



An  
Bord  
Pleanála

## Inspector's Report ABP-315744-23

---

<b>Development</b>	Alterations to an existing church building (PS) & adjoining theatre building.
<b>Location</b>	23 Nun's Island, Galway City.
<b>Local Authority</b>	Galway County Council.
<b>Type of Application</b>	NIS Direction.
<b>Applicant</b>	An Taisce.
<b>Date of Site Inspection</b>	14 <sup>th</sup> April 2023
<b>Inspector</b>	Karla Mc Bride

## **1.0 Introduction**

The purpose of this report is to advise the Board on whether it should issue a direction to Galway City Council that the proposed alterations to the existing church building (known as the Manse) which is also a protected structure, and adjoining theatre building, should be subject to Appropriate Assessment (AA), which would require the preparation and submission of a Natura Impact Statement (NIS). The request for a direction has been made by An Taisce under Article 250 (3) (b) of the Planning and Development Regulations 2001 (as amended).

## **2.0 Site Location and description**

The site is located on Nun's Island on the W side of Galway City and the surrounding area is characterised by a mix of residential, commercial, institutional and heritage uses. Nun's Island lies to the W of the River Corrib, and it is defined and traversed by a series of watercourses and man-made canals that connect with the River Corrib to the NE and SE. The site, which is occupied by 2 x interconnected buildings, is located in-between Nun's Island Road to the E, and a watercourse to the W with Mill Street beyond. The existing buildings comprise Church House (The Manse) which is a protected structure that overlooks the St Clare River / Mill Stream, and a former church building which is occupied by a theatre with access off the main street. The watercourse flows SE towards the Corrib River via a weir at William O'Brien Bridge.

The site and environs are not covered by any sensitive natural heritage designations although the River Corrib forms part of the extensive Lough Corrib SAC, and it drains into the Galway Bay Complex SAC and hence Inner Galway Bay SPA further to the SE at Wolf Tone Bridge. The proposed works would be located c.150m upstream of the Lough Corrib SAC site boundary, and within c.280m and 1000m respectively of the of the Galway Bay SAC and Inner Galway Bay SPA site boundaries. The St Clare River / Mill Stream is characterized by riparian vegetation and several species of bird frequent its embankments (incl. Mute swan, Heron & Mallard).

### 3.0 Proposed Part 8 Development

The *proposed development* would comprise: -

- Internal alterations to Church House & Theatre building.
- Small single storey extension to the N of the link structure.
- External roof terrace over the extension.
- Replacement of some of the Church House windows & new entrance.
- Remodeling landscaped areas.
- Replacement of riverside guarding (above stone plinth level)
- Associated site works & alterations to existing services.

The local authority intends to progress the scheme under S.179 of the Planning and Development Act, 2000, as amended and under Part 8 of the Planning and Development Regulations, 2001.

The following *supporting documents* were submitted: -

- Part 8 Design Statement
- Maps, drawings & photographs
- AA Screening Assessment
- EIA Preliminary Assessment report
- Bat Survey of Church House
- Swift Survey of Church House
- Flood Risk Assessment
- Various building reports (incl. Conservation report)

#### **Inter-departmental reports:**

No objections from Infrastructure Development, Planning & Climate Change Department, and Transport Section.

### **Prescribed Bodies:**

#### **DAU/NPWS:**

- Site is adjacent to the St. Clare River.
- The Eglinton canal & smaller rivers associated with the River Corrib are not part of the SAC, but they provide an important corridor for species commuting between Galway Bay, the river & Lough Corrib (incl. QI species Otter).
- An active Otter holt has been recorded c.70m downstream of the site.
- Works should not negatively impact designated sites or protected species.
- Consider installing Swift boxes.
- Welcome careful and sensitive reuse & modification of historic building oversight by a Conservation Architect required.
- Given location within an ZAP, archaeological monitoring is required.

**An Taisce:** Requested copy of case file & specialist reports.

**Irish Water:** No objections subject to standard conditions.

## **4.0 Legislative & Policy Context**

### **The Planning & Development Regulations, 2000 (as amended).**

**Appropriate assessment:** Article 250(1), where a local authority proposes to carry out a development, is required to carry out a screening of the proposed development to assess if the development individually or in combination with other plans or projects would be likely to have a significant effect on a European site. If on the basis of a screening under 250(1), it cannot be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, would have a significant effect on a European site, the local authority is required to determine that appropriate assessment of the proposed development is required and to prepare an NIS and submit the proposed development for approval to the Board under section 177AE of the Planning and Development Act, 2000, as amended.

## **Interim Galway City Development Plan 2023 to 2029.**

**Zoning:** the site is located on lands zoned for “R” for Residential use which seeks “To provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighborhoods.” Buildings for community, cultural or recreational use are compatible with this objective.

**Built heritage:** Church House (The Manse) is a Protected Structure.

**Archaeology:** the site is located within the Zone of Archaeological Potential (ZAP) for the Historic Town of Galway.

## **5.0 Request for NIS Direction**

### **5.1 Applicants request**

An Taisce requested the Board to issue an NIS Direction for the following reasons: -

- Significant omissions in AA Screening Report.
- Inaccurate description of position relative to Lough Corrib SAC.
- Failure to reference the adjacent Clare River (different from Mill Stream).
- Failure to reference the nearby Mute Swans, Mallards & Heron.
- Works along Clare River may affect nesting swans & breeding waterbirds.
- Avoid work during the nesting & breeding season.
- Social use of replacement terrace (& riverside walls) could affect ecology.
- Biodiversity Plan seeks to ensure adequate protection of important bird habitats along the City’s waterways.
- Development Plan seeks to support linear wildlife corridors & connectivity.
- EIA is also required.
- Inadequate public consultations.

## **5.2 Planning authority response**

The Planning Authority's response to the Board's request for Part 8 information is summarised in section 3.0 above (incl. interdepartmental reports & DAU/NPWS).

The PA's response to the concerns raised by An Taisce are summarised below: -

- The site is located downstream of Lough Corrib, but 150m upstream of the European site boundary with Lough Corrib SAC (River Corrib).
- The site adjoins Convent River which is a modified off-shoot of the River Corrib and is not shown as natural on EPA maps.
- There is no aquatic connection between the site and the Clare River.
- The presence of Mute Swan, Mallard & Heron is not unusual along watercourses, but they do not form part of the AA Screening exercise.
- AA Screening concluded that the works would not have a detrimental impact on resident fauna (incl. breeding birds).
- Most of the works will be internal and within an existing urban area.

## **5.3 Screening for Appropriate Assessment**

The planning authority's Appropriate Assessment Screening Assessment described the proposed development and receiving environment. It identified the European site that may be impacted by the proposed development (Lough Corrib SAC) and its Qualifying Interest habitats and species. It identified and characterised the possible effects of the proposed works on the European site. It concluded that significant effects could be ruled out and that the preparation of an NIS was not required.

## **6.0 Planning History**

Several planning applications in the vicinity but none of relevance to this project.

## 7.0 Screening for Appropriate Assessment

The proposed development would mainly comprise alterations to 2 x existing interconnected Art Centre buildings at Church House and Nun's Island Theatre which are located on Nun's Island on the W side of Galway City. The proposed works would mainly comprise internal alterations to ensure that the facility is accessible to people with disabilities, along with a small-scale demolition and extension, and a landscaped terrace and refurbished riverside wall to the rear. The existing buildings, which are located within a long-established urban area, are connected to existing public surface and wastewater drainage services. The site is not located within a European site. However, the European site boundaries of Lough Corrib SAC, Galway Bay Complex SAC and Inner Galway Bay SPA are located c.150m, c.280m and c.1000m downstream of the proposed works via a watercourse which discharges SE to the River Corrib at Bridge Street.

This adjacent watercourse has been variously named in the accompanying documents and submissions as the Clare River, St Clare River, Convent Stream, Mill Stream and Mill Race. According to the Galway Waterways Foundation, the St Clare River was a natural branch of the Corrib that was, previous to human intervention, connected to the Gaol River which runs parallel to it. Several mills operated along the river and its extensions as it fed the Parkavera and Madeira Rivers and that also, following a diversion, drove the mills on Mill and Dominick Streets. The St Clare River was incorporated into the waterways network when the Eglinton Canal was constructed in the middle of the 19<sup>th</sup> century. Based on my site inspection, the observed characteristics of the watercourse (flow rates & riverbed substratum), and its connection to the River Corrib via a downstream weir, I am satisfied that it is the St. Clare River (which is also known by the other names including Mill Stream).

### ***Drainage arrangements:***

The project site and existing buildings are connected to the existing public surface and wastewater drainage services. The Flood Risk Assessment report, which assessed the risk from fluvial, surface water and ground water sources, noted that although the site lies within Flood Zone B, there is no apparent risk of pluvial flooding at the site, subject to the provision of a stormwater collection system incorporating SUDs features. Having regard to the small scale of the works, that would mainly comprise internal alterations, modest extension and a refurbished external landscaped area, the increase in surface area would be minuscule in extent with no noticeable increase in surface water runoff or wastewater discharges anticipated.

### ***Desktop and field surveys:***

Galway City Council submitted the results of several desktop and field surveys in relation to the environmental and ecological assessments of the site (incl. habitats & species [Bats & Swift], water quality & flood risk). The Appropriate Assessment Screening report identified 1 x European site within the potential impact zone (Lough Corrib SAC), and it listed its qualifying interest (QI) habitats and species. It carried out a preliminary examination of potential impacts on several QI habitats in the vicinity of the proposed development (incl. Floating River Vegetation), and QI species (incl. otter, fisheries & aquatic invertebrates). The assessment considered a range of factors (incl. proximity of QIs; water quality & suspended sediments; the small nature, scale & proximity of the works; and cumulative impacts). The assessment concluded that the project would not interfere with any QI habitats or species, or associated characteristics of the Lough Corrib SAC (incl. water quality or the riverbed) and hence any QI species (incl. Otter, Salmon, Lamprey, Crayfish & Pearl mussel). It concluded that a Stage 2 NIS was not required. It recommended that roosting Pipistrelle bats should not be disturbed and that appropriate lighting is utilized, and that Swift nest boxes are provided (all non-QI species).



**Site characteristics:**

Lough Corrib is located to the far N and upstream of the site whilst the River Corrib flows to the E of the site, and the extensive Lough Corrib SAC designation extends S along the River Corrib towards Galway Bay. The project site is located adjacent to a highly modified section of the St Clare River / Mill Stream which is defined by stone walls and riparian embankments that provide nesting and foraging opportunities along with a refuge for several species of bird (incl. Mute Swan, Heron, Mallard & Passerines). This watercourse drains into the River Corrib and hence the Lough Corrib SAC, c.150m downstream of the site via a man-made weir at Bridge Street.

The habitats along the downstream River Corrib section of the SAC are riparian in nature and comprise mainly freshwater habitats and species (incl. otter & fisheries). Although not covered by any sensitive designations, it is possible that the watercourses associated with the Eglinton Canal (incl. St Clare River / Mill Stream) provide an aquatic connection or support habitat for several QI species designated for the Lough Corrib and Inner Galway Bay SACs (incl. Otter, Salmon & Lampreys).

EPA records indicate relatively good water quality status in the River Corrib however there are no records for the other watercourses. The ground water body is classified as a Poor Aquifer with high groundwater vulnerability. The downstream tidal section of the River Corrib to the SE of the site is prone to flooding, however there are no recent records of flood events in the vicinity of the proposed development.

**Concerns raised:**

Concerns have been raised that the proposed development has the potential to result in significant effects on European sites and some of their QI habitats and species in the surrounding area (incl. birds & otter). The project is not necessary for the management of any European site, however, the site is located adjacent to a watercourse that has a direct aquatic connection to the River Corrib over a short distance, and hence the Lough Corrib SAC, Galway Bay Complex SAC and Inner Galway Bay SPA, and this link triggers the requirement for AA Screening.

**Potential impacts:**

The potential impacts that could arise during the construction and operational stages of the proposed development are:

- Release of sediment and pollutants and potential for discharge to surface water during the construction and operational phases.
- Potential for spillages such as oils, fuels or other pollutants into groundwater during the construction and operational phases.
- Loss of habitat/resting/commuting places used by QI and SCI species.
- Noise and disturbance QI and SCI species.

The following European sites lie within a potential **Zone of Influence**:

European site	QIs & SCIs	Distance to site boundary
<b>Lough Corrib SAC (Site code: 000297)</b>	Oligotrophic waters & Hard oligo-mesotrophic waters Oligotrophic to mesotrophic standing waters Floating River vegetation Semi-natural dry grasslands & Molinia meadows Active raised bogs & Degraded raised bogs Depressions on peat substrates Calcareous fens & Petrifying springs Alkaline fens & Limestone pavements Old sessile oak woods & Bog woodland Freshwater Pearl Mussel & White-clawed Crayfish Sea & Brook Lamprey and Salmon Lesser Horseshoe Bat & Otter Slender Naiad & Slender Green Feather-moss	c.150m
<b>Galway Bay Complex SAC (Site code: 000268)</b>	Mudflats & sandflats, and Coastal lagoons Large shallow inlets & bays, and Reefs Perennial vegetation of stony banks Vegetated sea cliffs, and Salicornia & other annuals	c.280m

	Atlantic & Mediterranean salt meadows Turloughs & Calcareous fens Juniperus communis formations Semi-natural dry grasslands Alkaline fens & Limestone pavements Otter & Harbour Seal	
<b>Inner Galway Bay SPA</b> <b>(Site code: 004031)</b>	Black-throated & Great Northern Divers Cormorant, Grey Heron, Wigeon & Teal Light-bellied Brent Goose & Red-breasted Merganser Ringed & Golden Plovers Lapwing, Dunlin & Bar-tailed Godwit Curlew, Redshank & Turnstone Black-headed & Common Gulls Sandwich & Common Terns Wetland & Waterbirds	c.1000m

## Potential Impacts on European Sites and test of Likely Significant Effects

### Lough Corrib SAC & Galway Bay Complex SAC:

The Lough Corrib SAC is situated to the N of Galway city. The surrounding lands to the S and E are mainly in agricultural use, while bog and heath predominate to the W and S. Several rivers are included within this site as they are important for fish species (incl. Atlantic Salmon & Lampreys). The SAC designation extends S along the River Corrib towards Galway Bay, and the site boundary is located c.150m SE the project site. The interconnected Galway Bay Complex SAC comprises the inner, shallow part of a large bay, it comprises a diverse range of marine, coastal and terrestrial habitats, and the site boundary is located within c.280m of the proposed works. These SAC sites have been selected for a variety of habitats and species, and this includes one mobile species which is common to and frequents both European sites at this location (Otter). The relevant conservation objectives seek to maintain the favourable conservation condition of the habitats and species for which the SACs have been selected, subject to a list of targets and attributes (incl. distribution, water & habitat quality, biomass availability & barriers to connectivity).

The project site and adjacent watercourse are not located within a European site and there will be no **direct impacts** on the SACs or their QI habitats or species arising from the proposed development.

As the project would be located a short distance upstream of the Lough Corrib and Galway Bay Complex SACs (c.150m & 280m), this raises the potential for **indirect effects** on the SACs and some of their QI species during the **construction phase**. Potential impacts could arise from any deterioration in water quality as a result of the uncontrolled or unmitigated release of sediments and pollutants to the adjacent watercourse, and general disturbance during the works, which could in turn have localized adverse impacts on QI species in the River Corrib and/or support habitat in St. Clare River / Mill Stream. Notwithstanding these concerns, the construction works associated with the proposed development will take place entirely within the boundaries of the development site and mainly within the footprint of the existing buildings, and this combined with the very small scale of the proposed alterations would ensure that the downstream SACs would not be affected.

During the **operational phase**, surface water runoff and wastewater from the site will be discharged to the existing public drainage system and the proposed development would not give rise to any significant increase in discharges. There is adequate capacity in the existing water management systems to accommodate the proposal during the operational phase with no potential for **indirect effects** on the SACs and their QI habitats and species arising from any deterioration in water quality.

I note that the NPWS raised concerns in relation to the presence of an Otter holt c.70m downstream of the project site along the adjacent St. Clare River / Mill Stream, and the potential use of this watercourse as a commuting route for this QI species for both SACs. However, I am satisfied that the small scale of the proposed development, which would be contained within the footprint of existing buildings, and which would not require the substantial removal of any riparian vegetation, would not affect Otter in terms of disturbance, water quality, prey biomass or connectivity.

**In conclusion**, it is reasonable to conclude that the proposed development would not result in significant effects on any designated habitats and water dependent species for which the River Corrib SAC and Galway Bay Complex SAC are selected.

### **Inner Galway Bay SPA:**

This European site is a very large, marine-dominated site which is noted for its diversity. It comprises a complex mix of marine and coastal habitats, and it is of high ornithological importance for a variety of waterbirds (incl. resident, wintering & breeding). The Conservation Objective seeks to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

The project site and adjacent watercourse are not located within this European site and there will be no **direct impacts** on the SPA or its SCI species arising from the proposed development.

As the project would be located c.1km upstream of the Inner Galway Bay SPA, this raises the potential for **indirect effects** on the SPA and its SCI species during the **construction phase**, including a deterioration in water quality and general disturbance during the works. However, the works associated with the proposed development will take place entirely within the boundaries of the development site and mainly within the footprint of the existing buildings, and this combined with the very small scale of the project would ensure that the downstream SPA and its constituent SCI species would not be affected. There would be no potential for adverse impacts during the **operational phase** having regard to the existing surface and wastewater management arrangements and given that the project comprises alterations to an existing building within a long-established urban area.

I note that the Applicant/Requester raised concerns in relation to the presence of Heron along the adjacent St. Clare River / Mill Stream, and it is possible that the SPA SCI species (Grey Heron) utilizes the adjacent watercourse. However, having regard to the small scale of the project, which would be mainly contained within the footprint of the existing buildings within a long-established urban area, and which would not require the substantial removal of riparian vegetation, I am satisfied that the project would not affect Heron (in the event that it may be the SPA SCI Grey heron) in terms of disturbance, deterioration in water quality, prey availability or connectivity.

***In conclusion***, I consider that it is reasonable to conclude that the proposed development would not result in significant effects on any designated bird species for which the Inner Galway Bay SPA is selected.

***In-combination effects:***

The potential for in-combination effects with other plans and projects in the surrounding area has been adequately considered in the planning authority's AA Screening Assessment. The proposed development is described as comprising alterations to existing buildings within an established urban area. Furthermore, the current Interim Galway City Development Plan Zoning Map describe the proposed development as being compatible with the Residential Zoning Objective for the area.

**Conclusion on AA Screening Report**

Having regard to the foregoing, it is reasonable to conclude, on the basis of the information on the file and from other sources (incl. NPWS & EPA data), which I consider adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect on Lough Corrib SAC, Galway Bay Complex SAC or Inner Galway Bay SPA, in view of the conservation objectives of these sites and that a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement for the proposed development is therefore, not required.

**10. Recommendation**

Having regard to my assessment above, I consider that the proposed development which would comprise minor alterations to existing buildings on Nun's Island and all associated site development works would not have significant effects on the integrity Lough Corrib SAC, Galway Bay Complex SAC or Inner Galway Bay SPA, therefore, I recommend that the Board direct the local authority that preparation of a Natura Impact Assessment report in respect of the development is not required, based on the reasons and considerations set out below.

## **Reasons and Considerations**

Having regard to: -

- (a) the nature and scale of the proposed development,
- (b) the proximity of the proposed development site to the Lough Corrib SAC, Galway Bay Complex Sac or Inner Galway Bay SPA,
- (c) the hydrological connection between the site and the European sites via an adjacent watercourse,
- (d) the submission made by the local authority, including the Appropriate Assessment Screening Assessment,
- (e) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter,

It is considered reasonable to conclude that on the basis of the information available, which is considered adequate to issue a screening determination, that the proposed development, either individually and in-combination with other plans or projects, would not be likely to have a significant effect on the Lough Corrib SAC, Galway Bay Complex SAC or Inner Galway Bay SPA, in view of the conservation objectives of these sites and that a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement for the proposed development is not therefore, required.

### **Professional Declaration**

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

---

Karla Mc Bride

Senior Planning Inspector

11<sup>th</sup> May 2023