



An  
Bord  
Pleanála

# Inspector's Report

## ABP-317848-23

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<b>Development</b>	Neighbourhood centre and social housing scheme.
<b>Location</b>	Ballyburke, Galway City.
<b>Planning Authority</b>	Galway City Council
<b>Applicant</b>	Galway City Council
<b>Type of Application</b>	NIS Screening Determination
<b>Date of Site Inspection</b>	23 <sup>rd</sup> October 2023
<b>Inspector</b>	Alaine Clarke

## 1.0 Introduction

- 1.1. Galway City Council is proposing to develop a neighbourhood centre and social housing scheme at Ballyburke, Knocknacarra, Galway City and is seeking a screening determination for Appropriate Assessment pursuant to Article 250(3)(b) of the Planning and Development Regulations 2001, as amended.

## 2.0 Proposed Development

- 2.1. The proposal is to build a neighbourhood centre and social housing scheme on a site of c. 1.8 hectares. The scheme would consist of a social housing scheme, comprising 13 no. houses and 71 no. apartments, with public civic/plaza space and neighbourhood centre.
- 2.2. The local authority intends to progress the scheme under section 179 of the Planning and Development Act, 2000, as amended, and under Part 8 of the Planning and Development Regulations, 2001, as amended. It seeks confirmation that the conclusions reached in its Appropriate Assessment Screening Report are valid and that the proposed development would not impact significantly on any European site.
- 2.3. Accompanying documents include:
  - Site location and layout drawings,
  - Surface water and Foul Water Drainage report, prepared by Coyle Kennedy, Consulting Engineers,
  - Screening for Appropriate Assessment, prepared by Enviroco Ltd.

## 3.0 Site Location and Description

- 3.1. The site is located in Ballyburke to the west of Galway City, proximate to rural undeveloped lands further west of the site. The site to be developed is surrounded by previously developed land, principally residential in nature. The site is bounded to the east by Ballymoneen Road and the south by Bóthar Bhaile na mBúrcach/Ballyburke Road. There is an existing dwelling on site, and there is a dwelling located immediately south west of the site at the intersection of Ballymoneen Road and Bóthar Bhaile na mBúrcach. A secondary school is located

southwest of the site. The site is slightly undulating, with some evidence of fill to the west. Vegetation is generally overgrown along the Bóthar Bhaile na mBúrcach with landscaping in the vicinity of the dwelling on site to be demolished.

- 3.2. The site and environs are not covered by any sensitive natural heritage designations. The nearest designated site is the Galway Bay Complex SAC which is located c.900m to the southwest.
- 3.3. Surface water is intended to be disposed of via attenuation tanks and the public surface water network. Soakaways were not considered a viable option due to underlying rock close to the surface. A new foul water connection to the public drainage network is required for the proposed development, as is a connection to the watermain. A Confirmation letter from Uisce Eireann that connections for the development can be facilitated is on the file.
- 3.4. The Barna Stream enters the site through a pipe from the residential estate to the north of the site, exiting the site via a culvert to the south of the site. The Barna Stream enters Galway Bay c. 1.3km south of the site.

#### **4.0 Planning History**

None of relevance.

#### **5.0 Planning Authority Submission**

- 5.1. Galway City Council commissioned Enviroco Ltd to prepare an Appropriate Assessment Screening Report. Having had regard to this report and having noted the requirements of article 250(1) of the Planning and Development Regulations 2001, as amended, Galway City Council is of the opinion that the proposed development should proceed to section 179A of the Planning and Development Act, 2000, as amended. i.e., local authority consent procedure as the proposed development would not give rise to a significant effect on any European site. The City Council now seeks the opinion of the Board as to whether an appropriate assessment is required in respect of the proposed development.

## 6.0 Legislative and Policy Context

- 6.1. Under the provisions of article 250(1) of the **Planning and Development Regulations, 2001**, as amended, where a local authority proposes to carry out a development it 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. Under article 250(3) any person may apply to the Board for a determination as to whether the development proposed to be carried out by a local authority would be likely to have such significant effect on a European site.
- 6.2. **The EU Habitats Directive (92/43/EEC)** deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) and 6(4) require an appropriate assessment of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site (SAC or SPA). The guidance contained in 'Appropriate Assessment for Plans and Projects in Ireland -Guidelines for Planning Authorities' (DoEHLG 2009) advises that all plans and projects not directly connected to, or, for the management of a Natura 2000 site must be assessed for its potential significant effects on that site before any decision is made to allow that plan or project to proceed. Each plan or project must also be assessed for its possible in-combination effects with other plans or projects. This process is designated 'appropriate assessment' and arises from obligations under Article 6(3) and 6(4) of the Habitats Directive.
- 6.3. According to the **Galway City Development Plan 2023-2029** the site is zoned 'R', for residential use, "*to provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods.*" The zoning map (Map A-City

Map) indicates a specific objective, 'local centre' at the western most point of the site. Section 11.2.8 of the CDP states that it is a specific objective to “*provide for additional local centres to facilitate local convenience shopping and services. These facilities will be accommodated at Clybaun, Ballymoneen and Ballyburke as indicated on Development Plan maps.*”

## 7.0 Screening for Appropriate Assessment

- 7.1. The proposed development comprises demolition of an existing dwelling and construction of a social housing scheme, comprising 13 no. houses and 71 no. apartments, with public civic/plaza space and neighbourhood centre on a site of 1.8ha. The site is described in Section 3.0 of this Inspector's Report and in section 4.3 of the AA Screening Report which accompanied the determination request. The development would connect to existing water and foul water services with connections located along Bóthar Bhaile na mBúrcach, south of the site. Surface water will be attenuated prior to discharge to the public surface water system.
- 7.2. Enviroco Ltd, on behalf of Galway City Council, has prepared an Appropriate Assessment Screening Report informed by a habitats survey. Table 3 of the AA Screening Report identifies the potential impacts that could arise during the construction stages of the proposed development as follows:
- Further spread of invasive species during construction works,
  - Release of sediment and pollutants and potential for discharge to surface water, particularly during heavy rainfall, during the construction period.

There are no operational stage impacts predicted to occur.

- 7.3. The AA screening report concludes “*that there is no potential to impact on Annex I habitats or Annex II species associated with European Sites, namely the Galway Bay Complex SAC (000268)...and Inner Galway Bay SPA (0004031)...*”. The AA screening report concluded that a Stage 2 Appropriate Assessment and NIS are not required.
- 7.4. Table 7.1 below indicates European sites lie within a potential Zone of Influence (15km from the site). European sites that do not any pathway to or from the proposed development site and therefore there is no possibility of a significant affect

from the proposed development arising were not considered further and are screened out from this point.

**Table 7.1 European Sites within a Potential Zone of Influence**

European Site (Site Code)	Distance to site boundary	Source-pathway-receptor connection?
Galway Bay Complex SAC (000268)	c.900m	Yes, via the Barna Steam which flows through the proposed development site.
Inner Galway Bay SPA (004031)	c. 1.3km	Yes, via the Barna Steam which flows through the proposed development site.
Lough Corrib SAC (000297)	c. 4.2km	No
Lough Corrib SPA (004042)	c. 4.3km	No
Connemara Bog Complex SAC (002034)	c. 8.8km	No
Ross Lake and Woods SAC (001312)	c. 11.7km	No
Cregganna Marsh SPA (004142)	c. 12.5km	No
Black Head Poulsallagh Complex SAC (000020)	c. 14.6km	No
East Burren Complex SAC (001926)	c.14.1km	No
Moneen Mountain SAC (000054)	c.14.8km	No

7.5. Having regard to the information available, the nature, size and location of the proposed development and its likely direct, indirect and cumulative effects and using the Source-Pathway-Receptor model, two European sites were identified that lie within a potential Zone of Influence of the proposed development, due to their proximity and potential for hydrological links. The sites are identified in Table 7.2

together with their Qualifying Interests/Special Conservation Interests, distance to the development site and pathway connectivity.

**Table 7.2 European Sites within a potential Zone of Influence, with source-pathway-receptor connectivity.**

European Site	Distance to site boundary & any pathway connectivity	QIs and SCIs(*denotes priority habitats)	Conservation Objectives
Galway Bay Complex SAC (Site code 000268)	900m, yes - hydrological link south via the Barna Stream	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons* [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Salaicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330]</p> <p>Otter <i>Lutra lutra</i> [1355]</p> <p>Harbour seal <i>Phoca vitulina</i> [1365]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Turloughs* [3180]</p> <p><i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco Brometalia</i>)(*important orchid sites) [6210]</p>	To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and/or the Annex II species for which the SAC has been selected.

		<p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i>* [7210]</p> <p>Alkaline fens [7230]</p>	
Inner Galway Bay SPA (Site Code 004031)	1.3km, yes - hydrological link via the Barna Steam.	<p>Black-throated Diver [A002]</p> <p>Great Northern Diver [A003]</p> <p>Cormorant [A017]</p> <p>Grey Heron [A028]</p> <p>Light-bellied Brent Goose [A046]</p> <p>Wigeon [A050]</p> <p>Teal [A052]</p> <p>Red-breasted Merganser [A069]</p> <p>Ringed Plover [A137]</p> <p>Golden Plover [A140]</p> <p>Lapwing [A142]</p> <p>Dunlin [A149]</p> <p>Bar-tailed Godwit [A157]</p> <p>Curlew [A160]</p> <p>Redshank [A162]</p> <p>Turnstone [A169]</p> <p>Black-headed Gull [A179]</p> <p>Common Gull [A182]</p> <p>Sandwich Tern [A191]</p> <p>Common Tern [A193]</p> <p>Wetland and Waterbirds [A999]</p>	To maintain the favourable conservation condition of the Annex 1 habitat(s) and/or the Annex II species for which the SAC as been selected.

7.6. The Galway Bay Complex SAC is situated to the south of Galway city comprises the inner, shallow part of a large bay and extends slightly inland to the to the southwest of the proposed development site. It comprises a diverse range of marine, coastal and terrestrial habitats, and the site boundary is located c.900m of the proposed works. The relevant conservation objectives seek to restore and maintain the favourable conservation condition of the habitats and species for which the SAC has



been selected, subject to a list of targets and attributes. There will be no direct impacts on the SAC or its QI habitats or species arising from the proposed development.

- 7.7. As the project would be located upstream Galway Bay Complex SAC, via Barna Stream entering Galway Bay c.1.3km from the site, this raises the potential for indirect effects on the European Site 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 localised adverse impacts on QI species in Galway Bay Complex SAC. Notwithstanding these concerns, the construction works associated with the proposed development will take place entirely within the boundaries of the development site and this combined with distance to the site and adherence to best practice and standard construction methods, including silt trap gullies to treat surface water runoff, I am satisfied that the downstream SAC and its constituent QI habitats and species would not be affected. There would be no potential for adverse impacts during the operational phase having regard to the proposed connection to wastewater system and I note that Irish Water has indicated that no infrastructure upgrades are required to facilitate the proposed development.
- 7.8. The Inner Galway Bay SPA 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. The Conservation Objective seeks to maintain the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA. The project site is 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.1.3km 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 work. Notwithstanding these concerns, the construction works associated with the proposed development will take place entirely within the boundaries of the development site and this combined with distance to the site and adherence to best practice and standard construction methods, including silt trap gullies to treat surface

water runoff, I am satisfied 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 proposed connection to wastewater system and I note that Irish Water has indicated that no infrastructure upgrades are required to facilitate the proposed development.

- 7.9. 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 Galway Bay Complex SAC or on any designated bird species for which the Inner Galway Bay SPA is selected.
- 7.10. The potential for in-combination effects with other plans and projects in the surrounding area has been considered in the planning authority's AA Screening Assessment and no significant developments in the vicinity were identified. I note the recently adopted Galway City Development Plan 2023-2029, which was subject to environmental assessments including appropriate assessment, zones the lands for residential use.
- 7.11. Having regard to the foregoing, it is reasonable to conclude, on the basis of the information on the file and from other sources (e.g. NPWS), 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 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 preparation of a Natura Impact Statement for the proposed development is therefore, not required.

## **8.0 Recommendation**

- 8.1. Having regard to my assessment above, I consider that the proposed development which would comprise a neighbourhood centre and residential development and all associated site development works would not have significant effects on the integrity 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.

## 9.0 Reasons and Considerations

Having regard to: -

- (a) the nature and scale of the proposed development,
- (b) the proximity of the proposed development site to Galway Bay Complex SAC or Inner Galway Bay SPA,
- (c) the hydrological connection between the site and the European sites,
- (d) the Appropriate Assessment Screening Assessment prepared on behalf of Galway City Council,
- (e) The Galway City Development Plan 2023-2029 which zones the land for residential use,
- (f) 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 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.*

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Alaine Clarke

Senior Planning Inspector

26<sup>th</sup> October 2023