Barna through committed development, and the current proposal would add a further PE of 114. Clearly, the sewerage infrastructure of the village requires to be upgraded before additional permissions are granted.
- Proposed Block D would be sited close to the holding tanks and pumping station, and well within the minimum separation distance of 50m set by the EPA.
- Pollutants that pose a risk to public health have been detected in the stream that flows into the harbour formed by Barna Pier. During high periods of rainfall, the proposal would risk the overflow of foul water into the stormwater system, which discharges to the foreshore to the west of this Pier.
- The water quality of the sea beyond the aforementioned discharge point has not been monitored. The applicant's NIS addresses construction phase mitigation measures to safeguard water quality, but not the risk posed by the local sewerage system.
- Existing and future residents are/would be affected by the nuisance factor of HGV sludge tankers in attendance, sometimes at anti-social hours.
- Continued reliance upon HGV sludge tankers is unsustainable. Under Paragraph 2.9.1 of the CDP's MASP, the need for a new standalone tertiary WWTP for Barna is recognised.
- The applicant's "Drainage Network Drawing 101" shows an existing petrol interceptor and outlet in the southern portion of the site and yet their exact locations remain to be verified. This is unsatisfactory.
- The topography and geology of the site would combine to pose a potential flood risk.
- The proposal would heighten the risk of flooding on the site.

- The primary flood risk arises from the encroachment of the sea during storm surges at high tide. Given the uncertainties pertaining to rising sea levels, future occupiers of the proposal would be potentially exposed to flooding due to the site's elevation at below 8.5m OD.

(b) Pauline Hession of 30 Creag Mor, Seapoint, Barna

- Attention is drawn to the previous permission on the site, under which far more parking would have been provided, albeit within an underground car park that would have been at risk of flooding.
- If the area of the proposed promenade is discounted, then the density of the proposed development would be marginally higher than national planning policy would advise. Reliance upon the promenade to provide communal open space for future residents is questioned.
- Attention is drawn to an EPA report from 2020 on Mutton Island WWTP, which highlights its lack of capacity to serve its catchment, let alone further development, and instances of the discharge of raw sewage into European Sites within Galway Bay.
- The planner's report is critiqued insofar as it does not reference Mutton Island WWTP. The view is expressed that An Taisce should have been consulted.
- The submitted NIS is critiqued. Thus, attention is drawn to the failure to consider cumulative impact, and the failure to recognise that European sites beyond Galway Bay would be affected by discharges from the Mutton Island WWTP, i.e., the Lough Corrib SAC and SPA, by means of hydrological connectivity. The view is expressed that, as Stage 4 is not applicable, the proposal should be refused.
- Attention is drawn to Figure 4-1 on Page 15 of the applicant's Flood Risk Assessment Report, which depicts the risk to the site posed by coastal flooding.
- Attention is drawn to the private status of the existing access road to the site, and the attendant question of its future maintenance. Attention is also drawn to the proposed Galway City Ring Road, which is critical to relieving pressure

on the R336, and yet the planning permission for the same has been quashed.

- As recently as October 2022, the EPA confirmed that Mutton Island WWTP is not compliant with EU standards.
- In the light of the above grounds of appeal, the proposal would be premature.

(c) John & Rachel O'Donnell of Seapoint, Barna

(i) Impact on surrounding properties

- The appellants' residential property lies to the west of the site. The scale, height, and massing of proposed Block D would impose on this property, and windows and balconies would overlook it. Noise and light pollution would also feature. The property would be devalued.

(ii) Sewerage works/pumping station

- Sewerage holding tanks and pumping station lie between the site and the appellants' residential property. The former require to be relieved after heavy rainfalls by sludge HGV tankers, and the latter is prone to the malfunction of its pumps. Should these scenarios coincide, the adjacent beach could be polluted.
- The siting of a proposed café close to these facilities would be inappropriate, given the risk of noise and odour that they pose, and indeed the risk to public safety that they represent. The EPA recommends a separation distance of 50m.
- Further development would be premature until these facilities are upgraded. Likewise, the need exists to monitor the quality of sea water to the west of Barna Pier, as the quality to the east led to a swimming ban in the summer of 2021.

(iii) Flood risk

- Attention is drawn to the CDP's discussion of Barna in the MASP with respect to flood risk. Parts of the site are shown as being in Flood Zone A, and given climate change and rising sea levels, the risk of coastal flooding will increase.

(iv) Sea front boundary

- Under the CDP's Objective BMSP 9, new build development should be set back at least 30m from the foreshore boundary line, i.e., the sea wall, which passes through the southern portion of the site. The proposal would fail to adhere to this set back, and it would also site car parking spaces close to the sea wall. These spaces would be exposed to the sea, and they would militate against adequate pedestrian and cyclist provision on the proposed promenade.

(v) Traffic access

- The existing access road to the site and its junction with the R336 already suffer from congestion. During the construction and operational phases this road and junction would come under further pressure, and the attendant hazard posed to the public using the adjoining car park and surrounding retail/commercial facilities.
- Concern is expressed over heavy plant and machinery passing over that portion of the existing service road which runs over the holding tanks.

(iv) Visual impact on sea front

- Under the CDP's Objective BMSP 5(a), the view is expressed that the proposal would overwhelm the site within its village and coastal contexts and so detract from the scenic beauty of the area.

(d) Shauna Sharkey & Karen Moriarty of 25 Creag Mor, Seapoint, Barna

(i) Planning

- Attention is drawn to the site, which was the subject of 04/1171, the planning permission for the row of buildings to the north of the current application site. Two areas shown in this permitted site are now incorporated within the current site: is this in order?
- The transfer of common areas associated with the row of buildings to the north of the site has been delayed. The appellants allege that, as the applicants are also on the board of the relevant management company, they are conflicted.

- The proposal would entail alterations to the existing access road and the adjoining car park, which lie within the above cited common areas. The applicants have not consulted with the management company concerning these alterations.

(ii) Traffic

- The adequacy of the TTA's reliance upon a single day's traffic count is questioned.
- The Paragraph 2.9.3 of the CDP's MASP states the need for a traffic management plan for Barna.
- The means of access to the site would be inadequate for both the construction and operational phases of the proposal.
- Existing traffic congestion and attendant hazard would be exacerbated by the proposal.
- Residents of the duplexes to the north of the site would have to reverse either from or to the existing access road, which would be extended under the proposal.
- Notwithstanding the CDP's Objective BMSP 9, the proposal makes minimal provision for cyclists.
- Access for emergency vehicles is questioned.

(iii) Infrastructure – Barna sewerage and pump station

- The proximity of the proposal to underground storage tanks and a pumping station would pose public health and environmental risks. The EPA recommends a separation distance of 50m.
- An article in the Galway Advertiser entitled "Current system "not fit for purpose"" from 17th December 2020 is highlighted. The absence of an overflow from the underground storage tanks necessitates the attendance of sludge HGV tankers and puts pressure on the two pumps leading to instances of their malfunctioning.
- The view is expressed that upgraded handling facilities need to be in-situ prior to further development in Barna.

- Attention is drawn to water quality tests in the vicinity of Barna Pier on 26th May 2021, which detected pollutants, and which led to a swimming ban.

(e) Cait Noone & Gordon Burke of 22 Creag Mor

(i) Planning in Barna

- Attention is drawn to planning permissions for new housing in Barna, which have been granted since the 2016 Census. If implemented, then these permissions would add c. 708 people to the village's population, and yet no commensurate investment in transport, amenities, and the sewerage system have been made. In these circumstances, permissions for further housing should not be granted.

(ii) Barna pump station and related coastal issues

- The existing Barna pump station beside the site is prone to malfunction. Under Fol, the appellants have obtained correspondence from the period October 2019 – February 2020, which illustrates the issues being experienced at this pump station. One email is highlighted, which explains that, when the storm tank is full, waste spills over into the dry well, which when flooded would overflow onto the current application site.
- The proposal would add to the pressure already being experienced at the pump station, which is operating at over capacity. Irish Water has confirmed that it has no plans to upgrade this station to a WWTP.
- The applicant's "Drainage Network Drawing 101" shows an existing petrol interceptor and outlet in the southern portion of the site and yet their exact locations remain to be verified. This is unsatisfactory.

(iii) Climate and flooding

- Observable advance of the sea was evident in the damage caused to Barna Pier during a storm in January 2014.
- The Climate Central Coastal Risk Screening Tool shows, under certain assumptions, a significant portion of the site below the annual flood level from 2030 on.

- Given the heightened risk of coastal flooding, previous planning permissions for the site should no longer be considered as establishing a precedent for its development.

(iv) Traffic

- The adequacy of the TTA's reliance upon a single day's traffic count is questioned.
- Existing traffic congestion and attendant hazard would be exacerbated by the proposal.

7.2. Applicant Response

The applicants summarise the appellants grounds of appeal under headings and respond to them.

(i) Wastewater pumping station

- Irish Water operate and so are responsible for the wastewater pumping station beside the site. It has responded to the applicants' feasibility enquiry by confirming that wastewater from the proposal would be capable of being handled by this pumping station without the need for an upgrade.
- Appellants cite a clearance distance of 50m between this wastewater pumping station and the proposed buildings. However, this clearance distance relates to wastewater treatment plants. The relevant clearance distance for wastewater pumping stations is 15m, which the proposal would exhibit.

(ii) Flood risk

- The portions of the site that are in Zones A and B would not be developed to provide the proposed buildings. While minor portions of the proposed on-site access road and car parking spaces would encroach into these Zones, these uses are classified as being less vulnerable development.
- The proposal would provide a 30m set back from the foreshore boundary, and so it would comply with Policy BMSP 9 of the Bearna MASP. The resulting buffer zone would cope with any overtopping of the sea wall during storms. Furthermore, the applicant's Flood Risk Assessment (FRA) concludes that,

provided the linear drainage channel on the site is retained, no displaced flood risk would arise.

- The FRA adopted a precautionary approach. Consequently, while the 1 in 1000-year storm event would prompt a finished floor level (FFL) of 4.2m OD, the minimum FFL would be 6.5m OD.

(iii) Seafront boundary

- Both the 30m set back and the proposed promenade would ensure that the proposal complies with Policy BMSP 9. The Planning Authority's permission confirms such compliance.

(iv) Traffic and transport

- The applicants' Traffic and Transport Assessment (TTA) examined how traffic generated by the proposal would affect the local road network and, in particular, the junction between the site access road and the R336. The TTA concludes that this junction would continue to be able to operate within its capacity. Likewise, car parking spaces and pedestrian facilities would be satisfactory.
- The applicants undertook a Stage 1/2 Road Safety Audit (RSA), the recommendations of which are incorporated within the proposal. Under Condition No. 5 of the Planning Authority's permission Stage 3/4 RSAs would be undertaken, too.
- The traffic survey was undertaken after the lifting of Covid-19 restrictions, and so it is considered to be representative.
- The applicants' TTA is robust, i.e., it does not allow for the proposed Galway City Ring Road, but it does allow for committed developments in Barna.
- Proposed car parking provision would comply with CDP standards, i.e., 43 spaces for residents. While the 11 spaces for customers and staff would represent a shortfall of 5 spaces, these would be provided in the existing car park to the north of the site.
- Proposed cycle parking provision would comply with CDP standards. While cycle lanes are not proposed in line with their absence from Barna, a

pedestrian/cyclist route through the site would be provided in compliance with Policy BMSP 15 of the Bearna MASP.

- Concerns with respect to construction traffic would be addressed under the Construction Traffic Management Plan required by Condition No. 16 of the Planning Authority's permission.
- Concerns over emergency access were addressed under further information.

(v) Height and scale

- The proposal would entail the provision of two and three-storey buildings adjacent to three-storey buildings to the north. Under national and local planning policies, increased height and densities are seen as appropriate in town centre locations served by public transport, in the interests of the efficient use of land. The proposal would comply with these policies, and it would maintain an appropriate urban separation distance of 17m from existing buildings to the north.

(vi) Visual impact

- Under Policy BMSP 5 of the Bearna MASP, the proposal would contribute to the amenities of the scenic coastal edge by means of the proposed promenade.

(vii) Planning history and planner's report

- While there are no extant permissions on the site, the applicants' Design Statement is cognisant of previous proposals for the site.
- Appellant (b) considers that An Taisce should have been consulted under Article 295 of the Planning and Development Regulations, 2001 – 2023, only this Article refers to SHD applications.

(viii) Ecology

- Appellant (b) considers that the applicants' NIS should have considered Lough Corrib SAC and SPA. However, as these sites are upstream from the discharge point at Mutton Island, significant effects on their qualifying interests do not arise.

(ix) Collaboration with management company

- The applicant, Tom Cunningham, forwarded copies of the application plans to the secretary of the management company for circulation to members and residents for information in advance of the submission of the application.
- The common areas referred to will be transferred to the management company in accordance with the relevant legal agreement.

7.3. Planning Authority Response

None

7.4. Observations

(a) Des Fitzgerald & Meriel FitzSimon of Medani, Pier Road

- The background to the 30m setback of the Bearna MASP is summarised.
- Condition No. 4 attached to the Planning Authority's permission is critiqued. The Bearna MASP envisages a 600m long coastal amenity park, which should be designed by the Planning Authority, and incorporated in developers' proposals. This park would tie in with a possible greenway between Barna Woods and Silver Strand and Barna Village. The applicant's proposal falls short, and it would contravene BSMP 5 & 7.
- With respect to the 30m setback, the MASP refers to the "foreshore field boundary line", an ambiguous term. The observers contend that the sea wall is commonly accepted as being this boundary line, i.e., it runs behind the beach, which is incapable of being developed. If this contention is accepted, then the 30m setback would not be achieved by the proposal.

(b) Galway Cycling Campaign

- Attention is drawn to national and local policies that promote cycling and a reduction in car dependency. The Board's decision on ABP-313723-22 is cited in this respect.
- The proposal would entail the provision of excessive car parking spaces for the site's town centre location.

- The proposal would be insufficiently permeable to pedestrian and cyclists and the opportunity to provide a cycleway across the southern portion of the site would not be realised. Such a cycleway could link-in with any future greenway to the east. Arguably, the greenway should be in-situ before the site is developed.
- Quantitatively, the proposed number of long-term cycle parking spaces would be inadequate, especially for staff. Qualitatively, these spaces have not been sufficiently detailed or designed-in to the proposal in accordance with current best practice. Specialist bicycles should also be provided for.
- The number and design of short-term cycle parking spaces would also be inadequate.

(c) Conradh na Gaeilge

- The site lies within part of the Galway Gaeltacht. The proposal, therefore, needs to be accompanied by an accurate language impact statement (LIS) prepared by a qualified sociolinguist.
- The applicant should demonstrate how it would ensure that 20% of future residents will speak Irish.

7.5. Further Responses

Appellant (b) comments on appellant (c)'s fourth ground of appeal to the effect that the foreshore boundary does not coincide with the southern boundary of the applicants' landholding, i.e., it is as much as 10m further in land than this ownership boundary.

8.0 Assessment

- 8.1. I have reviewed the proposal under the Sustainable Residential Development in Urban Areas (SRDUA) Guidelines, the Sustainable Urban Housing: Design Standards for New Apartments (SUH: DSNA) Guidelines, Quality Housing for Sustainable Communities (QHSC): Best Practice Guidelines, the Design Manual for Urban Roads and Streets (DMURS), the Planning System and Flood Management Guidelines (PSFM), the Galway County Development Plan 2022 – 2028 (CDP),

relevant planning history, the submissions of the parties and the observers, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Preliminaries,
- (ii) Zoning, land use, and transport,
- (iii) Site layout,
- (iv) Visual and residential amenity,
- (v) Density and development standards,
- (vi) Section V and Irish language considerations,
- (vii) Traffic, access, and parking,
- (viii) Water, and
- (ix) Appropriate Assessment.

(i) Preliminaries

- 8.2. Appellants (d) raises some preliminary matters under the heading of “planning”. They draw attention to two areas of overlap between the site, which was the subject of permitted application 04/1171, and the current application site. They query whether such overlap is in order. I note that the two areas have not been developed under this permission, and I note, too, that the conditions attached to it do not appear to impose any requirements upon these areas. In these circumstances, their inclusion is in order.
- 8.3. The appellants also draw attention to the involvement of the applicants on the board of the management company that oversees the site developed under permitted application 04/1171. They express concern over the timing of the transfer of common areas from the applicants to the management company, and proposed alterations to the existing access road and car parking spaces, which they consider this company should have been advised of. The applicant has responded to these concerns by stating that the timing in question is the subject of a legal agreement, and the application plans were circulated to the company prior to the application’s lodgement.

8.4. I conclude that the preliminary matters do not impede the Board from proceed to assess/determine the application/appeal in the normal manner.

(ii) Zoning, land use, and transport

8.5. The current application was lodged on 24th November 2021, and it was the subject of a further information request, which was made on 26th January 2022. The Planning Authority, subsequently, granted permission on 3rd October 2022. The Galway County Development Plan 2015 – 2021 was operative when the application was lodged and when it was the subject of a further information request. However, the replacement Galway County Development Plan 2022 – 2028 was adopted on 9th May 2022 and it came into effect on 20th June 2022, and so this CDP was the operative plan when the Planning Authority made its decision.

8.6. The above timelines are of relevance as under the previous CDP, which was the subject of Variation 2(a) to incorporate the Bearna Plan, Barna was referred to as a village, while under the current CDP, it is referred to as a town. This change in terminology is reflected in the zoning of the majority of the application site, which has changed from “village centre” to “town centre”. Significantly, the site is zoned town centre/commercial rather than town centre/infill residential (cf. Section 1.10.1 of the CDP’s Metropolitan Area Strategic Plan (MASP)). The respective zoning objectives from the two CDPs are set out below for ease of comparison.

- Objective LU1

Promote the development of the village centre as an intensive, high quality, well-landscaped, appropriately scaled and accessible environment, with an appropriate mix of uses, including residential, commercial, service, tourism, enterprise, public and community uses that also provides a range of retail services, facilities and amenities to the local community and visitors to the village. The village centre shall remain the primary focus for retail and service activity within Bearna.

- Town centre/commercial

Objective: To provide for the development and improvement of appropriate town centre uses including retail, commercial, office and civic/community uses and to provide for “Living over the Shop” scheme residential accommodation, or other ancillary residential accommodation.

Description: To develop and consolidate the existing town centre to improve its vibrancy and vitality with the densification of appropriate commercial and residential developments ensuring a mix of commercial, recreation and civic uses.

- 8.7. Under Objective BMSP 2 of the CDP's MASP, Objective LU1 is reproduced in an edited form. It states the following:

Promote the development of Bearna, as an intensive, high-quality, well landscaped and accessible environment, with an appropriate mix of uses, including residential, commercial, service, tourism, enterprise, public and community uses as appropriate, that provide a range of retail services, facilities and amenities to the local community and visitors. The town centre and associated main street shall remain the primary focus for retail and service activity within these plan areas.

- 8.8. A comparison of the above objectives indicates that, while in overall terms the land use policy for the town centre continues to encourage a mix of uses, a distinction is now made between town centre/commercial and the town centre/infill residential zones. The former zoning is relevant to the application site, and so ancillary residential accommodation is envisaged, whereas the latter zoning introduces no such restriction.
- 8.9. The CDP's MASP reports that Barna has experienced significant growth in its population over the last 20 years. Under the 2016 Census, the population was 1998, and during the plan period (2022 – 2028) it is projected to increase by 750. Appellants (a) and (e) estimate that, under permissions granted since 2016, the potential already exists for housing that would accommodate an additional 708 people. They express concern that the growth in the population of Barna has not been accompanied by investment in local services.
- 8.10. During my mid-morning site visit on Thursday 11th May 2023, I observed that the town centre was busy, and that retail/commercial premises enjoy very high occupancy rates. I can, therefore, anticipate that, with on-going population growth, the need to facilitate further local services, e.g., shops, eateries, publicly accessible offices, and communal uses, in the town centre will continue. I also observed that the pattern of development in the row of buildings to the north of the site illustrates what the new zoning objective is seeking to promote, i.e., retail/commercial ground floor units with duplexes above.

- 8.11. During my site visit, I observed that, while the town centre is served by public transport, e.g., Bus Eireann's Route 424 to/from Galway city centre, the bus stops are to the east of the town centre and the service is infrequent.
- 8.12. Turning to the current proposal, it would entail the provision of 5 no. blocks, which would comprise 1 no. café/restaurant, 2 no. retail/commercial units, and 22 no. apartments (12 no. one-bed, 4 no. two-bed, and 6 no. three-bed), and 7 no. townhouses. The café/restaurant would be located in a ground floor unit in the south-west corner of the development, in a position adjacent to the proposed promenade. The two retail/commercial units would be located in ground floor corner positions at the north-western entrance point to the development and prominently within the pedestrian plaza in the centre of the development. In floorspace terms, the proposal would provide a total of 3041 sqm of floorspace, which would comprise 2655 sqm in residential use (29 units) and 386 sqm in retail/commercial use, including café/restaurant and ancillary. Thus, 87.3% of the floorspace would be residential, and 12.7% would be retail/commercial.
- 8.13. In the light of the foregoing, the proposal would essentially be a residential development with some minor retail/commercial content and with accompanying amenity space on those portions of the site which lie outside the town centre zone and which are zoned open space. Given that the town centre/commercial zoning objective refers to ancillary residential accommodation only, I consider that the land use composition of the proposal would fail to comply with this objective, which seeks to primarily promote town centre uses, i.e., retail, commercial, office and civic/community uses. To allow the current proposal to proceed would largely forfeit the opportunity for the town centre to develop further to the south of Barna Road (R336). Given the anticipated need for this town centre to expand further, such forfeiture would restrict the opportunities for retail, commercial, office and civic/community uses to locate in the town centre and so it would be contrary to the proper planning and sustainable development of the area.
- 8.14. I conclude that the proposal would materially contravene the town centre/commercial zoning objective for the site.

(iii) Site layout

- 8.15. Under the CDP's Objective BMSP 7, the Planning Authority undertakes to "Support the creation of a Coastal Amenity Park, extending from Mag's Boreen to Lacklea Boreen". These Boreens lie variously further to the east and further to the west of the site and so the Park is envisaged as encompassing the southern seaward portion of the applicants' site. Under the CDP's Objective BMSP 9, the Planning Authority undertakes to "Ensure a general building setback of 30m from the foreshore field boundary line to allow for the development of the coastal amenity park and a seaside promenade, cycleway, children's playground(s), landscaped amenity space and improved access routes to the local beaches, Bearna Pier and water-based activities."
- 8.16. The applicants' proposal responds to the aforementioned quest for a coastal amenity park by proposing the provision of a promenade behind the existing sea wall, which crosses the southern portion of the site. This promenade would be accompanied by a children's play area, which would be served by a footpath, including a footbridge, from the pedestrian plaza in the centre of the new-build development. The applicants' "Proposed Site Layout" drawing no. A004A revision PL0 shows that the most southerly new building would be sited between 30.5m and 31.5m from the southern boundary of the site, which coincides with the applicants' landholding. The applicants, therefore, contend that they have complied with the requirements of Objectives BMSP 7 & 9.
- 8.17. Appellants (a) and (c) and observer (a) contest the applicants' interpretation of the term "foreshore field boundary line" to mean the southern boundary of the applicants' landholding. While this term is acknowledged to be ambiguous, they state that the sea wall is the only functioning "foreshore field boundary line", and to its south lies only beach, which is undevelopable. They, therefore, contend that the sea wall should be regarded as the baseline for calculating the required 30m set back. If this view is accepted, then the current proposal would entail the siting of buildings too near to the sea wall, i.e., within 30m.
- 8.18. Appellants (a) and (c) and observer (a) express the view that, as the proposed on-site access road and parking spaces would be provided within the "30m strip" and the promenade would fail to provide for cyclists, the proposed contribution to a

coastal amenity park would be inadequate. Observer (a) also expresses the view that, if individual developer's contributions to a coastal amenity park are to cohere, then there is an onus upon the Planning Authority to bring forward an overarching design for such a park.

- 8.19. Prior to making several observations on the presenting question of the "foreshore field boundary line", I note that the Board has considered the issue of a building set back distance under two previous appeals PL07.210938 and PL07.232440. However, the policy background on both occasions differed from that which pertains at present, i.e., under the former, the high-water mark was of relevance, and, under the latter, a concessionary 15m set back was of relevance.
- 8.20. During my site visit, I observed that the beach to the south of the site is composed of pebbles. A line of seaweed indicates the high-water mark, beyond which on the landward side the beach is considerably higher. I concur with appellants (a) and (c) and observer (a) that, notwithstanding any historical field boundary line which may have existed, the only functioning "foreshore field boundary line" is the sea wall and, as the beach currently extends to the southern side of this wall, the applicant's strip of land on this side of it is effectively undevelopable. Clearly, Objective BMSP 9, in establishing the 30m set back envisaged that this width of land would abut the foreshore rather than include part of it, i.e., the envisaged coastal amenity park would adjoin rather than overlap with part of the accompanying beach.
- 8.21. I also concur with appellants (a) and (c) and observer (a) that the proposed southernmost buildings would encroach into the 30m strip along with the proposed access road and parking spaces. Consequently, the width of land available for the promenade is "squeezed", and options for pedestrian and cyclist facilities are constrained in the south-western corner of the site, i.e., the available land would be only 9 – 10m wide. By contrast, the south-eastern corner of the site would be laid out in a generous fashion to provide, in addition to the promenade, a children's play area.
- 8.22. Observer (a)'s comments about the value of an overarching design for the coastal amenity park speak for themselves. Clearly, the ambition to see such a park has existed now for many years and yet its realisation "on the ground" remains outstanding.

- 8.23. Elsewhere the site layout would entail the provision of the new-build development largely within the north-western half of the site. The five blocks of single, two, and three-storey form and the seven townhouses of two and three-storey form would be clustered together. They would be encircled by an extension to existing cul-de-sacs to the north of the site and along the western side of the site. Blocks A – D and the townhouses would front onto this extended road layout, while Block B would extend into the centre of the cluster where the pedestrian plaza would be laid out. A degree of informality would characterise the alignments of buildings and, along with differences in height, profile, and finishing materials, considerable variety would be exhibited in the overall design of the cluster. It would, accordingly, complement the earlier development undertaken by the applicants to the north of the site, which, likewise, exhibits considerable variety in its design and layout.
- 8.24. I conclude that, while in design terms the cluster of proposed new buildings would be an attractive addition to previous development undertaken by the applicants, the siting of several buildings would be too close to the adjacent sea wall and the width of the proposed promenade in the south-western corner of the site would militate against its satisfactory layout for pedestrians and cyclists. Consequently, the requirements of Objectives BMSP 7 & 9 would not be met.

(iv) Visual and residential amenity

- 8.25. Appellants (c) express concern over the impact of the proposal upon the visual and residential amenities of the area.
- 8.26. In relation to visual amenity, appellants (c) state that it would overwhelm its context and so detract from the scenic beauty of the area. The applicants have responded by stating that the proposed promenade would contribute to the amenities of the area.
- 8.27. I consider that the proposal would extend the built form of the existing town centre to the north of the site southwards towards the sea front. As discussed under the third heading of my assessment, the proposed cluster of new-build development would complement the existing buildings therein. Consequently, the town centre would become more visible from the sea front, but in a manner that would be consistent with what is already in-situ. The proposed promenade and children's play area would be accompanied by landscaping, which would soften the visual impact of the new-

build development. The proposed promenade would also afford greater access to the public and hence greater enjoyment of views of Galway Bay.

- 8.28. In relation to residential amenity, appellants (c) draw attention to their residential property, which lies in an elevated position to the west of the site. They express concern that the scale, height, and massing of Block D would impose upon their property leading to overlooking and noise and light pollution, which would devalue the property.
- 8.29. I note that Block D would be composed of two-storey buildings that would be sited between 15m and 19.5m from the eastern boundary of appellant (c)'s property. This Block would correspond with their garden, which slopes southwards towards the sea. An existing retaining/boundary wall and an accompanying hedgerow would largely screen this garden from any overlooking that may ensue. I note, too, that with any development of the site noise and light would be likely to increase over the existing baseline conditions that pertain on the site at present. However, the majority of the site is zoned for development, and so some uplift in these respects is inevitable. Nevertheless, I do not consider that the residential amenities of the appellant (c)'s property would be unduly affected and so the question of devaluation would not arise.
- 8.30. The applicants have commented on residential amenity with respect to the relationships that would arise between apartments in three-storey Block A buildings and the three-storey townhouses Nos. 1 – 3, on the one hand, and the existing first and second floor duplexes to the north, on the other hand. They comment that a separation distance of 17m would be achieved, which would be appropriate to the site's urban location. I concur with this commentary, and I note that the duplexes are accompanied by external steps and first floor terraces that would mediate overlooking between them and the proposed apartments and townhouses to the south.
- 8.31. I conclude that the proposal would be compatible with the visual and residential amenities of the area.

(v) Density and development standards

- 8.32. The site has an area of 1.0638 hectares of which 0.2755 sqm would be laid out as public open space (POS) in connection with the applicants' contribution to a coastal

amenity park. As this POS would serve the wider public rather than simply future residents, it can be deducted from the site area for the purpose of assessing the residential density of the proposal. Consequently, the relevant site area is 0.7883 hectares.

- 8.33. Under the proposal, 29 residential units would be provided, i.e., 22 apartments and 7 townhouses. A further 3 units would be provided for retail/commercial uses. While allowance needs to be made for the fact that the proposal would not be exclusively for new-build residential units, the density of its residential content would be almost 37 residential units to the hectare, and so well within the range of 30 – 40+ residential units recommended for centrally located sites in small towns (400 – 5000 population) in paragraph 6.9 of the Sustainable Residential Development in Urban Areas Guidelines.
- 8.34. Under Appendix 7 attached to the applicants' cover letter, a schedule of the accommodation comprise in the proposal is set out. If this schedule is read in conjunction with the submitted plans that depict the proposed apartments and townhouses, then quantitative and qualitative assessments of the proposal's residential provision can be made.
- 8.35. The 22 no. apartments would comprise 12 no. one-bed, 4 no. two-bed, and 6 no. three-bed apartments. These apartments would be distributed as follows:
- Block A: Three-storey form: 6 no. apartments (one-bed/two person), 3 no. of which would have a total floorspace of 58.3 sqm, and 3 no. of which would have a total floorspace of 72.8 sqm.
 - Block B: Three-storey form: 6 no. apartments (2 no. one-bed/two-person (54.8 sqm and 60.6 sqm)), 2 no. two-bed/three-person (each 82.4 sqm), and 2 no. three-bed/five-person (each 116 sqm)),
 - Block C: One-storey form: 2 no. apartments (one-bed/two-person) (60.4 sqm and 61.2 sqm),
 - Block D: Two-storey form: 6 no. apartments (2 no. one-bed/two-person (57.7 sqm and 71.1 sqm) and 4 no. three-bed (1 no. four-person (110.5 sqm) and 3 no. five-person (116.7 sqm, 126.7 sqm, and 139.5 sqm)), and

- Block E: Three-storey form: 2 no. apartments (two-bed/four-person) (each 100.1 sqm).

8.36. Appendix 1 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines sets out the required minimum floor areas and dimensions for apartments. The total floor area of each of the proposed apartments would comfortably exceed the minimum total floor area cited for each size of apartment. I would comment as follows on the disaggregation of these total floor areas into daytime and night-time accommodation and storage space:

- Block A: The smaller apartments would have an elongated daytime space that would nominally meet the minimum width standard of 3.3m. The larger apartments would, unusually, have an excessive amount of storage space, some of which should be reallocated to provide more generous daytime space.
- Block B: The smaller first and second floor apartments Nos. 9 & 11 would have narrow living spaces, i.e., 3.3m rather than the minimum of 3.6m. The shortfall of 0.3m exceeds the 5% tolerance cited by the Guidelines. However, the living space is of regular shape, and it is continuous with a wider dining space. Accordingly, I do not consider that this infringement warrants objection.
- Block C: The smaller of the two apartments would have living and dining spaces that would be significantly less than the minimum width of 3.3m. these spaces would be continuous with a kitchen and the overall space would incorporate a storage space. *Prima facie* there is scope to redesign the allocation of this overall space to achieve the required widths.
- Block D: The 4 no. three-bed apartments would each be provided over ground and first floors and so they would be duplexes.
- Block E: No comments.

If the Board is minded to grant, then the interventions identified above for Blocks A and C could be conditioned.

8.37. Each of the proposed apartments would be served by means of private amenity space in the form of either gardens or balconies, which would either coincide with or exceed the relevant minimum area. While no communal amenity space would be

provided, future residents would be able to avail of the pedestrian plaza and the POS, discussed under the third heading of my assessment.

- 8.38. An apartment resident's storage area would be provided over a floorspace of 58.7 sqm on the ground floor of Block D, in the form of storage units.
- 8.39. Each apartment would be dual, and some would be triple, aspect.
- 8.40. The 7 no. townhouses would comprise 4 no. two-bed houses (1 no. four-person (110.4 sqm) and 3 no. three-person (each 95 sqm)) and 3 no. three-bed/five-person houses (each 135.8 sqm). The former townhouses would be of two-storey form and the latter would be of three-storey form. Under Table 5.1 of the Quality Housing for Sustainable Communities: Best Practice Guidelines, these total floor areas would comfortably exceed the relevant target gross floor areas. If these total floor areas are disaggregated into daytime and night-time accommodation and storage space, then they, likewise, either coincide with or exceed the relevant minimum floor areas. Each townhouse would be accompanied by a small rear garden, and, additionally, Nos. 1 – 3 would each have a second-floor balcony off the living room.
- 8.41. Townhouses Nos. 1 – 3 would be orientated north/south and they would each be dual aspect. Townhouse No. 4 would be in a corner position and so, while it would be orientated east/west, it would have a third northerly aspect, too. Townhouses Nos. 5 – 7 would be orientated east/west and they would each be dual aspect.
- 8.42. Bin storage areas are shown on drawing no. A006 PL01 for Block A, Blocks B & C, and Block D & E. The latter storage area would also serve the proposed retail/commercial units, and the proposed café would be served by a separate storage area adjacent to it. A further community bin store would be sited adjacent to townhouses Nos. 4 & 5.
- 8.43. The siting of a bin storage area outside the café within a wide portion of public footpath would detract from amenity. The incorporation of this area within the extended bin storage area in the north-western corner of the site should therefore be explored. Likewise, the "need" for a community bin store adjacent to the townhouses, when each of these townhouses would have a rear garden, is unclear. The former, but not the latter concern, appear to be addressed in the applicants' commentary on proposed waste storage and collection set out in Appendix 3 to their cover letter. If

the Board is minded to grant, then these matters could be clarified under a condition attached to any permission.

- 8.44. I conclude that the proposal would exhibit an appropriate residential density for its town centre location, and, subject to some minor revisions, the proposed apartments would accord with quantitative and qualitative standards, thereby ensuring that future residents would enjoy a satisfactory standard of amenity.

(vi) Part V and Irish language considerations

- 8.45. Under the proposal, the applicants have identified proposed townhouses Nos. 1 – 3 for transfer to the Housing Authority by way of compliance with their Part V obligations. Under Appendix 6 attached to their cover letter, they have submitted a letter from the Authority, dated 9th October 2020, indicating its agreement in principle to this approach to compliance. Condition No. 22 attached to the Planning Authority's permission requires that a legal agreement be entered into in this respect.
- 8.46. Under Appendix 5 attached to the applicants' cover letter, they have submitted a linguistic impact statement (LIS). This LIS recognises that the site, lying as it does within Bearnna, is within the Galway Gaeltacht. It discusses statistical trends with respect to Irish speakers, and the policy derived need to promote the use of the Irish language.
- 8.47. The CDP's MASP Objective BMSP 17 states that "A Language Enurement Clause will be applied on a portion of residential units in development of two or more units in Bearnna. The proportion of homes to which a language enurement clause will be a minimum of 20% or to the proportion of persons using Irish Language on a daily basis, in accordance with the latest published Census, whichever is greater." By way of response to this Objective, the applicants undertake to reserve 20% of the residential units for occupation by Irish speakers.
- 8.48. The Planning Authority accepted the applicants' 20% offer, and, under Condition No. 3 attached to its permission, a Section 47 agreement would be entered into in this respect.
- 8.49. I conclude that the applicants have, under their proposal, addressed their Part V and Irish language obligations satisfactorily.

(vii) Traffic, access, and parking

8.50. Under further information, the applicants submitted a Traffic and Transport Assessment (TTA) of the proposal. This TTA examines the operate of the priority junction between the Barna Road (R336), which is the main east/west route through the town, and the access road to the site, which is referred to as the Village Centre Road. It was informed by the following inputs:

- A baseline survey of traffic movements at this junction was undertaken on Tuesday 5th May 2022 between 07:00 and 19:00. Traffic movements from the am and pm peaks were extracted.
- Trip generation factors were applied to the uses that would be comprised within the proposal, and they were distributed across the arms of the junction in accordance with the existing pattern of am and pm peak traffic movements.
- Allowance was made for two committed developments in the north-east of Barna, i.e., ABP-308431-20 for 121 no. residential units, and ABP-308037-20 for 40 no. residential units.
- Allowance was made for future traffic growth in 2024 (the projected year of the proposal's completion), and 5 and 15 years hence, i.e., 2029 and 2039.

8.51. The TTA concludes that the priority junction examined presently operates within capacity with no queues and minimal delays during the am and pm peaks. Such operation would continue to be so, under scenarios that allow for the proposal, committed development, and future traffic growth, over the time horizons cited.

8.52. The tables set out on Pages 15 & 16 of the TTA identify the ratio-to-flow capacity (RFC) factor for each arm of the priority junction. The Village Centre Road arm consistently shows the highest RFC, which occurs during the pm peak. It would rise from its present level of 0.26 to, in 2039, 0.36 (under a no development scenario), 0.42 (if the proposal is allowed for), and 0.44 (if the proposal and the committed development is allowed for). I note that the arm in question would be unlikely to serve any other development in the future, and I note, too, that these RFCs are/would be well within the junction's operating capacity.

8.53. The appellants draw attention to existing congestion on the R336, and the critical role of the proposed Galway City Ring Road (GCRR) in relieving the same. Several

also critique the TTA with respect to the representativeness of the day selected for the traffic survey, and the extent of the committed developments identified.

- 8.54. The applicants have responded by stating that the TTA does not allow for the removal of through traffic from the R336, which would be a consequence of the provision of the GCRR. They also state that, as the traffic survey was conducted after the lifting of all Covid-19 restrictions, it is representative. They have not commented upon the extent of the committed developments identified.
- 8.55. I consider that the day selected for the traffic survey is representative of one outside the traditional tourist season. I also consider that tourist traffic is likely to be spread throughout the day and so its affect upon the am and pm peaks would be limited. Clearly, a significant proportion of such traffic could be expected to be diverted from the R336, in the event that that GCRR is provided.
- 8.56. I also consider that the list of committed developments set out in the table on Page 2 of appellant (a)'s grounds of appeal is of some relevance. This list includes the two committed developments identified by the applicants. It also includes two further residential developments, the traffic generated by which would impact the junction in question, i.e., 48 residential units, which are under construction at Paint Box Road, and 11 residential units, which have been completed, off Pier Road. I anticipate that, if these committed developments had been included in the TTA, then slightly higher RFCs would have been calculated. However, given the available headroom at the junction, i.e., the RFCs are well below 0.85, the overall conclusion of the TTA would have been unaffected.
- 8.57. The site would utilise the existing access road from the R336. This road runs on a north/south axis to serve the predominantly retail/commercial developments to the north of the site, including a car park between Supervalu and the buildings adjacent to the site. It continues on an east/west axis to the south of these buildings, where it forms a cul-de-sac. The existing gated access to the site is off the beginning of this cul-de-sac, and it serves a further cul-de-sac, which is used by Irish Water to access its utilities.
- 8.58. Under the proposal, the aforementioned cul-de-sacs would be extended to form a loop road around the proposed cluster of new-build development. As originally submitted, this road would have been the subject of a clockwise one-way system.

However, the Planning Authority expressed concern over its use in practise, and so, under further information, the loop road was amended to largely a two-way system. A short one-way section would be retained to the south-east, and it would be distinguished by its narrower width and a change in its surface finish.

- 8.59. The loop road would be accompanied on its inner side by footpaths, which would link both to the pedestrian plaza in the centre of the cluster and to the promenade and children's play area to the south and south-east, respectively.
- 8.60. Under further information, the number of proposed car parking spaces is shown on drawing nos. 100 PL1 & 103 PL1 as totalling 54. These spaces would be laid out largely as perpendicular spaces around the loop road, including 6 mobility impaired spaces. Seven would be assigned spaces, which would be formally laid out on the western side of the existing access road opposite the public car park. These plans also show the provision of 4 rows of 5 bicycle stands, which would be sited in the north-western corner and in the south-eastern half of the site, and which would provide a total of 40 cycle spaces.
- 8.61. Under further information, too, the proposal was the subject of a Road Safety Audit Stage 1/2, the recommendations of which were accepted and incorporated by way of revisions into the proposal.
- 8.62. The appellants express concern over the adequacy of the existing/proposed access arrangements to handle, particularly, HGVs during the construction/operational phases of the proposal. They also express concern over the adequacy of the proposed car and cycle parking provision, and they contend that the 7 assigned spaces are already in use on an informal basis. Observer (c) has made some detailed observations on proposed cycling provision.
- 8.63. The applicants have responded to these concerns by stating that construction phase HGV movements would be addressed under a Construction Traffic Management Plan (CTMP). Operational phase HGV movements have been demonstrated to be capable of being handled satisfactory under swept path analysis plans, which were submitted under further information (cf. drawings nos. AT04 – 08 PL0, which show auto track movements for a car, fire tender, refuse vehicle, and sludge truck). They state that the proposed car parking provision would accord with CDP standards insofar as 43 spaces would be available for future residents. They acknowledge that

the remaining 11 spaces would represent a shortfall of 5 spaces, but they contend that, in practise, the nearby public car park would be capable of absorbing this shortfall. They also state that the cycle spaces would accord with CDP standards.

- 8.64. I concur with the applicants that a CTMP would be appropriate for addressing construction phase HGV movements. I also concur with them that the auto track plans illustrate satisfactorily operational phase HGV movements.
- 8.65. Under the CDP's car parking standards (Table 15.5), each of the residential units should be accompanied by 1.5 spaces ($29 \times 1.5 = 43.5$ spaces). Shops with a gross floorspace less than 250 sqm should be accompanied by 1 space per 24 sqm, and cafes accompanied by 1 space per 10 sqm of dining area. Proposed retail units Nos. 1 & 2 would have a floorspace of 109.1 sqm and 87.2 sqm, and so they should be accompanied by 8 spaces. The proposed café would have a gross floorspace of 79.1 sqm. Details of the layout of this floorspace have not been submitted. The applicants appear to have treated the entire floorspace as applicable, as by deduction they have allowed for 8 spaces to accompany the café. If it is assumed that two-thirds of this floorspace would be a dining area, then 5 spaces would be a reasonable level of provision. Accordingly, a shortfall of 2 spaces would arise.
- 8.66. During my site visit, I observed that the 7 assigned spaces were indeed being used on an informal basis. However, they would be used more efficiently, if they were to be formally laid out, and so some additional parking, in practise, would arise. I consider that the likely incidence of linked trips between existing and proposed retail/commercial units and eateries would mean that the shortfall in spaces could be absorbed by the existing car park. Likewise, car-borne users of the proposed coastal amenity park could use this car park.
- 8.67. Items (e) and (g) of the CDP's DM Standard 31 address accessible and electric charge point spaces. The former Item requires that 4 no. spaces be provided for mobility impaired drivers. The applicants propose 6 no. such spaces. The latter Item requires that 20% of spaces be provided with electric charging points and that the remainder should be constructed to facilitate subsequent provision of such points. Under Condition No. 29 of the Planning Authority's permission, these requirements are addressed.

- 8.68. Item (f) of the CDP's DM Standard 31 addresses bicycle parking standards. One private secure bicycle space per bedspace and one visitor space per two residential units is required, along with one bicycle storage space per 100 sqm of non-residential floorspace. Under the proposal, only 40 bicycle spaces are shown. Clearly, this Standard requires considerably more. If it is assumed that the proposed townhouses would be capable of accommodating bicycles in their garden spaces, then the remaining 22 no. apartments and the 2 no. retail units and 1 no. café would need to be provided with covered and secure bicycle storage facilities. Observer (c) makes the point that such provision should also allow for some specialist bicycles, too.
- 8.69. I recognise that cycling provision in Barna is limited at present, and so the incidence of cycling is not as high as it might otherwise be. Clearly, national and local policies seek to promote this mode of transport on environmental and public health grounds. To this end, the need to include a cycleway in the proposed promenade is discussed under the third heading of my assessment. Such a cycleway could eventually link into a proposed greenway further to the east of the site. Given this policy and project context, I consider that the proposal should incorporate a more extensive and a higher specification of bicycle storage provision than it does at present. The 58.7 sqm of floorspace identified as occupant storage units may have a role to play in this respect, and there may be scope to reconfigure and extend the rows of proposed cycle stands. If the Board is minded to grant, then these matters could be conditioned.
- 8.70. I conclude that traffic generated by the proposal would be capable of being accommodated in the priority junction between the R336 and the access road to the site. Likewise, the proposed on-site access arrangements would be capable of accommodating different types of vehicles. Proposed pedestrian provision would be appropriate. The proposed car parking provision would be satisfactory. The proposed bicycle parking provision would, however, need to be extended and improved.

(viii) Water

- 8.71. The applicants propose that their development would be connected to the public water mains. To this end, they lodged a pre-connection enquiry with Irish Water,

which advised that a connection would be feasible to the public water main under the R336. However, as the proposed connection point would be to a water main that is not in its ownership, this water main would need to be “taken in charge”. Any works that may be needed to bring it up to the required standard would need to be undertaken with the consent of the owner and at the developer’s expense.

- 8.72. The applicants propose that their development would be connected to the public foul water sewer. To this end, they lodged a pre-connection enquiry with Irish Water, which advised that a connection would be feasible to the public foul water sewer on the site.
- 8.73. The appellants report that the pumping station beside the site has a history of pumps that malfunction. They also report that the holding tanks used in association with this pumping station require, during periods of heavy rainfall, to be pumped out by sludge tankers. These tanks are accessed by means of manholes that would be adjacent to the proposed café. The appellants contend that a 50m clearance distance should be observed between the pumping station and new-build development.
- 8.74. The applicants have responded to the appellants concerns by emphasising that, as Irish Water’s facility is a pumping station and not a WWTP, the relevant clearance distance is 15m, a distance that would be achieved under their proposal.
- 8.75. I note that the location of pumping stations is addressed under Section 5.5 of the Code of Practice for Wastewater Infrastructure (Document IW-CDS-5030-03 July 2020 (Revision 2)). This Section states that Type 3 medium sized pumping stations are to be located no closer than 15m from neighbouring property boundaries “in order to minimise the risk of odour, noise and vibration nuisance.” The proposal would achieve this distance, i.e., the nearest street-fronted building would be 15m away. I note, too, that there does not appear to be any equivalent minimum clearance distance for manholes serving holding tanks.
- 8.76. The appellants raise concerns over the adequacy of Irish Water infrastructure to service the proposal satisfactory. They raise specific concerns over the risk of water pollution, as evidenced by no swimming notices to the east of Barna Pier in 2021 and the history of Mutton Island WWTP in Galway Bay.
- 8.77. I note that Irish Water’s response to the applicants’ pre-connection enquiry does not signal any capacity issues with its existing infrastructure. I note, too, that the

swimming ban applied to the east, rather than the west, of Barna Pier, and that Mutton Island WWTP has sufficient capacity at present.

- 8.78. The applicants propose that stormwater run-off from the site would ultimately discharge to the sea. They propose to install a stormwater drainage system throughout the site. SuDS measures would be incorporated within the development, e.g., permeable paving to the proposed car parking spaces. An existing stormwater drain, which serves the cul-de-sac that serves the pumping station, would be retained and the proposed system would connect to this drain, via a petrol interceptor, and so utilise its existing discharge point to the beach. Appellant (b) critiques the commentary on this drain shown on drawing no. 101 revision PL0 for its lack of precision. However, I consider that the level of detail provided is sufficient for planning purposes.
- 8.79. The applicants have submitted a Flood Risk Assessment (FRA) Report. This Report observes that a man-made linear feature runs through the south-eastern half of the site at levels of 3.1 – 3.4m OD. It states that this feature is likely to drain lands to the north-east of the site and discharge stormwater run-off to under the sea wall to the foreshore in a diffuse way through sands, gravels, and cobbles. The Report advises that the feature be retained.
- 8.80. The FRA Report identifies that the site is at risk of coastal flooding. Under the Planning System and Flood Risk Management Guidelines, flood zones A and B exist where the probability of coastal flooding is greater than 0.5% or 1 in 200 years, and flood zone C exists where the probability of coastal flooding is less than 0.1% or 1 in 1000 years. The FRA Report explores differing models for calculating tidal levels during coastal floods, along with the gauged statistical analysis approach. This Report concludes that, based on the more reliable gauged statistical analysis approach, the 1 in 200-year flood level on the site would be 3.93m OD Malin and the 1 in 1000-year flood level would be 4.20m OD Malin. It also concludes that a future high range climate allowance level range for the year 2100 would be an additional 1m, along with an isostatic tilt factor of plus 0.05m. Accordingly, for the purposes of calculating any freeboard the relevant levels would be 4.98m and 5.25m, respectively.

- 8.81. Under the proposal, the extent of flood zones A and B and flood zone C have been superimposed on the site. Essentially only water compatible uses would be sited in the former use, i.e., the coastal amenity park, along with less vulnerable development, i.e., the south-eastern portion of the loop road and accompanying car parking spaces. All the new-build development would be sited in the latter zone, and it would have a finished ground floor level of at least 6.4m OD Malin, i.e., a freeboard of 1.15m.
- 8.82. Appellants (a) and (e) express concern that, under extreme climate change scenarios, the sea may rise to higher levels than those contemplated in the applicants' FRA Report. The applicants have responded by drawing attention to the robust nature of their FRA Report, their proposed retention of the linear feature in the site, and the buffer zone that would exist between the sea wall and the proposed new-build development.
- 8.83. I have reviewed the applicants' FRA Report. I consider that it satisfactorily addresses the risk posed by coastal flooding to the site, and that the design and layout of the proposal would be compatible with this risk under the Planning System and Flood Risk Management Guidelines.
- 8.84. I conclude that the water supply and drainage proposals for the developed site would be satisfactory, and that the overall proposal would be compatible with the risk to the site posed by coastal flooding.

(ix) Appropriate Assessment

- 8.85. The applicants Natura Impact Statement (NIS) was critiqued by appellant (b) insofar as it did not include within its ambit the Lough Corrib SAC and SPA, which may be affected by discharges from the Mutton Island WWTP. (The applicants' project would ultimately be serviced by this WWTP). The applicants responded to this critique by drawing attention to Lough Corrib, which is upstream from the discharge point from Mutton Island and so unaffected by it. I would add that the WWTP is currently operating within its capacity and that the contribution of the proposal to its through put would not be significant. The WWTP is subject to EPA licencing, which addresses the ultimate discharge from it to Galway Bay. Accordingly, I agree with the applicants that there is no need to include Lough Corrib SAC and SPA within any appropriate assessment of the applicants' project.

- 8.86. The applicants NIS includes a Stage 1 screening exercised that prompted the NIS, itself. I will draw upon this NIS and the NPWS's website in undertaking my own Stage 1 screening exercise, and Stage 2 appropriate assessment below.
- 8.87. The requirements of Article 6(3) of the Habitats Directive as related to appropriate assessment of a project under Part XAB, Sections 177U & V of the Planning and Development Act 2000 (as amended) are considered fully. The areas addressed are as follows:
- Compliance with Article 6(3) of the EU Habitats Directive,
 - Screening the need for appropriate assessment,
 - The NIS, and
 - Appropriate assessment of the implications of the proposed development on the integrity of each European site.

Compliance with Article 6(3) of the EU Habitats Directive

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

Screening the need for appropriate assessment

- 8.89. The applicant has submitted a screening report for appropriate assessment as part of its NIS, which is entitled Natura Impact Statement of a Proposed Development at Rinn na Mara, Bearna, Co. Galway, and which is dated August 2021.
- 8.90. The screening report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European sites within a possible zone of influence of the development. This report concludes as follows:

...following consideration of the locations of the Natura 2000 sites identified in relation to the proposed development at Rinn na Mara and the potential impacts that may occur, this project must proceed to the next stage of appropriate assessment, namely the NIS.

- 8.91. Having reviewed the documents and submissions, 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.
- 8.92. The applicant provides a description of the project on Page 12 of its NIS. Essentially, this project would comprise the provision of 22 apartments, 2 retail/commercial units, 1 café, 7 townhouses, a promenade and a children's play area, an access road and accompanying car parking spaces, and service connections. The applicant also provides a description of the site on Pages 15 & 16 of its NIS. The dominant site habitat is unimproved grassland verge, along with pockets of scrub.
- 8.93. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:
- Pollution of highly vulnerable groundwater during the construction phase, and possible contamination of shoreline habitats, and
 - Pollution of surface water during the construction and operational phases of the development and, due to its run-off, the contamination of the sea.
- 8.94. The site is not located in or immediately adjacent to a European site. The closest European site is 1.475km to the east, i.e., Inner Galway SPA (004031), closely followed by Galway Bay Complex SAC (000268). The qualifying interests and conservation objectives, i.e., M – maintain their favourable conservation condition, or R – restore their favourable conservation condition, are listed below.

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

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

8.95. During the construction phase, foundation works could pollute groundwater with silt, cement, and hydrocarbons leading to the possible contamination of shoreline habitats. During the construction phase, too, construction works could pollute surface water with silt, cement, and hydrocarbons leading to the possible contamination of the sea, with consequent, adverse impacts upon water quality in the European sites. During the operational phase, hydrocarbon pollutants in surface water run-off could potentially have adverse impacts upon water quality in these sites, too.

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

- In the Inner Galway Bay SPA: All the sea and wetland bird species listed, and
- In the Galway Bay Complex SAC: Otter.

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

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

8.99. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. Having carried out screening for appropriate assessment of the project, it has been concluded that the project either individually or in combination with other plans and projects could have a significant effect on European sites Nos. 004031 and 000268, in view of their conservation objectives, and appropriate assessment is therefore required.

The NIS

8.100. The application included an NIS, which is entitled Natura Impact Statement of a Proposed Development at Rinn na Mara, Bearna, Co. Galway, and which is dated August 2021. The NIS examines and assesses potential adverse effects of the proposed development on the following European sites:

- Inner Galway SPA (004031), and

- Galway Bay Complex SAC (000268)

8.101. The NIS was prepared in line with current best practice guidance, and it concluded that “it is beyond reasonable scientific doubt that the proposed works do not have the potential to significantly affect the conservation objectives or qualifying interests of the Natura 2000 sites. The integrity of the sites will not be adversely affected.”

8.102. Having reviewed the NIS, I am satisfied that the information allows for a complete assessment of any adverse effects of the development. On the conservation of the following European sites alone, or in combination with other plans and projects:

- Inner Galway SPA (004031), and
- Galway Bay Complex SAC (000268).

Appropriate assessment of implications of the proposed development on each European site

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

8.104. The following sites are subject to appropriate assessment:

- Inner Galway SPA (004031), and
- Galway Bay Complex SAC (000268)

The qualifying interests and conservation objectives for these sites are set out above under my screening exercise.

8.105. The main aspects of the proposed development that could adversely affect the conservation objectives of European sites are:

- Pollution of highly vulnerable groundwater during the construction phase, and possible contamination of shoreline habitats, and
- Pollution of surface water during the construction and operational phases of the development and, due to its run-off, the contamination of the sea.

During the construction phase, foundation works could pollute groundwater with silt, cement, and hydrocarbons leading to the possible contamination of shoreline habitats. During the construction phase, too, construction works could pollute surface water with silt, cement, and hydrocarbons leading to the possible contamination of the sea, with consequent, adverse impacts upon water quality in the European sites. During the operational phase, hydrocarbon pollutants in surface water run-off could potentially have adverse impacts upon water quality in these sites, too.

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

- In the Inner Galway Bay SPA: All the sea and wetland bird species listed, and
- In the Galway Bay Complex SAC: Otter.

8.107. The applicants' NIS sets out a series of mitigation measures, which would address the factors, which could adversely affect the integrity of the identified European sites. Accordingly, during the construction phase, standard best practice methodologies would be employed with respect to the management of fuel, the handling of concrete and aggregates, and the disposal of construction waste. During the operational phase, lighting would be installed/maintained, which would be compatible with nocturnal species, and landscaping would be planted/retained, which would be sympathetic to the natural landscapes of the site.

8.108. With the above cited mitigation measures in place, no residual impacts are foreseen.

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

However, such sites would be subject to the overarching environmental protective policies and objectives of the Galway County Development Plan 2022 – 2028, and so their development would be subject to similar mitigation measures to those outlined above.

8.110. I am therefore able to ascertain with confidence that the project would not adversely affect the integrity of the Inner Galway Bay SPA and the Galway Bay Complex SAC.

8.111. The Rinn na Mara project has been considered in light of the assessment of the requirements of Section 177U & V of the Planning and Development Act 2000, as amended.

Having carried out screening for appropriate assessment, it was concluded that it may have a significant effect on the Inner Galway Bay SPA (004031) and the Galway Bay Complex SAC (000268). Consequently, an appropriate assessment was required of the implications of the project on the qualifying features of these sites in light of their conservation objectives.

Following an appropriate assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European Sites Nos. 004031 and 000268, or any other European site, in view of the sites' conservation objectives.

The 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 the proposed project, including mitigation measures, in relation to the conservation objectives of European Sites Nos. 004031 and 000268.
- An assessment of in combination effects with other plans and projects.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of European Sites Nos. 004031 and 000268.

9.0 Recommendation

9.1. That permission be refused.

10.0 Reasons and Considerations

1. Having regard to Zoning Objective C1 town centre/commercial of the Galway County Development Plan 2022 – 2028, which applies to that portion of the site which would be the subject of new-build development, it is considered that the land use composition of the proposal would, due to the predominance of residential content, fail to comply with this zoning objective for the site and so it would be materially contravened. Consequently, the opportunity to ensure that the existing town centre expands southwards through the location of predominantly retail, commercial, office and civic/community uses on the site would be forfeited, and so the proposal would be contrary to the proper planning and sustainable development of the area.
2. Having regard to Objectives BSMP 7 and 9 of the Galway County Development Plan 2022 – 2028, it is considered that the proposed siting of Blocks C and D and the proposed layout of the site access road and accompanying car parking spaces in their vicinity would militate against the provision of a promenade of sufficient width to incorporate a cycleway. Consequently, the aforementioned Objectives would be contravened, and the provision of a satisfactory coastal amenity park would be prejudiced. The proposal would, therefore, be contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

20th June 2023