



An
Bord
Pleanála

Inspector's Report

ABP-318194-23

Development

The provision of a Primary Care Centre, a TUSLA building, Ambulance Service Deployment Building, new access road, parking and landscaping.

Location

Seamus Quirke Road, Ragoon Road, Galway.

Planning Authority

Galway City Council.

Planning Authority Reg. Ref.

22322.

Applicant(s)

Valley Healthcare Fund.

Type of Application

Permission.

Planning Authority Decision

Grant permission.

Type of Appeal

Third Party versus decision.

Appellant(s)

Mary Cunningham.

Bernadette and James Cormican.

Ronan Mac Gearailt (Highfield Park Residents Association).

Observer(s)

Derrick Hambleton.

Galway Cycling Campaign.

Date of Site Inspection

13 September 2024.

Inspector

Stephen Rhys Thomas.

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1.0 Site Location and Description

- 1.1. The site is located along the Seamus Quirke Road in the western suburbs of Galway City. The site also has access to the Ragoon Road to the south, parallel to Mount Pleasant Drive, a short cul-de-sac with semi-detached housing set higher than the road level. A large portion of the site includes the junction of Seamus Quirke Road and Bóthar le Cheile to the north of the site.
- 1.2. The surrounding area is characterised by older housing stock to the east of the site, and a mixture of more recent apartment blocks. The majority of the site backs onto industrial units to the north and south and the public road to the west. The wider area comprises housing, schools, public open space, sports facilities and commercial/retail development. University Hospital Galway is located to the east. The site comprises the yard space of a builder's providers premises and includes a large area of overgrown land lower than existing housing levels to the east. The site is broadly level and slopes downwards from the Ragoon Road to Seamus Quirke Road to the north.

2.0 Proposed Development

- 2.1. The proposed development of a mixed use scheme with a gross floor area (GFA) of 12,150 sqm on a site of 1.1244 Hectares, works include the following:
 - Primary care centre (6-9 storeys over a basement - Gross Floor Area: 9,076sqm) with Pharmacy Retail Unit (Gross Floor Area 125sqm) and Café Unit (Gross Floor Area 114sqm) at ground floor level. The L-shaped building is located at the northern portion of the site and aligns with the Seamus Quirke Road and a new access lane.
 - TUSLA Building (4 storeys over a basement) (Gross Floor Area; 2,400 sqm). This rectangular building is located at the eastern portion of the site and faces onto residential property along the Old Seamus Quirke Road.
 - Single storey Ambulance Service Deployment Building (Gross Floor Area;65sqm)

- Basement area and entrance/exit ramp with 123 car parking spaces (including 5 accessible spaces) and the provision of 2 accessible car parking spaces and 3 ambulance bays at ground level
- 220 bicycle parking bays across ground and basement level
- Roof mounted solar PV Panels and plant enclosure
- ESB Substation and LV (Low Voltage) switchroom
- New access road and internal access roads with set-down areas
- All signage, landscaping and boundary treatments

The application documentation was accompanied by a Natura Impact Statement (NIS).

2.2. Further Information was submitted on the 12 May 2023 with revised public notices, and Clarification of Further Information was submitted on the 10 August 2023. The development uses remain the same, but quantum and scale marginally altered as follows:

- Height of primary care building reduced to 8 floor levels, 30 metres to parapet level, reduction in floor area to 8,181 sqm.
- TUSLA building remains at 2,460 sqm – relocated on site away from eastern site boundary and with an inverted L floor plan over four floor levels
- Ambulance Service Deployment Building relocated to the far eastern boundary of the site and remains at 65 sqm.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority issued a notification to grant permission subject to 27 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The basis of the planning authority decision includes:

First Report

- Development complies with land use zoning and policy objectives targeted for this area. Density and plot ratio lower than could be permitted on site, but acceptable.
- Building height – site is in an area where taller buildings are acceptable, but height should have been 7-8 storeys, the proposed height of 9 storeys (38 metres) is a concern.
- Building Design is acceptable.
- TUSLA 4 storey building will generate shadow and overlook property.
- Impact on hospital helipad flightpath requires clarification.
- Ambulance building could impact upon residential amenity.
- Amenity spaces are acceptable, but should include public art.
- Basement parking requires clarification, shortfall acceptable.

In accordance with the Planner's recommendation, a request for further information issued.

Second Report

- Documents submitted to meet development plan policies and objectives acceptable.
- Overall height of building reduced to 35.04 metres by reducing some floor to ceiling heights, not acceptable.
- TUSLA building still presents issues of overlooking, overshadowing and overlooking.
- Documentation with regard to the National Ambulance Service requires clarification.
- All other points of further information have been addressed.

In accordance with the Planner's recommendation, a request for clarification of further information issued.

Third Report

- Height of building reduced to 8 levels, 30 metres to parapet level, reduction in floor areas include:

Primary care centre – 8,181 sqm

Pharmacy 125 sqm

Café 114 sqm

TUSLA building 2,460 sqm

Ambulance deployment building 65 sqm

Total floor area amounts to 10,945 sqm

- TUSLA building has been reorientated, separation distances are increased
- Ambulance deployment building acceptable.

In accordance with the Planner's recommendation, a notification to grant permission issued.

3.2.2. Other Technical Reports

Transportation Department – further information required.

Drainage - further information required*

Environment Section - no objections subject to conditions*

Post Further Information

Transportation Department – no objections subject to conditions.

Fire Officer - no objections subject to conditions

EHO - no objections subject to conditions.

Environment Section - no objections subject to conditions

Post Clarification of Further Information

Transportation Department – no objections subject to conditions.

* According to the PA report.

3.2.3. Conditions

3.2.3.1 The Planning Authority issued a notification to grant permission subject to 27 conditions. Nearly all conditions are of a standard or technical nature and some relate to development contributions, notable conditions include:

- Condition 3 – provision of an enclosing wall and possible roof to the ambulance parking bays and noise baffling measures.
- Condition 5 – Public access throughout site.
- Condition 7 – Provision of artwork.
- Condition 8 – Works to public roads.
- Condition 16 – Restrictions regarding uses on site, shutters and advertising.
- Condition 26 – Bilingual and coordinated signage strategy.

3.3. Prescribed Bodies

Uisce Éireann – Confirmation of feasibility without upgrades.

IAA – consult with hospital*

HSE – comply with regulations*

DoE – observations submitted*

* According to the PA report.

3.4. Third Party Observations

- 3.4.1. Initial application documentation: 18 submissions, issues include: traffic and transport, building height, density and zoning, legal, TUSLA building and residential amenity,
- 3.4.2. Further information documentation: 7 submissions, issues include: flooding, transport, height and the TUSLA building.
- 3.4.3. Clarification of further information documentation: 5 submissions, issues reiterate matters already raised.

4.0 Planning History

4.1.1. Site

PA ref 12/312 – Extension of permission regarding Planning Ref. 07/226: Permission for the demolition and reconstruction of T. O'Higgins Manufacturing Building to facilitate the transfer of T. ÓhUiginn & Co Ltd builders Providers from its current location at Shantalla Road to the proposed

PA ref 11/312 – permission refused for a retail development.

PA ref 07/226 – permission for a manufacturing facility.

PA ref 02/928 – permission for sprinkler system.

PA ref 00/783 - permission for clean air system

5.0 Policy Context

5.1. Development Plan

5.1.1. The operative development plan for the appeal site is the Galway City Development Plan 2023-2029, the lands are subject to the zoning objective “C1”: Commercial /Industrial. “To provide for enterprise, light industry and commercial uses other than those reserved to the CC zone.”

Uses which are compatible with and contribute to the zoning objective, for example

- Retail of a type and of a scale appropriate to the function and character of the area - Specialist offices
- Offices of a type and of a scale appropriate to the function and character of the area Childcare facilities
- Community and cultural facilities
- Allow for development of Regeneration and Opportunity Sites in accordance with the provisions of Chapter 10 and Policy 10.2 Strategic Regeneration and Opportunity Sites, particularly where it is identified to provide for mixed use development which includes for residential.

The site is also identified as a Strategic Regeneration and Opportunity Site, figure 10.8 Seamus Quirke Road Regeneration Site and Section 10.10 Seamus Quirke Road Regeneration Site refers.

This site measures 3.88 hectares and is located within the designated Westside District Centre. This site has capacity for a mix of uses which could include for uses such as primary healthcare, commercial and office uses. The site will be required to accommodate residential use in view of the advantaged location, being proximate to key facilities, along a public transport corridor and adjacent to park facilities. In general, redevelopment of the site shall have regard to section 10.24 and Policy 10.24. Given the significant scale of the site, an overall Masterplan will be prepared in advance of any redevelopment which shall adhere to the guidance in Chapter 8. The Masterplan will also be required to include measures to support the designation of the wider area as a pilot decarbonisation zone.

Policy 10.2 Strategic Regeneration and Opportunity Sites

1. Facilitate and enable the redevelopment of strategic Regeneration and Opportunity Sites in the city to support the sustainable and compact growth of the city which will add value and create more attractive places in which people can live and work and achieve alignment with the National Strategic Outcomes of the NPF and the Regional Policy Objectives of the RSES and implementation of the Core Strategy.
2. Give priority to the development of the strategic Regeneration and Opportunity sites in line with core strategy, in particular to deliver new residential neighbourhoods, on lands supported by a number of land use zonings including CC and CI, as referenced in the land use zoning objectives in Chapter 11.

Chapter 11 incorporates development management standards (Part B) and guidelines to be applied to future development proposals in the city. Part B Development Standards General Development Standards and Guidelines is most relevant and includes guidance in relation to the following:

- Shop Fronts
- Advertisements and Signage

- Urban Development and Building Height
- Transportation
- Waste Management

Specific Development Standards are also highlighted and relevant guidance includes:

- Childcare Facilities
- Community / Educational Facilities
- Built Heritage
- Green Design & Surface Water
- Street Furniture, Signs and Structures
- Access for All
- Recreation and Sport Facilities
- Art/Cultural Amenity
- Flood Risk Management & Assessment
- Climate - Scheme Sustainability Statements
- Appropriate Assessment/ Natura Impact Statement
- Invasive Alien Species
- Ecological Impact Assessment (EclA)

5.2. Natural Heritage Designations

- 5.2.1. The site is not located within any designated site. The closest Natura 2000 sites are the Galway Bay Complex SAC (Site Code: 000268) and the Inner Galway Bay SPA (Site Code: 004031), they are located 1.2 km to the south of the site. The Lough Corrib SAC (Site Code: 000297) is located 1.3 km to the east of the site. The applicant prepared an NIS for this application. Appendix 3 - AA Screening Determination of my report refers.

5.3. EIA Screening

5.3.1. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

5.3.2. It is proposed to construct a Primary Care Centre, a TUSLA building, Ambulance Service Deployment Building, new access road, parking and landscaping. The site has an overall area of 1.1244 hectares and is located within an existing built up area but not in a business district. The site area is therefore well below the applicable threshold of 10 ha. The introduction of a mixed-use development will not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site as discussed in section 8.0 of my report below and there is no hydrological connection present such as would give rise to significant impact on nearby water courses. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing or commercial development in the area. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Galway City Council, upon which its effects would be marginal.

5.3.3. Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands that are zoned “C1”: Commercial /Industrial uses under the provisions of the Galway City Development Plan, and the results of the

strategic environmental assessment of the Galway City Development Plan, undertaken in accordance with the SEA Directive (2001/42/EC),

- The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of residential development in the vicinity,
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

5.3.4. I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development was not necessary in this case, appendices 1 and 2 of my report refer.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Three third party appeals, including that of a resident’s association and a specific interest group were received. The grounds of appeal can be summarised as follows:

- The current Development Plan envisages a masterplan for the wider area, without such a plan the proposed development is piecemeal and uncoordinated. A coordinated masterplan (Seamus Quirke Road Regeneration Site), written by all property owners on these lands is needed.

Use of only three acres of the regeneration site for healthcare needs is not appropriate and wasteful.

There are other permitted developments in the wider area and there will be a lack of car parking facilities.

Any development on the regeneration site as a whole should be used to house healthcare staff, medical facility attendees and older people.

- The proposed vehicular entrance from the Seamus Quirke Road ignores historic requirements for the creation of a joint access point to service other lands.

The proposed interior road system does not allow for through connections.

- The proposed development and overall masterplan for the area, mixes uses and these will adversely impact future users of the medical facility.
- The Traffic Impact Assessment should be more up to date with current traffic scenarios in the area.

The development will add to traffic congestion in the area, specifically all junctions along the Seamus Quirke Road in the vicinity of the site.

There are an insufficient number of car parking spaces proposed, and this will lead to ad hoc parking in nearby residential areas.

Cycle parking whilst adequate, will not be used.

- Party boundary walls at the entrance to the development are required to be demolished to allow for sightlines, these walls are not in the ownership of the applicant and cannot therefore be demolished or modified without consent.
- Residential Amenity - During construction works, there is the potential to damage residential property in the vicinity.

Underground roads and car park areas are ill defined and uncertainty remains over their location and impact to property.

Boundary walls will be impacted upon.

The proposed development will alter drainage the area and lead to flooding in the immediate area, including Mount Pleasant Drive.

The level of documentation has made it difficult to extract relevant information to conclude what impacts will result to residential amenity and property.

- Site layout plans show blue line ownership boundaries that extend beyond the ownership of the applicant, permission cannot therefore stand.

- Climate Action Plan 2021, the proposed development is at variance with this plan, and negatively impact the targets of the Development Plan Decarbonisation Project.
- Building height may impact, helicopter flight paths to Galway University Hospital.
- The Galway City Council letter of consent to make a planning application has expired and permission should be refused.

Grounds of appeal are supported by land folios, maps showing future connections and concepts for wider development, historic council correspondence and layouts that detail residential amenity concerns at the boundary of the site, in the east.

6.2. Applicant Response

6.2.1. The applicant has prepared a detailed response to the grounds of appeal and can be summarised as follows:

- A Construction Management Plan will be prepared and alleviate concerns over the constriction phase of development. Detailed drawings and surveys show that no damage will occur to adjacent property and landscaping plans detail boundary treatment.
- The Engineering Design Report submitted with the application details that the storm drainage network has been designed to accommodate a 1 in 100 year storm event. Hydrology and flood risk matters have already been addressed.
- Car Parking has been provided to an acceptable standard.
- There are no ownership or legal consent issues.
- The masterplan submitted is indicative only.
- Junction drawings and design requirements are based on standard practice and the TIA submitted with the application. An MMP accompanies the application and details sustainable alternatives to the car and subject to annual review.

6.3. Planning Authority Response

6.3.1. None.

6.4. Observations

6.4.1. Observations received raise similar issues to those contained in the initial submissions to the planning application and the third party grounds of appeal, additional matters can be summarised as follows:

- The proposal for a new junction of the Seamus Quirke Road will adversely impact a primary cycle track in Galway City and affect pedestrian facilities. Works to the existing Seamus Quirke Road will sever existing segregated style tracks.
- The development could deliver a north south 'quietway' link.
- Pedestrian and cycle permeability throughout the site should be improved and the location of the site is too far from public transport stops.
- Cycle infrastructure is poorly designed, not available to all and not in accordance with standards and guidelines.
- Health care facilities are being duplicated in west Galway and questions arise as to the current HSE acquisitions and that of the subject appeal on private lands progressing.

6.4.2. Submissions include: newspaper articles, public notices, redacted HSE briefing note, links to other further policy context documentation online and details of an earlier submission upon which they rely in order to reiterate concerns.

7.0 Assessment

7.1. Introduction

7.1.1. This is a third party appeal against the decision of the planning authority to grant permission for a Primary Care Centre, a TUSLA building, Ambulance Service Deployment Building, new access road, parking and landscaping in Galway City. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, having inspected the site, and having regard to the relevant policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Residential Amenity
- Traffic and Transport
- Air Safety
- Other Matters

7.2. Principle of Development

7.2.1. The appellants are concerned that the proposed development is piecemeal and without the existence of an agreed masterplan for these lands, the proposal represents an ad-hoc addition to the area. The proposed uses are not considered to be necessary, especially when there are other medical uses in the area, such as University Hospital Galway. In that context the site should be used to accommodate medical staff and older people. The planning authority, however, are satisfied that the proposed uses are acceptable at this location and a notification to grant permission issued.

7.2.2. Firstly, the site is subject to zoning objective C1 - Commercial /Industrial. "To provide for enterprise, light industry and commercial uses other than those reserved to the CC zone." Compatible uses would include the medical and commercial development proposed in this application. In addition, the site is within an area designated as a Strategic Regeneration and Opportunity Site, figure 10.8 Seamus Quirke Road Regeneration Site and Section 10.10 Seamus Quirke Road Regeneration Site of the

development plan refers. The objective states that the overall lands have the capacity for a mix of uses which could include for uses such as primary healthcare, commercial and office uses, as well as residential uses. Lastly the stated objective for the area acknowledges that an overall Masterplan will be prepared in advance of any redevelopment.

7.2.3. I am satisfied that the proposed uses are entirely appropriate at this city location, and that other uses such as residential could be considered at other locations within the overall regeneration area, as part of any future consent process.

7.2.4. With reference to the requirement to prepare a masterplan for the area, the development plan is not specific about whom should prepare such a plan and how. Appellants and observers suggest that a collaborative approach towards the production of a masterplan should include at least landowners and other interested parties. The applicant has already prepared an indicative masterplan to illustrate how the subject proposal would fit in with the wider development of the regeneration site, their document entitled Masterplan Design dated November 2022 refers. I can see that a masterplan has been prepared in advance of any redevelopment and includes an overview of the site with building blocks, central plaza and vehicular connections to the north and south. The applicant's lands comprise the majority of the area designated in the development plan as the regeneration area. I am not of a mind to critique the applicant's masterplan, but I note its detractors from a third-party point of view. Specifically, concerns that no regard has been had to historic proposals for the Seamus Quirke Road and Ragoon Road. In any case, the detailed design of the wider area would fall to be determined by future planning applications in accordance with policies and objectives for whatever development type and use is proposed. I am therefore satisfied that a masterplan has been produced and that the applicant has considered how their proposal would align with the future development of the overall regeneration site.

7.2.5. From the perspective of the principle of development at this location of Galway City, I am satisfied that the proposal fits the parameters set out by both the land use zoning objective and the objectives contained in the regeneration and opportunity site designation. I note the planning authority's support in principle for the development and the conditions attached to the notification to grant permission.

7.3. Residential Amenity

- 7.3.1. Appellants and observers raise quite broad concerns about the overall development, issues include building height and the probable loss of privacy as a result of overlooking. It is highlighted that further information and clarification of further information submissions by the applicant have not completely alleviated the concerns of local residents and issues still remain, such as the construction phase, underground works, boundaries and flooding.
- 7.3.2. I note that the applicant has submitted a large amount of information to support the planning application drawings, such as a Design Statement and revised drawings together with a shadow analysis of repositioned buildings on the site. Revisions included a reduction in the height of the main primary care building in line with planning authority requirements for the area and a repositioned TUSLA building away from residential development. With reference to the potential for overlooking and loss of privacy, the most sensitive boundary of the site to change is the residential area to the east of the site and references are made to the four storey TUSLA building. After the submission of further information and clarification of further information the applicant repositioned and redesigned the TUSLA building so that it is now more than 27 metres from the rear elevations of housing along the Old Seamus Quirke Road and 15 metres from the gable end of number 4 Mount Pleasant Drive. In addition, I note that the ground levels differ noticeably between the appeal site and adjacent residential ground floor levels, the site is lower than adjacent areas to the east. When combined with a repositioned four storey TUSLA building at greater separation distances and a design to ensure a reduction in the potential for overlooking, I am satisfied that residential amenity will not be unduly impacted.
- 7.3.3. In terms of overshadowing, I am satisfied that the overshadowing drawings prepared by the applicant indicates adequately the likely impact from overshadowing of adjacent property. I note that the separation distances are significant, ground levels differ, the TUSLA building is located north of and west of residential property and the likelihood for significantly adverse effects will be low.
- 7.3.4. At present the site is occupied by waste ground associated with a large warehouse building to the rear of existing dwellings. The lands have been identified for

regeneration and the development plan illustrates this. The outlook from existing dwellings in the area will change, however, this is an inevitable consequence of a growing city in an area planned for change. I am satisfied that the applicant has amended their overall layout and building design to take account of observers and appellants with regard to ensuring the preservation of residential amenity. The overall design and layout of the proposal responds well to the site and the architectural amendments throughout the planning process in response to local concerns has resulted in an improved and more responsive design.

7.3.5. Construction Phase - Appellants and observers have raised issues about the construction phase of the development and how damage to their property could result from construction of the basement levels and other works in general. The applicant prepared a Traffic and Transportation Assessment (TTA), a small section of which discusses the construction phase of the development, section 8.0 of that report refers. It is anticipated that construction will last up to 24 months and the report goes to outline traffic measures in general. In my view a detailed Construction Management Plan as well as a Construction Management Plan should be prepared. Indeed conditions 8, 13 and 14 of the notification to grant permission all highlight the need for an agreed Traffic Management Plan and Construction Management Plan, specifically condition 14 part (v) refers. I am satisfied that the matter of the management the construction phase of the development has been adequately dealt with by the planning authority. Potential construction impacts will be short term and temporary in nature and I am satisfied that they can be appropriately mitigated through good construction management and practice.

7.3.6. Basement Level – some observers and appellants are not entirely sure as to the extent of underground works across the site and there is a concern that this part of the proposal could adversely impact their property. Drawing PA010, the most up to date and relevant drawing in terms of layout, submitted as clarification of further information details the extent of the basement floorplan (Level -1). The basement level comprises car and cycle parking, lift and stair cores, plant rooms and storage areas and extends beneath all three buildings proposed and for the most part takes up much of the site. However, I note that a significant buffer zone extends along the eastern portion of the site, near adjacent residential property. Combined with a detailed construction management plan, as outlined above, I satisfied that the

structural integrity of adjacent property can be addressed. Finally, I am satisfied that the proposed basement area extends entirely within the red line boundary of the site and a significant distance from property to the east, no further assessment is warranted or necessary in this instance.

- 7.3.7. Ambulance Deployment Building – some concerns had been raised regarding the location of the single storey ambulance deployment building. During the course of further information, its use and operational details were clarified and the planning authority attached condition number 3 to ensure the erection of baffles to deflect noise away from residential properties to the east. Details that concern a wall/roof baffle should be submitted for agreement with the planning authority prior to the commencement of development. I am satisfied that such measures will ensure the preservation of residential amenity for the area.
- 7.3.8. Flood Damage – Some concerns are raised that the overall development will alter drainage in the area and lead to flooding of property, notably Mount Pleasant Drive. The applicant prepared an Engineering Design Report, section 5.0 refers to flood risk and section 2.0 refers to a surface water management. The report notes that no flood events have been recorded in the area and that the site is located in flood zone C. I note that according to development plan maps, the site is not located within or close to either flood zone A or B. I note that the Engineering Design Report submitted by the applicant outlines the storm water drainage design, section 2.0 of that report refers. The report states that the attenuation storage volume calculations were considered in the context of a 100 year return period plus an additional 20% to take account for the effects of climate change. Given the nature of the site, entirely built over and with minimal existing on site surface water management infrastructure but with proposed connections to the municipal stormwater network, I do not anticipate that flood risk would be an issue for the site or result in off site consequences. Sustainable urban drainage systems are specifically mentioned, the landscape plan introduces some minimal green planting areas, and they will act as informal attenuation measures to manage rainfall events. I am satisfied that there are no significant water services issues that cannot be addressed by an appropriate condition.

7.4. Traffic and Transport

- 7.4.1. The proposed development of a Primary Care Centre, a TUSLA building, Ambulance Service Deployment Building, new access road and changes to the junction of Seamus Quirke Road with Bóthar Le Cheile. Car and cycle parking will be provided at a basement level and vehicular access will be taken from the Seamus Quirke Road to the north, a secondary pedestrian access will be taken from the Rahoon Road to the south. The planning authority are broadly satisfied with these access arrangements and recommend some technical adjustments should permission be granted.
- 7.4.2. The TTA (December 2022) was prepared as part of the planning documentation and presents a comprehensive assessment of the traffic situation in the area and the measures proposed on site with reference to traffic and transport. The applicant proposes a total of 123 car parking spaces, all at basement level, and 3 dedicated ambulance parking spaces adjacent to the deployment building. The planning authority acknowledge the quantum of car parking spaces for such a development and recommend that spaces are reserved for occupants. Observers are concerned about the existing traffic and car parking situation in the area, and fear the consequences of congestion and overspill parking leading to hindered access for emergency vehicles. In addition, a detailed submission has been received that is critical of the cycle facilities proposed and the impact the development will have on safety and existing cycling facilities in the area. Lastly, concern is expressed that historic decisions in the area have not been taken into account regarding servicing the site and that a vehicular through route has not been proposed when it should have.
- 7.4.3. The proposed layout will plug into existing street and footpath infrastructure, and open up the lands from the north and south. At present cycle infrastructure is limited and disjointed to the south of the site, but I note extensive provision for cycling and public transport on the Seamus Quirke Road to the north. Third parties have raised concerns that the proposed development will do little to improve the public realm along its boundary, better footpaths and cycle facilities being the main area of concern. The planning authority support the improvements proposed in terms of adding to cycling infrastructure in the area. Specially I note that a north south pedestrian and cycle pathway is set out in layout plans and the planning authority recommend that there is no hindrance to public access, condition 5 refers.

- 7.4.4. I am satisfied that the existing streets and footpaths in the area are entirely acceptable and accommodate current pedestrian flows. Public realm can always benefit from improvement and the proposed development achieves this; however, I acknowledge that at times conflicts between vulnerable road uses (pedestrians/cyclists) can occur at peak times. Observers show concern about this aspect of the pedestrian facilities in the area, around school commuting times for example. My own experience of the immediate area and further afield is that car traffic is already problem at various times of the day and the infrastructure proposed as part of the current scheme should make it more attractive to utilise more sustainable forms of transport. The development has been designed to respond to the requirements of the planning authority, but I note that a statement with regard to the Design Manual for Urban Roads and Streets has not been prepared. I can see that design changes were incorporated at further information stage to better integrate pedestrian and cyclist access to parking and storage facilities at basement level. I am satisfied that an appropriately worded condition can ensure that works are carried out in accordance with DMURS and the Cycle Design Manual prepared by the NTA 2023.
- 7.4.5. The applicant has prepared a Traffic and Transport Assessment (TTA), neither the planning authority nor third parties raise any particular concern over its findings. In general, third parties are concerned that traffic congestion will be made worse if the development is permitted. There are no specific technical criticisms levelled at the TTA, its methodology or findings are not challenged in detail. I see no particular issue to query either, this is an urban site, plugging into streets and junctions that have been designed to accommodate development that has been planned for. I am satisfied that the existing road network can accommodate the quantum and format of development proposed.
- 7.4.6. A legal issue has been raised with regard to a party boundary wall at the entrance to the development, required to be demolished to allow for sightlines, the ownership of these walls is queried. The planning authority have not raised concerns about the technical requirements needed to open an entrance onto the Seamus Quirke Road, standard conditions have been attached. With regard to ownership and consent to carry out works off site, I note that Galway City Council consented to an application being made that concern public roads. Any future works are to be agreed with by

consent or licence, as the case may be. As for third party ownership and demolition of boundary walls, I am satisfied that the applicants have provided sufficient evidence of their legal intent and any subsequent matters are outside the scope of the planning appeal. In any case, this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act.

- 7.4.7. On balance, the proposed development is located at a well-served urban location close to a variety of amenities and facilities, such as schools, playing pitches and commercial/retail centres. Current public transport options are limited to bus services, but they are regular and well used. In addition, there are good cycle and pedestrian facilities in the area and the proposed development will add significant improvements to the public realm in this respect. It is inevitable that traffic in all forms will increase as this large industrial site adopts a more intensive and beneficial use. However, I am satisfied that most of the ingredients are in place to encourage existing and future residents to increase modal shift away from car use to more sustainable modes of transport and this can be achieved by making the most of well located and zoned land combined with a mobility management plan.

7.5. Air Safety

- 7.5.1. I note that third parties advise that the proposed buildings will adversely impact helicopter flight paths to University Hospital Galway. The proposed primary care centre building after revisions submitted as further information, will rise up to 30 metres to parapet level. There are other three storey buildings with pitched roofs in the immediate area of the site and the hospital itself accommodates buildings up to six storeys in height and located to the north east. Two helicopter landing pads are located between 530 and 620 metres north east of the appeal site and on the western side of the hospital lands. I note that the planning authority record a submission from the Irish Aviation Authority but this is not on file. However, no adverse submission was received by the planning authority or the Board from the Irish Aviation Authority with respect to air safety. In addition, I note that the applicant contracted Rose Aviation (report dated 18 March 2023) with regard to aviation safety, who in turn consulted with the Irish Air Corps, Irish Coastguard and GulfMed Aviation Services, who all agreed with the positive conclusions reached in the report with regard to aviation operations associated with the hospital. Given, the urban

setting of the site, the limited height above ground level and the lack of negative engagement from the statutory bodies concerned, I am satisfied that air safety will not be adversely impacted upon by the development as amended.

7.6. Other Matters

- 7.6.1. Consent - It is stated by a third party that the Galway City Council letter of consent to make a planning application has expired and permission should be refused on that basis. Given the information on file, the validation of the planning application by the planning authority and the notification to grant permission with conditions attached, I am satisfied that the applicant has adequately demonstrated the necessary consent to make a planning application. With reference to the actual carrying out of works on property outside the applicant's/developer's ownership, such as along the Seamus Quirke road, this is a matter of agreement between parties and not a matter for this appeal.
- 7.6.2. Climate - Observers note that the proposed development is at variance with the Climate Action Plan 2021, and negatively impact the targets of the Development Plan Decarbonisation Project. In this regard, I note that the Galway City Development Plan was drafted in the context of the Climate Action Plan 2021, the preface and section 2.2 of the plan refers. I also note that a pilot decarbonisation project is currently under preparation for the area and the proposed development will support the aims of reducing unsustainable travel patterns. Specifically, the site is located at an accessible part of the city, by walking, cycling and public transport (bus). Car parking spaces are provided, but the quantum is to an appropriate standard to support medical visits and accommodate staff that require them, cycle parking is numerous, well positioned and secure. I am satisfied that the proposed development will help to meet climate targets and in this regard I note the submission made by the applicant dated 12 May 2023 with reference to the decarbonisation project and the planning authority's acceptance of its contents.
- 7.6.3. Water Services - With respect to water supply and the wastewater network, I note that Uisce Éireann state that the site can be serviced without upgrades, no further assessment in this regard is necessary.

8.0 Appropriate Assessment

8.1. Introduction

- 8.1.1. The applicant has submitted an AA Screening Report that is contained within an overall Natura Impact Statement. The applicant has identified that the following sites all lie within 15 kilometers of the site: Lough Corrib SAC, Galway Bay Complex SAC, Connemara Bog Complex SAC, Ross Lake and Woods SAC, East Burren Complex SAC, Lough Fingal Complex SAC, Inner Galway Bay SPA, Lough Corrib SPA, and the Cregganna Marsh SPA. I note the content and conclusions reached in the applicant's AA Screening Report that states the requirement for a Natura Impact Statement (NIS) with reference to Lough Corrib SAC, Galway Bay Complex SAC and Inner Galway Bay SPA. I also note the planning authority's adoption of the conclusions reached by the applicant in their AA Screening Determination and subsequent NIS. The applicant's Screening Report states that an extremely precautionary approach has been adopted, despite the lack of any direct connections between the site and designated sites, table 4.1 refers.

8.2. Overall Conclusion- Screening Determination

- 8.2.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development would not result in likely significant effects on any European Site and is therefore excluded from further consideration. Appropriate Assessment is not required.
- 8.2.2. This determination is based on:
- Objective information presented in the AA Screening Report prepared by the applicant.
 - The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development.
 - Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same.
 - The nature of works, on serviced land within an urban area.

- The location and distance from the nearest European site and the lack of meaningful hydrological connections.
- Taking into account the screening determination and conclusions made by the planning authority.
- Possible impacts identified would not be significant in terms of site specific conservation objectives for the Lough Corrib SAC, Galway Bay Complex SAC and Inner Galway Bay SPA and would not undermine the maintenance of favorable conservation condition or delay or undermine the achievement of restoring favorable conservation status for those qualifying interest features of unfavorable conservation status.

8.2.3. No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion. Detailed assessment at Appendix 3 of my report refers.

9.0 Recommendation

9.1. Having regard to the above assessment, and based on the following reasons and considerations, it is recommended that permission be granted subject to conditions.

10.0 Reasons and Considerations

Having regard to the C1 - Commercial /Industrial zoning objective, the designation of the lands as a Strategic Regeneration and Opportunity Site and identified as the Seamus Quirke Road Regeneration Site, the provisions of the Galway City Development Plan 2023-2029, and the scale and nature of the proposed development, it is considered that the proposed development would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic and pedestrian safety and visual amenity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 12th day of May 2023 and the 10th day of August 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

(a) The provision of an enclosing wall and roof area as necessary, at the ambulance bays associated with the Ambulance Deployment building, to include noise baffle measures.

(b) A layout plan detailing 24 hour unrestricted public pedestrian/cycle access to and accessible routes through the site between Seamus Quirke Road and Ragoon Road, the pedestrian/cycle access way shall remain open and without gates.

(c) The design and installation of a piece of artwork.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of urban legibility, visual and residential amenity.

3. The developer shall enter into water and wastewater connection agreements with Uisce Éireann, prior to commencement of development.

Reason: In the interests of clarity and public health.

4. Details of the materials, colours and textures of all the external finishes to the proposed buildings and boundaries shall be as submitted with the application, unless

otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the Council for such works and services. Prior to the commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

6. The following requirements in terms of traffic, transportation and mobility shall be incorporated into the development and where required, revised plans and particulars demonstrating compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:

(a) The details and the extent of all road markings and signage requirements on surrounding roads, shall be submitted to the Planning Authority for approval prior to the commencement of development.

(b) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.

(c) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, cycle paths and kerbs, pedestrian crossings and car parking bays shall comply with the requirements of the Design Manual for Roads and Streets, the Cycle Design Manual (CDM) prepared by the

National Transport Authority (NTA) 2023 and with any requirements of the planning authority for such road works.

(d) The materials used on roads and footpaths shall comply with the detailed standards of the planning authority for such road works.

(e) The developer shall carry out a Stage 3 Road Safety Audit of the constructed development on completion of the works and submit to the planning authority for approval and shall carry out and cover all costs of all agreed recommendations contained in the audit.

(f) All car parking spaces are reserved for the sole use of patrons and staff of the approved buildings.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In the interests of traffic, cyclist and pedestrian safety and sustainable travel.

7. Prior to the opening of the development, a Mobility Management Plan (MMP) shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling and walking by residents/occupants/staff employed in the development. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

Reason: In the interest of encouraging the use of sustainable modes of transport.

8. A minimum of 10% of the proposed car parking spaces at basement level car parking shall be provided with electrical connection points, to allow for functional electric vehicle charging. The remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fitout of charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transport.

9. All external shopfronts and signage shall be in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to the provision of such shopfronts and signage. Where agreement cannot be reached between the applicant/developer and the local authority the matter shall be referred to An Bord Pleanála for determination. The signage shall be lit by external illumination only.

Reason: In the interest of visual amenity.

10. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with the planning authority prior to installation of lighting. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

11. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. The cables shall avoid roots of trees and hedgerows to be retained in the site. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

12. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

13. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

14. The construction of the development shall be managed in accordance with a Construction and Traffic Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;

- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety and environmental protection.

15. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

16. Proposals for a development name, office/commercial unit identification and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

17. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
- (c) details of proposed street furniture, including bollards, lighting fixtures and seating and play equipment;
- (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.
- (e) details to ensure the structural integrity of abutting party walls are maintained during the construction phase of the development.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

18. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas, landscaping, roads, paths,

parking areas, lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before the proposed development and any of the commercial units are made available for occupation.

Reason: To provide for the future maintenance of this private development in the interest of visual amenity.

19. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

20. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.

Stephen Rhys Thomas
Senior Planning Inspector

30 September 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318194-23			
Proposed Development Summary	The provision of a Primary Care Centre, a TUSLA building, Ambulance Service Deployment Building, new access road, parking and landscaping, all on a site of 1.1244 Hectares.			
Development Address	Seamus Quirke Road, Galway City.			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓	
		No		
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes				
No	✓		Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No	✓	10. Infrastructure projects, (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.	Urban development, mixed use comprising the provision of a Primary Care Centre, a TUSLA building,	No EIAR required

			Ambulance Service Deployment Building, new access road, parking and landscaping, all on a site of 1.1244 Hectares, at a commercial district centre.	
Yes				Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	✓	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Appendix 2

Form 2

EIA - Preliminary Examination

An Bord Pleanála Case Reference	ABP-318194-23	
Development Summary	The provision of a Primary Care Centre, a TUSLA building, Ambulance Service Deployment Building, new access road, parking and landscaping, all on a site of 1.1244 Hectares.	
Examination		
	Yes / No / Uncertain	
1. Is the size or nature of the proposed development exceptional in the context of the existing environment?	No	
2. Will the development result in the production of any significant waste, or result in significant emissions or pollutants?	No	
3. Is the proposed development located on, in, adjoining or have the potential to impact on an ecologically sensitive site or location?	No	
4. Does the proposed development have the potential to affect other significant environmental sensitivities in the area?	No	
Comment (if relevant) Screening determination not required . Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.		
Conclusion		
Based on a preliminary examination of the nature, size or location of the development, is there a real likelihood of significant effects on the environment **?		
There is no real likelihood of significant effects on the environment	EIAR not required	✓

There is significant and realistic doubt in regard to the likelihood of significant effects on the environment	Screening Determination required	No.	
	Sch 7A information submitted?	Yes	No ✓
There is a real likelihood of significant effects on the environment	EIAR is required (Issue notification)	No.	

Inspector _____ **Date:** _____

DP/ADP _____ **Date:** _____

(only where EIAR/ Schedule 7A information is being sought)

Appendix 3

AA Screening Determination

Screening for Appropriate Assessment

Screening Determination

Template 2: Screening for Appropriate Assessment

Screening Determination

Step 1: Description of the project

I have considered the housing scheme in light of the requirements of S177U of the Planning and Development Act 2000 as amended. Designated sites are located as follows:

Site code	Site name	Distance from the site
000297	Lough Corrib SAC	1km
000268	Galway Bay Complex SAC	1.1km
002034	Connemara Bog Complex SAC	11.5km
001312	Ross Lake and Woods SAC	13.8km
001926	East Burren Complex SAC	13.9km
000606	Lough Fingal Complex SAC	14.6km

004031	Inner Galway Bay SPA	1.1km
004042	Lough Corrib SPA	2.9km
004142	Cregganna Marsh SPA	9.4km

The proposed development comprises the construction of a mixed use development in an urban area. There are no watercourses on or in the vicinity of the site, the site drains to the municipal surface water system.

Step 2: Potential impact mechanisms from the project.

The development involves none of the following direct impacts:

- Habitat loss or deterioration
- Species disturbance or mortality

The development involves no indirect impacts, because of the distance to the nearest designated site, the absence of any need for specific measures, the lack of any hydrological pathways that would significantly affect the QIs or COs of sites listed at step 1 above.

Step 3: European Sites at risk

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 the qualifying interests (QI) of the

European sites, the operational related habitat and species disturbance and fragmentation as a result of the potential for hydrological connections.

I note the conclusions of the applicant's screening for AA, in that the only Natura 2000 sites where there is potential for likely significant effects are the Lough Corrib SAC (000297), Galway Bay Complex SAC (000268) and Inner Galway Bay SPA (004031). I also note the lack of any meaningful hydrological connections and that the applicant has applied an extremely precautionary approach to their analysis. The only possible connections are via the hydrological connectivity posed by surface water drainage pathways.

Significant impacts on the remaining SAC and SPA sites are considered unlikely, due to the distance, dilution factor and the lack of hydrological connectivity or any other connectivity with the application site in all cases having consideration of those site's conservation objectives. As such, it is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Sites:

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

The qualifying interests of these Natura 2000 Sites are listed on the NPWS website and below:

Site (site code) and Conservation Objectives	Distance from site (approx.)	Qualifying Interests/Species of Conservation Interest (Source: EPA / NPWS)	Connections.

<p>Lough Corrib SAC (000297)</p> <p>To maintain or restore the favourable conservation condition of habitats as listed in Special Conservation Interests.</p>	<p>1km</p>	<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130]</p> <p>Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. [3140]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche Batrachion</i> vegetation [3260]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco Brometalia</i>) (* important orchid sites) [6210]</p> <p><i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p> <p>Depressions on peat substrates of the <i>Rhynchosporion</i> [7150]</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]</p>	<p>No direct.</p>	
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		<p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Bog woodland [91D0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Drepanocladus vernicosus (Slender Green Feather-moss) [1393]</p>		
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		Najas flexilis (Slender Naiad) [1833]		
Galway Bay Complex SAC (000268) To maintain or restore the favourable conservation condition of the bird species and habitats listed as Special Conservation Interests.	1.1km	Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Turloughs [3180] Juniperus communis formations on heaths or calcareous grasslands [5130] Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (*important orchid sites) [6210] Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]	No direct.	

		Alkaline fens [7230] Lutra lutra (Otter) [1355] Phoca vitulina (Harbour Seal) [1365]		
Inner Galway Bay SPA (004031) To maintain or restore the favourable conservation condition of the bird species and habitats listed as Special Conservation Interests.	1.1km	Great Northern Diver (Gavia immer) [A003] Cormorant (Phalacrocorax carbo) [A017] Grey Heron (Ardea cinerea) [A028] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Wigeon (Anas penelope) [A050] Teal (Anas crecca) [A052] Shoveler (Anas clypeata) [A056] Red-breasted Merganser (Mergus serrator) [A069] Ringed Plover (Charadrius hiaticula) [A137] Golden Plover (Pluvialis apricaria) [A140] Lapwing (Vanellus vanellus) [A142] Dunlin (Calidris alpina) [A149]	No direct.	

		Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Turnstone (<i>Arenaria interpres</i>) [A169] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Common Gull (<i>Larus canus</i>) [A182] Sandwich Tern (<i>Sterna sandvicensis</i>) [A191] Common Tern (<i>Sterna hirundo</i>) [A193] Wetland and Waterbirds [A999]		
<p>Step 4: Likely significant effects on the European site(s) ‘alone’</p> <p>The development site is not within or directly adjacent to any Natura 2000 site. The site is located in an area surrounded by existing low density residential development and community infrastructure. The site comprises brownfield land with hardstanding and buildings.</p>				

The proposed development shares the groundwater catchment of the Lough Corrib SAC. There is also a hydrological connection to the Galway Bay Complex SAC and Inner Galway Bay SPA due to the character of the limestone bedrock and potential for pollution to groundwater during construction.

The applicant has concluded that it cannot be concluded beyond reasonable scientific doubt, in view of best scientific knowledge, on the basis of objective information and in light of the conservation objectives of the relevant European sites, that the proposed development, individually or in combination with other plans and projects, would not be likely to have a significant effect on Lough Corrib SAC, Galway Bay SAC & Inner Galway Bay SPA. As a result, it is recommended to the competent authority that an Appropriate Assessment is required, and a Natura Impact Statement in respect of the proposed development was prepared.

In this instance the standard surface water management measures to be incorporated are not included to avoid or reduce an effect to a Natura 2000 Site, and therefore they should not be considered mitigation measures in an AA context. However, the applicant makes the point that although no watercourses were identified on-site, in the absence of appropriate mitigation and following the precautionary principle, the construction and operation of the proposed development has the potential to result in pollution to groundwaters via the percolation of polluting materials through the limestone bedrock underlying the site. In addition, potential hydrological connectivity was identified between the proposed development and downstream SPAs/SACs. A potential pathway for indirect effects on the aquatic QIs of the SAC and SCI 'wetland and waterbirds' as a result of deterioration in surface water quality resulting from pollution associated with the construction and operational activities was identified. It is stated that mitigation measures will be required to ensure that water quality is maintained prior to discharge to groundwater. Thus, as a result of these measures, the risk to water quality during the construction phase on the Lough Corrib SAC (000297), Galway Bay Complex SAC (000268) and Inner Galway Bay SPA (004031) should be considered, other sites can be excluded because of the separation distances involved, lack of direct connections and any dilution factors that might arise. According to the applicant, following an extremely precautionary approach, the potential for large quantities of silt or other construction pollutants to be

washed downstream means that significant effects to the Lough Corrib SAC (000297), Galway Bay Complex SAC (000268) and Inner Galway Bay SPA (004031) cannot be ruled out.

Consideration of Impacts:

- There is nothing unique or challenging about the proposed brownfield development, either at construction phase or operational phase.
- With regard to impacts on sites within a 15 km radius due to ecological connections, I am satisfied having regard to the nature and scale of the proposed development on serviced land, the minimum separation distances from European sites, the intervening uses, and the absence of direct source – pathway – receptor linkages, that there is no potential for indirect impacts on sites in the wider area (e.g. due to habitat loss / fragmentation, disturbance or displacement or any other indirect impacts) and that no Appropriate Assessment issues arise in relation to the European sites listed above.
- During the operational stage, after passing through standard surface water management systems, all stormwater generated onsite will be managed on-site through infiltration and to the municipal stormwater water network. The surface water pathway creates the potential for an interrupted connection between the site and the Clare-Corrib groundwater catchment and a distant hydrological connection between the proposed development and European sites in at Galway Bay.
- During the construction phase standard pollution control measures are to be used to prevent sediment or pollutants from leaving the construction site and entering the water system. During the operational phase clean, attenuated surface water will infiltrate to groundwater or the municipal drainage system. The pollution control measures to be undertaken during both the construction and operational phases are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed, I remain satisfied

that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Clare-Corrib groundwater catchment and Galway Bay can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in Galway Bay (dilution factor).

- In terms of in combination impacts other projects within the Galway area which can influence conditions in the Lough Corrib and Galway Bay via rivers and other surface water features are also subject to AA. In this way in-combination impacts of plans or projects are avoided.

Surface water from the proposed development will pass through a range traps and filters. Waters from roofs and paving and all other surface water will be attenuated in underground attenuation tanks before discharge through infiltration and the municipal stormwater network. All surface waters will pass through a hydrocarbon interceptor before discharge (See 'Civil Works Report' and drawings by Tobin Consulting Engineers).

These waters will ultimately drain to Clare-Corrib groundwater catchment, and Galway Bay via a variety of watercourses. These are not works that are designed or intended specifically to mitigate an effect on a Natura 2000 site. They constitute the standard approach for construction works in an urban area. Their implementation would be necessary for a residential development on any greenfield site in order to protect the receiving local environment and the amenities of the occupants of neighbouring land regardless of connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on an urban site whether or not they were explicitly required by the terms or conditions of a planning permission.

The good construction practices are required irrespective of the site's hydrological connection via the urban surface water drainage system and groundwater catchment system to those Natura 2000 sites. They are not required for the purpose of

mitigating any potential impact to those Natura sites, given the distance and levels of dilution that would occur in any event. There is nothing unique, particularly challenging or innovative about this urban development on a brownfield site, either at construction phase or operational phase. It is therefore evident from the information before the Board that the proposed construction on the applicant's landholding would not be likely to have a significant effect on the Lough Corrib SAC (000297), Galway Bay Complex SAC (000268) and Inner Galway Bay SPA (004031), Stage II AA is not required.

I note the applicant submitted a Natura Impact Statement (NIS). In deciding to prepare and submit an NIS the applicant states that an extremely precautionary principle was applied. I am of the opinion that the application of an extremely cautious precautionary principle in this instance represents an over-abundance of caution and is unwarranted.

Based on the information presented by the applicant, I conclude that the proposed development would have no likely significant effect 'alone' on any qualifying feature(s) of the Lough Corrib SAC, Galway Bay Complex SAC and Inner Galway Bay SPA. Further AA screening in-combination with other plans and projects is required.

Proceed to Step 5.

Step 5: Where relevant, likely significant effects on the European site(s) 'in-combination with other plans and projects'

The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area.

No mitigation measures are required to come to these conclusions. I consider the provision standard techniques during the construction phase and the provision of oil/petrol interceptors during the operational phase to be a standard measure to prevent ingress of vehicle pollutants and that none of these features are a mitigation measure for the purpose of avoiding or preventing impacts to the SAC or SPA.

Overall Conclusion- Screening Determination

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development would not result in likely significant effects on any European Site and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Objective information presented in the AA Screening Report prepared by the applicant.
- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development.
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same.
- The nature of works, on serviced land within an urban area.
- The location and distance from the nearest European site and the lack of meaningful hydrological connections.
- Taking into account the screening determination and conclusions made by the planning authority.
- Possible impacts identified would not be significant in terms of site specific conservation objectives for the Lough Corrib SAC, Galway Bay Complex SAC and Inner Galway Bay SPA and would not undermine the maintenance of favorable conservation condition or delay or undermine the achievement of restoring favorable conservation status for those qualifying interest features of unfavorable conservation status.

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.