An Bord Pleanála

Inspector's Report

ABP-318824-24

Development	Construction of fiftteen dwelling units and all associated site works. A Natura Impact Statement accompanied the proposals.
Location	Knockaunglass, Athenry County Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	23/60427.
Applicant(s)	Lauren Construction Ltd
Type of Application	Permission
Planning Authority Decision	Grant Planning Permission
Type of Appeal	First Party V. Conditions 2 (a) and (b) 2 X Third party appeals V Grant of permission
Appellants	Lauren Construction Ltd Residents of Abbey Glen Estate Ms. Ludmila Hurley Mednanska
Observer(s)	None

Date of Site Inspection	1st day of August 2024
Inspector	Fergal Ó Bric.

1.0 **Site Location and Description**

1.1 The appeal site is located to the south-east of Athenry with access proposed via the internal service road serving the established Abbey Glen residential development which in turn is accessed off the R347, a regional route that links the town of Athenry with the M6 (Dublin to Galway) Motorway to the south-west. The site is located north-east of the Abbey Glen residential development which comprises a mix of semi-detached and detached two storey dwelling units. There are other dwellings on generous plot sizes, fronting onto the R347 further west of the appeal site. The appeal site is bound to the east, south-east and north by undeveloped lands, The appeal site comprises a green field site**.**

1.2 The site has a stated area of 0.842 hectares, however residential development will occur on a 0.584 hectare section, the remainder of the site boundary relates to the provision of pedestrian crossings and providing connectivity from the residential element to the R347 through the Abbey Glen development. The appeal site is triangular in shape and site levels fall gradually from north-west to south-east within the appeal site, with site levels falling by approximately 3.7 metres from 35.95 metres Ordnance Datum (mOD) to 32.23 (mOD). There is a drainage ditch along the south-eastern site boundary and a tree line boundary **on** the opposite side of the drainage ditch, outside of the appeal site boundary. The site boundaries include a low-level cut stone wall, hedgerow and trees along the north-western boundary, fencing, trees and hedgerow along the south-western boundary and hedgerows and trees along the eastern, south-eastern and northern site boundaries. There is a public footpath and streetlighting linking the Abbey Glen residential development towards the town of Athenry.

2.0 **Proposed Development**

2.1 It is proposed to construct fifteen two-storey dwellings as follows:

- One number Type A1 two-storey, four bedroom semi-detached dwelling, with a stated floor area of 132 square metres.

- Four number Type A2, four bed semi-detached dwellings, with a stated floor area of 132 square metres.
- Three number Type /A3, four bed semi-detached corner dwellings, with a stated floor area of 134 square metres.
- Two number Type B1, three bed semi-detached dwellings, with a stated floor area of 113 square metres.
- Two number Type B2, three bed semi-detached dwellings, with a stated floor area of 113 square metres.
- One number Type C1, three bed terraced dwellings, with a stated floor area of 113 square metres.
- One number Type C2, two bed terraced dwellings, with a stated floor area of 113 square metres.
- One number Type C3, three bed end of terrace dwellings, with a stated floor area of 113 square metres.
- Public and private open space
- Bicycle parking,
- Footpath connections and public lighting,
- Landscaping and provision of revised boundary treatments.
- Car parking ducting for future EV charging points,
- Provision of uncontrolled pedestrian crossing to traverse the R347 regional route,
- Connection to mains water infrastructure and foul drainage networks including on site surface water attenuation.
- Associated site works and services,
- A Natura Impact Statement was submitted to accompany the planning documentation.

2.2 Access to the dwellings is proposed via the existing internal service road that serves the established Abbey Glen residential development. which in turn accesses directly

onto the R347 regional route within the designated 50 kilometre per hour speed control zone. A two-metre wide footpath with streetlighting is proposed along each side of the internal service road and these will tie-in with the footpaths and streetlighting within the Abey Glen development.

2.3 Letters of consent have been received from the part owner of the lands to the east of the Abbey Glen residential development, Mr, Ronan Cahill consenting to the making of a planning application on his lands and from Galway County Council in relation to proposed works to public areas/lands bounding the R347 and the L31233-0.

2.4 Further information was submitted by the applicants in relation to the following matters: A revised design and layout for the residential development including an increased quality and quantum of public open space, an Archaeological Impact Assessment, details of ownership of the Abbey Glen internal service road and clarification as to the nature of the proposed tenure of the housing units.

2.5 The Planning Authority (PA) conducted an assessment of the Natura Impact Statement (NIS) submitted and concluded that subject to the implementation of the mitigation measures set out within Chapter 6 of the NIS that the proposed development, either individually by itself or in combination with other plans and projects will not adversely affect the integrity of the Galway Bay Complex Special Area of Conservation (site code 000268) and of the Inner Galway Bay Special Protection Area (site code 004031) in view of their conservation objectives. In terms of Environmental Impact Assessment (EIA), the Planning Authority concluded that there is no real likelihood of significant effects on the environment arising from the proposed development and the need for EIA can. therefore, be excluded at preliminary examination and a screening determination is not required.

2.6 The planning documentation was accompanied by a site-specific flood risk assessment, a planning statement a preliminary Construction and Environmental Management Plan, a Water Services Engineering report, a Traffic and Transport Assessment**,** a Design Statement, an Appropriate Assessment (AA) Screening Report and a Natura Impact Statement (NIS).

2.7 The applicants submitted a revised design and layout for the proposals as part of their appeal submission. The revisions are stated to represent a direct response to

Planning condition number two as set out by the PA, where four residential units would be omitted. The revised layout provides for 14 residential units and an increased quantum of public open space.

3.0 Planning Authority Decision

3.1 Decision

Grant planning permission subject to for thirty-four conditions. The relevant conditions include the following:

Condition 2(a) Omit residential unit numbers 12-15 and this area shall be used as public open space and for car parking for unit number 1 and 2.

Condition 2 (b) Perpendicular parking outside unit numbers 1 and 2 shall be removed.

Condition number 4: All mitigation measures within the NIS shall be adhered to in full during the construction and operational phases of the development.

Condition number 5: Sight distance triangles shall be maintained and kept free of obstruction.

Condition number 9 (I)-Internal road network, turning bays, junctions, pedestrian crossings shall comply with the provisions of the Design Manual for Urban Roads and Streets.

Condition 10(a) Connection agreements with Uisce Eireann.

Condition number 23: Boundary wall finishes and heights.

Condition number 24: Establishment of a management company.

Condition number 26: Social/and affordable Housing agreement.

Condition number 27: External finishes of dwellings.

Condition number 28: Landscaping scheme to be submitted for written agreement of Planning Authority.

Condition number 29: Construction hours.

Condition number 30: Construction waste and demolition plan to be submitted for written agreement of Planning Authority.

Condition number 32: Condition of tenure.

Condition number 33: Cash deposit security.

Condition number 34: Development Contributions.

3.2 **Planning Authority Reports**

Planning Report

The Planning Officer recommended that planning permission be granted in accordance with the planning conditions set out within Section 3.1 above.

3.3 **Other Technical Reports**

None received.

3.4 **Prescribed Bodies**

Department of Housing, Local Government and Heritage: Report received recommending that an Archaeological Impact Assessment including test trenching be submitted.

Transport Infrastructure Ireland: No objections.

3.5 **Third Party Observations**

Eight third party observations were stated to have been received by the Planning Authority. The majority of the observations were from neighbouring residents within the adjoining Abbey Glen residential development immediately west of the subject site. The issues raised relate to the following matters:

- Traffic safety,
- Flood risk and flood history.
- Parking during the construction phase of development,
- Adverse impact upon residential amenity of Abbey Glen residents,

- Construction traffic would adversely impact the Abbey Glen residents.
- Increased traffic generated by the future housing proposals and would adversely impact pedestrians within Abbey Glen.
- Lack of adequate piped service infrastructure.
- There is a history of flooding within the Abbey Glen development and the proposals would exacerbate this issue.

4.0 Planning History

There is no relevant recent planning history pertaining to the appeal site.

5.0 Policy Context

5.1 Athenry Local Area Plan 2024-2030

This plan came into effect in June 2024.

The Athenry Local Area Plan 2024-2030 refers.

The site is zoned R-Residential-phase 1.

The zoning objective is: To protect, provide and improve residential amenity areas within the lifetime of this plan.

The vision for these lands is ‘To facilitate the provision of high -quality new residential developments at appropriate densities with layout and design well linked to the town centre and community facilities. To provide an appropriate mix of house sizes, types and tenures to meet household needs and promote balanced communities’.

As per the zoning matrix set out in Table 1.7.1, a residential use is permitted in principle on R-residential phase 1 zoned lands.

A use that is classified as Permitted in Principle is one that the Local Authority accepts in theory in the relevant zone, subject to compliance with the relevant policy

objectives, standards, and requirements set out in this plan and the principles of proper planning and sustainable development.

Section 2.2 Residential Development:

Residential lands have been included in a phasing scheme. Phase 2 lands are not generally developable within the plan's lifetime, and Phase 1 lands are promoted for immediate development. The Phase 1 lands have been identified having regard to good planning principles such as the sequential approach (the identification of undeveloped lands closest to the town centre and existing established areas),

potential pedestrian/cycle connectivity to the town centre and the avoidance of flood risk and environmentally sensitive areas.

ASP 5 Residential Development Phasing

Support the development of lands designated as Residential (Phase 1) within the lifetime of the plan, subject to normal planning, access, and servicing requirements, and reserve the lands designated as Residential (Phase 2) for the longer-term growth needs of Athenry. Residential (Phase 2) lands are generally not developable for housing within the lifetime of this plan, with the exception of the following developments which may be considered by the Planning Authority, subject to a suitable evidence-based case being for the proposal:

a) Single house developments for local family members on family-owned lands, subject to a 7-year occupancy clause.

b) Non-residential developments that are appropriate to the site context, residential amenities, the existing pattern of development in the area and the policy objectives in the plan.

c) Where it is apparent that Residential (Phase 1) lands cannot or will not be developed for residential purposes within the plan period, residential development may be considered in limited cases in a phased manner on Residential (Phase 2) lands, in exceptional circumstances;

• Development on Residential (Phase 2) lands will normally only be considered where 50% of the lands in Residential (Phase 1) are committed to the development

• Residential developments on Residential (Phase 2) lands will be subject to compliance with the Core Strategy, the principles of proper planning and sustainable development, connectivity, including infrastructure and public footpath and lighting to the town centre, the sequential approach, avoidance of leap-frog developments, and subject to meeting normal planning, environmental, access and servicing requirements. The development will only be permitted where a substantiated evidence-based case has been made to the satisfaction of the Planning Authority and the development will not prejudice the future use of the lands for the longer-term growth needs of each settlement.

ASP 8 Sequential Development

Endeavour to promote the orderly and phased development of residential development in accordance with the principles of the sequential approach as set out in the Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) Guidelines 2009 (or as updated). This shall include a positive presumption in favour of the sequential development of suitably serviced Residential Phase 1 lands emanating outwards from the town core and/or sequential extensions to the existing residential fabric of suitably serviced Residential Phase 1 lands within the LAP boundary, subject to the principles of proper planning and sustainable development and the current County Development

Plan.

ASP 9 Compact Growth

It is a Policy Objective of the Council to support the delivery of new homes in Athenry urban area within the existing built up footprint of the settlement, by developing infill, brownfield, opportunity, and regeneration sites and prioritizing underutilized land in preference to greenfield sites.

Section 1.1.1 of the LAP sets out the following strategic aims:

- The LAP will continue its vital role as a town of strategic potential in east Galway. The town will fulfil its role identified in the RSES to bring investment into the local economy and also provide employment opportunities in the town and surrounding regions.
- This can be achieved through the following aims: • Secure the delivery of compact growth with critical mass in a consolidated plan area.
- Promote the reuse of existing buildings along with a sustainable level of densities as appropriate depending on the character of the receiving environment and access to services and critical infrastructure such as sustainable means of mobility.

The flood mapping included within the Strategic Flood Risk Assessment prepared in conjunction with the current Athenry LAP sets out that the residential element of the site are located within Flood Zone C and, therefore, at low risk of flooding. An area of the site set aside as public open space and adjoining the drainage ditch along the south-eastern site boundary is located within Flood Zone B.

5.2 Galway County Development Plan 2022 -2028

The Galway Development Plan (GCDP) was adopted by the elected members on the 9th of May 2022 and came into effect on the 20th day of June 2022.

Chapter 2: Core Strategy, Settlement Strategy and Housing Strategy

Athenry is identified as a town of Strategic potential.

The policy objective set out for Towns of Strategic Potential is as follows:

SS3-Strategic Potential (Level 3)

"To Support the development of Athenry as a town of Strategic Potential as outlined in the Core Strategy and Settlement Strategy in order to sustain a strong, vibrant urban centre which will act as an important driver for the local economy, reduce

travel demand and support a large rural hinterland, while providing a complementary role to the Key Towns and MASP and the smaller towns and villages in the County."

Table 2.9 sets out the Core Strategy Table where it is envisaged that the population of Athenry would grow by 1,350 persons over the life of the plan period with 777 residential units to be developed on greenfield sites to sustain this population growth.

Section 3.5 Placemaking

Policy Objectives Placemaking

PM 1 Placemaking

To promote and facilitate the sustainable development of a high-quality built environment where there is a distinctive sense of place in attractive streets, spaces, and neighbourhoods that are accessible and safe places for all members of the community to meet and socialise.

PM8: Character and Identity
Ensure the best quality of design is achieved for all new development and that design respects and enhances the specific characteristics unique features of the towns and villages throughout the County.

PM10: Design Quality
To require that new buildings are of exceptional architectural quality, and are fit for their intended use or function, durable in terms of design and construction, respectful of setting and the environment and to require that the overall development is of high quality, with a well-considered public realm.

Section 3.6-Compact Growth and Regeneration

Policy objective CS2: Compact Growth

To achieve compact growth through the delivery of new homes in urban areas within the existing built-up footprint of settlements, by developing infill, brownfield and regeneration sites and prioritising underutilised land in preference to greenfield sites.

Policy Objective SS3-Strategic Potential (Level 3)

Support the development of Athenry as a town of Strategic Potential as outlined in the Core Strategy and Settlement Strategy in order to sustain a strong, vibrant urban centre which will act as an important driver for the local economy, reduce travel demand and support a large rural hinterland, while providing a complementary role to the Key Towns and MASP and the smaller towns and villages in the County.

Section 3: Placemaking, Regeneration and Urban Living

Policy objective CGR1: Compact Growth

To require that all new development represents an efficient use of land and supports national policy objectives to achieve compact growth in towns and villages. Development of lands with no links to the town or village centre will be discouraged.

Section 3.7 Urban living

Section 3.7.2 Layout and Design

UL1: Backland development

UL2: Layout and Design
To comply with the principles of good placemaking in delivering residential developments within the towns and villages of the county.

UL5-Open Space

To provide well planned and considered open space that is of sufficient size and in locations that respond to the identified needs of people in accordance with best practice and the scale and function of the surrounding area.

Policy Objectives PM 1: Placemaking

Policy Objectives PM8: Character and Identity

Policy Objectives PM 10: Design Quality

Section 7 of the Development Plan relates to provision of water and wastewater services infrastructure:

WW 4 Requirement to Liaise with Irish Water – Wastewater
Ensure that new developments will only be permitted which are adequately serviced with sufficient capacity for appropriate collection, treatment and disposal (in compliance with the Water Framework Directive and River Basin Management Plan) to the public sewer unless provided for otherwise by the plan. Developers shall liaise with Irish Water with regard to the wastewater (and water) infrastructure to ensure sufficient capacity is available prior to the submission of a planning application.

WW 7 Sustainable Drainage Systems
To require the use of Sustainable Drainage Systems to minimise and limit the extent of hard surfacing and paving and require the use of SuDS measures be incorporated in all new development (including extensions to existing developments). All development proposals shall be accompanied by a comprehensive SuDS assessment including run-off quantity, run off quality and impacts on habitat and water quality.

WW 8 Storm Water Infrastructure
To support the improvement of storm water infrastructure and to increase the use of sustainable drainage and reduce the risk of flooding in urban environments.

Policy objective LP1: lighting schemes

Section 15.2.3 Guidelines for residential development in Towns and Villages.

DM Standard 2: Multiple Housing Schemes (Urban Areas).

In relation to public open space, the following is set out:

The provision of high quality accessible public open space should be set out as an integral part of the design process for proposed development.

Section 15.3 - Guidelines for Residential Development (Urban and Rural Areas)

In relation to private open space the following is set out:

Private Open Space shall be designed for maximum privacy and oriented for maximum sunshine and shelter. In general, a minimum back-to-back distance between dwellings of 22 meters shall apply in order to protect privacy, sunlight and avoid undue overlooking.

DM Standard 28: Sight distances

DM standard 32 sets out parking standards which require 1.5 spaces for 1-3 bed dwellings and 2 spaces for 4+ bed dwellings.

5.3 National Guidance

5.3.1 National Planning Framework 2040

The National Planning Framework includes a number of National Policy Objectives which are relevant and pertinent to the current proposals.

National Policy Objective 11

In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns, and villages subject to development meeting appropriate planning standards and achieving targeted growth.

National Policy Objective 13

In urban areas, planning, and related standards, including in particular height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

National Policy Objective 33

Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location".

5.3.2 **Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities, Department of Housing, Local Government and Heritage, 2023**

Section 3.3.4 specifically relates to small and medium sized towns with a population of between 1,500 and 5.000 persons. Planning Authorities need to offer an improved housing choice as an alternative, including serviced sites, to housing in the countryside. The strategy for all small and medium sized towns is to support consolidation within and close to the existing built-up footprint.

The following is set out in terms of density ranges-Edge of small and medium towns 25-40 dwellings per hectare.

The key priorities in these urban settlements are to:

- Plan for an integrated and connected settlement overall, avoiding the displacement of development generated by economic drivers in the key town or large town to smaller towns and villages and rural areas in the hinterland.
- Strengthen town centres.
- Protect, restore, and enhance historic fabric, character, amenity, natural heritage, biodiversity, and environmental quality.

- Realise opportunities for adaption, reuse, and intensification of existing buildings and for backland, brownfield, and infill development, and
- Deliver sequential and sustainable urban extension at locations that are closest to the urban core and are integrated into, or can be integrated into, the existing bult up footprint of the settlement.

Appendix D: Design -Key indicators of quality urban design and placemaking.

5.3.3 Section 28 Ministerial Guidelines

The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- ‘‘Design Manual for Urban Roads and Streets’ (DMURS 2013)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) (DoEH&LG 2009)
- ‘Appropriate Assessment of Plans and Projects in Ireland, Guidelines for Planning Authorities (DoEH&LG 2009).

5.4 Natural Heritage Designations

The closest designated European Sites are the Galway Bay Complex SAC (site code 000268) located approximately 10.97 kilometres west the appeal site and the Inner Galway Bay SPA (site code 004031) located approximately 12.21 kilometres west of the appeal site.

5.5 Environmental Impact Assessment (EIA) Screening

It is proposed to construct fifteen residential units. The number of dwellings proposed is well below the threshold of 500 dwelling units as set out within Schedule 5, Part 2, Class 10 of the Planning and Development Regulations, 2001, as amended. The site has an overall area of 0.842 hectares and is located within the designated settlement boundary of Athenry. The site is not located in a business district and currently

constitutes residentially zoned and serviceable lands, within the development boundary.

An Environmental Impact Assessment Screening Report was not submitted with the appeal.

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:

- Construction of more than 500 dwelling units,
- 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. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use).

The site area is therefore, well below the applicable threshold of 10 hectares (ha.) for a built-up area and 20 ha in the case of a site contiguous to the built-up area.

As per the criteria set out within Schedule 7 of the Planning and Development Regulations 2001 (as amended)), as to whether a development would/would not have a significant effect on the environment, the introduction of a residential development will not have an adverse impact in environmental terms on surrounding land uses. It is not considered the proposed development would have a significant effect on a European Site (as discussed below in Section 7.6 of my report). The proposed development would not likely give rise to a deterioration in water quality, pollution or nuisances that differ from that arising from other housing in the neighbourhood. 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 County Council, upon which its effects would be marginal.

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 governed by a residential zoning objective under the provisions of the current Athenry Local Area Plan 2024-2030, and the results of the Strategic Environmental Assessment of the Galway County 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 location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,

• 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).

I have concluded that, having regard to the nature, scale and location of the subject site within of the confines of the settlement boundary on serviceable lands, the proposed development would not be likely to have significant effects on the environment. On preliminary examination, there is no real likelihood of significant effects on the environment, arising from the proposed development. The need for

Environmental Impact Assessment Report (EIAR) can, therefore, be excluded at preliminary examination.

6.0 The Appeal

6.1 Grounds of Appeal

6.1.1 First Party appeal submission

A first party appeal submission was received from a Planning Consultant on behalf of the applicants, Lauren Construction Ltd. The first party appeal is specifically in relation to planning conditions 2 (a) and 2 (b) as set out within the Planning Authority (PA) decision. The issues raised within the appeal submission can be summarised as follows:

Development Plan/Local Area Plan Provisions/Land use zoning

- The appeal site is located is located within the built up footprint of the town of Athenry and would be consistent with policy objective CGR1 in relation to compact growth and that development should occur within the settlement boundary. The imposition of condition number two would be contrary to this policy objective.
- The development of fifteen hoses would result in a density of 25.68 dwellings per hectare (dph) in accordance with the provisions of the Core Strategy within the Plan.
- The density is consistent with that of the adjoining Abbey Glen residential development.
- With the implementation of condition number two as set out within the Planning Authority decision, this would result in a low-density development of 18.83 dph. and result in an inefficient, uneconomic, and unsustainable use of zoned serviced lands.
- The proposals would support the CGR1 policy objective within the Development Plan in relation to compact growth.
- The current proposals would comply with the Core Strategy and with the principles of proper planning and sustainable development in terms of having strong connectivity to the village centre.

- The proposals would add to the overall increase in housing numbers to meet the population growth anticipated for the County within the Core Strategy.

Precedent

- The Board within its decision relating to a residential scheme in Kinvara, Galway, Board reference number 314263-23 considered that the removal of residential units from a residential scheme was not warranted nor sustainable.

Open Space provision

- The open space provision within the residential scheme is more than adequate and that no justification for the omission of residential units 12-15 to provide for increased public open space provision has been provided.
- No minimum area of public open space provision is set out within the current Development Plan; However, the Guidelines for Sustainable Residential Development in Urban Areas advise that public open space should be provided at a minimum rate of 15% of total site area.
- Two well supervised areas of public open space would be provided. comprising an area of 1.015 square metres, equating to 17.38% of the total site area.
- The further information response provides for a shared surface area which seamlessly integrates with the public open space as no kerbing is proposed at this point. This quantum of space further exceeds the public open space provision within the site.
- In order to comply with condition number two, this would increase the public open space area to approximately 25% of the site area, which is unwarranted and unsustainable and contrary to the principles of efficient land use.

Design and Layout

- The applicants have submitted an alternative layout as part of its appeal submission to the Board for consideration. This alternative layout replaces two pairs of semi-detached units, no's 12-15 inclusive and to replace them with three two storey terraced units in one block with unit types C1, C2 and C3 to mirror unit numbers 1-3.
- This would amend the overall number of residential units within the site to fourteen and equate to a density of 23.07 dph. The overall public open space provision would increase to 1350.5 sq. m, and 23% of the total site area. The perpendicular parking spaces would remain as previously proposed.

6.2 **Third party appeal submissions**

6.2.1 Two third party appeal submissions have been prepared by separate planning consultants, the first on behalf of an individual residential property owner within the adjoining Abbey Glen residential development and the second from the combined residents within the Abbey Glen residential development. There are many common issues raised within the appeal submissions and these will be addressed by means of topic heading. Any other matters raised outside of these particular matters will be addressed under the 'Other Issues' heading. The issues raised within the appeal submissions relate to the following matters:

Development Plan/Local Area Plan:

- The development is premature pending the preparation of a replacement Local Area Plan (LAP) for the Athenry LAP 2012.
- The Planning Authority (PA) should not have granted permission in the absence of the updated Athenry LAP.
- No master plan layout has been submitted incorporating the appeal site and adjoining lands and address issues including access to the lands.
- The proposals are contrary to policy objectives PM1, PM8 and PM 10 of the current Galway County Development Plan 2022-28 regarding placemaking, provision of high-quality built environment, character and identity and design

quality, respectful of setting and environment and well considered public realm.

- The proposals are contrary to policy objectives UL2 and UL5 of the current Galway County Development Pam 2022-28 regarding principles of good placemaking and well planned and considered open space.
- The development would not be in compliance with Section 15.2.2 of the Development Plan regarding crime prevention through design.

Design and Layout:

- The six houses to the north of the Abbey Glen Development (numbers 24-29) will face onto a distributor road rather than facing onto a cul-de-sac.
- No Master Plan layout has been submitted as part of the applicants' proposals.
- A Master Plan should have been sought for the entirety of the lands in the ownership of the applicants as well as incorporating adjoining lands.
- The proposed development is located in close proximity to the private amenity space associated with numbers 22-24 Abbey Glen.
- The residential amenity of the Abbey Glen residents would be adversely impacted during the construction and operational phases of the development in terms of loss of privacy, overlooking, increased noise and dust, increased traffic, overspill parking, public safety and irreversible change to the cul-de-sac characteristics of the Abbey Glen development.
- The areas of public open space for the proposed development are located within areas least suitable for development within the site and, therefore, represent an after-thought.
- The pocket of open space in the north eastern corner is squeezed in and will not be subject to passive surveillance. leaving it unsafe and vulnerable to anti-social behaviour.

- Access to agricultural lands east of the subject lands is proposed through the appeal site would result in agricultural traffic traversing the public open space.
- The inadequacy of the public open space is apparent having regard to the PA's planning condition number 2 which would remove four residential units and increase the quantum of public open space.
- The public open space is of a poor standard and at risk of flooding.
- The public open space would not result in a usable, safe, quality space for future residents.
- No planning rationale for the location of the public open space has been provided.
- The public open space is located in proximity to the eastern site boundary, which is prone to flooding and, therefore, unsafe for use during flood events.

Traffic and Parking:

- The construction traffic associated with the proposal will result in the creation of a traffic hazard.
- The increased traffic immediately adjoins the public open space of the Abbey Glen development, rendering it unsafe.
- No provision has been made for construction related car parking.
- The construction period would result in traffic congestion within the Abbey Glen development.
- The junction of the R347 and the Abbey Glen development is heavily trafficked.
- The traffic safety considerations at this junction have not been duly considered.
- The access road could be used to access additional lands belonging to the applicants in the future to facilitate additional development proposals.

- The proposals will restrict the ability of the Abbey Glen residents to access their properties.
- The proposals would result in the creation of a traffic hazard due to the inadequate width of the access road.

Piped Water Services and Flooding

- Flooding has previously occurred in this area and on lands north of the current proposal. Photographic images of flooding in the Abbey Glen development and adjoining lands have been submitted. A cautious approach should be adopted by the Board in this instance.
- The CFRAMS maps do not fully represent the flood risk dangers to which this area is subject to.
- The Flood Risk Assessment (FRA) submitted does not accurately reflect the flooding issues within the site nor within the Abbey Glen development.
- The PA have not fully considered the flooding issues.
- Some of the residents within Abbey Glen have been denied house insurance due to the high-risk of flooding in the area,
- The CFRAMS document does not appear to have considered the impact of the permitted Athenry Relief Road, permitted further east of the development proposals. During heavy rain events, parts of the Abbey Glen development experience flooding (photographic images provided).
- Part of the appeal site, towards the southern end has experienced flooding and this area would not be suitable for open space provision nor car parking.
- The FRA is lacking in detail and does not reference flooding within the Abbey Glen development.
- The FRA does acknowledge some flooding that occurred in the eastern part of the appeal site.
- The FRA and the Planners Report both state that that the subject site does not have a history of flooding.

- The Draft Athenry LAP 2023 recommends that a precautionary approach to climate change needs to be adopted.
- The existing foul sewer pipes have a diameter of no more than 150 millimetres (mm) and the applicants are proposing a 225 mm diameter sewer pipe all of which are to outfall to a 450 mm diameter sewer in the main road, which may not be completed by the end of 2024. The proposals could be considered to be premature pending the foul sewer pipe upgrade.
- The Uisce Eireann correspondence includes a map illustrating an existing 100mm pipe which seems to refer to the diameter of the existing foul sewer network pipe. This would not be adequate to cater for the increased loading generated by the additional dwellings.
- It is unclear if it is proposed to install a new larger diameter foul sewer network pipe. If this was to occur, it would require digging up a new trench through the Abbey Glen development and cause serious disruption to the residents.

Other Issues:

- The structural integrity of the properties within Abbey Glen has not been considered.
- The stability and integrity of the dwellings and their boundaries has not been fully considered.
- The proposals will adversely impact the value of the properties within the Abbey Glen development.
- The nature of the Abbey Glen development will be fundamentally and irreversibly altered to the detriment of the existing residents' amenity.
- The granting of permission by the Board would establish an undesirable precedent and be contrary to the proper planning and sustainable development of the area.

- The applicants did not pursue the Strategic Housing Development (SHD) route with An Bord Pleanála.

6.2.2 **Third part responses to issues raised within first part appeal submission.**

Both of the third party appellants issued responses to the issues raised within the first party appeal submission. There is some repetition of issues raised between their initial appeal submission and these additional submissions and these matter will not be repeated. The additional issues raised within these second appeal submissions relate to the following matters:

Flood Risk:

- The location of where the three houses would replace the four houses omitted by the Planning Authority planning condition number 2 is a critical area being immediately adjacent to a recognised floodplain.

- The appellants are seeking to have the entirety of the development refused permission on this basis, but in the event that the Board is minded to grant planning permission, that planning condition number two as set out within the Planning Authority decision be retained.

- Reference is made to Met Eireann's reporting of increased rainfall due to climate change and a report from the EPA, January 2024 on Irelands climate change assessment, Section 8.31 which set out that 'Flooding from rainfall, rivers and the sea is a major hazard for the built environment. Increases in

rainfall intensity are expected with implications for existing buildings and building design'.

- In 2023 Met Eireann (ME) recorded the two wettest months on record, in March and July. Athenry recorded 224.1mm of rainfall in July 2023.

- 2023 was recorded by ME as the wettest year on record at Athenry weather station.

- A precautionary approach in relation to climate change needs to be adopted. The Planning System and Flood Risk Management Guidelines (FRMG's) also

recommend a precautionary approach be adopted towards climate change due to the level of uncertainty in relation to potential effects.

- The FRMG;s recommend recognising that significant changes in flood extent can occur, ensuring that flood defences can cope with the effects of climate change and that flood structures are capable of adaptation.

- Although the 4 residential units omitted as part of condition number 2 of the PA's decision, is outside of the flood zone within the Athenry LAP but are within the areas that have actually flooded as set out by the appellants.

Design and layout:

- That the shared space areas should not be included within the public open space of the scheme and this proposals would be contrary to the provisions of the Compact Settlement Guidelines for PA's published in 2024.

- The shared use of open spaces is encouraged within DMURS 2013, but this is in relation to making these areas safer and not in relation to providing public open space.

- There is a need to exclude the parts of the appeal site that are prone to flooding from the calculation of the net density figure. Therefore, the calculation of the densities by the applicants are unfounded.

- The appellants set out that when the areas prone to flooding are removed from the overall site area, that that only approximately 4.3% of the site area is available as usable public open space, not prone to flooding.

- The area of public open space to the north-east of the site would not be subject to passive surveillance and could lead to anti-social behaviour.

- The four units removed by the PA were removed on the grounds of seeking to improve public open space standards and not on the grounds of flooding.

- The proposals would be contrary to policy objective UL5 and Section 15.2.2 in the CDP in relation the provisor of well panned and considered open space and support crime prevention through design.

- The public open space is significantly deficient in terms of quality and quantity, and the development should be refused din this basis,

- The planning precedent referenced by the applicant in jKinvara, Galway the context of the site was wholly different to that of the current appeal site.

- The terrace of three houses as set out by the applicants within their alternative layout arrangement as submitted to the Board as part of their appeal submission are located in an area highly prone to flooding and the public open space located in the lower part of the site is immediately adjacent to a recognised flood zone and should be refused planning permission.

6.2.3 **Applicants Response to Third party appeal submissions**

The applicants issued a response to the issues raised within the third party appeal submissions. The issues raised relate to the following matters:

Development Plan/Local Area Plan Provisions:

- The proposals are in compliance with the provisions of the current Galway County Development Pan 2022-2028, including its Core Strategy. This was

set out within Section 5.4 of the applicants' Planning Statement and within the appeal submission to the Board.

- The lands are zoned R1-residential phase 1 within the Draft Athenry LAP 2023.

- The south-eastern tip of the appeal site is zoned RA- recreation and amenity and constrained land use, flood zones A & B. No residential development or site services are located within the RA zoned lands.

- Athenry is designated as a town of 'Strategic Potential', and a priority settlement for residential development in the County Development Plan and the lands are zoned residential and serviced.

Design and Layout:

- Numbers 22-24 Abbey Glen are the residential properties located closest to the proposed development. These properties are located within large plots with generous side/rear private garden spaces. The separation distances in addition to the considered layout of the proposals will ensure that no privacy or overlooking issues arise.

- An existing agricultural access transcends the Abbey Glen residential development at present. The provision of the infrequent access to the agricultural lands to the east of the appeal site will prevent the land becoming land locked.

- An Architectural Design Statement was submitted as part of the planning documentation and demonstrates how the proposals comply with the

placemaking policy objectives, PM1, PM8 and PM10 and policy objective UL2 in relation to urban design.

- The alternative layout, submitted by the applicants to the Board provides for increased public open space of 1,350 square metres and 23% of the site area.

- The development could be described as being backland in relation to the Abbey Glen development. Backlund development is specifically supported within policy objective UL1 in the County Development Plan.

- The development of A-rated architecturally designed houses to the rear of the Abbey Glen development will result in a positive urban design intervention and will not adversely affect property values at this location.

- The public open space provision has been carefully considered having regard to the irregular configuration of the appeal site. In quantitative terms, 1,015 sq. m of public open space is provided in two areas, amounting to 17.36% of the appeal site area. The issue of anti-social behaviour has been addressed by the introduction of a dual aspect orientation within house number 11, therefore, obviating the anti-social concerns.

Piped Services and Flooding:

- The design and layout accords with the Western/CFRAMS study which informed the preparation of the Draft Athenry LAP 2023.

- The applicants submitted a site-specific flood risk assessment prepared by a suitably qualified hydrologist. This report identifies that a land drain and culvert to the southeast of the appeal site was overgrown with vegetation and restricted the hydrologic function of the drain. This was limiting the ability of the drain to convey flows, causing water to back up onto the subject site. The

applicants carried out minor works to clear vegetation from the land drain and clearing the opening to the culvert.

- The improved efficacy of the local land drain/culvert identified in the SSFRA, the Planners report and the Westen CFRAMS study as conveying flows in the area away from the subject site will, therefore, allow the drain to continue to function and address the previously identified flood risk in the low lying area of the site, adjacent to the land drain.

- The SSFRA identifies that the poor maintenance of the Abbey Glen stormwater infrastructure is the likely cause of the surface water flooding within the development.

- No flow path has been identified linking the appeal site to the Abbey Glen development.

- The existing flood risk has been clarified as a maintenance issue within a local drain and culvert, which has since been rectified and can be managed in the future by maintenance. The applicant is willing to accept a planning condition to this effect.

- The appeal site will be managed by a dedicated stormwater drainage system designed in accordance with SuDS principles, limiting discharge to greenfield run off rates, thus not increasing flood risk within adjoining lands.

- The flood risk analysis is robust and comprehensive in this instance.

- The foul drainage is depicted on drawing number 11590-2201-Proposed drainage layout. The proposed foul sewer would be independent of the existing foul sewer which is inadequate in capacity, position and levels to serve the proposed development.

- Works regarding the installation of the independent foul sewer will be subject to agreement within the Construction traffic Management Plan (CTMP) and in

accordance with the recommendations of the traffic assessment. The accessibility and safety requirements of residents within Abbey Glen will be a primary consideration.

Traffic & Road Safety:

- The internal service road within Abbey Glen is a public road (L-31233) with the benefit of adequate vertical and horizontal alignment, with a public footpath and streetlighting. National planning policy is supportive of developing linkages and connectivity between neighbouring residential developments.

- The junction of Abbey Glen with the adjoining R347 is adequately designed and located within the 50 kilometre speed control zone.

- The Construction phase traffic impacts are specifically addressed within Section 8.0 of the Traffic and Transportation Assessment submitted as part of the planning documentation.

- The geometry of the continuation of the Abbey Glen access road would not result in the creation of a traffic hazard. Traffic speeds within Abbey Glen will be calmed with the proposed installation of the raised ramp/pedestrian crossing south of house number 1 Abbey Glen as set out within the current proposals.

Other Issues

- The structural integrity claims are not credible and should be dismissed.

7.0 Assessment

7.1 The main issues are those raised within the grounds of the first and third party appeals and the Planning Report, and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Design and Layout
- Services and Flood Risk.
- Access and traffic.
- Other Issues.
- Appropriate Assessment

7.2 **Principle of Development**

7.2.1 Athenry is classified as a town of 'Strategic Potential' within the current Galway County Development Plan 2022-2028. The vision for Athenry is **'**to sustain a strong, vibrant urban centre which will act as an important driver for the local economy, reduce travel demand and support a large rural hinterland, while providing a complementary role to the Key Towns, the Metropolitan Area and the smaller towns and villages in the Coun**ty'.** Section 2 of the Development Plan includes the Core Strategy which envisages that the town will cater an additional population of 1,350 persons during the plan period, 2022-2028, which will necessitate the development of 777 residential units during this period. The appeal site is located on lands that are zoned R1-residential phase 1 within the Athenry Local Area Plan 2024-2030. The Core Strategy sets out that residential (phase 1) zoned lands are to be prioritised and, therefore, the current proposals would be contrary to the sequential approach to residential development as recommended within the Sustainable Residential Development and Compact Settlement Guidelines 2023.

7.2.2 I acknowledge the context of the appeal site lands, which are located approximately 525 metres south east of Athenry town centre. I consider from a sequential perspective, the appeal site would be suitable for development, given its residential phase 1 zoning status and given that it adjoins established residential development. The current County Development Plan and the Athenry Local Area Plan provide for development of the site given its zoning and, therefore, is not constrained by Core Strategy provisions.

7.2.3 The current proposals, located on residentially zoned and serviced lands, would provide for additional housing units, as provided for within the Core Strategy.

Therefore, I consider, the current proposals would be appropriate in principle and would be consistent with the provisions of the Core and Settlement Strategies within the current Galway Development Plan.

7.2.4 In conclusion, Section 3.7.1 of the Galway Development Plan (GCDP) 2022 sets out locations suitable for residential development in urban areas. The appeal site, located within the designated settlement boundary of the Athenry, designated as a town of Strategic potential, on residential zoned lands that are serviced and would be consistent with the Core and Settlement Strategies as set out in the current Development Plan and with the provisions of the Athenry Local Area Plan 2024-2030.

7.3 **Flood Risk & Piped Water Services**

7.3.1 The third party appellants raised the issue of flooding within the appeal site boundary, within the Abey Glen residential development and the adjacent lands within their appeal submissions.

7.3.2 The applicants submitted a site specific Flood Risk Assessment (FRA) prepared by a Consultant Hydrologist as part of their planning documentation specifically to address the issue of flood risk within the appeal site. The FRA sets out that the residential; element of the proposals are located within flood zone C and a small area of the site, designated as part of the public open space is identified as being in Flood Zone B. The FRA did acknowledge that there were a number of instances of surface water flooding occurring within the vicinity of the land drain along the eastern and south-eastern site boundary of the appeal site. The Hydrologist conducted site investigations and concluded that the flooding resulted from a lack of maintenance within the land drain channel where vegetation had but up and that a culvert had also been partially blocked with vegetation. He sets out that following clearance of the vegetation from the land drain and the culvert, the issue of flooding has not re-occurred within the appeal site. The applicants have stated that they would be willing to accept a planning condition to maintain the land drain and the culvert free of vegetation on a permanent basis if the Board deem it appropriate.

7.3.3 As part of the response to the third party appeal submissions, the applicants' Consultant Engineers have provided an addendum FRA report which sets out that

the lands immediately adjacent to the drain are low lying and hence these are designated as part of the public open space. The finished floor levels of the dwellings have been raised ensuring that they are above any potential flood risk levels. The applicants' Consultant Engineers undertook an assessment of the land drain. They set out that the lands are in agricultural use and, therefore, the drain was not being regularly maintained. It is stated that the clearance of vegetation from the land drain has given greater capacity to the drainage channel benefitting the appeal site and the neighbouring lands. The clearance of vegetation from the land drain and the blocked culvert allows for the proper functioning of the drain and the culvert outlet. The Consultant Engineers subsequently inspected the culvert and land drain following the maintenance works and water was found to be flowing freely within both. The Consultant Engineers also noted the build-up of siltation within the storm water manholes and poor maintenance of the stormwater infrastructure within the Abbey Glen residential development as being an issue which would contribute to flooding issues within the Abbey Glen residential development. The Consultant Engineers have confirmed that there is no hydrological flow path connecting the appeal site to the Abbey Glen development.

7.3.4 The Consultant Engineers have also confirmed that the proposed residential development will be managed by a dedicated stormwater drainage system designed in accordance with best practice Sustainable Urban Drainage systems (SuDS) principles thereby limiting storm water outfall from the site to greenfield runoff rates ensuring no increase in flood risk within the appeal site or on adjoining lands. I consider that these storm water design and mitigation factors will ensure that no flood risk will arise within the proposed development or within adjacent lands. I note that the appeal site is largely located within Flood Zone C lands as set out within the Western CFRAMS study. This data was used to inform the Strategic Flood Risk Assessment (SFRA) prepared as part of the Athenry LAP 2024.

7.3.5 I note that the residential units are identified as being within Flood Zone C as set out within the Strategic Flood Risk Assessment (SFRA) prepared as part of the recently adopted Athenry LAP. A portion of the public open space along the south-eastern boundary, adjacent to the land drain is stated to be located within Flood Zone B. Open spaces are considered to be water compatible as per the Flood Risk

Management Guidelines (FRMG's 2009, prepared by the Office of Public Works (OPW) and the Department of Environment, Heritage and Local Government). The Western/CFAMS study and the OPW website floodinfo.ie have similarly not identified the appeal site nor adjoining lands as being within a known area of flood risk, although flood events further downstream of the site along the River Clarin are noted. Notwithstanding the fact that a highly vulnerable use (residential) is proposed, the preparation of a justification test is not specifically required as per the FRMG's. The applicants have submitted details of SuDS proposals in the form of an attenuation tank, rain gardens, tree pits, a swale, permeable paving drainage kerbs, infiltration tranches /filter strips., water butts and rainwater harvesting which will all provide for surface water discharge rates equivalent to greenfield runoff rates and that surface water storage volumes would accommodate a 1:100 year return period rainfall event within the designated storage area, plus 25% capacity for climate change. I am satisfied that the proposals would not increase the risk of flooding on site nor in the vicinity of the appeal site.

7.3.6 Therefore, on balance and subject to the maintenance of the land drain along the south-eastern site boundary, drainage culvert and stormwater infrastructure within the appeal site, that the development will not increase the risk of flooding within the appeal site nor within the adjoining lands. These matters can be addressed by means of appropriate planning conditions, in the event that a grant of planning permission is being recommended.

7.3.7 The applicants have submitted foul effluent proposals which would tap into the existing foul sewer within the adjoining Abbey Glen residential development and ultimately into the Uisce Eireann (UE**)** foul sewer on the R347, where it is stated that UE are due to complete the installation of an upsized/upgraded 450mm foul sewer section of network infrastructure by the end of 2024 (See Appendix D of Civil Works Design Report). These infrastructural proposals have been agreed in principle with Irish Water who have appointed a contractor for extending the sewer line by 130 metres and acknowledge that there is adequate capacity within the local foul sewer network to cater for the proposals.

7.3.8 I consider that the foul sewer proposals which would ultimately outfall to the public foul sewer network to be acceptable. I am also satisfied that there is adequate

capacity within the public sewer to cater for the foul effluent that would be generated by the fifteen residential units. I note that Section 2.10 of the Athenry LAP sets out the following in terms of foul drainage 'A network project to resolve capacity constraints, eliminate noncompliant combined sewer overflows and improve water quality recently commenced construction and will provide sufficient network capacity to cater for the targeted growth in the town'. I acknowledge the correspondence from Irish water confirming agreement in principle, subject to the upgrade works on the R347 which have commenced, as per the text within the Athenry LAP referenced above.

7.3.9 In terms of water supply, it is proposed to tap into the existing watermain within the Abbey Glen development. Correspondence from UE was received confirming agreement in principle with the water supply proposals.

7.3.10 In Conclusion, I consider that the applicants have submitted appropriate proposals in terms of water supply, foul drainage and surface water drainage proposals to serve the development and in accordance with best practice principles and considered acceptable by Uisce Eireann.

7.4 **Access and Traffic**

7.4.1 The third party appellants have raised issues in relation to traffic safety during the construction phase of the proposed development but also during the operational phase of the development. The applicants submitted a Traffic and Transport Assessment (TTA) and a Road Safety Audit (RSA) as part of their planning documentation.

7.4.2 I note that the access road within Abbey Glen is designated as a public road, the L-31233. The junction of the R347 and the L-31233 is located within the 50 kilometre speed control zone. The RSA submitted by the applicants included a number of recommendations including the provision of a number of uncontrolled pedestrian crossings/road safety ramps, The first of these would be located south-east of dwelling number 1 on the L33312, within the Abbey Glen development. The other two pedestrian crossings are located along the R347, east and west of the junction with the Abbey Glen development. The applicants set out that the dedicated crossings will improve pedestrian safety within the Abbey Glen development and

slow traffic entering and exiting the Abbey Glen development. The traffic disruption that would arise during the construction phase would be over a relatively short period of time, given the modest scale of development proposed,

7.4.3 **I** consider that the control measures set out within the RSA in terms of the shared surface space south of unit number 6 to 11 inclusive, completion of footpath links to tie-in with the footpaths with the Abbey Glen development, optimising visibility at uncontrolled pedestrian crossings, providing stop markings on the carriageway tie-in between the abbey Glen residential development and the proposed residential development, and roadside gullies to be located on the upper side of pedestrian crossings. would satisfactorily address many of the traffic safety issues raised by the third party appellants in terms of reducing traffic speeds and safety of access for residents with Abbey Glen to their public open space. I consider that the design as proposed will improve pedestrian safety in this area and slow vehicular traffic during the construction and operational phases of the development. These matters can be included by means of appropriate planning conditions, if the Board deem appropriate.

7.4.4 I consider that the recommendations included within the RSA would provide for improved safety for pedestrians with the development of pedestrian crossings and footpath tie-ins along the L-31233-the Abbey Glen internal service road, which is a public roadway. These measures will benefit future residents and the existing residents within the Abbey Glen residential development. The inclusion of the pedestrian crossing within Abbey Glen and each side of the access to the Abbey Glen develoepmnt off the R347 would also slow traffic down on the regional route and improve safety at the junction of the L311233 and the R347, which the appellants have acknowledged can be dangerous, due to excessive road traffic speeds. As per Table 4.2 of the Design Manual for Urban Roads and Streets (DMURS) Guidance, 2013 (as updated in 2023) sightlines of 45 metres are required for access points where the 50 km/h speed control zone applies from a 2.4 metre set back from the edge of the carriageway. I am satisfied that adequate sightlines would be achievable in accordance with the DMURS standards. The applicants have set out that the precise locations of the uncontrolled crossing on the R347 would be

agreed with the Local authority. These are matters that can be addressed by means of an appropriate planning condition, if the Board deem appropriate.

7.4.5 The appellants raised issues specifically in relation to the potential for adverse impact arising from the construction traffic that the development would generate. The applicants have addressed this matter specifically within Section 8 of the Traffic and Transportation Assessment (TTA). It is proposed to provide a site compound and including a site office would be located within the northern part of the appeal site and a car parking area for construction workers would be located within this area. I acknowledge that there would be increased HGV movement along the L33312 during the construction phase, however this is estimated to result in between four and ten HGV movements per day during the construction phase of the development. The applicants have set out that there is adequate capacity within the adjacent road network and junctions to cater for the construction and operational phases of the development. The applicants are proposing to erect warning signage and operate during normal construction hours, these are matters that would be agreed as part of a Construction and Environmental Management Plan (CEMP), which would be agreed in writing with the PA prior to the commencement of development. I consider the proposals in relation to the management of construction traffic to be acceptable.

7.4.6 In conclusion, I am satisfied that the scale of the development would not result in excessive traffic levels being generated and that the proposals are designed in accordance with the Design Manual for Urban Roads and Streets standards (DMURS) best practice standards and therefore, safety of pedestrians and drivers is optimised in accordance with specific policy objective ASP53 within the Athenry LAP which seeks to facilitate and improve pedestrian connectivity.

7.5 **Design and Layout**

7.5.1 The applicants submitted a Design Statement as part of their planning documentation. The design statement provides a context for the development, a statement relating to universal design, shadow analysis, connectivity, variety of dwelling type, distinctiveness, layout, public realm, adaptability, residential amenity and detailed design. The Planning Authority (PA) as part of its further information request had raised concerns regarding the quantum of usable public open space

within the development and that a more centralised public open space area be provided and that the perpendicular parking proposals be omitted. The PA within its decision, and specifically within condition number 2, omitted two pairs of semi-detached units, namely unit number 12-15 inclusive along with the perpendicular parking spaces associated with those residential units and that the area occupied by those residential units be incorporated into the public open space for the development. This planning condition would have resulted in 11 residential units being permitted, at a density of approximately 18.83 units per hectare.

7,5.2 The applicants have submitted an appeal specifically in relation to planning condition number two of the PA's decision, in relation to the omission of the four residential units and the associated perpendicular parking spaces. The applicants have submitted an alternative design and layout as part of the appeal submission whereby fourteen units are now proposed, including a block of three terraced units, numbers 12-14 would be provided in lieu of the four units (two pairs) of semi-detached units, unit numbers 12-15 as omitted within planning condition 2(a) of the PA; s decision. Two perpendicular car parking spaces are proposed to serve each of the three terraced units. An area of public open space (number 1) is now proposed, east of the three terraced unis are directly overlooked by unit numbers 1-6. The total area of public open space within the appeal site as set out within the alternative layout is stated to be 1,350.5 square metres which equates to 23% of the site area and a density of 23.1 dwelling units per hectare.

7.5.3 I acknowledge that the density is somewhat below what is envisaged within the Compact Settlement Guidelines 2023, which recommends that densities between 25-40 dph be provided within small to medium sized towns. The open space at 23% is also somewhat above what would normally be provided (approximately 15%) within residential schemes on the perimeter of edge of settlement centres. However, there are a number of factors that need to be considered when assessing densities and open space standards. The appeal site is irregular in its configuration, it being triangular shaped. The existence of the Abbey Glen development also has to be considered in terms of achieving adequate separation distances and site access. The drainage ditch and the history of surface water ponding along the south-eastern

site boundary also requires consideration. Overall, having considered all of these factors, given that not all of the 23% public open space may be usable at all times of the year due to flooding along the south-eastern drainage ditch channel, and notwithstanding the vegetation and culvert clearances along the south-eastern site boundary, the provision of a central area of open space that is functional and accessible to many of the proposed dwellings is considered acceptable. I consider the density and layout as proposed within the alternative layout submitted to the Board for consideration by the applicants as representing an appropriate balance between the development on zoned serviced lands, achieving a quality of design and layout that will provide for a sustainable residential development with connectivity to Athenry through the adjoining Abbey Glen development. I consider that adequate separation distances are provided for, with the proposed dwellings being designed as being gable to gable or gable to rear boundary with unit numbers 22-24 within Abbey Glen.

7.5.4 The revised design and layout submitted as part of the applicants planning appeal submission provides for a development of 14 residential units and for a variety of house type, including two, three and four bedroomed semi-detached and terraced units and with three principal house types provided, and some mirror image designs within those three house types. I consider that the dwellings provide for a high quality of internal and external amenity for future occupants in terms of the dwelling sizes ranging from 99 sq. m to 132 sq. m and the private garden spaces ranging in size from approximately 76 square metres up to 229 square metres. The dwellings are considered to meet the urban dwelling development standards as set out within Section 15.3 of the current Galway Development Plan. The applicants submitted landscaping proposals for the areas of public open space. This landscaping plan relates to the development as originally proposed for 15 residential units. It is unclear from the landscaping plan, if it is proposed to retain the existing boundary wall, hedging and trees along the western and south-western site boundary, that with Abbey Glen. The applicants have submitted details of boundary treatment along the appeal site boundaries with a mix of concrete post and panel fencing, railings, timber

plank and post fencing. Final details of boundary treatment and landscaping can be addressed by means of appropriate planning conditions.

7.5.5 The southern and north-eastern parts of the appeal site will be used as public open space to serve the residential development. The nearest residential dwelling (unit number 1) to the nearest part of unit number 24 in the Abbey Glen Development, would be approximately 8.95 metres, that is side gable to side gable. Unit numbers 22 and 23 within Abbey Glen back onto the side gable of unit number 14 within the proposed development and a separation distance in excess of 16 metres would be achieved.

7.5.6 In conclusion, having regard to the generous separation distances and the retention of existing boundary walling and tree planting and the inclusion of additional landscaping proposals, I am satisfied that the residential amenity of neighbouring residents will not be adversely impacted upon. I consider that the applicants have adopted a considered approach to the design and layout of the residential development as proposed within the revised residential scheme, as submitted to the Board, and having regard to the. amenities of the adjacent residents.

7.6 **Other Issues**

7.6.1 I note that the submission received by the Planning Authority from the neighbouring residents to the west of the appeal site raised a number of issues in relation to boundary treatments and adverse impact upon their residential amenity. The final details in relation to boundary treatment are matters that can be addressed by means of appropriate planning conditions. I consider that having regard to the generous separation distances, the retention of the existing western and south-western site boundaries including the stone wall and hedging boundaries and the inclusion of additional landscaping proposals to augment the existing boundary treatment, that the residential amenity of neighbouring residents will not be adversely impacted upon.

7.6.2 I note that the ground levels on the appeal site are higher than those of the neighbouring residential properties to the west. However, having regard to the generous separation distance between the appeal site and the neighbouring

residential properties, and the retention of the boundary stone wall and hedgerow and tree planting along the western site boundary along with the inclusion of appropriate landscaping proposals, I am satisfied that the residential amenities of neighbouring dwellings will not be adversely impacted upon.

7.6.3 In terms of the revised layout, submitted by the applicants as part of their appeal submission, I did consider the option of referring it back to the various interested parties for comment, the third-party appellants and the Planning Authority. However, I do not consider that the revised layout as submitted represents such a material change that this step was necessary nor warranted. The issues raised by the third-party appellants were not specifically in relation to this part of the development, but rather related to issues of residential amenity, access, traffic/pedestrian safety piped water services and flooding. However, if the Board deem appropriate, they can recirculate the revisions to the residential scheme to the relevant parties.

7.6.4 The Department of the Arts, Heritage and Gaeltacht in its referral response to GCC referenced the potential existence or archaeological remains within the site or within its vicinity. The applicants submitted results of archaeological testing as part of their further information response, and it was concluded that ‘the test trenching did not reveal any archaeological features, deposits or artefacts. A number of linear features were identified during testing works; However, it was concluded that these are modern in nature and represent relatively recent drainage work and agricultural activity. Licensed metal detection did not locate archaeologically significant artefacts. Given the absence of archaeological material on the site, it is recommended that no further archaeological input is required for this development’. Therefore, I am satisfied that there would no risk to archaeological remains as a result of development within this site.

7.7 **Appropriate Assessment Screening**

7.7.1 Please refer to Appendix 2 (AA Screening) and Appendix 3 (Appropriate Assessment) of this report which contains an AA Screening Assessment Report and a Natura Impact Assessment Report where I have concluded the following:

I conclude within my AA Screening Assessment that the proposed development would potentially have a significant effect alone of the water dependent habitats and species of the Galway Bay Special Area of Conservation (side code 000268) and the Inner Galway Bay Special Protection Ae a(site code 004031) from surface water run-off, sediment and hydrocarbons that may be generated during the construction phase of the development and the surface water outfalls from the operational stage of the residential development. An Appropriate assessment (AA) is required on the basis of the effects of the project alone. Further assessment of in-combination with other plans and projects is not required at this time. Therefore, it was necessary for me to proceed to a Stage 2 AA as set out within Appendix 3 below.

8.0 **Recommendation**

I recommend that planning permission be granted subject to the following conditions:

8.1 Having regard to the location of the infill site within the settlement boundary of Athenry on residentially zoned and serviceable lands, the provisions of the Galway County Development Plan 2022-2028 and the Athenry Local Area Plan 2024-2030, the pattern of development in the area, and the nature and modest scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the Core and Settlement Strategies of the Development Plan, that the development is sequentially appropriate, that the layout and design is appropriate, that the development would not result in the creation of a traffic hazard, would not exacerbate flood risk on site nor in the vicinity of the site, not adversely impact upon the natural or archaeological heritage in the area or seriously injure the amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

9.0 **Conditions**

1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 27th day of April 2023 and the 1st day of November 2023 and by the further plans and particulars received by An Bord Pleanála on the 11th day of January 2024**,** 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 (a) Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, proposals for increased on-site attenuation in accordance with the Greater Galway Area Strategic Drainage Study, shall be submitted to, and agreed in writing with, the planning authority.
(b) The two existing septic tank systems and soakhole/percolation areas within the appeal site boundaries shall be removed and the two existing dwellings shall be connected to the public foul and surface water sewers at the expense of the developer. The public service connections shall be completed in advance of the decommissioning of the septic tank systems. The ground in the vicinity of the septic tank areas shall be chemically sterilised.

Reason: In the interest of public health.

3 Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health.

4 Details of the materials, colours, and textures of all the external finishes to the proposed development, including external lighting throughout the development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenities.

5 (a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs and car parking bay sizes shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii within the development shall be in accordance with the guidance provided in the National Cycle Manual.

(b) The materials used in any roads/footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.

Revised drawings and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

6. Final details of the pedestrian crossings on the L31233 and on the R347, including details of surfacing and construction of footpaths within the development**,** access and traffic arrangements as submitted to the Board on the 11th day of January 2024 shall be agreed in writing with the Planning Authority prior to the commencement of development. It shall be the responsibility of the developers to implement the recommendations of the Road Safety Audit, submitted as part of the planning documentation to, the Planning Authority on the 27th day of April 2023.

Reason: In the interest of public safety and sustainable transportation.

7 Details of all existing and future boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Existing hedgerows, trees and stone wall boundaries, along the western and south-western site boundaries and along all site boundaries shall be retained where possible.

Reason: In the interests of visual and residential amenity

8. Proposals for a naming 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 signs, and numbers shall be provided in accordance with the agreed scheme.

Reason: In the interests of amenity and of the proper planning and sustainable development of the area.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

10 The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than 1:500 showing –

(i) Existing trees, hedgerows and stone walls, specifying which are proposed for retention as features of the site landscaping

(ii) The measures to be put in place for the protection of these landscape features during the construction period

(iii) The species, variety, number, size and locations of all proposed trees

and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder] [which shall not include prunus species.

(iv) Details of screen planting which shall not include cupressocyparis x leylandii

(v) Details of roadside/street planting which shall not include prunus species

(vi) Hard landscaping works, specifying surfacing materials, furniture play equipment and finished levels.

(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment

(c) The landscaping works shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

11. A minimum of 25% of the proposed car parking spaces in on-surface 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 transportation.

12. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays 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.

13. The construction of the development shall be managed in accordance with a Construction Waste Management Plan, a Construction Traffic Management Plan and a Construction and Environmental Management Plan, which shall be submitted to, final details of which shall be agreed in writing with the planning authority prior to commencement of development. This plans shall provide details of intended construction practice for the development, management of construction waste and materials on site, environmental control measures, including noise, dust and vibration management measures, working hours, construction traffic and parking, management of laying of independent foul sewer line, liaisons with neighbours during the construction period, measures for managing construction sediment run-off and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

14. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority full details of the proposed public lighting, including the lighting levels within open areas of the development.

Reason: In the interests of public safety and residential amenity.

15. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and 3 (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted

under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

16. 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.

17. 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.

18 All mitigation measures included within the Natura Impact Statement submitted to the Planning Authority on the 27th day of April 2023 and those included within the Construction and Environmental Management Plan submitted to the Planning Authority on the 27th day of April 2023 shall be implemented in full. The additional mitigation measures identified within the Construction Environmental Management Plan (refer to condition number 13 above) to be submitted and agreed in writing with the Planning Authority shall be implemented in full.

Reason: In the interest of protecting natural heritage.

19 The drainage channel along the south-eastern appeal site boundary shall be maintained and kept free of vegetation at all times in order to allow for continued efficacy of flow within the drainage channel. These maintenance works shall be completed by the developer and at no expense to the local authority.

Reason: In the interest of public health.

Fergal Ó Bric

Planning Inspectorate

5th day of December 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	318824-24
Proposed Development Summary	Construction of residential development, public and private open space, bicycle parking, footpath connections, public lighting, landscaping, and revised boundary treatments. Provision of car parking, ducting for future EV charging points. Provision of an uncontrolled pedestrian crossing on the R347, connection to mains water infrastructure, foul drainage networks, including on-site surface water attenuation, associated site works and services.
Development Address	Knockaunglass, Athenry, Co. Galway.

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**	X
	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	X		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	X			No EIAR or Preliminary Examination required

Yes				

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

Inspector: _____ **Date:** _____

Appendix 2 – AA Screening

Screening for Appropriate Assessment
Screening Determination

Description of the project

I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The development is described in Section 2 of my report. The proposed residential development is located on residentially zoned lands within the designated settlement boundary, south-east of the settlement of Athenry and accessed indirectly off the R347 through the adjoining Abbey Glen residential development, The site is not located in proximity to the Galway Bay Complex SAC nor the Inner Galway Bay SPA which are protected by a number of nature conservation designations. The residential development would comprise two storey semi-detached and terraced dwellings. The development would be connected to the public foul and surface water sewer networks. Ultimately surface and foul effluent from the development would outfall to Galway Bay via the piped networks, subsequent to treatment. The development will also connect to the public watermains.

The appeal site comprises grassland habitat. The appeal site is largely dry underfoot with areas of disturbed ground, spoil and bare ground within it. The south-eastern boundary of the appeal site was a little soft underfoot. There is a land drain located along the south-eastern site boundary. The site is bordered by a low level stone wall boundary, overgrown with scrub vegetation, with some treeline planting and hedging also along the western, south-western, northern and eastern site boundaries.

The subject site is located approximately 10.47 kilometres north-east of the Galway Bay Special Aea of Conservation (SAC, site code 000268) and approximately 12.21 kiilometres east of the Inner Galway Bay Special Protection Area (SPA, site code 004031) at their closest points.

From my observations on site, I note the existence of a drainage ditch/stream running along the south-eastern site boundary which ultimately discharges to the Clarin River approximately 600 metres downstream (south-west) of the appeal site.

With reference to EPA mapping[1], there is no named watercourse running through or directly adjacent to the site. Downstream of the appeal site, the nearest EPA mapped watercourse is the Clarin River (EPA code IE-WE-G-0008) which has a Water Framework Directive (WFD) Status classified as good in the most recent water quality assessment as per the information available within catchments.ie.

I note the grounds of the third-party appeal reference the issues of flooding and surface water management within the site and adjacent lands.

I have taken these comments into consideration in the AA Screening Assessment below.

Potential impact mechanisms from the project

The elements of the proposed development that would potentially generate a source of impact are:

- The residential development and its construction.
- Surface water run-off from the appeal site during the construction phase.

While there is no immediately apparent direct surface water hydrological connection to the Galway Bay SAC nor the Inner Galway Bay SPA, it is noted that the drainage ditch running along the south-eastern site boundary would eventually drain to other surrounding surface water bodies, namely the River Clarin approximately 600 metres downstream and which hydrologically connects into the Galway Bay Complex SAC and the Inner Galway Bay SPA, both located in excess of ten kilometres downstream of the appeal site. As such, potential impact mechanisms include surface water outfall arising from construction works (silt/ hydrocarbon/ construction related), resulting in potential deterioration of water quality. At operational stage, the surface water outfall from contaminated surface water runoff from the additional hard standing areas could impact on surface water bodies. It is noted that the surface water would be subject to standard control Sustainable urban Drainage System (SuDS) measures, including a hydrocarbon interceptor prior to

[1] https://gis.epa.ie/EPAMaps/AAGeoTool

outfall to the drainage ditch along the south-eastern site boundary. It is stated that the surface water outfall would not exceed the current green field run-off rate.

With reference to EPA mapping, the site is underlain by carboniferous limestone within the Clarinbridge groundwater body which is classified as having a high vulnerability. However, the groundwater body is classified as being of good status as per the data available within cathments.ie. Therefore, groundwater is not considered to be at risk from the development proposals.

There is no evidence on file that the appeal site nor the drainage ditches/streams running along the site support populations of qualifying interest species, including Otters, Harbour Seal or protected bird species listed as qualifying species of the Galway Bay Complex SAC and/or the Inner Galway Bay SPA, Therefore, any potentially significant *ex-situ* impacts on species associated with the Galway Bay SAC and the Inner Galway Bay SPA can be ruled out.

There are no other readily apparent impact mechanisms that could arise as a result of this project.

European Sites at risk

Table 1 European Sites at risk from impacts of the proposed project

Effect mechanism	**Impact pathway/Zone of influence**	**European Site(s)**	**Qualifying interest features at risk**
Indirect surface water pollution	Drainage ditch which eventually drain to the Galway Bay Complex SAC via the River Clarin located approximately six hundred metres	Galway Bay Complex SAC (site code 000268).	Mudflats and sandflats Coastal lagoons. Large shallow inlets and bays. Reefs.

	downstream of the appeal site.		Salicornia and other annuals colonising mud and sand. Atlantic salt meadows. Mediterranean salt meadows. Otter Harbour Seal Annual vegetation of drift lines. Perennial vegetation of story banks. Entoyonic shifting dunes. Atlantic salt meadows. Shifting dunes along the shore line. Large shallow inlets and bays (1160).

Galway Bay Complex SAC.

With reference to the relevant Site Synopsis document on the NPWS website, Galway Bay is situated on the west coast of Ireland, this site comprises the inner, shallow part of a large bay which is partially sheltered by the Aran Islands. The Burren karstic limestone fringes the southern sides and extends into the sublittoral. West of Galway city the bedrock geology is granite. There are numerous shallow and intertidal inlets on the eastern and southern sides, notably Muckinish, Aughinish and Kinvarra Bays. A number of small islands composed of glacial deposits are located along the eastern side. These include Eddy Island, Deer Island and Tawin

Island. A diverse range of marine, coastal and terrestrial habitats, including several listed on Annex I of the E.U. Habitats Directive, occur within the site, making the area of high scientific importance. (www.npws,ie)

Step 4: Likely significant effects on the European site(s) 'alone'

Table 2: Could the project undermine the conservation objectives 'alone'

European Site and qualifying feature	Conservation objective (summary) [2]	Could the conservation objectives be undermined (Y/N)?	
		Indirect surface water pollution	Indirect groundwater pollution
Galway Bay Complex SAC			
Mudflats and sandflats not covered by seawater at low tide	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in the Galway Bay Complex SAC.	Yes. see discussion below.	No. see discussion below.
Turloughs.	To maintain the favourable conservation condition of Annual vegetation of drift lines in the Galway Bay Complex SAC.	Yes. See discussion below.	No. see discussion below.
Coastal lagoons	To retore the favourable	No. See discussion below	No. see discussion below

[2] Full versions are available at https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO00268.pdf (for the Galway Bay Complex SAC)

	conservation condition of coastal lagoons in the Galway Bay Complex SAC		
Otter	To restore the favourable conservation condition of the Otter in the Galway Bay Complex SAC	Yes. See discussion below	No. see discussion below
Reefs	To maintain the favourable conservation condition of Reefs in the Galway Bay Complex SAC	No. See discussion below	No. See discussion below
Atlantic salt meadows	To restore the favourable conservation condition of Atlantic salt meadows in the Galway Bay Complex SAC	No. See discussion below	No. See discussion below
Juniperous communis formations on heaths or clacareous grasslands	To restore the favourable conservation condition of Shifting dunes along the shoreline with Ammophila Arenara.	Yes. see discussion below.	No. see discussion below.

	in the Galway Bay Complex SAC.		
Large Shallow Inlets and Bays	To maintain the favourable conservation condition of Large Shallow Inlets and Bays in the Galway Bay Complex SAC,	Yes. see discussion below.	No. see discussion below.
Harbour Seal	To maintain the favourable conservation condition of the Common Seal in the Galway Bay Complex SAC.	Yes. see discussion below.	No. see discussion below.
Salicornia and other annuals colonising mud and sand.	To maintain the favourable conservation condition of Salicornia and other annuals colonising mud and sand. in the Galway Bay Complex SAC.	Yes. see discussion below.	No. see discussion below.
Mediterranean salt meadows.	To restore the favourable conservation condition of Mediterranean salt meadows in the	Yes. see discussion below.	No. see discussion below.

	Galway Bay Complex SAC.			
Semi-natural dry grasslands	To maintain the favourable conservation condition of Semi-natural dry grasslands in the Galway Bay Complex SAC	Yes. see discussion below.	No. see discussion below.	
Perennial vegetation of story banks.	To maintain the favourable conservation condition of Perennial vegetation of story banks in the Galway Bay Complex SAC	Yes. see discussion below.	No. see discussion below.	
Calcareous fens	To maintain the favourable conservation condition of Calcareous fens in the Galway Bay Complex SAC	Yes. see discussion below.	No. see discussion below.	
Alakline Fens .	To maintain the favourable conservation condition of Alakline	Yes. see discussion below.	No. see discussion below.	

	Fens in the Galway Bay Complex SAC			

In relation to surface water quality, I note that the residential development proposed would be developed in close proximity to the drainage ditch to the south-east of the site. However, at construction stage, it is considered that standard best practice construction measures would not be sufficient to prevent the possibility of silt, sediment, soils, concrete, hydrocarbons and other construction pollutants entering this drainage ditch given close proximity to the site and the fall in levels within the appeal site towards the drainage ditch and in the absence of appropriate mitigation measures. Notwithstanding the ten kilometre hydrological separation distance between the appeal site and the Galway Bay Complex SAC, the hydrological link represents a potential indirect hydrological/ecological connection and, therefore, it is considered that in the absence of mitigation measures that there is potential to adversely impact upon water quality within Galway Bay Complex SAC and potentially significantly impact its conservation objective, to maintain or restore the favourable conservation status of habitats and species within the Galway Bay Complex SAC.

At operational stage, storm water from hardstanding within the residential site will be directed to the land drain along the south-eastern site boundary. However, the applicants are proposing to use standard construction control measures ion site including the use of hydrocarbon interceptors within stormwater tanks prior to surface water generated on site hardstanding areas and roofs being released to the adjoining drainage ditch. Notwithstanding the inclusion of these control measures, it is considered that there remains potential to adversely impact water quality within the Galway Bay SAC. The detailed design of this storm water system will be designed to the satisfaction of the Planning Authority and this drainage system will be designed so as to prevent contaminated storm water entering this drain. Notwithstanding, potential for adverse impacts on water quality within the Galway Bay Complex SAC exist, resulting from contaminated surface water run-off is possible.

In relation to potential groundwater impacts, I would note that the proposal would not require significant excavations, save for limited groundworks associated with the construction of the dwellings. I consider that best practice construction measures will serve to protect groundwater. Even if these measures should fail, this indirect hydrological link via groundwater represents a weak ecological connection. Any pollutants from the site that should enter groundwater during the construction stage, via spillages onto the overlying soils will be subject to dilution and dispersion within the groundwater body, rendering any adverse impacts on water quality within the Galway Bay Complex SAC unlikely.

At operational stage, and as per the discussion of surface water impacts, the attenuation tanks are required to be designed to retain any storm /surface waters and be released gradually to the adjoining land drain after they have passed through a hydrocarbon interceptor in accordance with best practice SuDS practice, and in this manner groundwater quality will be protected.

I note that best practice construction measures that would be adhered to at construction stage, and the relevant regulations and standard conditions that will be required to be adhered to at operational stage, are not mitigation measures intended to reduce or avoid any harmful effect on any Natura 2000 site and would be employed by any competent operator, notwithstanding any proximity to any Natura 2000 site.

However, the applicants have included a number of site specific mitigation measures in order to protect the surface water within the drainage ditch along the south-eastern boundary of the site. These are included in order to protect the water quality of the adjacent drainage ditch along the western site boundary which outfalls to the nearby Clarin river channel approximately six hundred metres downstream (south-west) of the appeal site and which ultimately outfalls to the Galway Bay Complex SAC, in excess of ten kilometres downstream of the site.

Having regard to the discussion above, I conclude that the proposed development would have potential to significantly impact upon some of the water effect ‘alone’ on water dependent habitats and species identified as qualifying features of the Galway Bay Complex SAC.

Likely significant effects on the European site(s) 'in-combination with other plans and projects'

There is no evidence on file of any plans or projects that are proposed or permitted that could impact in combination with the proposed development and as such no in-combination issues arise.

I conclude, therefore, that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European sites. No further assessment is required for the project.

Overall Conclusion- Screening Determination

I conclude that the proposed development is likely to have a significant effect on the water dependent habitats and species associated with the Galway Bay Complex SAC from effects associated with the construction activities and the outfall of surface water to the adjoining surface water drainage system. An appropriate assessment is required on the basis of the effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at this time.

It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is required on the basis of the effects of the project 'alone'.

European Sites at risk

Table 1 European Sites at risk from impacts of the proposed project

Effect mechanism	**Impact pathway/Zone of influence**	**European Site(s)**	**Qualifying interest features at risk**
Indirect surface water pollution	Drainage ditch which may eventually drain to the Inner Galway Bay SPA via surrounding surface water bodies.	Inner Galway Bay SPA (site code 004031).	Great Northern Diver Cormorant Grey Heron Brent Goose Wigeon Teal Shoveler Red-breasted Merganser Ringed Plover Golden Plover Lapwing Dunlin Bar-tailed Godwit Curlew Redshank Turnstone Black-headed Gull Common Gull Sandwich Tern

			Common Tern Wetlands

Inner Galway Bay SPA.

With reference to the relevant Site Synopsis document on the NPWS website, the Inner Galway Bay SPA is a very large, marine-dominated site situated on the west coast of Ireland. The inner bay is protected from exposure to Atlantic swells by the Aran Islands and Black Head. Subsidiary bays and inlets (e.g. Poulnaclough, Aughinish and Kinvarra Bays) add texture to the patterns of water movement and sediment deposition, which lends variety to the marine habitats and communities. The terraced Carboniferous (Viséan) limestone platform of the Burren sweeps down to the shore and into the sublittoral. The long shoreline is noted for its diversity, and comprises complex mixtures of bedrock shore, shingle beach, sandy beach and fringing salt marshes. Intertidal sand and mud flats occur around much of the shoreline, with the largest areas being found on the sheltered eastern coast between Oranmore Bay and Kinvarra Bay. A number of small islands and rocky islets in the Bay are included within the site. (www.npws,ie)

Step 4: Likely significant effects on the European site(s) 'alone'

Table 2: Could the project undermine the conservation objectives 'alone'

European Site and qualifying feature	**Conservation objective (summary)** [3]	**Could the conservation objectives be undermined (Y/N)?**	
		Indirect surface water pollution	**Indirect groundwater pollution**
Inner Galway Bay SPA			
Wetlands	To maintain the favourable conservation condition of Wetlands	Yes. see discussion below.	No. see discussion below.

[3] Full versions are available at https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO001482.pdf (for the Clew Bay Complex SAC)

	and waterbirds in the Inner Galway Bay SPA.		
Great Northern Diver	To maintain the favourable conservation condition of Great Northern Diver in the Inner Galway Bay SPA.	Yes. See discussion below.	No. see discussion below.
Cormorant	To maintain the favourable conservation condition of Cormorant in the Inner Galway Bay SPA.	Yes. See discussion below	No. see discussion below.
Grey Heron	To maintain the favourable conservation condition of Grey Heron in the Inner Galway Bay SPA.	Yes. See discussion below	No. see discussion below.
Brent Goose	To maintain the favourable conservation condition of Brent Goose in the Inner Galway Bay SPA.	Yes. See discussion below	No. See discussion below.

Wigeon	To maintain the favourable conservation condition of the Wigeon in the Inner Galway Bay SPA.	Yes. See discussion below	No. See discussion below.
Teal	To restore the favourable conservation condition of Teal in the Inner Galway Bay SPA.	Yes. see discussion below.	No. see discussion below.
Red-breasted Merganser	To maintain the favourable conservation condition of Red-breasted Merganser in the Inner Galway Bay SPA.	Yes. see discussion below.	No. see discussion below.
Ringed Plover	To maintain the favourable conservation condition of Ringed Plover in the Inner Galway Bay SPA.	Yes. see discussion below.	No. see discussion below.
Golden Plover	To maintain the favourable conservation	Yes. see discussion below.	No. see discussion below.

	condition of Golden Plover in the Inner Galway Bay SPA.		
Lapwing	To maintain the favourable conservation condition of Lapwing in the Inner Galway Bay SPA.	Yes. see discussion below.	No. see discussion below.
Dunlin	To maintain the favourable conservation condition of Dunlin in the Inner Galway Bay SPA.	Yes. see discussion below.	No. see discussion below.
Bar-tailed Godwit	To maintain the favourable conservation condition of Bar-tailed Godwit in the Inner Galway Bay SPA.	Yes. see discussion below.	No. see discussion below.

Curlew	To maintain the favourable conservation condition of the Curlew in the Inner Galway Bay SPA.	Yes. see discussion below.	No. see discussion below.
Redshank	To maintain the favourable conservation condition of Redshank in the Inner Galway Bay SPA.	Yes. see discussion below.	No. see discussion below.
Turnstone	To maintain the favourable conservation condition of Turnstone in the Inner Galway Bay SPA.	Yes. see discussion below.	No. see discussion below.
Black headed Gull	To maintain the favourable conservation condition of the Black headed Gull in the Inner	Yes. see discussion below.	No. see discussion below.

	Galway Bay SPA.		
Common Gull	To maintain the favourable conservation condition of the Common Gull in the Inner Galway Bay SPA.	Yes. see discussion below.	No. see discussion below.
Sandwich Tern	To maintain the favourable conservation condition of the Sandwich Tern in the Inner Galway Bay SPA.	Yes. see discussion below.	No. see discussion below.
Common Tern	To maintain the favourable conservation condition of the Common Tern in the Inner Galway Bay SPA.	Yes. see discussion below.	No. see discussion below.
Shoveler	To maintain the favourable conservation condition of the Shoveler in the	Yes. see discussion below.	No. see discussion below.

	Inner Galway Bay SPA.		

In relation to surface water quality, I would note that the residential development would be developed in close proximity to the drainage ditch along the south-eastern boundary of the appeal site. However, at construction stage, standard best practice construction measures will not be sufficient to prevent the possibility of silt, sediment, soils, concrete, hydrocarbons and other construction pollutants entering this drainage ditch given close proximity to the site and the fall in levels from the appeal site towards the drainage ditch and in the absence of appropriate mitigation measures. Notwithstanding the twelve kilometre hydrological separation distance between the appeal site and the Inner Galway Bay SPA, the hydrological link represents a potential indirect hydrological/ecological connection**,** and therefore, it is considered that in the absence of mitigation measures that there is potential to adversely impact upon water quality within the Galway Bay SPA and potentially significantly impact its conservation objective, to maintain or restore the favourable conservation status of habitats and species within the Inner Galway Bay SPA.

At operational stage, storm water from hardstanding within the residential development will be directed to the existing drain along the south-eastern site boundary. However, the applicants are proposing to install attenuation tanks on site whereby storm water generated on site will be retained and released to the adjoining drainage ditch by means of a hydrobrake and also the waters will pass through a hydrocarbon interceptor to ensure carbons do not enter the channel.

Notwithstanding the inclusion of these control measures, it is considered that there remains potential to adversely impact water quality within the Inner Galway Bay SPA. The detailed design of this storm water system will be designed to the satisfaction of the Planning Authority and this drainage system will be designed so as to prevent contaminated storm water entering this drain. As such, potential for significant impacts on water quality within the Inner Galway Bay SPA exist, resulting from contaminated surface water run-off is possible.

In relation to potential groundwater impacts, I would note that the proposal would not require significant excavations, save for groundworks associated with the construction of the residential development and the installation of the surface water attenuation tanks. I consider that best practice construction measures will serve to protect groundwater. Even if these measures should fail, this indirect hydrological link via groundwater represents a weak ecological connection. As such any pollutants from the site that should enter groundwater during the construction stage, via spillages onto the overlying soils, or via spillages into the surrounding drains, will be subject to dilution and dispersion within the groundwater body, rendering any significant impacts on water quality within the Inner Galway Bay SPA unlikely.

At operational stage, and as per the discussion of surface water impacts, the attenuation tanks are required to be designed to retain any storm /surface waters and to be released gradually to the adjoining drain after they have passed through a hydrocarbon interceptor and a hydrobrake in accordance with best practice SuDS practice, and in this manner groundwater quality will be protected.

I would note that the best practice measures that would be adhered to at construction stage, and the relevant regulations and standard conditions that will be required to be adhered to at operational stage, are not mitigation measures intended to reduce or avoid any harmful effect on any Natura 2000 site and would be employed by any competent operator, notwithstanding any proximity to any Natura 2000 site.

However, the applicants have included a number of site specific mitigation measures in order to protect the surface water within the drainage ditch along the western boundary of the site. These are included in order to protect the water quality of the adjacent drainage ditch along the western site boundary which outfalls to the nearby Clarin river channel which ultimately outfalls to the Inner Galway Bay SPA, in excess of twelve kilometres downstream of the site.

Having regard to the discussion above, I conclude that the proposed development would have potential to significantly impact upon some of the water effect ‘alone’ on water dependent habitats and species identified as qualifying features of the Inner Galway Bay SPA.

Likely significant effects on the European site(s) 'in-combination with other plans and projects'

There is no evidence on file of any plans or projects that are proposed or permitted that could impact in combination with the proposed development and as such no in-combination issues arise.

I conclude, therefore, that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European sites. No further assessment is required for the project.

Overall Conclusion- Screening Determination

I conclude that the proposed development is likely to have a significant effect on the water dependent habitats and species associated with the Inner Galway Bay SPA from effects associated with the construction activities and the outfall to the adjoining drainage channel. An appropriate assessment is required on the basis of the effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at this time.

It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is required on the basis of the effects of the project 'alone'.

7.7 Natura Impact Statement

7.7.2 The application documentation included a Natura Impact Statement (NIS) for the proposed residential development located south-east of and within the designated settlement boundary of Athenry. The NIS examines and assesses any potential for adverse effects arising from the proposed development on the Galway Bay Complex SAC and the Inner Galway Bay SPA. Section 5 of the NIS outlines the characteristics of the European sites. Section 7 sets out the potential impacts arising from the construction and operational phases of the development on the European sites. In combination effects are examined within Section 8 and it is concluded within Section 9 that with the implementation of the best practice and mitigation/control measures set out within Section 6 of the report, it is not expected that the development 'will give rise to any direct, indirect or secondary impacts on the qualifying interests or the site specific conservation objectives' associated with these two specific European sites.

7.7.3 The NIS concludes that although potential hydrological pathways were identified, that with the range of mitigation and avoidance measures proposed to negate them, that it can be concluded beyond any reasonable scientific doubt, that the proposed development will not have any significant adverse effects on the site specific conservation objectives associated with the Galway Bay Complex SAC, the Inner Galway Bay SPA, or any European sites.

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

7.7.4 The following is an assessment of the implications of the project on the qualifying interest features of the Clew Bay Complex SAC using the best scientific knowledge in the field as provided in the NIS. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

7.7.5 A number of Qualifying Interests (QI's) within the Galway Bay Complex SAC have been removed from further assessment as the potential for significant effects on

these particular QI's has been ruled out due largely to the absence of hydrological pathways between the appeal site and these particular QI's and the separation distance between the appeal site and a number of the particular qualifying interests.

7.7.6 A description of the SAC and Conservation Objectives and Qualifying Interests (www.npws.ie), are set out in the screening assessment above**,** and repeated in Table 2 of the AA.

7.7.7 The following is an assessment of the implications of the project on the qualifying interest features of the Galway Bay Complex SAC and the Inner Galway Bay SPA, using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

7.7.8 I have relied on the following guidance as part of this assessment:

- Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009).
- Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC, EC (2002).
- Guidelines on the implementation of the Birds and Habitats Directives in Estuaries and coastal zones, EC (2011).
- Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

7.7.9 A description of the designated sites, their Conservation Objectives and relevant Qualifying Interests, including any relevant attributes and targets, are set out in the screening assessment above and repeated in Table 2 of the Appropriate Assessment, and outlined above as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website (www.npws.ie).

Potential Impacts on identified European Sites

Table 2

Site 1:

Name of European Site, Designation, site code: Galway Bay Complex SAC (Site code 000268)

Summary of Key issues that could give rise to adverse effects:

- Water Quality and water dependant habitats
- Habitat degradation
- Disturbance of QI species

Conservation Objective**:** To maintain or restore the favourable conservation status of habitats and species within the Galway Bay Complex SAC.

		Summary of Appropriate Assessment			
Qualifying Interest feature	**Conservation Objectives** **Targets and attributes**	**Potential adverse effects**	**Mitigation measures**	**In-combination effects**	**Can adverse effects on integrity be excluded?**
Mudflats and sandflats not covered by sea water at low tide.	To maintain the favourable conservation condition of mudflats and sandflats not covered by seawater at low tide in the Galway Bay Complex SAC.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channel arising from	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off. All petroleum	No significant in-combination adverse effects	Yes

		construction activities on site and potentially adversely impacting upon protected habitat and species	products to be stored within a bunded area. Site storage of materials to be on an impervious base, Settlement ponds will be used to manage contaminated surface water run-off. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental		

			control measures. Cement pouring to occur during dry weather periods.		
Coastal lagoons	To maintain the favourable conservation status of Annual vegetation of drift lines in the Galway Bay Complex SAC.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channel arising from construction activities on site and potentially adversely impacting upon protected habitat and species.	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off. All petroleum products to be stored within a bunded area. Site storage of materials to be on an impervious base, Settlement ponds will be used to manage	No significant in-combination adverse effects	Yes

			contaminated surface water run-off. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods.		
Perennial vegetation of story banks	To restore the favourable conservation conditions of Perennial vegetation of	Deterioration in water quality arising from sedimentation and release	Silt and solid fencing will be used to contain sediment, soils and	No significant in-combination adverse effects	Yes

	story banks in the Galway Bay Complex SAC.	of hydrocarbons and cement to surface water channel arising from construction activities on site and potentially adversely impacting upon protected habitat and species	construction materials emanating from surface water run-off. All petroleum products to be stored within a bunded area. Site storage of materials to be on an impervious base, Settlement ponds will be used to manage contaminated surface water run-off. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction		

			will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods.		
Reefs	To maintain the favourable conservation status of Reefs in the Galway Bay Complex SAC.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channel arising from construction activities on site and potentially adversely impacting upon	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off. All petroleum products to be stored within a bunded area. Site storage of materials to be on an	No significant in-combination adverse effects	Yes

		protected habitat and species	impervious base, Settlement ponds will be used to manage contaminated surface water run-off. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods.		

Atlantic salt meadows	To maintain the favourable conservation condition of Atlantic salt meadows in the Galway Bay Complex SAC.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channel arising from construction activities on site and potentially adversely impacting upon protected habitat and species.	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off. All petroleum products to be stored within a bunded area. Site storage of materials to be on an impervious base, Settlement ponds will be used to manage contaminated surface water run-off. Storage and handling of harmful materials	No significant in-combination adverse effects	Yes

			including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods.		
Turloughs	To restore the favourable conservation condition of Turloughs. in the Galway Bay Complex SAC.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channel	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off.	No significant in-combination adverse effects	Yes

		arising from construction activities on site and potentially adversely impacting upon protected habitat and species	All petroleum products to be stored within a bunded area. Site storage of materials to be on an impervious base, Settlement ponds will be used to manage contaminated surface water run-off. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice		

			environmental control measures. Cement pouring to occur during dry weather periods.		
Large shallow inlets and Bays	To maintain the favourable conservation condition Large shallow inlets and Bays in the Galway Bay Complex SAC.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channel arising from construction activities on site and potentially adversely impacting upon protected habitat and species	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off. All petroleum products to be stored within a bunded area. Site storage of materials to be on an impervious base, Settlement	No significant in-combination adverse effects	Yes

			ponds will be used to manage contaminated surface water run-off. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods.		

Harbour Seal	To maintain the favourable conservation condition of the Harbour Seal in the Galway Bay Complex SAC.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channel arising from construction activities on site and potentially adversely impacting upon protected habitat and species	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off. All petroleum products to be stored within a bunded area. Site storage of materials to be on an impervious base, Settlement ponds will be used to manage contaminated surface water run-off. Storage and handling of harmful materials	No significant in-combination adverse effects	Yes

			including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods.			
Otter	To restore the favourable conservation condition of the Otter in the Galway Bay Complex SAC.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channel	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off.	No significant in-combination adverse effects	yes	

		arising from construction activities on site and potentially adversely impacting upon protected habitat and species	All petroleum products to be stored within a bunded area. Site storage of materials to be on an impervious base, Settlement ponds will be used to manage contaminated surface water run-off. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice			

			environmental control measures. Cement pouring to occur during dry weather periods.			
Overall conclusion: Integrity test Following the implementation of the mitigation measures, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.						

.Table 3.

Site 2:

Name of European Site, Designation, site code: Inner Galway Bay SPA (Site code 004031) Summary of Key issues that could give rise to adverse effects: • Water Quality and water dependant habitats • Habitat degradation/loss • Disturbance of QI species Conservation Objective**:** To maintain or restore the favourable conservation status of habitats and species within the Inner Galway Bay SPA.			
		Summary of Appropriate Assessment	

Qualifying Interest feature	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
Wetlands.	To maintain the favourable conservation condition of wetlands in the Inner Galway Bay SPA.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channels arising from construction activities on site and potentially adversely impacting upon protected	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off. All petroleum products to be stored within a bunded area. Site storage of materials to be on an impervious base, Settlement	No significant in-combination adverse effects	Yes

		habitat and species	ponds will be used to manage contaminated surface water run-off. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods.		

Great Northern Diver	To maintain the favourable conservation status of the Great Northern Diver in the Inner Galway Bay SPA.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channels arising from construction activities on site and potentially adversely impacting upon protected habitat and species.	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off. All petroleum products to be stored within a bunded area. Site storage of materials to be on an impervious base, Settlement ponds will be used to manage contaminated surface water run-off. Storage and handling	No significant in-combination adverse effects	Yes

			of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods		
Cormorant	To maintain the favourable conservation conditions of the Cormorant in the Inner	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface	No significant in-combination adverse effects	Yes

	Galway Bay SPA.	surface water channels arising from construction activities on site and potentially adversely impacting upon protected habitat and species	water run-off. All petroleum products to be stored within a bunded area. Site storage of materials to be on an impervious base, Settlement ponds will be used to manage contaminated surface water run-off. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction will be carried out		

			in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods.		
Grey Heron	To maintain the favourable conservation status of the Grey Heron in the Inner Galway Bay SPA.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channels arising from construction activities on site and potentially adversely impacting	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off. All petroleum products to be stored within a bunded area. Site storage of materials to	No significant in-combination adverse effects	Yes

		upon protected habitat and species	be on an impervious base, Settlement ponds will be used to manage contaminated surface water run-off. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during		

			dry weather periods		
Brent Goose	To maintain the favourable conservation condition of the Brent Goose in the Inner Galway Bay SPA.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channels arising from construction activities on site and potentially adversely impacting upon protected habitat and species	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off. All petroleum products to be stored within a bunded area. Site storage of materials to be on an impervious base, Settlement ponds will be used to manage contaminated surface water run-	No significant in-combination adverse effects	Yes

			off. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods.		
Wigeon	To maintain the favourable conservation condition of the Wigeon in the Inner	Deterioration in water quality arising from sedimentation and release of hydrocarbon	Silt and solid fencing will be used to contain sediment, soils and construction materials	No significant in-combination adverse effects	Yes

	Galway Bay SPA.	s and cement to surface water channels arising from construction activities on site and potentially adversely impacting upon protected habitat and species	emanating from surface water run-off. All petroleum products to be stored within a bunded area. Site storage of materials to be on an impervious base, Settlement ponds will be used to manage contaminated surface water run-off. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction		

			will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods		
Teal	To restore the favourable conservation condition of Teal in the Inner Galway Bay SPA.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channels arising from construction activities on site and potentially	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off. All petroleum products to be stored within a bunded area. Site	No significant in-combination adverse effects	Yes

		adversely impacting upon protected habitat and species	storage of materials to be on an impervious base, Settlement ponds will be used to manage contaminated surface water run-off. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control measures. Cement		

			pouring to occur during dry weather periods		
Red Breasted Merganser	To maintain the favourable conservation condition of the Red Breasted Merganser in the Inner Galway Bay SPA.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channels arising from construction activities on site and potentially adversely impacting upon protected habitat and species	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off. All petroleum products to be stored within a bunded area. Site storage of materials to be on an impervious base, Settlement ponds will be used to manage contaminate	No significant in-combination adverse effects	Yes

			d surface water run-off. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods		
Ringed Plover	To maintain the favourable conservation condition of Ringed	Deterioration in water quality arising from sedimentation and	Silt and solid fencing will be used to contain sediment, soils and	No significant in-combination	Yes

	Plover in the Inner Galway Bay SPA.	release of hydrocarbons and cement to surface water channels arising from construction activities on site and potentially adversely impacting upon protected habitat and species	construction materials emanating from surface water run-off. All petroleum products to be stored within a bunded area. Site storage of materials to be on an impervious base, Settlement ponds will be used to manage contaminated surface water run-off. Storage and handling of harmful materials including hydrocarbons, and construction	adverse effects	

			materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods		
Golden Plover	To maintain the favourable conservation condition of Golden Plover in the Inner Galway Bay SPA.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channels arising from construction activities on	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off. All petroleum products to be stored within a	No significant in-combination adverse effects	Yes

		site and potentially adversely impacting upon protected habitat and species	bunded area. Site storage of materials to be on an impervious base, Settlement ponds will be used to manage contaminated surface water run-off. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control		

			measures. Cement pouring to occur during dry weather periods		
Lapwing	To maintain the favourable conservation condition of Lapwing in the Inner Galway Bay SPA.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channels arising from construction activities on site and potentially adversely impacting upon protected habitat and species	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off. All petroleum products to be stored within a bunded area. Site storage of materials to be on an impervious base, Settlement ponds will be used to	No significant in-combination adverse effects	Yes

			manage contaminated surface water run-off. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods		
Dunlin	To maintain the favourable conservation	Deterioration in water quality arising from	Silt and solid fencing will be used to contain	No significant in-combination	Yes

	condition of the Dunlin in the Inner Galway Bay SPA.	sedimentation and release of hydrocarbons and cement to surface water channels arising from construction activities on site and potentially adversely impacting upon protected habitat and species	sediment, soils and construction materials emanating from surface water run-off. All petroleum products to be stored within a bunded area. Site storage of materials to be on an impervious base, Settlement ponds will be used to manage contaminated surface water run-off. Storage and handling of harmful materials including hydrocarbon	adverse effects	

			s, and construction materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods		
Bar-tailed Godwit	To maintain the favourable conservation condition of the Bar-tailed Godwit in the Inner Galway Bay SPA.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channels arising from	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off. All petroleum products to	No significant in-combination adverse effects	Yes

		construction activities on site and potentially adversely impacting upon protected habitat and species	be stored within a bunded area. Site storage of materials to be on an impervious base, Settlement ponds will be used to manage contaminated surface water run-off. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice		

			environmental control measures. Cement pouring to occur during dry weather periods		
Curlew	To maintain the favourable conservation condition of the Curlew in the Inner Galway Bay SPA.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channels arising from construction activities on site and potentially adversely impacting upon protected	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off. All petroleum products to be stored within a bunded area. Site storage of materials to be on an impervious base, Settlement	No significant in-combination adverse effects	Yes

		habitat and species	ponds will be used to manage contaminated surface water run-off. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods		
Redshank	To maintain the	Deterioration in water	Silt and solid fencing will	No significant	Yes

	favourable conservation condition of the Redshank in the Inner Galway Bay SPA.	quality arising from sedimentation and release of hydrocarbons and cement to surface water channels arising from construction activities on site and potentially adversely impacting upon protected habitat and species	be used to contain sediment, soils and construction materials emanating from surface water run-off. All petroleum products to be stored within a bunded area. Site storage of materials to be on an impervious base, Settlement ponds will be used to manage contaminated surface water run-off. Storage and handling of harmful materials	in-combination adverse effects	

			including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods		
Turnstone	To maintain the favourable conservation condition of the Turnstone in the Inner Galway Bay SPA.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off. All		

		channels arising from construction activities on site and potentially adversely impacting upon protected habitat and species	petroleum products to be stored within a bunded area. Site storage of materials to be on an impervious base, Settlement ponds will be used to manage contaminated surface water run-off. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance		

			with best practice environmental control measures. Cement pouring to occur during dry weather periods		
Black Headed Gull	To maintain the favourable conservation condition of the Black Headed Gull in the Inner Galway Bay SPA.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channels arising from construction activities on site and potentially adversely impacting upon protected	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off. All petroleum products to be stored within a bunded area. Site storage of materials to be on an impervious	No significant in-combination adverse effects	Yes

		habitat and species	base, Settlement ponds will be used to manage contaminated surface water run-off. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods		

Common Gull	To maintain the favourable conservation condition of the Common Gull in the Inner Galway Bay SPA.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channels arising from construction activities on site and potentially adversely impacting upon protected habitat and species	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off. All petroleum products to be stored within a bunded area. Site storage of materials to be on an impervious base, Settlement ponds will be used to manage contaminated surface water run-off. Storage and handling	No significant in-combination adverse effects	Yes

			of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods		
Sandwich Tern	To maintain the favourable conservation condition of the Sandwich Tern in the Inner	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface	No significant in-combination adverse effects	Yes

	Galway Bay SPA.	surface water channels arising from construction activities on site and potentially adversely impacting upon protected habitat and species	water run-off. All petroleum products to be stored within a bunded area. Site storage of materials to be on an impervious base, Settlement ponds will be used to manage contaminated surface water run-off. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction will be carried out		

			in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods		
Common Tern	To maintain the favourable conservation condition of the Common Tern in the Inner Galway Bay SPA.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channels arising from construction activities on site and potentially adversely impacting	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off. All petroleum products to be stored within a bunded area. Site storage of materials to	No significant in-combination adverse effects	Yes

		upon protected habitat and species	be on an impervious base, Settlement ponds will be used to manage contaminated surface water run-off. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during		

			dry weather periods		
Shoveler	To maintain the favourable conservation condition of the Shoveler in the Inner Galway Bay SPA.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channels arising from construction activities on site and potentially adversely impacting upon protected habitat and species	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off. All petroleum products to be stored within a bunded area. Site storage of materials to be on an impervious base, Settlement ponds will be used to manage contaminated surface water run-	No significant in-combination adverse effects	Yes

			off. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods		

Overall conclusion: Integrity test

Following the implementation of the mitigation measures, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.

7.7.10 Following the Appropriate Assessment and the consideration of mitigation measures, I can ascertain with confidence that the project would not adversely affect the

integrity of the Galway Bay Complex SAC nor the Inner Galway Bay SPA, in view of the Conservation Objectives for these sites. This conclusion has been based on a complete assessment of the implications of the project alone, and in combination with plans and projects.

7.7.11 I consider that any siltation, sediment or hydrocarbons that would enter Galway Bay, would be mitigated through the use of the best practice environmental control measures set out within Section 6 of the NIS and within the CEMP, including the installation of the hydrocarbon interceptors, the use of silt fencing, the use of a bunded re-fuelling area, pouring cement during dry weather periods during the construction phase of the development**.** I am also satisfied that any surface water that may leave the site would be diluted sufficiently before they would reach the nearest boundary of the Galway Bay SAC or SPA, which are both in excess of ten kilometres downstream. Therefore, I consider that as a result of the implementation of these control measures that the impacts would be lessened and would not be so adverse as to cause undue risk to the qualifying interests and conservation objectives associated with these European sites. Therefore, I do not consider it appropriate to assess the potential impacts upon these particular European sites any further as part of this exercise.

Appropriate Assessment Conclusion

7.7.12 Having carried out screening for Appropriate Assessment of the project, it was concluded that in the absence of mitigation measures to prevent construction related pollutants reaching Galway Bay, it may have adverse effects on the Galway Bay Complex SAC and the Inner Galway Bay SPA. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the European site, in light of its conservation objectives.

7.7.13 Following the Appropriate Assessment and the consideration of mitigation measures, I can ascertain with confidence that the project would not adversely affect the integrity of the Galway Bay Complex SAC and the Inner Galway Bay SPA, in view of the sites' Conservation Objectives. This conclusion has been based on a complete assessment of all implications of the project alone, and in combination with other plans and projects.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of the aforementioned designated sites.
- Detailed assessment of in-combination effects with other plans and projects including historical projects, current proposals, and future plans.
- No reasonable scientific doubt as to the potential for likely adverse effects on the integrity of the Galway Bay Complex SAC and the Inner Galway Bay SPA.