



An  
Bord  
Pleanála

## Inspector's Report ABP-318992-24

<b>Development</b>	Demolition of existing warehouse and restaurant and construction of 10-11 storey hotel extension.
<b>Location</b>	Victoria Hotel, Victoria Place, Galway.
<b>Planning Authority</b>	Galway City Council.
<b>Planning Authority Reg. Ref.</b>	22335.
<b>Applicant(s)</b>	Byrne Hotel Management Ltd.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse Permission.
<b>Type of Appeal</b>	Third Party versus decision.
<b>Appellant(s)</b>	Byrne Hotel Management Ltd.
<b>Observer(s)</b>	Córas Iompair Éireann (CIE).
<b>Date of Site Inspection</b>	12 December 2024.
<b>Inspector</b>	Stephen Rhys Thomas.

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## **1.0 Site Location and Description**

- 1.1. The appeal site comprises the operational Victoria Hotel and fronts onto Victoria Place, an urban street that links Queen Street, Merchants Road and Eyre Square to the north. The site includes Victoria (Rooneys) House listed on the Record of Protected Structures (RPS reference number 10401) and a number of warehouse buildings. The eastern portion of the site abuts car parking and service roads associated with Ceannt Station to the east, a stout masonry wall separates properties and delineates a significant change in levels. Ceannt Station is a large railway station building listed on the RPS, as too are the former tram/goods shed and other ancillary structures further to the south east. Ceannt Station and environs are currently undergoing significant regeneration and construction works are well underway. The existing Victoria Hotel rises up to four storeys and the elevation facing the railway station lands is non-descript, plain and of little architectural merit. A similarly bland extension to the Hardiman Hotel (former railway hotel) is close by to the east and straddles the main vehicular entrance to the railway station lands and beyond.
- 1.2. The appeal site includes Victoria House, a three bay, three storey building with an attractive stone archway on its southern flank. The warehouse buildings scheduled for demolition are stone faced with gable pitched roofs and broadly single storey. The four storey Victoria Hotel opens out onto the street adjacent to the United Methodist and Presbyterian Church, also listed on the RPS. Other buildings in the vicinity of the site include unremarkable office buildings of up to four storeys and a student residence building currently under construction to the west.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the demolition of sheds and the construction of an extension to the existing Victoria Hotel on a site of 0.2 Hectares. The proposed extension works will take place at the central portion of the site, south east of Victoria House, a three storey three bay building, with stone arch at Victoria Place, the street that runs to the front. The extension will wrap around the south eastern and eastern side of Victoria House and provide a glazed extension at first floor level to the south eastern gable of Victoria House. The detail is as follows:

- A 10-11 storey over basement extension, taller portions of the extension are located at the centre of the site with 5-8 storey elements closer to Victoria House.
- Provision of 109 additional bedrooms.
- Reception, lobby, seating area, bars, kitchen, bathrooms, service/back of house areas, and events area at ground and first floor/mezzanine.
- Bar/lounge and terrace at 10th floor level.
- Utilities, storage areas, plant room and staff changing areas at basement level, and plant at roof level.
- Total floor area of new extension c. 7,106 sqm
- Alterations to the existing hotel building to provide openings on the western elevations to connect with the proposed extension.
- Alterations to and change of use (from offices) of Victoria House (RPS: 10401) (c.328 sqm) to form part of the extended hotel providing seating area, conference/meeting room and hotel office/admin rooms. existing internal room layouts maintained with existing east elevation window at first floor omitted to facilitate glazed link to new hotel extension.
- Replacement of glazing on front elevation of Victoria House with new painted timber sliding sash window.
- All associated site development works, service provisions and landscaping.
- Demolition of the existing warehouse, restaurant and associated buildings on site, 798 sqm total floor area.

2.2. Further Information was submitted on the 16<sup>th</sup> November 2023, public notices issued and the documentation details the following notable changes:

- A reduction in height from 10-11 storeys down to 8-9 storeys, an overall reduction in height of 6-8 metres
- A reduction in floor area of 563 sqm to 9,794 sqm
- Omission of the first floor glazed link and a greater set back distance from Victoria House (4 metres).

- Architectural elements and finishes refined, reduced or omitted, to include the removal of fin features at upper levels, projected panelised features, box feature and some masonry brise soleil.
- A storey and half addition to the existing and redesigned hotel, this is to be set back from the Methodist Church.
- Boundary wall opening and bridge link to Ceannt Station omitted.
- Refined traffic management measures during the construction phase.
- Proposed total hotel bedrooms 162 (existing bedrooms – 71), total bed spaces 383 (existing 158)

2.3. An NIS was submitted with the grounds of appeal, public notices were sought by the Board, and these were received on the 29<sup>th</sup> January 2025.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

3.1.1. The planning authority refused permission for five reasons, as follows:

1. Having regard to design, scale and location of the proposed development in close proximity to the Inner Harbour Area/Lough Atalia/Galway Bay, the presence of existing pathway(s) to European Sites via the surface water drainage sewer network, and in the absence of a Natura Impact Statement provided with the application, the Planning Authority are not satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on the Lough Corrib Special Area of Conservation (Site Code: 000297); the Galway Bay Complex Special Area of Conservation (Site Code: 000268) and on the Inner Galway Bay Special Protection Area (Site Code: 004031), in view of the site's Conservation Objectives. Therefore, if permitted as proposed, the development has the potential to adversely affect the qualifying interests and conservation objectives of protected European sites for flora and fauna and would materially contravene Policy Objectives 5.2 (1), (2) and (11) of the Galway City Development Plan 2023-2029 and would be contrary to the proper planning and sustainable development of the area.

2. In the absence of satisfactory details regarding surface water disposal on site, the Planning Authority considered that the development would contravene Policy 9.4 Sustainable Urban Drainage Systems of the Galway City Development Plan 2023-2029 and would be contrary to the proper planning and sustainable development of the area.

3. The applicant has failed to address the impact that the proposed development would have on strategic transport projects and this key transport route which is not amenable to road closures or lane closures. The reliance on use of the public roadway for the development proposed within the curtilage of the site, the reliance on the bus set down area and the public road for access during the construction phase and during the operation of the development especially for daily deliveries would interfere with the safety and free flow of traffic on the public road and thereby endanger public safety by reason of traffic hazard.

4. The proposed development would be contrary to the proper planning and development of the area because of the reliance on use of the public roadway for access and reliance on adjoining property owners however the applicant has not demonstrated that such property owners would be willing, or able, to provide the necessary facilities by way of agreement or consent. The proposed development would accordingly be prejudicial to public safety.

5. The proposal does not include a Construction Environmental Management Plan of best practices construction methods and would result in a considerable increase in construction traffic to and from the proposed construction site and this would give rise to conditions which would be likely to prejudice the amenities of neighbouring residential properties by reason of noise, inconvenience and general disturbance.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The basis of the planning authority decision includes:

##### First Report

- A detailed planning history is set out along with the policy background to the area. The proposal broadly aligns with development plan policy for regeneration and brownfield lands.
- A description of the site is provided, an inventory of protected structures, the importance of the nearby ACA is highlighted and building heights in the area are assessed.
- The proposed design approach is noted, but detailed aspects of design at street level and above require amendment.
- The plot ratio of 5:1, this is greater than the prevailing city centre ratio of 2:1, this represents overdevelopment of the site.
- In terms of building height, the proposed height of 10-11 storeys is excessive and should be reduced.
- The potential for archaeology on the site needs to be addressed.
- With reference to architectural heritage, a number of issues need to be addressed and the omission of certain elements should be considered.
- Traffic and transport concerns arise in with regard to the construction phase and servicing arrangements during operation.
- With reference to Appropriate Assessment and designated sites, the submission of an AA Screening Report is noted and it is considered that stage 2 (preparation of an NIS) is not required.

In accordance with the Planner's recommendation, further information was requested to address the points listed out above.

### Second Report

Though the issues of height, design and the omission of certain elements of the proposed development were acceptable, other matters were not addressed to the satisfaction of the planning authority. Permission was refused and the reasons are clearly set out in the chief executives' order.

#### 3.2.2. Other Technical Reports

- Heritage Officer – conditions recommended.



- Transportation Department – clarification of further information requested, or refuse permission.
- Fire Authority - conditions recommended.
- Drainage Section – further information required (report dated 9<sup>th</sup> February 2023).
- Environmental Health Officer – no objections
- Environment Enforcement - no objections

3.2.3. Conditions - Permission refused, conditions recommended by internal departments of the Council and prescribed bodies are noted.

### 3.3. Prescribed Bodies

**Department of Housing, Local Government and Heritage Development Applications Unit (DAU)** – Archaeology, conditions recommended.

**Health Services Executive** – no objections.

**Uisce Éireann** – further information required with regard to additional survey work.

**Irish Aviation Authority** – conditions recommended.

### 3.4. Third Party Observations

- 3.4.1. An objection from Córas Iompair Éireann (CIÉ) regarding ownership and access arrangements. Concerns reiterated with reference to further information submitted.
- 3.4.2. Observation from An Taisce with reference to further information submitted. Justification for a hotel not given, plot ratio and height not acceptable, refuse permission.

## 4.0 Planning History

- 4.1. Section 1 of the planning authority Planner's report provides an extensive planning history of the entire site and environs. I have included those applications I consider to be relevant with reference to the appeal on hand.

### 4.2. Appeal Site

Planning Authority Case Reference: 20298 and ABP-**309453**-21- Refusal of permission for (1) Retention of alterations and new finishes to canopy, (2) New signage to canopy over entrance and (3) Retention of minor alterations to entrance doors.

#### **4.3. Sites nearby**

ABP-**314597**-22 – Approve with conditions, BusConnects Galway Cross-City Link Scheme. September 2024.

ABP-**310568**-21 – 10 year permission for the redevelopment of lands to rear of Ceannt Train Station, Galway for mixed use development including residential, retail services, cafes/restaurants, a hotel, civic/cultural uses, offices, refurbishment and extension of protected structures and open space. Pin 4 and 5 of block 9 refused permission and omitted from the overall scheme. July 2023.

Planning Authority Case Reference: 17/121 and ABP-**300613**-18. Permission for 345 bedroom student accommodation scheme consisting of two buildings of 7 and 8 storeys.

Planning Authority Case Reference: 19221 and ABP-**305716**-19 – Permission for a change of use of leisure centre to 13 bedrooms. Construction of an additional floor containing 6 bedrooms.

Planning Authority Case Reference: 17/83 and ABP-**300275**-17. Permission for a Mixed Use Development including 4 Office Blocks up to eight storeys and all ancillary works.

### **5.0 Policy Context**

#### **5.1. Development Plan**

- 5.1.1. The operative development plan is the Galway City Development Plan 2023-2029 according to which the site area, is subject to the zoning objective CC – City Centre - To provide for city centre activities and particularly those, which preserve the city centre as the dominant commercial area of the city. As a tourist related use, hotel is a use that is compatible with and contributes to the CC zoning objective. Relevant sections of the plan include:

- 4. Sustainable Mobility and Transportation
- 6. Economy, Enterprise and Retail
- 8. Built Heritage, Placemaking and Urban Design

#### Policy 8.7 Urban Design and Placemaking

9. Proposals for buildings which are taller than the prevailing benchmark heights will only be considered where they do not have an adverse impact on the context of historic buildings, ACA's, residential amenity or impinge upon strategic views, in accordance with the Urban Density and Building Height Study for the city.

- 9. Environment and Infrastructure
- 10. Compact Growth and Regeneration

Eyre Square Architectural Conservation Area (ACA) is close by to the north.

The site is located within the Zone of Archaeological Notification, as detailed in the development plan.

The site is not located within any identified Regeneration and Opportunity Site.

Tall Building Statement - Where a tall building, one that significantly exceeds the prevailing benchmark heights is proposed, it shall be accompanied by a Tall Building Statement which gives justification for an exception for such height and includes at a minimum the case for the proposal based on location, design, context and assimilative capacity.

## 5.2. **Supporting Documents - Galway City Development Plan 2023–2029**

Galway City Urban Density and Building Heights Study September 2021

City Core Development Guidance

Heights open to consideration: Given the heritage and townscape sensitivities associated with the city core area, whilst there might be some limited sensitive infill opportunities, heights should generally respect those of the existing buildings in the area.

## 5.3. **National Policy**

### 5.3.1. **National Planning Framework First Revision – April 2025**

National Policy Objective 34, some references to tourism generally.

### 5.3.2. **Climate Action Plan 2025**

Climate Action Plan 2025 builds upon last year's Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024. The Plan provides a roadmap for taking decisive action to halve Ireland's emissions by 2030 and achieve climate neutrality by no later than 2050, as committed to in the Climate Action and Low Carbon Development (Amendment) Act 2021.

There are no specific measures in relation to hotels or demolition in particular, the following actions are noted:

JM/25/1 Support the economic diversification of the local economy through the development of the regenerative Tourism sector.

AD/25/3 Develop Sectoral Climate Adaptation Plan for the Tourism Sector.

### 5.3.3. **National Biodiversity Action Plan (NBPA) 2023-2030**

The 4th NBAP strives for a “whole of government, whole of society” approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to “act for nature”. This National Biodiversity Action Plan 2023- 2030 builds upon the achievements of the previous Plan. It will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

- Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity
- Objective 2 - Meet Urgent Conservation and Restoration Needs
- Objective 3 - Secure Nature's Contribution to People
- Objective 4 - Enhance the Evidence Base for Action on Biodiversity
- Objective 5 - Strengthen Ireland's Contribution to International Biodiversity Initiatives

#### 5.3.4. **Section 28 Ministerial Guidelines**

Having considered the nature of the proposed development sought under this application, its location, the receiving environment, the documentation contained on file, including the submission from the Planning Authority, I consider that the following guidelines are relevant:

The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).

#### 5.3.5. **Other National Guidance**

Design Manual for Urban Roads and Streets 2019

Cycle Design Manual - August-September 2023

#### 5.4. **Natural Heritage Designations**

- 5.4.1. The Galway Bay Complex Special Area of Conservation (SAC) (Site Code: 000268) and Inner Galway Bay Special Protection Areas (SPA) (Site Code: 004031), Proposed Natural Heritage Areas: Galway Bay Complex, all coincide and are located 260 metres to the south east of the site. Lough Corrib SAC (Site Code: 000297) is 525 metres to the west of the site. The applicant prepared an AA Screening Report as part of the planning application documentation and an NIS accompanied the grounds of appeal.

### 6.0 **Environmental Impact Assessment (EIA) Screening**

- 6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Appendix 3 and Appendix 4 of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

- 7.1.1. The appeal is accompanied by an NIS to take account of the first reason for refusal, as required by the Board, revised public notices were prepared and are on the file. The applicant explains that the planning authority indicated support for the development in terms of layout, form, height, scale and visual impact, all these matters were addressed by further information responses. The applicant requests the Board to confine their deliberations to the five reasons for refusal, as per section 137 of the 2000 Act. The applicant has appealed the planning authority's decision to refuse permission and can be summarised as follows:

- Reason 1

Policy Objective 5.2 (1, 2 and 11) of the development plan to do with designated sites are set out. The initial AA Screening Report and its findings were noted by the planning authority and no further information was requested in this regard. Information regarding an historic culvert under the existing hotel emerged during the planning application process. It cannot be determined if this culvert outfalls to an SAC or SPA. In any case this culvert will remain unaltered and unaffected by the development, surface water generated on site will be managed by sustainable urban drainage measures. Any remaining stormwater discharges will be directed to an existing stormwater outfall along Victoria Place/Queen Street and not the culvert in question. By applying the precautionary principle and based on revised assumptions an NIS has been prepared and addresses the issues contained in the first reason for refusal in tandem with a Construction Environmental Management Plan (CEMP), It is concluded that no adverse impacts will result to any designated site. No material contravention of Policy Objective 5.2 (1, 2 and 11) occurs and permission should not be refused on this basis.

- Reason 2

Issues set out in the second reason for refusal were already addressed by the response to further information item 16. The proposal contained therein were met with approval from Galway City Council Water Services and it was agreed

that Sustainable Drainage Systems (SuDS) may not be practical on this site as allowed for in the development plan. The reports and drawings prepared by DM Flaherty and Associates Civil Engineers should be noted. In any event SuDS are now proposed and included within this appeal, primarily the inclusion of green roofs and compliance with Policy 9.4 of the development plan is achieved. The issues raised by the second reason for refusal have been addressed, permission can be granted and an appropriately worded condition can address outstanding design issues.

- Reason 3

An Outline Traffic Management Plan (TMP) has been prepared by ORS Consulting Engineers, to take account of the matters set out in the third reason for refusal. Matters addressed include; strategic transport projects, transport routes, road closures, set down areas and use of the public road for access and servicing during construction and operational phases. The delivery of the hotel extension will not prejudice the delivery of the Cross City project. Measures are proposed for the construction phase and operational phase of the development to minimise disruption and can be agreed by condition.

- Reason 4

CIE's claims that the applicant has no rights to access lands to the rear of the site are false, documentation has been submitted to demonstrate legal rights of access. In any event, the proposal does not rely on access for the construction phase of development and an existing right to access can be maintained into the future if required. A legal response has been prepared and illustrates the rights of way as they are understood by the applicant, in any case as per the 2000 Act and 2001 Regs access is a civil and not planning matter. Permission should not be refused on this basis. As already demonstrated in the TMP, construction access will take place from the public road, as how else do urban developments take place other than from gaining access from the public road.

- Reason 5

A Construction and Environmental Management Plan (CEMP) was not requested within the 17 items of FI requested by the PA. A Preliminary Demolition and Construction Management Plan was submitted as part of the original documentation of the planning application. It is noted that the Drainage Section of the Council requested a condition to require the submission of a CEMP.

During construction it is contended that the residential amenities of neighbouring properties will not be affected because there are no adjoining properties in residential use. The closest residential property is at Barr Taoide, some 100 metres away at Dock Road and Fonthill Street.

Given the city centre setting and mix of existing uses in the area, it is unreasonable to refuse permission on the grounds of construction traffic disruption. A CEMP and Traffic Management Plan have been prepared as part of this appeal and address the matters outlined in the fifth reason for refusal.

## **7.2. Planning Authority Response**

None.

## **7.3. Observations**

7.3.1. A single observation has been received from Córas Iompair Éireann (CIÉ) it reiterates and adds further detail to the issues they raised during the planning application process, of note:

- Ownership of lands is questioned.
- Access and rights of way are disputed.
- The construction phase is criticised as it requires access to lands for which consent has not been sought or given.
- Finally, though supportive of tourist related developments, the operations of the railway station and free movement of mobility impaired passengers would be impacted by the development as proposed.



The observation is supported by land registry documentation, maps, photographs and legal correspondence.

#### **7.4. Further Submissions**

- 7.4.1. Revised Public Notices - In response to a correspondence dated 13<sup>th</sup> January 2025 issued by the Board, the applicant readvertised the proposed development in accordance with the Board's requirements. A revised public notice and newspaper notice were submitted to the Board on the 29<sup>th</sup> January 2025. The period for submissions ran five weeks from the date of the newspaper notice, 25<sup>th</sup> January 2025.
- 7.4.2. No observations were received by the Board on foot of the public notices and the period for any submissions has passed.

## 8.0 **Assessment**

8.1. The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The planning authority refused permission on city centre zoned land for five reasons. In broad terms, it is the quantum of development and its impact upon European designated sites, surface water disposal, traffic, access and the preparation of a Construction Environmental Management Plan that formed the basis for the planning authority's concerns. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, all the report/s of the local authority, and having inspected the site, and having regard to the relevant policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Water Services
- Traffic and Transport
- Site Access
- Construction Environmental Management Plan
- Designated Sites
- Other Matters
- Conditions

### 8.2. **Principle of Development**

8.2.1. The proposed development seeks to accommodate expanded hotel uses that are permitted in principle within the City Centre land use zoning that applies to the site. The applicant prepared a Planning Report and Heritage/Visual Impact Assessment that provide all the details necessary for a Tall Building Statement required by the development plan for tall buildings. Ultimately, the height, scale and design of the overall development underwent significant changes that were required by the planning authority in order to better fit in with surrounding development, protected structures and the Architectural Conservation Area at Eyre Square. All of these

changes in terms of the overall height of the hotel extension, its design and overall extent were acceptable to the planning authority (planning report dated 9<sup>th</sup> January 2024 is noted), drawings and updated assessments submitted on 16<sup>th</sup> November 2023 all refer. I have examined the revised drawings submitted by the applicant during the planning application process and I note the detailed changes, section 2.2 of my report refers. The overall development has been reduced in scale and subtle design changes have resulted in a development that relates to its surroundings in an improved way, including the omission of a glazed link to Victoria House, a protected structure. I am satisfied that the overall principle of hotel uses at this location are entirely appropriate and in accordance with the land use zoning for these lands.

- 8.2.2. I note An Taisce's submission regarding the planning application and their specific concern about the justification for an additional 85 hotel bedrooms at this location. The examination set out by An Taisce in their submission on hotel beds in the city centre and their commentary on the housing crisis and the wide range of threats to the sustainability of city centres is well made, coherent and noteworthy. However, the circumstances in this appeal refer to the expansion of existing hotel operations within the city centre, close to amenities and public transport. The planning authority raised no issues about the provision or oversupply of hotel bed spaces in Galway city. I note Policy 6.8 of the current development plan and its support for the tourism sector in general and the promotion of a sustainable range of tourism accommodation in particular. The applicant's Planning Report sets out the rationale for the hotel extension, though it is more concerned with the building envelope rather than the demand for additional hotel bed spaces in the city.
- 8.2.3. There is no analysis or cap on bed spaces set out in the current statutory plan for the area. The Tourism Strategy 2020-2025 prepared by Galway City Council feeds into and supports the policies and objectives contained in the current development plan with reference to tourism. This strategy does not highlight in detail the bed space requirements of the city, and the county wide 2023-31 Tourism Strategy sets out capacity for the county as a whole not the city alone. However, section 11.4.3 of the development plan notes that student accommodation, hotels and hostels can be considered as a proportion of the obligation to deliver a residential content, in the city centre area. In that context, I am satisfied that the provision of additional hotel accommodation within Galway city centre is in line with the overall aims of the

development plan to support tourism related activities as well as meeting broader housing strategy objectives. I am satisfied that the expansion of an existing and operational hotel in the city centre is acceptable in principle.

### **8.3. Water Services**

- 8.3.1. The planning authority considered that in the absence of satisfactory details regarding surface water disposal on the site, Policy 9.4 Sustainable Urban Drainage Systems of the Galway City Development Plan 2023-2029 would be contravened and so permission was refused. The applicant points out that the further information submitted met with the approval of the Galway City Council Water Services and it was agreed that Sustainable Drainage Systems (SuDS) may not be practical on this site. Some SuDS measures are now proposed and included within the grounds of appeal, primarily the inclusion of green roofs and this would comply with Policy 9.4 of the development plan.
- 8.3.2. The appeal site comprises a functioning hotel and other ancillary buildings on lands that amount to 0.2 Hectares in the centre of Galway city. The site is entirely built over with limited yard space, at present, surface water generated by the site is directed to road gullies on Queen Street. It is proposed that all storm water from the site will be directed to the storm water drain on Queen Street and remove future loading of the existing combined sewer. The Drainage Section of the Council, report dated 9<sup>th</sup> February 2023 states that further information should be submitted with respect to SuDS measures and run off rates. However, I note that the Planner's Report with regard to the further information submitted references the additional concerns of the Drainage Section, page 30 of the Planner's Report dated 9<sup>th</sup> January 2024 refers. It is stated that Drainage Section have concerns that include, measures to ensure a culvert is protected during construction and surveys post construction are necessary, a condition with regard to storm water discharge and the submission of a Construction Environmental Management Plan. All of these matters can be addressed by an appropriately worded condition. From my reading of the Planner's Report it would appear that concerns centre around the impact to designated sites as a consequence of a culvert that traverses the site rather than meeting sustainable urban drainage policies in the development plan. For clarity, policy 9.4 of the development plan states:

- 1. Ensure the use of Sustainable Urban Drainage Systems (SuDS) and sustainable surface water drainage management, wherever practical in the design of development to enable surface water run-off to be managed as near to its source as possible and achieve wider benefits such as sustainable development, water quality, biodiversity local amenity and climate adaptation.*
- 2. Promote the use of green infrastructure e.g. green roofs, green walls, bioswales, planting and green spaces for surface water retention purposes as an integrated part of SUDS and to deliver all the ancillary benefits.*

- 8.3.3. I note that the policy seeks the use of SuDS wherever practical and that green roofs are promoted. In their grounds of appeal, the applicant points out that initial proposals for the development determined that SuDS measures were impractical and that the diversion of surface water from the site to a dedicated stormwater drain was acceptable. To improve matters further, the applicant now proposes to install green roofs across the new extension and existing buildings, amounting to over 70% coverage. Photovoltaic panels are also included, all panels and plant will be installed on a system that ensures adequate separation from the green roof itself, drawing 2099.PL3028 refers. I am satisfied that the applicant has paid greater attention to policy 9.4 of the development plan and the provision of green roofs are the correct response to this city centre site. Other measures such as bioswales and planting would not be practical on this site that is to be entirely built over. Green walls could have been considered, but the constraints of the site and the provision of access for maintenance may have presented problems in terms of design. However, I am satisfied that the applicant has addressed the issue of SuDS and the second reason for refusal has been overcome, appropriately worded conditions can ensure that the technical standards of the planning authority are met and agreed in writing.
- 8.3.4. Flood Risk – the issue of flood risk was not raised by the Drainage Section of the Council, report dated 9<sup>th</sup> February 2023 refers. The applicant prepared a Flood Risk Assessment report in accordance with the guidelines, the report identifies that the site is located on flood zone C and as a highly vulnerable development, a development management justification test was undertaken and met, the development will not increase flood risk off site. Flood resilience measures include a finished floor level above the worst case scenario of 0.1% AEP Irish Coastal Protection Strategy Study (ICPSS) coastal levels. Freeboard was calculated at

1.16m with the closest point of the development to ICPSS at 40 metres. Policy 9.1 Flood Risk (3) of the development plan has been complied with and I do not anticipate that flood risk is a matter to be considered further in this appeal.

#### **8.4. Traffic and Transport**

- 8.4.1. The planning authority are concerned about the traffic safety implications of the proposed development. Specifically, issues as highlighted by the Transportation Department (08/01/2024), centre on strategic transport projects and the public road in general and that they have not been addressed in terms of road/lane closures, bus set down, construction and servicing requirements. The applicant explains that they have considered strategic transport projects, transport routes, road closures, set down areas and use of the public road for access and servicing during construction and operational phases, and that these are all addressed by the Outline Traffic Management Plan (TMP) that has been prepared by ORS Consulting Engineers.
- 8.4.2. In order to provide some context to the site. On the day of my site visit I observed that a number of construction projects were currently underway, a student accommodation building to the west and the large scale regeneration of the CIE lands to the south. In addition, there are significant improvements planned for the city centre, not least of which is the BusConnects programme, a part of which passes by the site. I have seen the BusConnects Galway Cross-City Link Scheme preliminary design drawings in the vicinity of the site that include a coach set down area, there are no land take requirements, Board reference number HA61.314597 refers. As far as I can tell from those drawings, only road markings will change and gullies to be added and/or relocated where necessary are the main areas of works proposed and the extension to the hotel will not physically impact on those plans. Redevelopment of city centre sites is commonplace, whether they are large or small scale, some disruption is to be expected. However, the management of disruption is key to ensuring that impacts are minimal and projects progress to completion quickly. In this context, I note that the applicant has prepared an Outline Traffic Management Plan (TMP) and a Construction Environmental Management Plan (CEMP) as part of their grounds of appeal.
- 8.4.3. Turning to the TMP first, I can see that it sets out how the site is going to be managed during the construction and operational phases of development. A specific

traffic management plan is proposed; delivery, drop off and collections are detailed. construction traffic routing is suggested. I am satisfied that the outline details provided in the TMP can be refined by an appropriately worded condition so that the planning authority agree on the detail of how this site is to be managed during construction and operational phases.

- 8.4.4. The future operations are set out at section 6 of the TMP. I note the existing drop off and collection points are to be used into the future, without any anticipated disruption. Given the city centre location and the immediate proximity of rail and bus transport options it is reasonable to expect very high utilisation of sustainable methods of transport by visitors and employees. In this respect, I recommend the production of a Mobility Management Plan to ensure that all sustainable transport options are known and that modal shift targets are set out. In terms of delivery of services during the operational phase, I can see that drawings submitted as further information and dated November 2023 indicate the following service elements of the proposed expansion, a goods transfer area at level -1 that provides access to cold rooms, cellar and stores drawing number 2099.PL.3016 refers. A shared vehicular entrance way from Victoria Place that allows vehicular circulation within the site and a temporary landing zone for access to the goods transfer area, drawing 2099.PL.3019 refers. In this regard I note the observations made by CIE that refer to access and rights of way, these matters are discussed in detail at section 8.5 of my report.
- 8.4.5. I am satisfied that the proposed expansion of the hotel has been planned for in terms of the servicing requirements and that this element of the development will mostly take place within the site and off the public road. In terms of the CEMP and the construction phase of development, I can see that site operation hours during construction are set out and these can be adjusted by condition if necessary. In addition, reference to the TMP is included within the CEMP, section 6 is noted.
- 8.4.6. The planning authority refused permission based on the lack of an assessment of how the proposed development would impact upon strategic transport projects and on a key transport route which is not amenable to road or lane closures. I am satisfied that the safety and free flow of traffic on the public road can be maintained by the implementation of a robust traffic management plan. In such a scenario, the complex issues of regenerating a portion of the city centre can be addressed to

ensure no public safety or traffic hazard concerns will result. I have had regard to the documentation submitted by the applicant with the planning application and at further information stage. In addition, the contents of the grounds of appeal and accompanying CEMP and TMP, all set out how the development can progress in this city centre location. I am satisfied that if properly managed, the re-development and operation of this hotel site can be carried out appropriately, safely and would be in the interests of the proper planning and sustainable development of the area.

## **8.5. Site Access**

- 8.5.1. The planning authority have highlighted concerns about access to the site from the public road and the reliance on third-party consent to enable construction, this forms the basis for the fourth reason for refusal. In addition, Córas Iompair Éireann (CIE) have made an observation on the appeal, in which they set out their legal interests regarding lands that adjoin the site and verification that they are unwilling to allow the applicant to cross their lands for construction or operational activities. The applicant maintains that they do have rights of way to access the rear of the property and that these can be renewed for the future. In addition, the applicant points out that they do not require access from CIE lands for the construction phase and have set out plans for traffic management during and after construction.
- 8.5.2. The context of the site is such that the western portion fronts onto Victoria Place, a public road and where patrons access the hotel. Maps prepared by the applicant show that a right of way exists immediately north of Victoria House and this allows service access to Victoria House, stores and a parking space, drawing 2099.PL.3046 submitted with the grounds of appeal refers. The right of way is implicit in allowing access to a car parking space in the applicant's ownership. Also submitted with the grounds of appeal drawing 2099.PL.3019 details how pedestrian access is maintained around the footprint of the proposed extension and this access is gained directly from Victoria Place south of Victoria House under a stone archway. CIE dispute the case made by the applicant. CIE state that when the car parking space changed ownership, no right of way remained as part of the property transaction and in addition access to the car park has been barred since CIE ownership. CIE have submitted land registry maps that show their land ownership immediately east of the hotel and no yellow shaded parts that denote a right of way are illustrated in their maps.



- 8.5.3. In this respect I note that land registry maps are accompanied by the following disclaimer; Tailte Éireann Registration Boundaries and Plan Areas are not conclusive, Section 62(2) of Registration of Title Act 2006 and Rule 8(3) of the Land Registration Rules 2012 refer. It may be the case that any such right of way remains to be registered, in any case it is not for the Commission to determine such matters.
- 8.5.4. The applicant explains that they do not require access for the construction phase of the development as this can be achieved directly from the public road to the west. The planning authority are not satisfied with this arrangement, however, as with all city centre development sites, a well thought out construction and traffic management plan should be devised. I am satisfied that this can be the case, the applicant has prepared a Traffic Management Plan, and an appropriately worded condition can require agreement on the matter. Circulation around the site after construction has been illustrated by the applicant and I am satisfied with that. As for the disputed right of way from Victoria Place to the car park in the ownership of CIE to the east, this matter cannot be resolved in this forum.
- 8.5.5. Article 22 of the Planning and Development Regulations 2001 as amended sets out requirements for the content of planning applications generally. Article 22(2)(g) states that where the applicant for permission is not the legal owner of the land or structure concerned, the application shall be accompanied by the written consent of the owner to make the application. I note the correspondence, documentation and maps advanced by the applicant and CIE. I reference the letter from the owner of the appeal site, Victoria Towers Hotels Ltd, that provides consent to lodge a planning application in accordance with the drawings submitted. The Commission is not an arbiter of title and the extent to which it is required to interrogate these issues is limited. Where there is nothing in a case to suggest that an applicant for permission is not the legal owner of the subject site, or there is no issue with a consent provided, the Commission are entitled to rely on this without further interrogation of the matter. This is supported by section 5.13 the Development Management Guidelines for Planning Authorities (June 2007). Section 34(13) of the Planning and Development Act further provides that if the applicant lacks title or owner's consent to do works permitted by a planning permission, the permission does not give rise to an entitlement to carry out the development.

- 8.5.6. The written consent under art. 22(2)(g) is required for the making of the application only and need not relate to the carrying out of the development. This principle was upheld in *Buckley & Grace v An Bord Pleanála*, where consent was withdrawn after the planning application was submitted but before the application was determined by the planning authority / by the Commission on appeal. It was held that because the consent was valid at the time of the original application, the planning application could still be determined notwithstanding that landowner consent was withdrawn in the intervening period. To be clear there is nothing in this appeal that suggests the consent of the owner has been withdrawn. In this instance it is access to a right of way that is at stake. The 2007 Development Management Guidelines note that in such circumstances, the Commission can seek further information pursuant to Article 33, but that “Only where it is clear from the response that the applicant does not have sufficient legal interest should permission be refused on that basis.” A clear lack of sufficient legal interest is, therefore, the appropriate test for refusing permission on this basis.
- 8.5.7. The courts have identified that the most appropriate form of consent for the purpose of complying with the provisions of Article 22(2)(g) is an individual consent bearing the personal signature of the owner and which identifies the land in respect of which the consent is given by reference to parcels drawn and distinguished on a map or plan submitted by the applicant for permission. In this case drawing 2099.PL.3046 refers to the extent of any right of way, which of course CIE as the observer dispute.
- 8.5.8. Case law confirms that the Commission cannot simply ignore issues of title or landowner consent and must engage with the submissions made to it. The scope of engagement, however, may be limited as the determination of title is not a matter for the Commission. The Commission is entitled to accept the evidence of title provided (e.g. folio details) and is not required to go behind the registered title and to make enquiries as to who might be the beneficial owner. Where a dispute regarding sufficient interest goes to issues that the Commission is not competent to resolve, then the Commission can grant planning permission, knowing that it is subject to s.34(13). As noted, the Commission should bear in mind that a grant of permission does not amount to a determination of title, and that the Commission is entitled to rely on the prima facie evidence before it.

8.5.9. Hence the Commission may grant planning permission even where a question of legal title or right of way remains outstanding, reference to section 34(13) of the Planning and Development Act 2000, as amended, should be provided to the parties in any cover letter enclosing the Board's decision. In summary, the observer and applicant have provided documentation setting out contrary views that all revolve around ownership and rights of way. I am satisfied that from a planning perspective, the necessary consent has been provided and a decision can issue on this proposal without any further engagement needed.

## **8.6. Construction Environmental Management Plan**

- 8.6.1. The planning authority refused permission with reference to the omission of a Construction Environmental Management Plan and information to do with traffic management. It is a concern of the planning authority that the amenities of neighbouring residential properties will be adversely impacted. The applicant points out that they already submitted a Preliminary Demolition and Construction Management Plan and that internal departments of the Council recommended the attachment of conditions to require the submission of a CEMP. In answer to the fifth reason for refusal the applicant has prepared a CEMP and a Traffic Management Plan (TMP) and states that there are no nearby residential properties to disturb.
- 8.6.2. I can see from the information on the file that the applicant has already submitted a Traffic Report, updated Traffic Report and a Preliminary Demolition and Construction Management Plan. In terms of the grounds of appeal the applicant prepared a CEMP and a Traffic Management Plan (TMP).
- 8.6.3. The Traffic Report relates to the existing and proposed traffic situation with reference to parking and accessibility for patrons and employees. The production of a Mobility Management Plan (MMP) is recommended should permission be granted and this is not an uncommon practice. The Traffic Report was updated by further information submitted on the 16<sup>th</sup> November 2023 and responds to issues that included the operational aspects of the hotel, and any public realm changes that would result. The applicant points out that a marginal increase in servicing requirements would result and that existing coach pull-in space would be availed of. The applicant argued that this is not an unusual situation, common to other commercial operators in the city centre and that a traffic management plan could be designed and implemented to

deal with any issues. Section 8.4 of my report deals with traffic and transport in greater detail; however, I anticipate no insurmountable issues that cannot be resolved by condition.

- 8.6.4. The Preliminary Demolition and Construction Management Plan sets out broad aims with reference to site management, nuisance prevention, waste management and construction methods. This plan concludes that a Demolition and Construction Management Plan will be submitted for approval if permission is approved.
- 8.6.5. The CEMP submitted with the grounds of appeal sets out standard construction techniques and management for such a site and these are acceptable. Measures are set out in section 5 of the report and allowance is made for a personnel to be appointed and responsible for the implementation of the plan. This is not unusual for a large city centre site and whilst on site I observed that other large building projects are currently underway in the vicinity with little or no discernible impact on the current traffic situation, such as it is for Galway city centre. Separately a Traffic Management Plan was prepared, and it sets out traffic management for the construction and operational phase of the development.
- 8.6.6. Permission was refused on the basis that if permitted the development would result in construction phase impacts upon the area with specific reference to residential properties and this is because a CEMP was not prepared. In the first instance, the applicant has pointed out that there are no residential properties in the vicinity of the site and from my observations I agree. Secondly, the applicant has prepared a CEMP and a Traffic Management Plan to address the concerns raised by refusal reason five. I am satisfied that matters that concern the construction phase of the development can be addressed by a suitably worded condition if the Commission are minded to grant permission. It is not unusual for large city centre sites to be redeveloped and in most cases access to the site is gained from the public road to a suitable reception compound. This is such a case for the appeal site, and I recommend that a CEMP and Construction Traffic Management Plan should be agreed with the planning authority prior to commencement of development.
- 8.6.7. **Designated Sites**
- 8.6.8. The planning authority refused permission on the basis that an Natura Impact Statement (NIS) was not submitted with the application, specifically in the context of

proximity to the Inner Harbour Area/Lough Atalia/Galway Bay, the presence of existing pathway(s) to European Sites via the surface water drainage sewer network, reason number 1 refers. I note that initial finding of the planning authority with respect to AA Screening concluded that an NIS was not required. The applicant submitted a revised AA Screening Report and an NIS with the grounds of appeal, and these additions were advertised by public notice at the request of the Board.

- 8.6.9. I have fully assessed the proposed development in the context of Appropriate Assessment, section 9.0 of my report refers. I conclude that, based on the documentation submitted with the application and the appeal, that included a revised AA Screening Report and NIS, no designated site would be adversely affected. The Commission should note that the applicant was requested to re-advertise the proposed development with respect to the submission of an NIS and this the applicant duly did. I have assessed the water services element of the proposed development and I am satisfied that appropriate methods will be deployed in the demolition, construction and operational phases of the development.
- 8.6.10. Given the submission of an NIS, I am not satisfied that the proposed development if permitted would materially contravene Policy Objectives 5.2 (1), (2) and (11) of the Galway City Development Plan 2023-2029. In addition, the proposed development would not be contrary to the proper planning and sustainable development of the area with matters that concern ecology and wider environmental issues.

## **8.7. Other Matters**

- 8.7.1. Plot Ratio and Architectural Heritage - I note that during the planning application process and after further information was submitted, An Taisce did not accept that a reduction in building height to between eight and nine storeys respects protected structures in the vicinity and that the plot ratio of the development exceeds that of other nearby developments recently permitted.
- 8.7.2. In terms of plot ratio, I note that the development plan sets out guidance with reference to plot ratios and the planning authority took these into account in their assessment of the planning application. The proposed development exceeded the development plan guidance on plot ratio for the city centre of 2:1, with a ratio of 5:1. The issue of plot ratio did not arise as a reason for refusal. It should be noted that the planning authority acknowledged a revised plot ratio of 4.75:1 in this instance but

given the characteristics of the site and its surrounds an exceedance of plot ratio was considered acceptable. I have considered the plan objectives with regard to plot ratio. I note its relevance in this case, however, I am satisfied that given the amended design, reduction in overall height and consequently plot ratio, the final proposal is acceptable and positively contributes to the sustainability and viability of this city centre site. In addition, I note the changing character of the area, where taller buildings have been permitted on a number of sites, such as the CIE lands and the 7-8 storey student residence currently under construction to the south west.

- 8.7.3. Having visited the site and its environs, I consider that as a consequence of a reduction in overall height, the city centre context, the changing urban fabric and lack of residential units in the immediate vicinity, the issue of sunlight and daylight does not arise in this application. Though useful to see a shadow analysis of the site and surrounding development, it would show nothing that would not be expected in the current urban context of this area undergoing significant change. I am satisfied that in this instance the urban character of the area, as it is defined by sunlight and daylight factors, will not be adversely affected should the development proceed.
- 8.7.4. Built Heritage - With reference to heritage matters, I note that the applicant prepared a Heritage and Visual Impact Assessment and Cultural Heritage Impact Assessment. In addition, the original design was amended to meet the requirements of the planning authority in terms of architectural heritage impacts. The overall height was reduced, stone is to be reused and a first floor connecting corridor removed. I am satisfied that the amended design adequately addresses the heritage aspects of this site. In that context, I note a number of other sites in the immediate vicinity that are undergoing significant construction works and the dynamic nature of this part of the city in terms of change. Finally, I note the current low value architectural contribution of the existing hotel and I am satisfied that the improvements to the architectural treatment and extensions proposed will add positively to the character and identity of the area, currently undergoing significant change.
- 8.7.5. Natural Heritage – no concerns were raised by any party with regard to ecology in general or the potential for bats on this site, foraging or roosting. I note that it is recent practice of the NPWS to advise that for development consent to be complete, derogation should be applied for and received prior to development consent being given. As far as I can tell, there is no statute in law that directs a planning authority to

refuse planning permission if an application is not accompanied by a derogation licence. In this case, the applicant did not prepare an Ecological Impact Assessment or conduct any flora or fauna survey. I note that the Planning Authority did not seek the submission of either such assessments as part of the extensive further information that was issued. This is not surprising at all, given the entirely built over nature of the site in a city centre where construction activity is ongoing in the vicinity. However, buildings are scheduled for demolition and no assessment of bat roost potential has been made and consequently no derogation applied for or obtained, as far as I can tell.

- 8.7.6. I note that *Rhinolophus hipposideros* (Lesser Horseshoe Bat) is a Qualifying Interest (QI) of the Lough Corrib SAC. I have made an assessment of the potential for impacts to designated sites and no specific measures are necessary with regard to bats, section 9.0 and appendix 2 of my report refers. I am satisfied that the matter of bats and all other relevant QIs have been addressed by the NIS and the measures outlined in the CEMP are proportionate and reasonable with reference to ecology in general on and off the site. However remote the possibility is of bats or their roosts being discovered on the appeal site, the developer is obliged to seek a Derogation Licence from the Minister for Housing, Local Government and Heritage (NPWS) and agree measures for removal and relocation of any species present in the buildings by a suitably qualified ecologist. This requirement stands outside the planning consent process. I note that a preliminary CEMP has been submitted, a suitably worded condition can ensure the appointment of Project Ecologist as required. No further assessment with reference to ecology in general or bats in particular is warranted or necessary and no specific condition is required to address the matter further.

## **8.8. Conditions**

- 8.8.1. In addition to standard and technical conditions that would be attached to any large scale redevelopment within a city centre location, I recommend the consideration of the following condition themes:
- NIS and any measures set out therein.
  - Construction phase conditions to do the with standard construction methodologies and production of a TMP and CEMP.

- Uisce Éireann requirements, and the surface water management requirements of the Council.
- Any archaeology requirements set out by the DAU.
- Given that works are in close proximity and include a protected structure and include the demolition of notable buildings not listed or part an ACA, a condition should be attached to ensure the consideration of any protected structures and the recording of any elements of note.
- Any requirements of the Irish Aviation Authority.
- A landscape and public realm plan.
- Hotel front/Shopfront and signage proposals.
- Development contribution and bond conditions.

## **9.0 Appropriate Assessment**

### **9.1. Screening Determination - Finding of likely significant effects**

- 9.1.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the Lough Corrib SAC [000297], Galway Bay Complex SAC [000268] and the Inner Galway Bay SPA [004031] in view of the conservation objectives of a number of qualifying interest features of those sites.
- 9.1.2. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.

### **9.2. Natura Impact Statement (NIS)**

- 9.2.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Lough Corrib SAC [000297], Galway Bay Complex SAC [000268] and Inner Galway Bay SPA [004031] in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.



9.2.2. Following an examination, analysis and evaluation of the NIS submitted with the appeal and duly advertised by public notice, all associated material submitted, and taking into account observations on nature conservation, I consider that adverse effects on site integrity of the Lough Corrib SAC [000297], Galway Bay Complex SAC [000268] and Inner Galway Bay SPA [004031] can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

9.2.3. My conclusion is based on the following:

- The contents of the AA Screening Report and NIS.
- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed including supervision and integration into CEMP ensuring transition of obligations to eventual contractor.
- Application of planning conditions to ensure application of these measures.

9.2.4. The proposed development will not affect the attainment of conservation objectives for the Lough Corrib SAC [000297], Galway Bay Complex SAC [000268] and Inner Galway Bay SPA [004031].

## **10.0 Water Framework Directive (WFD)**

10.1. The subject site is located at Victoria Place, Galway City, nearby waterbodies include: transitional IE\_WE\_170\_0700 and groundwater IE\_WE\_G\_0008.

10.2. The proposed development comprises a hotel extension. Section 2.0 of the Inspector's Report refers. No water deterioration concerns were raised in the planning appeal.

10.3. I have assessed the hotel extension project and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.4. The reason for this conclusion is as follows:

- The nature of the works that include green roofs and other attenuation measures
- Lack of any direct hydrological connections
- The serviced nature of the lands

10.5. Conclusion - I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## 11.0 Recommendation

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

## 12.0 Reasons and Considerations

Having regard to:

(i) the site's location on lands with a zoning objective for 'CC' (City Centre) and other policy and objective provisions in the Galway City Development Plan 2023 – 2029 in respect of commercial/hotel development,

(ii) the nature, scale and design of the proposed development which is consistent with the provisions of the Galway City Development Plan 2023 – 2029 and appendices contained therein,

(iii) to the pattern of existing and permitted development in the area, and

(iv) to the submissions and observations received,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian

safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### 13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 16<sup>th</sup> day of November 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars

Reason: In the interest of clarity.

2. All mitigation measures outlined in the plans and particulars, including the Natura Impact Statement, and Construction Environmental Management Plan (CEMP), shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

3. (a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

(b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of amenity and of traffic and pedestrian safety.

4. 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.

Reason: In the interests of visual amenity

5. Details of the materials, colours and textures of all the external finishes to the proposed buildings and boundaries shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. Details of all external shopfronts and signage for the proposed commercial units shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, and notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no further advertisement signs (including any signs installed to be visible through windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on any of the proposed building or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: In the interests of visual amenity and orderly development and to permit the planning authority to assess any such development through the statutory planning process.

7. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the Council for such

works and services. Prior to the commencement of development the developer shall submit to the Planning Authority for written agreement:

(a) Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate any Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction.

(b) Any existing culverted combined sewers that traverse the site shall be surveyed, remediated and adequately protected prior to the commencement of development.

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

8. (a) 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.

(b) Any existing culverted combined sewers that traverse the site shall be surveyed, remediated and adequately protected prior to the commencement of development.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

9. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a Construction Traffic Management Plan (CTMP) for the construction phase of the development and an Operational Traffic Management Plan (OTMP) for the written agreement of the planning authority. The CTMP shall incorporate details of the road network to be used by construction traffic including oversized loads, detailed proposals for the protection of bridges, culverts and other structures to be traversed, as may be required. The agreed CTMP shall be implemented in full during the course of construction of the development and the agreed OTMP shall be implemented after completion of works.

Reason: In the interest of traffic safety and convenience.

10. Details of road signage, warning the public of the entrance and of proposals for traffic management at the site entrance, shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of traffic safety.

11. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 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.

12. A wheel washing facility shall be provided for the duration of the construction period, adjacent to the site exit, the location and details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic safety and biosecurity.

13. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

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

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Provision of parking for existing properties during the construction period;
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (n) A suitably qualified ecologist shall be appointed by the developer to oversee the site set-up and construction of the proposed development and the ecologist shall be present on site during construction works. Prior to commencement of development,

the name and contact details of said person shall be submitted to the planning authority. Upon completion of works, an audit report of the site works shall be prepared by the appointed ecologist and submitted to the planning authority to be kept on record.

(o) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;

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

15. A landscaping scheme and public realm strategy shall be submitted to the planning authority for written agreement. 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 visual amenity.

16. (a) A conservation expert shall be employed to manage, monitor and implement the works on the site, to supervise all works to the protected structure on site and within the curtilage of the protected structure and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained buildings and facades structure and/or fabric.

(b) All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of environment, Heritage and Local Government in 2004. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements,



plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structures and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

(c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings), staircases including balusters, handrails and skirting boards, shall be protected during the course of refurbishment.

Reason: to ensure that the integrity of the retained structure is maintained and that the structures are protected from unnecessary damage or loss of fabric.

17. Prior to commencement of development, the developer shall employ, at his/her expense, a qualified archivist to provide a report recording the industrial heritage of the site. A copy of this report shall be forwarded to the planning authority and made available to the Archive Section of the Public Library.

Reason: To ensure that the quality of the development and works are commensurate with the protection afforded to the area.

18. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and,
- (b) employ a suitably-qualified archaeologist prior to the demolition works and commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:
  - (i) the nature and location of archaeological material on the site, and
  - (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Coimisiún Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

19. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along any pedestrian routes through the site.

Reason: In the interest of amenity and public safety.

20. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of employee amenity.

21. (a) A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of

development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

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

22. Prior to the opening/occupation of the development, a Mobility Management Plan (MMP), shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport (where available), cycling and walking by employees/occupants of the development. The mobility strategy shall be prepared and implemented by the management company for the development.

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

23. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity.

24. No external security shutters shall be erected on any of the commercial premises fronting onto public roads and public spaces, unless authorised by a further grant of planning permission. Details of all internal shutters shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

25. Prior to the commencement of development, the developer shall contact the Irish Aviation Authority to agree an aeronautical obstacle warning light scheme for the

development and notify the Authority of intention to commence crane operations with a minimum of 30 days prior notification of the erection. As-constructed co-ordinates in an appropriate format together with ground and tip height elevation should also be supplied to the Aviation Authority for information.

Reason: In the interest of aviation and public health safety.

26. Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit or bond of an insurance company, or other security to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, 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 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 Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

27. 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 Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

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

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

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Stephen Rhys Thomas  
Senior Planning Inspector

27 August 2025

## 14.0 Appendix 1 - AA Screening Determination

### Screening for Appropriate Assessment Test for likely significant effects

#### Step 1: Description of the project and local site characteristics

Case file: ABP-318992-24

<b>Brief description of project</b>	Construction of a 10-11 storey hotel extension.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	A detailed description of the development location is provided at section 1.0 of the Inspector's Report. Potential impact mechanisms include: construction phase activities.
<b>Screening report</b>	Yes
<b>Natura Impact Statement</b>	Yes
<b>Relevant submissions</b>	None.

#### Step 2. Identification of relevant European sites using the Source-pathway-receptor model

Four European sites were identified as being located within a potential zone of influence of the proposed development as detailed in Table 1 below.

European Site (code)	Qualifying interests (summary) Link to conservation objectives (NPWS, date)	Distance from proposed development	Ecological connections	Consider further in screening Y/N
Galway Bay Complex SAC [000268]	[1140] Mudflats and sandflats not covered by seawater at low tide [1150] Coastal lagoons* [1160] Large shallow inlets and bays [1170] Reefs	260m	There is no potential for direct effects on the QI species or habitats designated as part of this SAC as the site is located outside the boundary of this SAC.	Y  A complete source pathway receptor chain was

	<p>[1220] Perennial vegetation of stony banks</p> <p>[1310] <i>Salicornia</i> and other annuals colonising mud and sand</p> <p>[1330] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>)</p> <p>[1410] Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p> <p>[3180] Turloughs*</p> <p>[5130] <i>Juniperus communis</i> formations on heaths or calcareous grasslands</p> <p>[6210] Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (*important orchid sites)</p> <p>[7210] Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i>*</p> <p>[7230] Alkaline fens</p> <p>[1365] Harbour Seal (<i>Phoca vitulina</i>)</p> <p>[1355] Otter (<i>Lutra lutra</i>)</p> <p><a href="https://www.npws.ie/protected-sites/sac/000268">https://www.npws.ie/protected-sites/sac/000268</a></p>		<p>Taking an extremely precautionary approach and in the absence of mitigation, there is potential for indirect effects to the aquatic influenced QI habitats and species designated as part of this SAC. A complete source pathway receptor chain for likely significant effect could be identified through the municipal surface water system.</p> <p>The site comprises buildings and hardstanding. Therefore, there is no suitable supporting habitat for QI species such as otter designated as part of this SAC. As such, there is no potential for ex-situ disturbance to any QI species associated with Galway Bay Complex SAC was identified.</p>	<p>identified and in the absence of mitigation, there is a slight potential for the Development to result in likely significant effects on this European Site.</p>
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Lough Corrib SAC [000297]	<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130]</p> <p>Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. [3140]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]</p> <p><i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p> <p>Depressions on peat substrates of the <i>Rhynchosporion</i> [7150]</p>	450m	<p>The site is located entirely outside of Lough Corrib SAC, there is no potential for direct effect to this SAC.</p> <p>Taking an extremely precautionary approach and in the absence of mitigation, there is potential for indirect effects to the aquatic influenced QI habitats and species designated as part of this SAC. A complete source pathway receptor chain for likely significant effect could be identified through the municipal surface water system.</p> <p>The site comprises buildings and hardstanding. Therefore, there is no suitable supporting habitat for QI species such as otter designated as part of this SAC. As such, there is no potential for ex-situ disturbance to any QI species associated with Lough Corrib SAC was identified.</p>	<p>Y</p> <p>A complete source pathway receptor chain was identified and in the absence of mitigation, there is a slight potential for the Proposed Development to result in likely significant effects on this European Site.</p>
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	<p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]</p> <p>Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Bog woodland [91D0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) [1303]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Najas flexilis</i> (Slender Naiad) [1833]</p> <p><i>Hamatocaulis vernicosus</i> (Slender Green Feather-moss) [6216]</p>			
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	<a href="https://www.npws.ie/protected-sites/sac/000297">https://www.npws.ie/protected-sites/sac/000297</a>			
Inner Galway Bay SPA [004031]	<p>Black-throated Diver (<i>Gavia arctica</i>) [A002]</p> <p>Great Northern Diver (<i>Gavia immer</i>) [A003]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Grey Heron (<i>Ardea cinerea</i>) [A028]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p>	260m	<p>The site is located outside the boundary of Inner Galway Bay SPA and as such, there is no potential for direct effect.</p> <p>Taking an extremely precautionary approach and in the absence of mitigation, there is potential for indirect effects to the aquatic influenced QI habitats and species designated as part of this SPA. A complete source pathway receptor chain for likely significant effect could be identified through the municipal surface water system.</p> <p>The site comprises buildings and hardstanding. Therefore, there is no suitable supporting habitat for QI species such as otter designated as part of this</p>	<p>Y</p> <p>A complete source pathway receptor chain was identified and in the absence of mitigation, there is a slight potential for the Proposed Development to result in likely significant effects on this European Site</p>

	<p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Wigeon (<i>Mareca penelope</i>) [A855]</p> <p>Sandwich Tern (<i>Thalasseus sandvicensis</i>) [A863]</p> <p>Wetland and Waterbirds [A999]</p> <p><a href="https://www.npws.ie/protected-sites/spa/004031">https://www.npws.ie/protected-sites/spa/004031</a></p>		<p>SAC. As such, there is no potential for ex-situ disturbance to any QI species associated with Inner Galway Bay SPA was identified.</p> <p>The habitats within the site are not suitable supporting habitat for the SCI species designated as part of the SPA. As such, no potential for ex-situ disturbance/displacement and habitat loss for these SCI bird species of this SPA was identified.</p>	
<p>Lough Corrib SPA [004042]</p>	<p>Pochard (<i>Aythya ferina</i>) [A059]</p> <p>Tufted Duck (<i>Aythya fuligula</i>) [A061]</p> <p>Common Scoter (<i>Melanitta nigra</i>) [A065]</p> <p>Hen Harrier (<i>Circus cyaneus</i>) [A082]</p> <p>Coot (<i>Fulica atra</i>) [A125]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p>	3.6km	<p>The site is located outside the boundary of Lough Corrib SPA and as such, there is no potential for direct effect. Given the distance of the designated site from the appeal site, there is extremely limited potential for indirect effects to the aquatic influenced QI habitats and species designated as part of this SPA. A complete source pathway</p>	N

	Common Gull ( <i>Larus canus</i> ) [A182] Common Tern ( <i>Sterna  hirundo</i> ) [A193] Arctic Tern ( <i>Sterna  paradisaea</i> ) [A194] Greenland White-fronted Goose ( <i>Anser albifrons  flavirostris</i> ) [A395] Shoveler ( <i>Spatula clypeata</i> ) [A857] Gadwall ( <i>Mareca strepera</i> ) [A889] Wetland and Waterbirds [A999]  <a href="https://www.npws.ie/protected-sites/spa/004042">https://www.npws.ie/protected-sites/spa/004042</a>		receptor chain for likely significant effect could not be identified through the municipal surface water system.	
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Given the entirely built over, operational and city centre context of the appeal site, it is very unlikely that any SCI bird species associated with any SPA are to be recorded within the footprint of the proposed works within the site. SCI bird species are not dependant on these habitats. The site does not provide any suitable supporting habitat for any SCI bird species associated with any Special Protection Areas.

### **Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites**

The proposed development will not result in any direct effects on either SAC or SPA.  
Sources of impact and likely significant effects are detailed in the Table below.

#### **Screening matrix**

Site name	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Lough Corrib SAC [000297]	<p>Construction phase, that may include:</p> <p>Demolition</p> <p>Uncontrolled Surface water run-off</p> <p>Dust, noise, vibration</p> <p>Storage of excavated/construction materials</p>	<p>Taking an extremely precautionary approach, a potential pathway for indirect effects on the SAC via deterioration of water quality resulting from run off of pollutants during the construction phase of the proposed development via overland flow to the stormwater network was identified.</p> <p>A complete source pathway receptor chain was identified and in the absence of mitigation, there is potential for the proposed development to result in likely significant effects on this European Site. Therefore, the European Site is located within the Likely Zone of Impact and is considered further in this assessment.</p>
	Likelihood of significant effects from proposed development (alone): <b>Yes</b>	
	Impacts	Effects
Galway Bay Complex SAC [000268]	<p>Construction phase, that may include:</p> <p>Demolition</p> <p>Uncontrolled Surface water run-off</p> <p>Dust, noise, vibration</p>	<p>Taking an extremely precautionary approach, a potential pathway for indirect effects on the SAC via deterioration of water quality resulting from run off of pollutants during the construction phase of the proposed development via</p>

	Storage of excavated/construction materials	<p>overland flow to the stormwater network was identified.</p> <p>A complete source pathway receptor chain was identified and in the absence of mitigation, there is potential for the proposed development to result in likely significant effects on this European Site. Therefore, the European Site is located within the Likely Zone of Impact and is considered further in this assessment.</p>	
	Likelihood of significant effects from proposed development (alone): <b>Yes</b>		
	<b>Impacts</b>	<b>Effects</b>	
Inner Galway Bay SPA [004031	<p>Construction phase, that may include:</p> <p>Demolition</p> <p>Uncontrolled Surface water run-off</p> <p>Dust, noise, vibration</p> <p>Storage of excavated/construction materials</p>	<p>Taking an extremely precautionary approach, a potential pathway for indirect effects on the SPA via deterioration of water quality resulting from run off of pollutants during the construction phase of the proposed development via overland flow to the stormwater network was identified.</p> <p>A complete source pathway receptor chain was identified and in the absence of mitigation, there is potential for the proposed development to result in likely significant effects on this European Site. Therefore, the European Site is located within the Likely Zone of</p>	

		Impact and is considered further in this assessment.
	Likelihood of significant effects from proposed development (alone): <b>Yes</b>	

#### **Step 4 Conclude if the proposed development could result in likely significant effects on a European site**

The primary consideration in terms of source-receptor-pathways for indirect impacts relates to surface water and potential indirect impacts on hydrologically linked habitats and aquatic species. The potential for impact is considered whereby the Development would result in a significant detrimental change in surface water quality either alone or in combination with other projects or plans as a result of indirect pollution of surface water during construction. The effect would have to be considered in terms of changes in water quality which would affect the habitats or species for which the Lough Corrib SAC, Galway Bay Complex SAC or the Inner Galway Bay SPA are designated.

Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result significant effects on the Lough Corrib SAC [000297], Galway Bay Complex SAC [000268] and the Inner Galway Bay SPA [004031].

I concur with the applicants' findings that such impacts could be significant in terms of the stated conservation objectives of the SAC and SPA when considered on their own and in combination with other projects and plans in relation to pollution related pressures and disturbance on qualifying interest habitats and species.

#### **Screening Determination**

##### **Finding of likely significant effects**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the Lough Corrib SAC [000297], Galway Bay Complex SAC [000268] and

the Inner Galway Bay SPA [004031] in view of the conservation objectives of a number of qualifying interest features of those sites.

It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.



## 15.0 Appendix 2 - AA Determination

### Appropriate Assessment

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V [or S 177AE] of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination at appendix 1 of my report, the following is an appropriate assessment of the implications of the proposed development of student accommodation and public road improvements in view of the relevant conservation objectives of the Lough Corrib SAC [000297], Galway Bay Complex SAC [000268] and the Inner Galway Bay SPA [004031] based on the scientific information provided by the applicant.

The information relied upon includes the following:

- Natura Impact Statement (dated February 2024 and submitted with the appeal)
- Appropriate Assessment Screening Report (dated February 2024 and submitted with the appeal)
- CEMP (dated February 2024 and submitted with the appeal)
- Civil Design Report
- Preliminary Demolition and Construction Management Plan
- Flood Risk Assessment

I am satisfied that the information provided is adequate to allow for Appropriate Assessment.

I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

### Submissions/observations

None.

### Lough Corrib SAC [000297]:

<b>Summary of Key issues that could give rise to adverse effects (from screening stage):</b> <b>(i) Deterioration to water quality via overland flow during the demolition, construction and operational phases of the development.</b> <b>Table 2 and section 3.4 NIS</b>			
Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)  NIS Section 3.6
1029 Freshwater Pearl Mussel <i>Margaritifera margaritifera</i>	To restore the favourable conservation condition of Freshwater Pearl Mussel in Lough Corrib SAC	The site is located close to the SAC with no identifiable habitat, surface water features within or adjacent to the site. According to Map 9 of the Conservation Objectives (CO) document for this SAC, the mapped suitable target habitat, distribution and catchment for <i>M. margaritifera</i> is located approximately 23km north-west of the site. There is no potential for direct or indirect effects on Freshwater pearl Mussel as the population for which this SAC has been designated is restricted to the Owenriff River, within the Upper	None necessary.

		catchments of Lough Corrib (NPWS 2017). As such, no complete source-pathway- receptor chain for any likely significant effect on this QI species as a result of the Proposed Development was identified. No further assessment is required.		
1092 White-clawed Crayfish <i>Austropotamobius pallipes</i>	To maintain the favourable conservation condition of White-clawed Crayfish in Lough Corrib SAC	Not in the zone of influence.	None necessary.	
1095 Sea Lamprey <i>Petromyzon marinus</i>	To restore the favourable conservation condition of Sea Lamprey in Lough Corrib SAC	Sea Lamprey has been detected in the Lower River Corrib.	Construction Phase Control Measures  A preliminary Construction and Environmental Management Plan (CEMP) has been prepared.	
1096 Brook Lamprey <i>Lampetra planer</i>	To maintain the favourable conservation condition of Brook	Brook Lamprey has been detected in the Lower River Corrib.	As above.	

	Lamprey in Lough Corrib SAC			
1106 Salmon <i>Salmo salar</i>	To maintain the favourable conservation condition of Atlantic Salmon in Lough Corrib SAC	Salmon has been detected in the Lower River Corrib.	As above.	
1303 Lesser Horseshoe Bat <i>Rhinolophus hipposideros</i>	To restore the favourable conservation condition of Lesser Horseshoe Bat in Lough Corrib SAC	Not in the zone of influence.	None necessary.	
1355 Otter <i>Lutra lutra</i>	To maintain the favourable conservation condition of Otter in Lough Corrib SAC	Otter has been detected in the Lower River Corrib.	Construction Phase Control Measures  A preliminary Construction and Environmental Management Plan (CEMP) has been prepared.	
1393 Slender Green Feather-moss <i>Drepanocladus vernicosus</i>	To maintain the favourable conservation condition of Slender Green Feather-moss (Shining Sick-	Not in the zone of influence.	None necessary.	

	moss) in Lough Corrib SAC.			
1833 Slender Naiad <i>Najas flexilis</i>	To restore the favourable conservation condition of Slender Naiad in Lough Corrib SAC.	Not in the zone of influence.	None necessary.	
3110 Oligotrophic waters containing very few minerals of sandy plains ( <i>Littorelletalia uniflorae</i> )	To restore the favourable conservation condition of Oligotrophic waters containing very few minerals of sandy plains ( <i>Littorelletalia uniflorae</i> ) in Lough Corrib SAC.	Not in the zone of influence.	None necessary.	
3130 Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i>	To restore the favourable conservation condition of Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> . in Lough Corrib SAC.	Not in the zone of influence.	None necessary.	

140 Hard oligo-mesotrophic waters with benthic vegetation of Chara spp.	To restore the favourable conservation condition of Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. in Lough Corrib SAC	Not in the zone of influence.	None necessary.	
3260 Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation	To maintain the favourable conservation condition of Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation in Lough Corrib SAC	Not in the zone of influence.	None necessary.	
6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites)	To maintain the favourable conservation condition of Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (*	Not in the zone of influence.	None necessary.	

	important orchid sites)			
6410 Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae)	To maintain the favourable conservation condition of Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae)	Not in the zone of influence.	None necessary.	
7110 Active raised bogs	To restore the favourable conservation condition of Active raised bogs* in Lough Corrib SAC	Not in the zone of influence.	None necessary.	
7120 Degraded raised bogs still capable of natural regeneration	The long-term aim for Degraded raised bogs still capable of natural regeneration is that its peat-forming capability is re-established; therefore, the conservation objective for this habitat is inherently linked to that of Active raised bogs (7110) and a separate	Not in the zone of influence.	None necessary.	

	conservation objective has not been set in Lough Corrib SAC.			
7150 Depressions on peat substrates of the Rhynchosporion	Depressions on peat substrates of the Rhynchosporion is an integral part of good quality. Active raised bogs (7110) and thus a separate conservation objective has not been set for the habitat in Lough Corrib SAC.	Not in the zone of influence.	None necessary.	
7210 Calcareous fens with Cladium mariscus and species of the Caricion davallianae	To maintain the favourable conservation condition of Calcareous fens with Cladium mariscus and species of the Caricion davallianae in Lough Corrib SAC.	Not in the zone of influence.	None necessary.	
7220 Petrifying springs with tufa formation (Cratoneurion)	To maintain the favourable conservation condition of	Not in the zone of influence.	None necessary.	



	Petrifying springs with tufa formation (Cratoneurion)* in Lough Corrib SAC.			
7230 Alkaline fens	To maintain the favourable conservation condition of Alkaline fens in Lough Corrib SAC.	Not in the zone of influence.	None necessary.	
8240 Limestone pavements	To maintain the favourable conservation condition of Limestone pavements* in Lough Corrib SAC.	Not in the zone of influence.	None necessary.	
91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles	To maintain the favourable conservation condition of Old sessile oak woods with Ilex and Blechnum in the British Isles in Lough Corrib SAC	Not in the zone of influence.	None necessary.	
91D0 Bog woodland	To maintain the favourable conservation condition of Bog woodland* in Lough Corrib SAC.	Not in the zone of influence.	None necessary.	

The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

## **Assessment of issues that could give rise to adverse effects view of conservation objectives**

### **(i) Water quality degradation**

The primary consideration in terms of source-receptor-pathways for indirect impacts relates to surface water and potential indirect impacts on hydrologically linked habitats and aquatic species.

The likelihood of impacts on hydrologically connected European sites is low and will be avoided by best practice construction management.

However, In the absence of mitigation, a potential pathway for indirect effects on the QI species/habitats listed above, in the form of deterioration of water quality arising from the percolation of polluting materials through overland flow from the site during construction activities associated with the Proposed Development was identified.

The construction phase will involve excavations and earth moving which create the potential for pollution in various forms, i.e. the generation of suspended solids and the potential for spillage of fuels associated with the refuelling of excavation machinery. There is a risk of the percolation of pollutants to ground water during the above activities. As such, the construction phase of the Proposed Development may result in pollution via surface water entering Lough Corrib SAC.

### **Mitigation measures and conditions**

#### **Construction Phase Control Measures**

- Construction Compound and Storage Areas
- Oil and Fuel Storage and Environmental Response Procedures
- Fuels and Oils Management
- Spill Control and Response
- Soil and Groundwater – minimise cut and fill
- Surface Water & Ground Water – note FRA measures.

<p><b>Operational Phase</b></p> <p>The operational phase will result in the production of foul sewage and surface-water runoff which, if not adequately treated, has potential to result in indirect effects on surface and groundwater quality and, therefore, potential adverse effects on the above screened-in European Sites.</p> <p>Measures include -</p> <p>Surface Water Drainage - The surface water drainage system has been designed to cater for all surface water run-off from the development and green roofs. The proposed drainage system will join the existing storm water drainage network.</p> <p>Wastewater Drainage -</p> <p>The existing foul water network within the site will be utilised. Following their assessment, Uisce Éireann raised no opposition to the proposed development, but required condition surveys of existing infrastructure across the site.</p> <p>I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected aquatic species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures related to water quality are captured by planning condition within the Inspector's Report.</p>	
<p><b>In-combination effects</b></p> <p>I am satisfied that in-combination effects have been assessed adequately in the NIS. The proposed development was considered in-combination with other plans and projects in the area that could result in cumulative impacts on designated Sites. No other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.</p>	
<p><b>Findings and conclusions</b></p> <p>The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site. Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for the Lough Corrib SAC [000297]. No direct impacts are</p>	

predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

#### **Reasonable scientific doubt**

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

#### **Site Integrity**

The proposed development will not affect the attainment Conservation objectives of the Lough Corrib SAC [000297]. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

#### **Galway Bay Complex SAC [000268]:**

**Summary of Key issues that could give rise to adverse effects (from screening stage):**

**(i) Deterioration to water quality via surface water network during construction and operational phases.**

**Table 2 and section 3.4 NIS**

<b>Qualifying Interest features likely to be affected</b>	<b>Conservation Objectives</b>	<b>Potential adverse effects</b>	<b>Mitigation measures (summary)</b>
			NIS Section 3.6
1140 Mudflats and sandflats not covered by seawater at low tide	To maintain the favourable conservation condition of Mudflats and sandflats not	The site of the proposed development is located close to Galway Bay Complex SAC,	Construction Phase Control Measures  A preliminary Construction and

	covered by seawater at low tide in Galway Bay Complex SAC	separated by existing dwellings to the south of the proposed development. Taking a precautionary approach, a potential pathway for indirect effects on the SAC via deterioration of water quality from run-off of pollutants during the construction and operational phases of the proposed development via overland flow to the stormwater network was identified. Therefore, following the precautionary approach, in the absence of mitigation, there is potential for indirect adverse effect to these Qualifying Interests (Qis) as a result of the proposed development.	Environmental Management Plan (CEMP) has been prepared.	
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1150 Coastal lagoons	To restore the favourable conservation condition of Coastal lagoons in Galway Bay Complex SAC	Not in zone of influence.	None necessary.	
1160 Large shallow inlets and bays	To maintain the favourable conservation condition of Large shallow inlets and bays in Galway Bay Complex SAC	The site of the proposed development is located close to Galway Bay Complex SAC, separated by existing dwellings to the south of the proposed development. Taking a precautionary approach, a potential pathway for indirect effects on the SAC via deterioration of water quality from run-off of pollutants during the construction and operational phases of the proposed development via overland flow to the	Construction Phase Control Measures  A preliminary Construction and Environmental Management Plan (CEMP) has been prepared.	

		<p>stormwater network was identified.</p> <p>Therefore, following the precautionary approach, in the absence of mitigation, there is potential for indirect adverse effect to these Qualifying Interests (Qis) as a result of the proposed development.</p>		
1310 Salicornia and other annuals colonising mud and sand	To maintain the favourable conservation condition of Salicornia and other annuals colonizing mud and sand in Galway Bay Complex SAC	Not in zone of influence.	None necessary.	
1330 Atlantic salt meadows (Glaucopuccinellietalia maritimae)	To restore the favourable conservation condition of Atlantic salt meadows (Glaucopuccinellietalia maritimae) in	Not in zone of influence.	None necessary	

	Galway Bay Complex SAC			
1410 Mediterranean salt meadows ( <i>Juncetalia maritimi</i> )	To restore the favourable conservation condition of Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) in Galway Bay Complex SAC	Not in zone of influence.	None necessary	
7210 Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i>	To maintain the favourable conservation condition of Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> in Galway Bay Complex SAC	Not in zone of influence.	None necessary	
1355 <i>Lutra lutra</i> (Otter)	To restore the favourable conservation condition of Otter in Galway Bay Complex SAC	The site of the proposed development is located close to Galway Bay Complex SAC, separated by existing dwellings to the south of the proposed	Construction Phase Control Measures  A preliminary Construction and Environmental Management Plan (CEMP) has been prepared.	



		<p>development. Taking a precautionary approach, a potential pathway for indirect effects on the SAC via deterioration of water quality from run-off of pollutants during the construction and operational phases of the proposed development via overland flow to the stormwater network was identified. Therefore, following the precautionary approach, in the absence of mitigation, there is potential for indirect adverse effect to these Qualifying Interests (Qis) as a result of the proposed development.</p>		
1365 Phoca vitulina (Harbour Seal)	To maintain the favourable conservation	The site of the proposed development is	Construction Phase Control Measures	

	condition of Harbour Seal in Galway Bay Complex SAC	located close to Galway Bay Complex SAC, separated by existing dwellings to the south of the proposed development. Taking a precautionary approach, a potential pathway for indirect effects on the SAC via deterioration of water quality from run-off of pollutants during the construction and operational phases of the proposed development via overland flow to the stormwater network was identified. Therefore, following the precautionary approach, in the absence of mitigation, there is potential for indirect adverse effect to these Qualifying Interests (Qis) as a	A preliminary Construction and Environmental Management Plan (CEMP) has been prepared.	
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		result of the proposed development.		
1220 Perennial vegetation of stony banks	To maintain the favourable conservation condition of Perennial vegetation of stony banks in Galway Bay Complex SAC	Not in zone of influence.	None necessary	
3180 Turloughs	To maintain the favourable conservation condition of Turloughs in Galway Bay Complex SAC	Not in zone of influence.	None necessary	
5130 Juniperus communis formations on heaths or calcareous grasslands	To restore the favourable conservation condition of Juniperus communis formations on heaths or calcareous grasslands in Galway Bay Complex SAC	Not in zone of influence.	None necessary	

6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco Brometalia)(*important orchid sites)	To maintain the favourable conservation condition of Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco Brometalia) in Galway Bay Complex SAC	Not in zone of influence.	None necessary	
<p>The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.</p>				
<p><b>Assessment of issues that could give rise to adverse effects view of conservation objectives</b></p> <p><b>(i) Water quality degradation</b></p> <p>As per Lough Corrib SAC.</p> <p><b>Mitigation measures and conditions</b></p> <p>As per Lough Corrib SAC.</p> <p>I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected aquatic species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures related to water quality are captured in planning conditions contained in the Inspector's Report.</p>				

<p><b>In-combination effects</b></p> <p>I am satisfied that in-combination effects have been assessed adequately in the NIS. The proposed development was considered in-combination with other plans and projects in the area that could result in cumulative impacts on designated Sites. No other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.</p>	
<p><b>Findings and conclusions</b></p> <p>The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site. Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for the Galway Bay Complex SAC [000268]. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.</p> <p><b>Reasonable scientific doubt</b></p> <p>I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.</p> <p><b>Site Integrity</b></p> <p>The proposed development will not affect the attainment Conservation objectives of the Galway Bay Complex SAC [000268]. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.</p>	
<p><b>Inner Galway Bay SPA</b> <b>[004031]</b> <b>Summary of Key issues that could give rise to adverse effects (from screening stage):</b></p>	

(i) There is hydrological connectivity between the Proposed Development and this SPA via surface water networks, potential for pollution arising from the construction and operational works.

**Table 2 and section 3.4 NIS**

<b>Qualifying Interest features likely to be affected</b>	<b>Conservation Objectives Targets and attributes (as relevant - summary)</b>	<b>Potential adverse effects</b>	<b>Mitigation measures (summary) section 3.6 of the NIS.</b>
Great Northern Diver (Gavia immer) [A003]	To maintain the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.	Not in zone of influence.	None necessary.
Cormorant (Phalacrocorax carbo) [A017]	As above	As above	As above
Grey Heron (Ardea cinerea) [A028]	As above	As above	As above
Light-bellied Brent Goose (Branta bernicla hrota) [A046]	As above	As above	As above
Wigeon (Anas Penelope) [A050]	As above	As above	As above

Teal ( <i>Anas crecca</i> ) [A052]	As above	As above	As above
Shoveler ( <i>Anas clypeata</i> ) [A056]	As above	As above	As above
Red-breasted Merganser ( <i>Mergus serrator</i> ) [A069]	As above	As above	As above
Ringed Plover ( <i>Charadrius hiaticula</i> ) [A137]	As above	As above	As above
Golden Plover ( <i>Pluvialis apricaria</i> ) [A140]	As above	As above	As above
Lapwing ( <i>Vanellus vanellus</i> ) [A142]	As above	As above	As above
Dunlin ( <i>Calidris alpina alpina</i> ) [A149]	As above	As above	As above
Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157]	As above	As above	As above
Curlew ( <i>Numenius 51enelop</i> ) [A160]	As above	As above	As above
Redshank ( <i>Tringa 52enelop</i> ) [A162]	As above	As above	As above
Turnstone ( <i>Arenaria interpres</i> ) [A169]	As above	As above	As above
Black-headed Gull	As above	As above	As above

(Chroicocephalus ridibundus) [A179]			
Common Gull (Larus canus) [A182]	As above	As above	As above
Sandwich Tern (Sterna sandvicensis) [A191]	As above	As above	As above
Common Tern (Sterna hirundo) [A193]	As above	As above	As above
Wetlands and waterbirds [A999]	To maintain the favourable conservation condition of wetland habitat in Inner Galway Bay SPA as a resource for the regularly occurring migratory waterbirds that utilise it.	Emissions to surface and ground water pathways during the construction and operational phases have the potential to result in adverse impacts on Wetlands and Waterbirds [A999]. A complete source-pathway-receptor chain for adverse effects on this habitat was identified.	Construction Phase Control Measures  A preliminary Construction and Environmental Management Plan (CEMP) has been prepared.
The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.			
<b>Assessment of issues that could give rise to adverse effects:</b> (i) Water quality degradation As above for SAC. Maintenance of good water quality is an attribute required to maintain favourable conservation condition for bird species and relevant habitats.			



Mitigation measures and conditions - As above for SAC	
<p><b>In-combination effects</b></p> <p>I am satisfied that in-combination effects have been assessed adequately in the NIS. The proposed development was considered in-combination with other plans and projects in the area that could result in cumulative impacts on designated Sites. No other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.</p>	
<p><b>Findings and conclusions</b></p> <p>The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site. Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for the Inner Galway Bay SPA [004031]. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.</p> <p><b>Reasonable scientific doubt</b></p> <p>I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.</p> <p><b>Site Integrity</b></p> <p>The proposed development will not affect the attainment Conservation objectives of the Inner Galway Bay SPA [004031]. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.</p>	
<p><b>Appropriate Assessment Conclusion: Integrity Test</b></p>	

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Lough Corrib SAC [000297], Galway Bay Complex SAC [000268] and Inner Galway Bay SPA [004031] in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted, and taking into account observations on nature conservation, I consider that adverse effects on site integrity of the Lough Corrib SAC [000297], Galway Bay Complex SAC [000268] and Inner Galway Bay SPA [004031] can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- The contents of the AA Screening Report and NIS.
- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed including supervision and integration into CEMP ensuring transition of obligations to eventual contractor.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives for the Lough Corrib SAC [000297], Galway Bay Complex SAC [000268] and Inner Galway Bay SPA [004031].

## 16.0 Appendix 3 - EIA Pre-Screening

<b>Case Reference</b>	ABP-318992-24
<b>Proposed Development Summary</b>	Demolition of existing warehouse and restaurant and construction of 10-11 storey hotel extension.
<b>Development Address</b>	Victoria Hotel, Victoria Place, Galway.
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.  <input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here

<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>	Class (10) Infrastructure projects, part (b), of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended), as follows:  10) Infrastructure projects, part (b) paragraph (iv) Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20

<p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.</p> <p>The site (0.2 Hectares) is located in a business district, but is considerably less than 2 Hectares in extent.</p>
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4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required
No <input checked="" type="checkbox"/>	

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## 17.0 Appendix 4 - EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	ABP-318992-24
<b>Proposed Development Summary</b>	Demolition of existing warehouse and restaurant and construction of 10-11 storey hotel extension.
<b>Development Address</b>	Victoria Hotel, Victoria Place, Galway.
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b> (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The size, design, and cumulation with existing/proposed development is not significant. The use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health are considered to be minimal.
<b>Location of development</b> (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The land use would integrate satisfactorily with the area, that is characterised by high density urban development. European sites are located nearby and these are assessed in detail under section 9.0 of the main report. There are no landscapes of significance in the close vicinity of the site. The site is located within the zone of archaeological potential of the city centre and appropriate steps

	can be taken during construction to monitor and record finds should they arise. There is a protected structure on the site and the Eyre Square ACA lies to the north, these features will not be unduly impacted by the design as proposed and amended.
<b>Types and characteristics of potential impacts</b> (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	There are no significant effects identified in relation to environmental parameters, in terms of magnitude and spatial extent and the nature of impacts. There are no transboundary issues. The development is not of an intensity or complexity, that would result in significant, cumulative effects or limit opportunities for mitigation.
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
<b>There is no real likelihood of significant effects on the environment.</b>	<b>EIA is not required.</b>  The proposed development has been subject to preliminary examination for environmental impact assessment. Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not

	trigger a requirement for environmental impact assessment screening and an EIAR is not required.
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**Inspector:**

**Date:**

**DP/ADP:** \_\_\_\_\_

**Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)



## 18.0 Appendix 5 - Water Framework Directive (WFD) Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
<b>An Bord Pleanála ref. no.</b>	<b>ABP-318992-24</b>	<b>Townland, address</b>	Victoria Place, Galway City.
<b>Description of project</b>		Hotel extension.	
<b>Brief site description, relevant to WFD Screening,</b>		A full description of the development site can be found at section 1.0 of my report. In summary, the site comprises the extension of a hotel. .	
<b>Proposed surface water details</b>		The storm water drainage design has been designed to cater for surface water runoff from all hardstanding areas, section 8.3 of the Inspector's Report refers.	
<b>Proposed water supply source &amp; available capacity</b>		The water supply services have been designed to take account of the requirements of Uisce Éireann, section 8.3 of the Inspector's Report refers.	

<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>			The water services have been designed to take account of the requirements of Uisce Éireann, section 8.3 of the Inspector's Report refers.			
<b>Others?</b>			None.			
<b>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</b>						
<b>Identified water body</b>	<b>Distance to (m)</b>	<b>Water body name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective e.g.at risk, review, not at risk</b>	<b>Identified pressures on that water body</b>	<b>Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)</b>
Transitional <sup>1</sup>	300m	IE_WE_170_0700	SW 2016-2021 Ecological Status or	Review	Urban	Surface run-off

<sup>1</sup> [https://www.catchments.ie/data/#/waterbody/IE\\_WE\\_170\\_0700](https://www.catchments.ie/data/#/waterbody/IE_WE_170_0700)

			Potential - Moderate Chemical Surface Water Status - Failing to achieve good				
Groundwater <sup>2</sup>	0m	IE_WE_G_00 08	GW 2016- 2021 Good	Not at risk	Urban	Infiltration to groundwater.	
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no)  Detail	Determination*  * to proceed to Stage 2. Is there a risk to the water environment?

<sup>2</sup> [https://www.catchments.ie/data/#/waterbody/IE\\_WE\\_G\\_0008?\\_k=n5voy6](https://www.catchments.ie/data/#/waterbody/IE_WE_G_0008?_k=n5voy6)

							(if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	IE_WE_1 70_0700	Existing municipal drainage system.	Siltation, pH (concrete), hydrocarbon spillages.	Standard construction practice, submission of a Preliminary CEMP, standard measures include: <ul style="list-style-type: none"> <li>• Fuels and oils management,</li> <li>• Spil Control and response,</li> <li>• Soil and groundwater management,</li> <li>• Surface water – flood risk not an issue of concern,</li> </ul>	No.	Screened out.

2.	Ground	IE_WE_ G_0008	Pathway does not exist.	Hydrocarbon spillages.	As Above	No.	Screened out.
<b>OPERATIONAL PHASE</b>							
1.	Surface	IE_WE_1 70_0700	Existing municipal drainage system.	Hydrocarbon spillages..	Once complete, the development will provide a dedicated storm water drainage system will be provided to pick up surface water run-off from roofs, carparks and other hardstand areas. Surface water runoff from roads and footpaths throughout the site will be collected by a combination of channel drains and precast concrete gullies with lockable cast iron grating and frame connected to a piped system.	No.	Screened out.

					<p>Prior to discharge to the existing network all surface water will pass through a Class 1 petrol interceptor.</p> <p>SuDS measures that include green roofs, will be strategically located throughout the development to aid in the storm water management of the site.</p>		
2.	Ground	IE_WE_G_0008	Existing municipal drainage system.	Hydrocarbon spillages.	As Above	No.	Screened out.
<b>DECOMMISSIONING PHASE</b>							
	It is intended that the Proposed Development will be retained as permanent and will not be decommissioned.						