An Bord Pleanála

Inspector's Report

ABP-319154-24

Development	Permission for amendments to previously permitted residential development permitted under Board reference number 308431-20 comprising (i) replacement of apartment blocks A1 and A2 with a new duplex apartment block A5, (2) minor amendment to finished floor level or apartment blocks A3 and A4 (3) provision of 17 detached and semi-detached houses (4) minor amendments to car parking and footpath layout (5) provision of communal open space, private open space, site landscaping and boundary treatment, public lighting, resident and visitor car parking, electric vehicle charging points, bicycle parking, refuse storage, pedestrian, cycle and vehicular links throughout development and all other associated site development works.
Location	Trusky East, Bearna, Co. Galway.
Planning Authority	Galway County Council

Planning Authority Reg. Ref.	23/60649
Applicant(s)	Burkeway Homes Ltd
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party V. Grant 1) Gabriel McGoldrick
Observer(s)	None
Date of Site Inspection	13th day of November 2024
Inspector	Fergal Ó Bric.

1.0 Site Location and Description

1.1. The appeal site is located to the north of the settlement of Bearna, with access off through the adjacent Cnoc Fraoigh residential development located immediately west of the appeal site which in turn accesses onto the local road, L1321-Moycullen

Road, approximately five hundred metres north of the Main Street in Bearna. The appeal site has no direct frontage or access onto a public roadway. The appeal site forms part of a larger residential development (Ard Raithní) which received planning approval as a Strategic Housing Develoepmnt from An Bord Pleanala under Board reference number 308431-20. Construction has commenced on site and a number of the residential units within the western part of the residential scheme are inhabited and many more residential units including a childcare facility within the northern part of the development are under construction. The amendments proposed pertain to the southern and eastern part of the site which forms part of the overall site. The appeal site comprises part of the site construction compound where the construction materials have been stored during the construction phases of the development. The Trusky stream traverses the central part of the appeal site and flows in a north to south direction towards the town centre and ultimately outfalls into Galway Bay, approximately 610 metres south of the appeal site.

1.2. The site is forms part of the located to the east of the established Cnoc Fraoigh residential development which comprises a mix of two storey detached and semi-detached dwellings. To the west of the appeal site is an existing residential development, to the north and east are unzoned lands and south of the appeal site are lands that are zoned for open space/recreation and amenity purposes. Immediately west of the appeal site is part of the site compound for the Ard Raithní development and the earlier phases of the Ard Raithní development which comprises detached, semi-detached and terraced two storey dwellings, while further north-west is the three-storey childcare facility with apartments above and other residential units which are presently at an advanced stage of construction, as observed during my site inspection conducted in November 2024. The appeal site comprises an area where construction materials are stored and an area of gorse to the east of the site (east of the Trusky stream), which to date remains undeveloped. To the west of the Trusky stream, there are soil mounds and access ways to the parts of the overall site that is presently under construction. The Bearna area is generally characterised by medium to low density conventional housing units. The access point off the L1321, is within the 50 kilometre per hour speed control zone.

1.3. The appeal site has a stated area of 3.22 hectares, with a stated area of 1.59 being developable, in that these lands are zoned residential and removed from the Trusky stream and its associated floodplain. The appeal site is irregular in shape and is

bisected by the Trusky steam and its associated flood plain. Site levels fall gradually from north to south and west to within the appeal site. The northern, southern and eastern site boundaries comprise a mix of hedgerow, stone walling, shrubbery, gorse bramble and marshy areas along the Trusky channel.

2.0 **Proposed Development**

2.1. The applicants are seeking planning permission for amendments to a previously permitted residential development permitted under Board reference number 308431-20 which related to a Strategic Housing Development (SHD). The amendments proposed under these proposals would comprise:

- The replacement of apartment blocks A1 and A2, consisting of 9 x 1 bed apartments and 18 x 2 bed apartments with a new duplex apartment block A5 consisting of 4 x 2 bed apartments,
- Minor amendment to finished floor level or apartment blocks A3 and A4.
- Provision of 13 detached houses, 2 number 4 bed terraced houses and 2 no. three bed terraced houses,
- Minor amendments to car parking and footpath layout.
- Provision of communal open space, private open space, site landscaping and boundary treatment, public lighting, resident and visitor car parking, electric vehicle charging points, bicycle parking, refuse storage, pedestrian, cycle and vehicular links throughout development and all other associated site development works.

All houses are of traditional design with a pitched roof and a mixture of brick and smooth sand/cement render external finishes.

2.2. Access is proposed from the permitted internal access road which in turn ties into the access road serving the adjacent Cnoc Fraoigh residential development. Some of the proposed dwellings have individual driveways with off-street car parking provision for two cars and others have communal car parking in proximity to their frontage. Bicycle parking facilities are proposed throughout the scheme and 25 bicycle parking spaces are proposed to serve this particular part of the development site which is considered acceptable. A 1.8-metre-wide footpath with streetlighting is proposed along each side of the internal service road in accordance with best

practice standards and a footpath connectivity between the appeal site and Bearna village along the l-1321 has also been provided, as per the planning condition set out within Board reference 308431-20.

2.3. A number of supporting documents and reports were submitted to accompany the planning documentation and include the following:

- A Planning Statement,
- Linguistic Impact Statement
- An Architectural Design Statement.
- Housing Quality Assessment Report
- An Engineering Services Report,
- A Traffic and Transport Assessment (TTA),
- A Stage 1 Road Safety Audit,
- Overshadowing & Sunlight Report
- A Lighting Report,
- A Utility Report (UR)
- A Site-Specific Flood Risk Assessment (SSFRA).
- Trusky East Stream Flood Study
- A Construction and Environmental Management Plan (CEMP).
- A Construction Waste Management Plan (CWMP).
- A Natura Impact Statement (NIS).
- An Ecological Impact Assessment (EcIA).
- An Invasive Species Management Plan. (ISMP)
- An Environmental Impact Assessment (EIA) Screening Report.

2.4. Further Information was submitted to the Planning Authority on the 16th day of November 2023 in relation to the following**:**

- Details of footpath connectivity from the appeal site along the L1321 to Bearna village.

- Legal Correspondence regarding access to utility services
- Correspondence from Uisce Eireann (UE) regarding access to the water and wastewater services.
- Copy of correspondence sent to the Office of Public Works (OPW) regarding a Section 50 application for the bridging of the Trusky stream within the appeal site.
- Revised layout whereby each of the recommendations as set out within the Road Safety Audit (RSA) are detailed.
- Junction capacity assessment submitted and details of mobility management measures, in terms of how well the appeal sis connected to Bearna village and what public transport options are available locally.
- Details of bicycle storage shed and numbers of bicycle parking spaces.
- Details of surface water drainage calculations.
- Details of a Property Management Company that would manage the development post completion.
- Details of the bridge design and construction.
- Clarity that the foul sewer pumping station is not located within an area identified as being at risk of flooding.
- Details of works proposed on lands zoned as open space/recreation, outlining which uses are water compatible and works that constitute less vulnerable development.

2.5. A letter of consent from Burkeway Barna Ltd has been submitted, consenting to the applicants to making a planning application on a portion of their lands**.**

2.6. The applicants' legal representatives have confirmed (as set out in Appendix 2 of the further information response) in writing that they are proposing to connect into the internal access road serving the adjacent Cnoc Fraoigh residential development which has of yet not been taken in charge by the local authority. It is stated in this correspondence that 'Burkeway Baran Ltd has a grant of easements which provides them with sufficient legal interest and an absolute legal right to access via Cnoc Fraoigh estate together with the right to connect up to the conduits and services via

Cnoc Fraoigh. Therefore, no consent is required from Heather Hill Management CLG, the legal owners of Cnoc Fraoigh'.

2.7. The Board circulated the planning appeal and the first party appeal response to An Taisce, the Heritage Council and the Department of Housing, Heritage and Local Government. No response was received from any of the prescribed bodies.

3.0 **Planning Authority Decision**

3.1. Decision

Grant permission subject to 33 number conditions. The relevant conditions are noted below:

Condition 2: Permission to expire on the date on ABP reference number 308431-20.

Conditions 3 and 11: Details of consent from the OPW regarding construction of bridge on site.

Condition 4: All mitigation and monitoring measures as set out in the NIS shall be implemented in full.

Condition 5: No unit shall be occupied until the footpath and road improvements along the L1321 have been completed.

Condition 9 Public lighting scheme to be submitted.

Condition 12: Traffic Management Plan to be submitted.

Condition 14: Minimum of 20% of residential units for those who have demonstrated competency in Irish language.

Condition 15: Boundary treatments.

Condition 18: Evidence of a properly constituted management company for maintenance of services, utilities, access roads, open spaces and other communal areas.

Condition 19: Connection agreement with Irish Water.

Condition 21: Developer shall implement recommendation of the Traffic and Transport Assessment (TTA) and the Stage 1 Road Safety Audit submitted as part of the planning documentation.

Condition 25: Construction hours.

Condition 26: A Construction waste and Demolition Management Plan (CWMP) shall be prepared and submitted for the written agreement of the Planning Authority.

Condition 28: First occupation by individual purchasers

Condition 29; Part V agreement with PA re; Social and affordable units.

Condition 30 and 32: Submission of a bond/cash deposit or other security.

Condition 31: Specific financial contribution towards footpath and pedestrian crossing works on the L1321

Condition 33: Financial contributions

3.2. Planning Authority Reports

3.2.1 Planning Reports

1st planning report prepared by the Executive Planner (dated 4th day of August 2023)

This report supported the principle of development on the residential and open space/recreation and amenity zoned lands. However, further information was sought to address a number of issues as set out within Section 2.4 of this report above.

2nd planning report (2nd day of February 2024)

This report again supported the principle of development on the appeal site. The Planning Authority were satisfied that the applicants had responded appropriately to the issues raised within the further information request. The Planning Officer recommended that planning permission be granted following clarification on the matters raised within the further information request.

3.2.2 Other Technical Reports

Roads and Transportation Department: Following the receipt of the further information response, no objection, subject to conditions.

3.3. **Prescribed Bodies**

None received.

3.4. **Third Party Observations**

Three observations were received from local residents. Some of the issues raised are similar to those raised in the third-party appeal, however a number of other issues were raised and included the following:

- The Planning Authority must ensure the protection of the Irish language.
- The red line application site boundary differs from that submitted under 308431-20.
- The density of development is too low.
- Footpath connectivity to Bearna village to DMURS standards must be delivered.
- There are no streetlights to serve the houses within the proposed development.
- Flooding and location of development within flood zone A.
- Access road and safety.
- Construction working hours.
- There are servicing capacity issues in Bearna.
- Twenty letters of support for the proposals were received.

4.0 **Planning History**

Subject Site:

Planning reference number 22/61247-Permisison granted in 2022 for amendments to previous Board approval under 308431-20 replacing 15 residential units with the same number of units but for a different house type, associated landscaping, car parking and site development works.

ABP reference 308431-20, In 2020, ABP granted planning permission for the construction of 121 residential units as part of a Strategic Housing Development, part of the wider site to the north, west and south of the current appeal site. This development is presently partly inhabited and partly under construction.

Adjacent lands

Planning reference number 03/4315-Permisison granted in 2004 for a residential development of twenty-two residential units. This was subsequently constructed and is known as the Cnoc Fraoigh residential development, located immediately adjoining and west of the appeal site.

5.0 Policy Context

5.1. Galway County Development Plan, 2022-2028

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

Chapter 2 of the Plan places Bearna within the Tier 1 settlements-Metropolitan Area and Volume 2 of this Plan includes Plans for the Metropolitans settlements, including Bearna.

Table 2.11 sets out the Core Strategy where it is envisaged that the population of Bearna is anticipated to grow by 750 persons over the plan period with 432 residential units to be developed to sustain the population growth during the plan period to 2028.

Table 2.12 Settlement Hierarchy sets out the following for the Metropolitan Area Strategic Plan (MASP): The MASP has been identified to accommodate critical mass

in population growth within the area that will ensure the vitality and appeal of Galway City and the surrounding towns and villages.

Section 2.4.5 sets out the following vision for the Metropolitan Area: The Galway Metropolitan Area, the subject of the MASP, extends from Bearna in the west to include Galway City and suburbs and continuing eastwards to Baile Chláir and Oranmore. The role of the Metropolitan Area is to accommodate population growth within the area that will ensure the vitality and appeal of Galway City and the surrounding towns and village settlements. A robust Metropolitan Area, incorporating high quality and integrated physical infrastructure and community facilities will strengthen the role of the Northern and Western region and help it to compete at a national level.

The policy objective set out for the Metropolitan Area is as follows:

SS1 MASP (Level 1) Galway County Council shall support the important role of the Metropolitan Area Strategic Plan(MASP) which is inextricably linked to Galway City, as a key driver of social and economic growth in the County and in the wider Western Region and will support the sustainable growth of the strategic settlements, including the future development of the Urban Framework Plans identified for Briarhill and Garraun and the settlements of Baile Chláir, Bearna and Oranmore, within the Galway Metropolitan Area.

Section 3 of the Plan pertains to Placemaking, Regeneration and Urban Living.

The relevant policy objectives include the following:

CGR 1 Compact Growth To require that all new development represents an efficient use of land and supports national policy objectives to achieve compact growth in

towns and villages. Development of lands with no links to the town or village centre will be discouraged.

Section 7.5.9 of the Plan pertains to surface and storm water/sustainable drainage systems

Policy objective WW7 To require the use of Sustainable Drainage Systems to minimise and limit the extent of hard surfacing and paving and require the use of SuDS measures be incorporated in all new development (including extensions to existing developments). All development proposals shall be accompanied by a comprehensive SuDS assessment including run-off quantity, run off quality and impacts on habitat and water quality.

Policy objective WW8 To support the improvement of storm water infrastructure and to increase the use of sustainable drainage and reduce the risk of flooding in urban environments.

Section 15.2.3 Guidelines for residential development in Towns and Villages.

In relation to residential density, outer suburban/greenfield areas within the MASP area densities in the range of 25-30 units per hectare are encouraged at locations adjacent to open rural countryside.

In terms of public open space, the following is set out: The planning authority will take a flexible approach in the interests of delivering good quality development and the wider policy objectives for placemaking.

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

DM standard 31 sets out parking standards which require 1.5 spaces for 1-3 bed dwelling units and 2 spaces for 4+ bed dwelling units.

5.2. **Bearna Metropolitan Settlement Plan 2022-2028**

Volume 2 of the Galway County Development Plan 2022 pertains to the Metropolitan area of Galway which includes the settlement of Bearna.

The appeal site has the benefit of an R-Residential Phase 1 land use zoning objective as well as an open space/recreation and amenity land use zoning objective as per the Settlement Plan.

The zoning objectives as set out within the Metropolitan Area Strategic Plan are as follows 'To facilitate for the provision of high quality new residential areas within the lifetime of this plan' and 'To protect and enhance existing open space and provide for recreational and amenity space'.

The zoning matrix sets out that residential development is acceptable on residential zoned lands and that utilities infrastructure and services are open for consideration on lands zoned as open space/recreation and amenity.

Section 2.8.1 of the Bearna Metropolitan Settlement Plan (BMSP) pertains to Housing where the following is set out: 'New multiple housing schemes within the plan area should provide for an appropriate variety of residential units to meet the current and future demands of the area and be responsive to their local context, in terms of design, layout and density. Residential developments within Bearna must accord with the policy objective in relation to the allocation of housing units for Irish speaking families'.

The following are the relevant policy objectives set out within this plan:

BMSP 1 Sustainable Residential Communities – **"**Promote the development of appropriate and serviced lands to provide for high quality, well laid out and well landscaped sustainable residential communities with an appropriate mix of housing types and densities, together with complementary land uses such as community

facilities, local services and public transport facilities, to serve the residential population of Bearna Metropolitan settlement plan.

BMSP 15 Pedestrian and Cycle Network Encourage and support the development of a series of pedestrian and cycle routes linking the residential areas to the town centre and local community services, where feasible.

BMSP 16 Irish Language – "To protect and promote the Irish language as the first community language of the Bearna area, including:

• Ensuring that the naming of developments is in Irish only and reflect the character of the area.

• Encouraging the development of educational, recreational, tourism and business facilities that operate through the medium of the Irish language. Signage shall be principally through the medium of Irish with internationally recognised symbols.

BMSP 17 Language Enurement Clause - A Language Enurement Clause will be applied on a portion of residential units in development of two or more units in Bearna. The proportion of homes to which a language enurement clause will be a minimum of 20% or to the proportion of persons using Irish Language on a daily basis, in accordance with the latest published Census, whichever is greater.

The flood mapping included as part of the OMSP identified the Trusky stream channel and an area along its banks are located within flood Zone A and are zoned as open space/recreation and amenity and the remainder of the appeal site, zoned residential-Phase 1 being located within Flood Zone C and, therefore, suitable in principle for residential development.

5.3. **National Guidance**

5.3.1 National Planning Framework 2040

The following National Policy Objectives are considered relevant in the assessment of the current proposals:

- National Policy Objective 3a**:** Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

- National Policy Objective 13**:** In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

5.3.2 Sustainable Residential Development in Urban Areas and Compact Settlement Guidelines (DoEHLG, 2023)

The key objective of these Guidelines is to encourage the development of high quality – and crucially – sustainable developments:

- Quality homes and neighbourhoods,
- Places where people actually want to live, to work and to raise families, and
- Places that work – and will continue to work - and not just for us, but for our children and for our children's children.

Section 3.3.1 of the Guidelines pertains to -Cities and Metropoltan (MASP) Areas where the key priorities include 'To strengthen city, town and village centres' and 'deliver sequential and sustainable urban extension at suitable locations that are closest to the urban core and are integrated into, or can be integrated into, the existing built-up footprint of the city and suburbs area or a metropolitan town'.

Section 28 Ministerial Guidelines

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

- National Cycle Design Manual, National Transport Authority, (2023)
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2022).
- Design Manual for Urban Roads and Streets (2019).
- Urban Density and Building Heights Study for Galway, (2021).
- Urban Development and Building Height Guidelines, Guidelines for Planning Authorities (2018).
- Appropriate Assessment of Plans and Projects in Ireland, Guidelines for Planning Authorities, 2010.
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') (DoEH&LG 2009).

5.4. Natural Heritage Designations

The closest Natura 2000 sites are the Galway Bay Complex SAC (Site Code 000268) is located approximately 0.93 kilometres south of the appeal site and the Inner Galway Bay SPA (Site Code 004031) is located approximately 1.21 kilometres south of the appeal site

The closest Natural Heritage Area (NHA) is the Galway Bay Complex pNHA, (site code 000268), which at its closest point is located approximately 0.93 metres south of the appeal site boundary.

5.5. Environmental Impact Assessment (EIA) Screening

5.5.1 An Environmental Impact Assessment Screening Report was submitted by the applicants as part of their planning documentation, and it concluded the following "The nature or characteristics of the proposed development are not considered likely to have significant effects on the environment. The project will have a long-term

positive impact on Human Beings, with regard to the provision of additional housing in Galway County'.

5.5.2 (See Form 1 and Form 2 attached as Appendices 1 and 2). Having regard to the limited nature and scale of the amendments to a previously permitted development which is presently partly developed and inhabited (to the west) and partly under construction (to the north and north-west) and the absence of any significant environmental sensitivity in the vicinity of the site, as well as the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

Grounds of Appeal

6.1. A third-party appeal was received from a resident from within n the adjacent Cnoc Fraoigh residential development, located immediately west of the appeal site. The issues raised within the appeal relate to the following:

Site Location/Layout:

- The redline boundary has been extended further east and beyond the red line boundary as permitted under Board reference number 308431-20.

Core and Settlement Strategy:

- The density proposed is to low and would not comply with national or local planning policy requirements.

Access, Connectivity & Traffic:

- That the footpath and roads realignment along the L1321 does not adhere to DMURS standards nor to the planning permission as originally permitted under 308431-20.

- The bridge crossing over the Trusky stream should not be permitted.

Flooding & Services:

- That the foul sewer pumping station is located within a flood zone.
- That the wastewater capacity a specifically allocated to the settlement of Bearna has been exceeded.

Other Matters:

- The absence of street lighting to serve the residential development.

6.2. First party response to third party appeal submission

A first party appeal submission was received from the applicants' Planning Consultants responding to the issues raised within the third-party appeal submission. The issues raised within the appeal response relate to the following:

- The appeal site is challenging to develop given its irregular and elongated shape and constrained by a strip of open space/recreation and amenity zoned lands along the channel of the Trusky stream and the flood zones associated with the stream.
- The net developable area of the site comprises 1.59 hectares.
- The density as originally permitted under Board reference number 308431 was 28.7 residential units per hectare, and it is now proposed to be 26.6 residential units per hectare. The reduced density remains within the density guidance set out within the current Galway County Development Plan 2022 for outer suburban/greenfield sites within the Metropolitan area, where a density range where a density range of 25-30 units per hectare is set out for locations adjacent to open rural countryside.
- The scheme (as amended) will provide for a variation in dwelling types and complete a new vibrant neighbourhood with generous open space for residents and an enhancement of the ecology and biodiversity in the area and that the revised density is appropriate, given the site constraints and the proposals to provide a biodiversity area within the north-eastern corner of the lands and along the Trusky channel.
- The red line boundary extends further east of the boundary as submitted under Board reference number 308431-20 but is within is located within the

land holding of Burkeway Barna Ltd (a subsidiary company of the applicant) and a letter of consent to this effect from Burkeway Barna Ltd has been submitted.

- All ecological and environmental surveys prepared as part of the current amendment proposals have been completed incorporating the full extent of the lands in the ownership of the applicants, including those within the blue line boundary.
- A Utilities Report and Street lighting infrastructure drawing (drawing number 17720-VCE-ZZ-ZZ-DRE-E-1023) was submitted as part of the planning documentation outlining details of street lighting for the entirety of the development. LED lighting is proposed throughout the development.
- Condition number 3(b) as set out under 308431-20 has been complied with as works on the footpath and public lighting along the L1321 have been completed following consultation with the Roads and Transportation Section within Galway County Council.
- Drainage works and verge widening along the L1321 commenced in July 2023 and subsequently the footpath installation was completed In November 2023.
- Wastewater treatment design layout has been completed in accordance with Uisce Eireann's' (UE) Code of Practice for wastewater infrastructure and confirmation of feasibility of connection to the public watermains and foul sewer networks from UE has been submitted as part of the Engineering Services Report.
- The foul pumping station will be located at a distance greater than 15 metres from any residential property, as per UE's requirements and the flood study submitted as part of their planning documentation indicates that tit will be located outside of any predicated flood extent and is, therefore, not considered susceptible to flooding and will not impact upon the floodplain. The pumping station is located south of and removed from the flood extent associated with a 1;1,000-year flood event as per the flood modelling submitted. The GCC Planners Report confirms this assertion.
- A number of the uses within the lands zoned as open space/recreation and amenity include open space, parkland, fencing, pedestrian walkways and

lighting. These works all constitute water compatible development as per the definition set out within the Flood Risk and Management Guidelines 2009

- Other aspects of the proposals including the bridge over the Trusky stream, the bridge approach road, drainage pipes and watermains and utilities ducting and services all fall under the definition of less vulnerable development set out within the Flood Risk and Management Guidelines 2009
- The GCC Planners report acknowledges that the applicants have demonstrated compliance with the provisions of Section 1.10.2 of the of the current Galway Development Plan regarding the land use zoning matrix for the Galway Metropolitan Area and with the Flood Risk and Management Guidelines 2009.

6.3. Observations

None received.

6.4 Planning Authority Response

None received.

7.0 Assessment

The main issues are those raised within the grounds of appeal (and the Planning Report), and I am satisfied that no other substantive issues arise. The issue of appropriate assessment will also be addressed. The issues can be dealt with under the following headings:

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

- Appropriate Assessment

7.1 Principle of Development

7.1.1 The appeal site is located on lands zoned for residential purposes (phase 1) and open space/recreation and amenity as per the Bearna Settlement Plan. The stated zoning objectives are**:** To protect existing residential amenities and facilitate compatible and appropriately designed new infill development, in accordance with the proper planning and sustainable development of the area' and 'To protect and enhance existing open space and provide for recreational and amenity space'. Having regard to the provisions of Section 1.10.2 of the -Land use zoning matrix as set out within the current Galway County Development Plan 2022-28, I am satisfied the principle of residential development is acceptable in this instance. I consider that the proposed residential development on residentially zoned lands is acceptable and would accord with the proper planning and sustainable development of the area. I also consider that the other ancillary development in terms of the parkland areas, fencing, bridge, access road to the bridge, piped water services, lighting and utility services are acceptable on lands zoned for open space/recreation and amenity purposes**.**

7.1.2 The appeal site accesses onto the public road, the L1321-Moycullen Road through an existing established residential development (Cnoc Fraoigh). The proposal is to amend a previously permitted Strategic Housing Development comprising 121 two-storey detached, semi-detached and terraced two-, three- and four-bedroom dwelling houses as well as two and three storey one and two bed apartments and duplex units as well as an on-site childcare facility. The proposals would provide for an amended residential scheme, whereby the number of one and two bed apartment units is reduced and replaced with thirteen detached dwellings and two pairs of semi-detached and terraced dwellings as well as 4 x two bed apartments. I am satisfied that the amended residential scheme represents an efficient use of residentially zoned and serviced lands on an outer suburban site, on the northern perimeter of Bearna village. I consider that the proposal is acceptable in principle subject to

matters in relation to Core and Settlement strategy, residential density, flooding and servicing, access and traffic being satisfactorily addressed.

7.1.3 The proposal would accord with NPO 33 'Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location and with the guiding principles set out within the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024), specifically Section 3.3.1-Cities and Metropoltan (MASP) Areas where the key priorities include 'To strengthen city, town and village centres'. Given the location of Bearna within the designated Galway MASP area, the proposal to amend part of a permitted residential scheme is considered appropriate in principle, subject to the issues of compliance with Core Strategy, density of development, design and layout, services and flooding, access and traffic and appropriate assessment being satisfactorily addressed.

7.2 **Residential Density**

Core Strategy:

7.2.1 The Core Strategy is set out within Section 2 within the current Galway County Development Plan (GCDP) 2022-2028. Within the Plan, the settlement of Bearna is included as part of the Metropolitan Area of Galway City. The Metropolitan Area (MA) is the prime area within the county where development is encouraged. Table 2.11 within the Core Strategy sets out that up to 432 residential units will be required to be constructed within the settlement of Bearna over the plan period in order to meet the housing demand associated with the anticipated growth in population over lifetime of the Plan. Given that the subject lands are zoned Residential phase 1, and approximately forty five of the permitted residential units are inhabited or at an advanced stage of construction and that the building site is an active one, I am satisfied that the proposals are in accordance will contribute towards the achievement of the Core Strategy residential units numbers referenced above and, therefore, accord with the Core Strategy of the Development Plan and with proper planning and sustainable development of the area. I note that the pattern of development in the area has been for the development of residential units, in the form of the adjoining Cnoc Fraoigh residential development and extant planning

permissions on other residentially zoned lands further south within the settlement of Bearna.

Residential Density:

7.2.2 The third-party appellant makes specific reference to the residential density being too low and not being in accordance with the guidance set out within the Development Plan. The elements of the amendments where the revised residential units are proposed to be developed are zoned residential (phase 1) as et out within Section 7.2 of this report above. The lands are fully serviced in terms of access to the public watermains and foul sewer network. The location of the site is within the Metropolitan Area of Galway is also of relevance as the Metropolitan Area (MA) is where increased densities are envisaged and encouraged as per Section 2.4.5 within the current GCDP. Table 15.1-Residential Density within Section 15.2.3 of the current GCDP sets out a residential density range of 25-30 units per hectare for the outer suburban areas within the MA. I note the appeal site is located approximately 500 metres north of the Main Street and on the periphery of the settlement and, therefore, would constitute an outer suburban area. The density proposed under the current amended proposals is 26.7 units per hectare, which is below the density as originally permitted on the site under Board reference 308431-20, although the overall number of units would only decrease by 9 since the original SHD proposals were permitted. This represents a decrease in the number of units originally permitted by approximately 7.4%, however, the density remains within the density range of 25-30 units per hectare as set out within the current Development Plan or outer suburban areas, which would include the current appeal site on the northern periphery of Bearna.

7.2.3 The applicants have stated that given the irregular configuration and shape of the site, with a strip pf open space/recreation and amenity zoned lands stretching from north to south within the site, the existence of the Trusky stream and its associated flood zone within the site, that this modest reduction in density should be acceptable. I am satisfied that the density proposed is in accordance with the density guidance provided within the current Development Plan. I consider the density proposed is appropriate in this instance and will provide for a quality residential development whereby future residents are afforded sufficient quality and quality of public and

private open space. I also note that the proposals will provide for a range of house types, from one and two bed apartments to two three and four bed housing units which would cater for a range family typologies, sizes and needs.

7.2.4 The site location in this instance is approximately 500 metres removed from and north of Main Street in Bearna village centre and would typically constitute a low/medium density development location, having regard to the established pattern of development in the immediate vicinity, most notably the Cnoc Fraoigh residential development, immediately west of the appeal site, where a low to medium density of development is in existence. Given the site is adjoining an existing permitted and established low to medium density housing development on the periphery of the Bearna settlement boundary, the density proposed is considered acceptable, provides for an efficient use of zoned serviced land while having adequate regard to the existing pattern of development in the area.

7.2.5 In conclusion, the density proposed is acceptable in that it complies with the density range provided for within suburban sites within the Metropolitan Area as set out within the current Galway County Development Plan, provides for a high quality residential development, an appropriate mix of residential typologies and represents an efficient use of zoned serviced land while having due regard to the established pattern of development within the area.

7.3 **Design and Layout**

7.3.1 An Architectural Design Statement was submitted as part of the planning documentation which incorporated a universal design statement and a statement of compliance with Ministerial Guidance on housing design and urban design standards as set out within the Development Plan. A design statement methodology addressed issues including connectivity, variety, efficiency, layout, public realm adaptability, privacy and amenity and detailed design.

7.3.2 In relation to private open space provision, I note that the private open space provision in accordance with Development Management Standards within Section 15 of the current GCDP which sets out a requirement to maintain a 22-metre separation distance between opposing first floor windows. Public open space is dispersed

throughout the site, provided in a number of pocket areas, including a biodiversity area to the north-east of the site and the linear open space which aligns with the lands specifically zoned as open space/recreation and amenity lands within the Bearna settlement plan. The public open space provision is stated to comprise 36% of the site area, which exceeds Development Plan standards. However, this figure should be taken in the context of the open space/recreation and amenity space land use zoning that pertains to the central portion of the appeal site, which is not developable for residential purposes and also incorporates the Trusky channel and its associated floodplain. Private amenity spaces associated with the dwellings, apartment and duplex units meet the requirements of the Development Plan in all instances. Many of the residential have a direct aspect or are in close proximity to public open space. In terms of optimising the sustainability of a site on zoned serviced lands in the Galway Metropolitan Area, I am of the opinion that the density, design and layout as proposed by the applicants is acceptable and would accord with the proper planning and sustainable development of the area.

7.3.3 In conclusion, the design and layout as revised is appropriate and would be consistent with the pattern of development on the area and would provide for a high quality of accommodation and amenity for future residents. The design and layout would comply with the relevant policies and objectives set out within the current Galway Development Plan and would provide for an efficient and sustainable use of zoned serviced land and with the proper planning and sustainable development of the area.

7.4 **Services and Flood Risk**

7.4.1 In terms of the water supply and wastewater, it is proposed to tap into the existing public water services through the adjacent Cnoc Fraoigh residential development which ultimately outfall to the Uisce Eireann (UE) networks along the L1321 (Moycullen Road) by means of gravity feed. UE confirmed within correspondence issued to the applicants (dated 11th October 2023) as part of a pre-connection enquiry 'The proposed revision to this previously authorised development can be accommodated from both water and wastewater perspectives from the Uisce Eireann (UE) networks and associated treatment'. Therefore, on this basis, I am satisfied that a connection to the UE networks can be facilitated, and that capacity

exists within the piped water services networks and treatment plants'. The UE agreement in principle includes a caveat that the applicants would self-lay the piped services infrastructure in accordance with UE's standard details and code of practice and a number of other conditions. These are matters that can be addressed by means of appropriate planning conditions, if the Board deem appropriate.

7.4.2 I consider that the issue of the capacity of the piped water services has been clarified by UE within their correspondence and, therefore, this issue specifically raised by the appellant has been addressed satisfactorily. I am satisfied that access to the public water services is possible and available.

7.4.3 The applicants set out that the Ard Raithní residential development is divided up into three surface water catchments. The appeal site comprises catchment area 3. The applicants are proposing to incorporate a surface water attenuation tank under the public open space along the eastern side of the Trusky watercourse with flow restrictors attached to the attenuation tank to ensure that outfall to the watercourse is the equivalent of a greenfield run-off rate. A number of additional SuDS measures are also to be incorporated within the development proposals and include permeable paving, trap gullies fitted with silt traps and a hydrocarbon separator will be provided prior to surface water entering the attenuation tank. The surface water management infrastructure will be regularly inspected and maintained.

7.4.4 A residential use is one that is identified as being highly vulnerable as set out within Table 3.1 of 'The Planning System and Flood Risk Management Guidelines' 2009 (FMG's). The Office of Public Works (OPW) have not conducted a detailed assessment of the Trusky stream to date, due to its modest scale. However, as per the flood mapping included as part of the Bearna Settlement Plan (BSP) set out within Volume of the current GCDP, part of the appeal site (where the proposed residential units are located) is within Flood Zone C and part of the appeal site is located within Flood Zone A, that being the lands incorporating the Trusky stream and its associated floodplain. These lands zoned as open space/recreation and amenity as per the BSP. The applicants have submitted a Site-Specific Flood Risk Assessment (SSFRA) as part of their planning documentation as well as a flood study of the Trusky stream. They acknowledge that part of the appeal site,

specifically the Trusky stream channel and zoned as open space/recreation and amenity are located within Flood Zone A.

7.4.5 The applicants are proposing changes within the Trusky floodplain area, including revised ground levels in the vicinity of the Trusky channel. In terms of fluvial flooding impact, the applicants conducted hydrological assessments and flood modelling based on the 1;100 and 1;1,000 flood events. The modelling demonstrated that the predicted flood events largely impacted Flood Zones A and B, along the Trusky channel, but also encroached into Flood Zone C at two locations and therefore, mitigation measures would be required. At one of these locations, it is proposed to provide open space/amenity development and there are no proposals to alter ground levels at this location or provide for landscaping features. The second location where flood water would encroach corresponds to the location of an access road. The applicants propose to raise ground levels of the access road at this location to overcome predicted flood levels, and this would displace flood storage volume, currently provided by the Trusky floodplain. The applicants propose to provide compensatory flood storage on a direct 'level for level' basis as provided for within Section 3.3.1 within Appendix B of the 'Planning system and Flood Risk Management Guidelines (FRMG's) 2009.

7.4.6 The applicants have submitted details of flood modelling for the 1:100 and the 1:1,000 AEP flood extents. These results make provision for the impacts of climate change and the resulting modelling has informed the design and grading of the levels in the vicinity of the Trusky channel. The applicants have modelled the extent of future flood events and identified encroachments within the predicted flood extents. The results set out that all of the proposed dwellings would be located within the extent of the flood zone C and outside of the predicted flood extent associated with a 1,100-year flood event. The finished floor levels of the dwellings would be developed at a minimum of 500 millimetres freeboard over the 1;100 year predicted flood water levels and the nearest building footprint would be located a minimum of ten metres from the Trusky channel. Therefore, it is considered that the proposed compensatory flood storage proposals in addition to the SuDS measures set out within Section 7.4.3 above, that the proposals will not increase the risk of flooding within the appeal site nor within adjacent lands. for lands within Flood Zone A to

offset the predicted loss of floodplain storage that will arise from the development proposals.

7.4.7 The conclusion within the SSFRA sets out the following 'With the introduction of a number of mitigation measures, including the use of SuDS within the development proposals, that the residential development will not increase the risk of flooding within the site nor within the vicinity of the appeal site'. I would concur with the view that through the implementation of surface water management measures, including SuDS, that the mitigation measures as set out within the Construction and Environmental Management Plan (CEMP) and the SSFRA that the risk of flooding in the area will not be increased and that the proposal would be in accordance with Section 7.5.9 and policy objectives WW7 and WW8 of the current GCDP and in accordance with the provisions of the Flood Management Guidelines, 2009.

7.4.8 The applicants as part of their further information response have identified the works/types of development that would be undertaken within the lands zoned as open space/recreation and amenity. A number of the features of the development, including the public open space/parkland, fencing within the areas of public open space, planting of trees, grass, shrubs and pedestrian walkways and lighting are all forms of water compatible development as defined within the FMG's. Other elements of the site infrastructure including the bridge crossing, the approach road to the bridge, piped water services and utilities, ducting and services are all considered to constitute less vulnerable development as set out within the FMG's.

7.4.9 In terms of tidal flooding, based on the OPW coastal flood maps, low lying lands below 4.2 metres OD Malin are at risk of flooding from tidal inundation during a storm event. The existing R336-Spiddal Road within its lowest road elevation recorded at 6.0 metres OD Malin, and that the appeal site is located outside of the extreme coastal flood extents. The Bearna Settlement Plan flood risk management map shows the appeal site outside of the areas identified as being at risk of pluvial flooding. There is no record of groundwater flooding within the appeal site and the probability of groundwater rising above ground levels is stated to be extremely low

by the applicants within their SSFRA. In any event water would flow within existing surface water routes and outfall down to Galway Bay via the Trusky channel.

7.4.10 I refer to the Office of Public Works (OPW) website floodinfo.ie where the residential zoned lands within the appeal site are located within Flood Zone C and are not identified as being an area of flood risk and neither is there a history of flood events within the residential zoned lands on site. The area at risk of flooding and located within Flood Zone A is along the Trusky channel. The applicants have provided a minimum separation distance of fifteen metres between the Trusky channel and the nearest dwelling and the finished floor levels of the dwellings would be developed at a minimum of 500 mm above the predicted flood water levels associated with a 1:100 year flood level event.

7.4.11 In conclusion, based on the flood information available within the Development Plan, on the data available on the OPW website and as per the site-specific information provided by the applicants within their SSFRA, I am satisfied that subject to the inclusion of the surface water management proposals, including on site attenuation that the development proposals will not increase the risk of flooding on site nor within the vicinity of the appeal site.

7.5 **Access and Traffic**

7.5.1 The applicants submitted a Traffic and Transport Assessment (TTA) as well as a Stage 1 Road Safety Audit as part of their planning documentation. The TTA sets out that the local roads infrastructure and junctions have adequate capacity to cater for the development proposed. I consider that the volume of traffic generated by the proposals would be similar in nature to the traffic levels generated by the development permitted under Board reference 308431-20, and would, therefore, be acceptable. The access to the appeal site is via the access road serving the Cnoc Fraoigh residential development immediately west of the appeal site which adjoins the L1321 public road (Moycullen Road) within the 50-kilometre speed control zone

for Bearna village. I am of the opinion that there is adequate capacity available within the local road network to serve the proposed development.

7.5.2 The applicants were conditioned to provide a footpath, streetlighting and surface water drainage along the L1321 and provide connectivity to Bearna village from the appeal site. The applicants state that these works have been completed and photographic images to this effect have been submitted by the applicants. I note that the Roads and Transport Department within GCC did not raise any objections to the access and traffic proposals, subject to a number of conditions, including that the recommendations of the RSA are implemented in full.

7.5.3 I acknowledge the comments of the appellant in relation to the standard of the footpath and streetlighting along the L1321. In this regard, the Board may consider it appropriate to include a condition that the applicants provide certification that the footpath, streetlight and drainage works along the L1321 have been completed in accordance with best practice standards as set out within the Design Manual for Urban Roads and Streets (DMURS 2019). I consider that the access proposals are satisfactory in the context of traffic safety and convenience.

7.5.4 I note the PA included a specific condition, number 31 which relates to the payment by the developers of a financial contribution in respect of the 'provision of new and/or upgraded footpath/pedestrian crossings as required at L1321 road margins benefitting development in the area'. Given that the developer has already provided a footpath and streetlighting along the L1321 providing connectivity to the village centre (as per the images submitted as part of the further information response, I do not consider that he inclusion of this condition is reasonable or justified. However, it is open to the Board to attach such a condition, if they deem it appropriate.

7.5.5 The applicants are proposing to develop a bridge structure over the Trusky stream, linking the eastern and western portions of the appeal site, which are separated by the Trusky channel. The applicants have submitted details of Section 50 correspondence submitted to the Office of Public Works (OPW)

7.5.6 In relation to development management standards the dwellings are provided with either on-street car parking or parking within site curtilage at a rate of 1.5 spaces per

residential unit, which is in accordance with current Development Plan requirements under Table 15.5 (1.5 spaces per 1-3 bed dwelling units).

7.5.7 In Conclusion, I consider that the applicants have progressed the connectivity between the appeal site and Bearna Village. The applicants have set out that the access roads, footpaths and street lighting have been completed in accordance with best practice standards, specifically DMURS. The Board may wish to seek certified confirmation that the connectivity complies with best practice standards. I am satisfied that the footpaths, internal aces roads and street lighting provided within the first phase of the Ard Raithní residential develoepmnt has been completed to a satisfactory standard.

7.6 **Other Issues**

Red line application site boundary

7.6.1 The issue of the extension of the red line application site boundary further east of the SHD development permitted by the Board under 308431-20 was raised by the appellant.

7.6.2 The applicants have submitted legal documentation stating that the applicants have sufficient legal interest to use the access road and to connect into the piped water services within the roadway and that their parents company (Burkeway Barna Ltd) are the owners of lands adjoining the original SHD red line boundary, which was permitted under 308431-20 and which forms part of the red line application site boundary under consideration within this current proposal. I note that the Planning Authority accepted that the applicants had demonstrated sufficient legal interest in this instance. I consider that the applicants have demonstrated sufficient legal interest in terms of ownership of the lands to the east of 308431-20 and a letter of consent was submitted by the applicants as part of their planning documentation to this effect. I am satisfied that the current proposals should be assessed on their merits. I note that the current proposals would be consistent with the pattern of

residential development in this vicinity and would, therefore, accord with the principles of proper planning and sustainable development.

7.6.3 Section 5.13 of the Development Management Guidelines for Planning Authorities advises that the planning system is not designed as a mechanism for resolving disputes about rights over land and that these are ultimately matters for resolution in the Courts.

7.6.4 I refer also to Section 34(13) of the Planning and Development Act 2000 (as amended) which sets out the following: A person shall not be entitled solely by reason of a permission under this section to carry out any development.

Public lighting

7.6.5 The appellant set out that public lighting has not been provided within the development nor along the L1321 as conditioned under 308431-20. A Utilities Report and Street lighting infrastructure drawing (drawing number 17720-VCE-ZZ-ZZ-DRE-E-1023) was submitted including as part of the planning documentation providing details of street lighting columns for the development. LED lighting is proposed throughout the development. I am satisfied that the Board, in granting planning permission can attach an appropriate planning condition regarding the installation of public lighting and for its operation and maintenance.

Invasive Species

7.6.6 The applicants submitted an invasive species management plan (ISMP) as part of their planning documentation. Himalayan Balsam was recorded along sections of the Trusky channels banks south of the location of the proposed bridge crossing. The ISMP sets out pre-construction recommendations recommendation for the management of the Invasive Species (IS) including the hand picking of the IS and how it will be disposed of as well as construction phase recommendations, including supervising and monitoring by an ecologist. The Himalayan balsam was the only invasive species recorded within the appeal site boundary. and is identified as one of the threats to European sites which will be addressed as part of the AA screening in Appendix 3 below. In the event that planning permission is granted by the Board, the

Board may decide to include a planning condition setting out that the recommendations of the ISMP are implemented in full.

Linguistic Impact Assessment

7.6.7 The appeal site is located within the designated Connemara Gaeltacht area. Section 13 of the current Galway Development Plan 2022 pertains to the Galway Gaeltacht and islands. The appeal site is located within Gaeltacht District F; Imeall na Cathrach. Section 13.6 of the Plan seeks to preserve and promote 'An Ghaeltact' in the planning process to ensure its long-term growth and vibrancy. The applicants submitted a Linguistic Impact Statement (LIS) as part of their planning documentation in accordance with policy objective GA5 in the Plan Policy objective GA 4(b) pertains to language enurement clauses, whereby a minimum of 20% of the new dwellings be occupied by residents who use the Irish language on a daily basis. A language enurement of 15 years is set out within the policy objective.

7.7 **Appropriate Assessment Screening**

Please refer to Appendix 3 (AA Screening) and Appendix 4 (Appropriate Assessment) of this report which contains an AA Screening Assessment Report and a Natura Impact Assessment Report where I have concluded the following:

I conclude within my AA Screening Assessment that the proposed development would potentially have a significant effect alone of the water dependent habitats and species of the Galway Bay Special Area of Conservation (side code 000268) and the Inner Galway Bay Special Protection Area (site code 004031) from surface water run-off, sediment and hydrocarbons that may be generated during the construction phase of the development, the potential for disturbance to the Otter species and the potential impact that may arise from the existence of an invasive species within the appeal site boundary. An Appropriate assessment (AA) is required on the basis of the effects of the project alone. Further assessment of in-combination with other

plans and projects is not required at this time. Therefore, it was necessary for me to proceed to a Stage 2 AA as set out within Appendix 4 below.

8.0 Recommendation

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

9.0 Reasons and Considerations

Having regard to the location of the site within the 'existing built up area' of Bearna on zoned and serviced lands, the extant planning permission for residential development on site permitted by the Board, the provisions of the Galway County Development Plan 2022-2028 and the Bearna Metropolitan Settlement Plan 2022-2028, specifically policy objective SS1 regarding supporting the role of growth within the MASP settlements and BMSP1 within the Settlement Plan in relation to the provision of Sustainable residential communities, the pattern of residential development in the area, and the nature and relatively modest scale of the proposed amendments it is considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the Core and Settlement Strategies of the Development Plan, that there is capacity with the piped wate service infrastructure, that the proposed density of development is appropriate and that the development would not result in the creation of a traffic hazard or a risk of flooding on site or within adjacent lands and not seriously injure the amenities of adjacent properties nor the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the further plans and particulars submitted on the 14th day of June 2023, the 4th day of November 2023 and the 1st day of December 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 Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission Board reference number 308431-20**.** unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).

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

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

4 Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning

authority for such works and services. On-site attenuation shall be in in accordance with the provisions of the Greater Galway Area Strategic Drainage Study**,** and agreed in writing with the planning authority.

Reason: In the interest of public health.

5 The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of this development.

Reason: In the interest of public health.

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

Reason: In the interests of visual and residential amenities.

7 (a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs and car parking bay sizes shall comply with the requirements of the Design Manual for Urban Roads and Streets**,** in particular carriageway widths and corner radii within the development shall be in accordance with the guidance provided in the National Cycle Design Manual 2023.

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

c) It shall be the responsibility of the developers to implement the recommendations of the Road Safety Audit and Traffic and Transport Assessment, submitted as part of the planning documentation to, the Planning Authority on the 16th day of November 2023.

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

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

8. All of the mitigation measure cited in Section 6.2 of the Natura Impact Statement and Section 5 of the Ecological Impact Assessment submitted to the Planning Authority on the 14th day of June 2023 shall be implemented in full.

Reason: In the interest of the natural heritage of the area and protecting the environment.

9 Details of all boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity

10. Proposals for a naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme.

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

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

Reason: In the interests of visual and residential amenity.

12 The landscape masterplan shown on drawing number 924-Rad-2307-01, as submitted to the planning authority on the 14th day of June 2023, shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed, or become seriously damaged or diseased, within a period of five years from the completion of the development [or until

the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

13. All of the houses with on-curtilage parking shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points**.** All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

14. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

15. The construction of the development shall be managed in accordance with the Construction Waste Management Plan. All of the mitigation measures cited in Section 5 of these Plans submitted to the Planning Authority on the 14th day of June 2023 shall be implemented in full.

Reason: In the interests of sustainable waste management and residential amenity.

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

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

17 Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and 3 (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

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

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

19. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development

Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

20 Prior to the commencement of development, the developer shall submit to and agree in writing with the Planning Authority evidence of a properly constituted management company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Confirmation that this management company has been established shall be submitted to the Planning Authority prior to the occupation of the first residential unit. The Management Company shall be solely responsible for all ancillary infrastructure, services, utilities, access roads, open space and other communal areas within the site.

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

21 Prior to the commencement of development the applicants shall submit details of certification by a Consultant Engineer that the footpaths and street lighting connecting the appeal site to Bearna village along the L1321 have been installed in accordance with best practice standards, including those set out within the Design Manual for Urban Roads and Streets 2019, and are fully operational and in accordance with the planning conditions as set out under Board reference number 308431-20.

Reason: In the interest of pedestrian and traffic safety.

22 A minimum of 20% of the residential units hereby permitted shall be restricted to use by those who can demonstrate the ability to preserve and protect the language and culture of the Gaeltacht, for a period of 15 years.

Reason: To ensure that the proposed housing unit(s) is/are used to meet the GA4(b) development plan policy and that development in this area is appropriately restricted to meeting essential local need and to preserve and protect the language and culture of the Gaeltacht] in the interest of the proper planning and sustainable development of the area.

23 Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing. investment funds.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

24 (a) Prior to the commencement of development, the applicants shall submit details of consent and approval from the Office of Public Works under Section 50 of the Arterial Drainage act 1945 in relation to the construction of the bridge structure and associated infrastructure traversing the Trusky steam.
(b) The overbridge shall be operated and maintained by the applicants for the entirety of the development including provision of regular maintenance inspections by a suitably qualified professional. The overbridge structure and its ancillary roadside barriers and bridge approach roads infrastructure shall be constructed in accordance with Transport Infrastructure Ireland best practice guidance.

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

25 All of the houses with on-curtilage parking shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points at a later date. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation

Fergal Ó Bric

Planning Inspectorate

31st day of January 2025

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	319154-24
Proposed Development Summary	Permission for amendments to previously permitted residential development permitted under Board reference number 308431-20 comprising (i) replacement of apartment blocks A1 and A2

	with a new duplex apartment block A5, (2) minor amendment to finished floor level or apartment blocks A3 and A4 (3) provision of 17 detached and semi-detached houses (4) minor amendments to car parking and footpath layout (5) provision of communal open space, private open space, site landscaping and boundary treatment, public lighting, resident and visitor car parking, electric vehicle charging points, bicycle parking, refuse storage, pedestrian, cycle and vehicular links throughout development and all other associated site works		
Development Address	Trusky East, Bearna, Co. Galway		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		**Yes**	x
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	Tick/or leave blank	Schedule 5, Part 2 of the P & D Regulations 2001 (as amended) is for the construction of more than 500 dwelling units.	
No	Tick or leave blank		x
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank		
No	Tick/or leave blank		X

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	Proposals relate to amendments to 21 residential units, the threshold as set out in Schedule 5, part 2 of the P & D Regulations 2001 (as amended) is for the construction of more than 500 dwelling units.	X

5. Has Schedule 7A information been submitted?		
No	Tick/or leave blank	X
Yes	Tick/or leave blank	

Inspector: _____ **Date:** _____

Appendix 2-Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-319154-24
Proposed Development Summary	Permission for amendments to previously permitted residential development permitted under Board reference number 308431-20 comprising (i) replacement of apartment blocks A1 and A2 with a new duplex apartment block A5, (2) minor amendment to finished floor level or apartment blocks A3 and A4 (3) provision of 17 detached and semi-detached houses (4) minor amendments to car parking and footpath layout (5) provision of communal open space, private open space, site landscaping and boundary treatment, public lighting, resident and visitor car parking, electric vehicle charging points, bicycle parking, refuse storage, pedestrian, cycle and vehicular links throughout development and all other associated site development

Development Address	Trusky East, Bearna, Co. Galway.
The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations. **This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.**	
Characteristics of proposed development	The proposed development comprises amendments to a previously permitted residential development of 121 no. dwellings and apartments and is located within an urban area. It is considered that the proposed development will not give rise to the production of significant waste, emissions or pollutants.
Location of development (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).	Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, as well as the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended, there is no real likelihood of significant effects on the environment arising from the proposed development. The

	need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	The scale of the proposed development would not be described as exceptional in the context of the existing environment. There are no significant developments within the vicinity of the site which would result in significant cumulative effects/considerations.
Conclusion	

Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes, EIA not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector: **Date:**

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Inspector: Fergal Ó Bric **Date:** 31st January 2025

Appendix 3 – AA Screening

Screening for Appropriate Assessment
Screening Determination

Description of the project

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

The development is described in Section 2 of my report. The proposed amendments to a permitted residential development are located on residential and open space/recreation and amenity zoned lands within the designated settlement boundary, north of the settlement of Bearna and accessed indirectly off the L1321 (Moycullen Road) using the access road of the adjacent Cnoc Fraoigh residential development, The site is not located in close proximity to the Galway Bay Complex SAC nor the Inner Galway Bay SPA which are protected by a number of nature conservation designations. The amendments to the permitted residential development would comprise the erection of two storey semi-detached and terraced dwellings and a block of apartment units in lieu of two blocks of apartment units. The development would be connected to the public foul and surface water sewer networks. Ultimately surface and foul effluent from the development would outfall to Galway Bay via the piped networks, subsequent to treatment. The development will also connect to the public watermains.

The appeal site comprises many different types of habitat. These include scrub and grassland habitat. Species dominant within the scrub include bramble and gorse, prominent within the eastern part of the appeal site. There are a number of sections of marsh along the Trusky stream, wet grassland, stone walls, recolonising bare ground. There is spoil and bare ground, buildings and artificial surfaces and amenity grassland within the western parts of the appeal site adjoining sections of the Ard Raithní residential development, currently under construction, partially completed and inhabited. There are also of drainage ditches and upland rivers within the appeal site boundary with some treeline planting and hedging also along the southern, northern and eastern site boundaries.

The subject site is located approximately 0.93 kilometres north of the Galway Bay Special Area of Conservation, SAC (site code 000268) and approximately 1.21

kilometres north of the and the Inner Galway Bay Special Protection Area SPA (site code 004031) at their closest points. The hydrological separation distance is estimated to be approximately 2.1 kilometres.

From my observations on site, I note the existence of a drainage ditch within the northern part of the appeal site flowing east to west and the Trusky stream flowing north to south, centrally located within the appeal site boundary which ultimately discharges to Galway Bay approximately 930 metres downstream (south) of the appeal site. With reference to EPA mapping[1], The Trusky steam is not specifically monitored by the EPA as part of its national water monitoring programme. The applicants conducted their own water sampling (as set out within the Ecological Impact assessment (EcIA) and followed the method used by the EPA within their national water sampling programme. One sample was taken from the un-named watercourse within the northern part of the site and three samples from the Trusky stream. The Q rating assigned to each of the sample locations within the four sample areas within the appeal site boundary were recorded as being Q3 on the basis that the majority of the species recorded in the sample areas were pollution tolerant. Downstream of the appeal site, the nearest EPA mapped watercourse is the Outer Galway Bay which has a Water Framework Directive (WFD) Status classified as 'high' and a coastal waterbodies risk of 'not at risk' as per the most recent water quality assessment as per the information available within catchments.ie**.**

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

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

Potential impact mechanisms from the project

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

- The residential development and its construction.

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

- Surface water run-off from the appeal site during the construction phase.

While there is no immediately apparent direct surface water hydrological connection to the Galway Bay SAC nor the Inner Galway Bay SPA, it is noted that the Trusky steam flowing through the appeal site ultimately drains to the surrounding surface water bodies, namely the Galway Bay Complex SAC and the Inner Galway Bay SPA, both located approximately 0.93 and 1.21 kilometres respectively south of and downstream of the appeal site. As such, potential impact mechanisms include surface water outfall arising from construction works (silt/ hydrocarbon/ construction related), resulting in potential deterioration of water quality, potential for disturbance of the Otter species, a species of conservation interest associated with the SAC. Himalayan Bassam (an invasive species) was recorded along the Trusky stream channel, and therefore, there is the potential for the spread of this invasive species to supporting coastal habitats of the SAC.

With reference to EPA mapping, the Trusky stream has a waterbody code of IE-WE-31B020500. At present the river waterbodies risk assessment for the Trusky stream is under review by the EPA. The Coastal waterbody status for Galway Bay, into which the Trusky channel flows, is classified as 'high' and the coastal waterbody risk projection is classified as 'not at risk'. The appeal site is underlain by carboniferous limestone within the Spiddal groundwater body which is classified as being 'not at risk,' The groundwater body is classified as being of 'good status' as per the data available within catchments.ie. Therefore, neither surface water nor groundwater are considered to be at risk from the development proposals.

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

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

European Sites at risk

Table 1 European Sites at risk from impacts of the proposed project			
Effect mechanism	**Impact pathway/Zone of influence**	**European Site(s)**	**Qualifying interest features at risk**
Indirect surface water pollution	Trusky stream which eventually drains to the Galway Bay Complex SAC located approximately 0.93 kilometres downstream of the appeal site.	Galway Bay Complex SAC (site code 000268).	Mudflats and sandflats Coastal lagoons. Large shallow inlets and bays. Reefs. Salicornia and other annuals colonising mud and sand. Atlantic salt meadows. Mediterranean salt meadows. Otter Harbour Seal Annual vegetation of drift lines. Perennial vegetation of story banks. Entoyonic shifting dunes. Atlantic salt meadows. Shifting dunes along the shoreline. Large shallow inlets and bays (1160).

Galway Bay Complex SAC.

With reference to the relevant Site Synopsis document on the NPWS website, Galway Bay is situated on the west coast of Ireland, this site comprises the inner, shallow part of a large bay which is partially sheltered by the Aran Islands. The Burren karstic limestone fringes the southern sides and extends into the sublittoral. West of Galway city the bedrock geology is granite. There are numerous shallow and intertidal inlets on the eastern and southern sides, notably Muckinish, Aughinish and Kinvarra Bays. A number of small islands composed of glacial deposits are located along the eastern side. These include Eddy Island, Deer Island and Tawin Island. A diverse range of marine, coastal and terrestrial habitats, including several listed on Annex I of the E.U. Habitats Directive, occur within the site, making the area of high scientific importance. (www.npws,ie)

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

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

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

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

Turloughs.	To maintain the favourable conservation condition of Turloughs in the Galway Bay Complex SAC.	Yes. See discussion below.	No. see discussion below.
Coastal lagoons	To retore the favourable conservation condition of coastal lagoons in the Galway Bay Complex SAC	No. See discussion below	No. see discussion below
Otter	To restore the favourable conservation condition of the Otter in the Galway Bay Complex SAC	Yes. See discussion below	No. see discussion below
Reefs	To maintain the favourable conservation condition of Reefs in the Galway Bay Complex SAC	No. See discussion below	No. See discussion below
Atlantic salt meadows	To restore the favourable conservation condition of Atlantic salt meadows in the Galway Bay Complex SAC	No. See discussion below	No. See discussion below

Juniperous communis formations on heaths or clacareous grasslands	To restore the favourable conservation condition of Juniperous communis formations on heaths or clacareous grasslands in the Galway Bay Complex SAC.	Yes. see discussion below.	No. see discussion below.
Large Shallow Inlets and Bays	To maintain the favourable conservation condition of Large Shallow Inlets and Bays in the Galway Bay Complex SAC,	Yes. see discussion below.	No. see discussion below.
Harbour Seal	To maintain the favourable conservation condition of the Harbour Seal in the Galway Bay Complex SAC.	Yes. see discussion below.	No. see discussion below.
Salicornia and other annuals colonising mud and sand.	To maintain the favourable conservation condition of Salicornia and other annuals colonising mud and sand. in the Galway Bay Complex SAC.	Yes. see discussion below.	No. see discussion below.

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

Alakline Fens	To maintain the favourable conservation condition of Alakline Fens in the Galway Bay Complex SAC	Yes. see discussion below.	No. see discussion below.	

In relation to surface water quality, I note that the amendments to the residential development proposed would be developed in close proximity to the Trusky stream channel, centrally located within the appeal site. However, at construction stage, it is considered that standard best practice construction measures would not be sufficient to prevent the possibility of silt, sediment, soils, concrete, hydrocarbons and other construction pollutants entering the Trusky channel. Given the location of the Trusky channel within the appeal site and the fall in levels within the appeal site towards the channel and in the absence of appropriate mitigation measures. Notwithstanding the 2.1 kilometre hydrological separation distance between the appeal site and the Galway Bay Complex SAC, the hydrological link represents a potential indirect hydrological/ecological connection and, therefore, it is considered that in the absence of mitigation measures that there is potential to adversely impact upon water quality within Galway Bay Complex SAC and potentially significantly impact its conservation objective, to maintain or restore the favourable conservation status of habitats and species within the Galway Bay Complex SAC.

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

Galway Bay Complex SAC exist, resulting from contaminated surface water run-off is possible.

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

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

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

However, the applicants have included a number of site-specific mitigation measures in order to protect the surface water within the Trusky stream within the appeal site boundary. These are included in order to protect the water quality of the Trusky channel which outfalls to Galway Bay approximately six hundred metres downstream (south) of the appeal site and which ultimately outfalls to the Galway Bay Complex SAC, in excess of two kilometres downstream of the site.

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

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

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

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

Overall Conclusion- Screening Determination

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

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

European Sites at risk

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

Effect mechanism	**Impact pathway/Zone of influence**	**European Site(s)**	**Qualifying interest features at risk**
Indirect surface water pollution	Trusky steam which ultimately drains to the Inner Galway Bay SPA	Inter Galway Bay SPA (site code 004031).	Great Northern Diver Cormorant Grey Heron

	within Galway Bay approximately 1.21 kilometres south of the appeal site boundary.		Brent Goose Wigeon Teal Shoveler Red-breasted Merganser Ringed Plover Golden Plover Lapwing Dunlin Bar-tailed Godwit Curlew Redshank Turnstone Black-headed Gull Common Gull Sandwich Tern Common Tern Wetlands

Inner Galway Bay SPA.

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

shoreline, with the largest areas being found on the sheltered eastern coast between Oranmore Bay and Kinvara Bay. A number of small islands and rocky islets in the Bay are included within the site. (www.npws,ie)

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

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

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

[3] Full versions are available at https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004031.pdf (for the Inner Galway Bay SPA)

	Inner Galway Bay SPA.		
Grey Heron	To maintain the favourable conservation condition of Grey Heron in the Inner Galway Bay SPA.	Yes. See discussion below	No. see discussion below.
Brent Goose	To maintain the favourable conservation condition of Brent Goose in the Inner Galway Bay SPA.	Yes. See discussion below	No. See discussion below.
Wigeon	To maintain the favourable conservation condition of the Wigeon in the Inner Galway Bay SPA.	Yes. See discussion below	No. See discussion below.
Teal	To restore the favourable conservation condition of Teal in the Inner Galway Bay SPA.	Yes. see discussion below.	No. see discussion below.
Red-breasted Merganser	To maintain the favourable conservation condition of Red-breasted Merganser	Yes. see discussion below.	No. see discussion below.

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

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

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

In relation to surface water quality, I would note that the amendments to the residential development would be developed in close proximity to the Trusky stream along the eastern boundary of the appeal site. However, at construction stage, standard best practice construction measures will not be sufficient to prevent the possibility of silt, sediment, soils, concrete, hydrocarbons and other construction pollutants entering the Trusky stream given the close proximity to the appeal site and the fall in levels from the appeal site towards the Trusky channel and in the absence of appropriate mitigation measures. Notwithstanding the 2.1 kilometre hydrological separation distance between the appeal site and the Inner Galway Bay SPA, the hydrological link represents a potential indirect hydrological/ecological connection, and therefore, it is considered that in the absence of mitigation measures that there is potential to adversely impact upon water quality within the Galway Bay SPA and potentially significantly impact its conservation objective, to

maintain or restore the favourable conservation status of habitats and species within the Inner Galway Bay SPA.

At operational stage, storm water from hardstanding within the residential development will be directed to the Trusky stream along the eastern site boundary. However, the applicants are proposing to install attenuation tanks on site whereby storm water generated on site will be retained and released to the Trusky channel following attenuation on site and also after the waters have passed through a hydrocarbon interceptor to ensure carbons do not enter the attenuation storage features of the Trusky channel.

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

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

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

I would note that the best practice measures that would be adhered to at construction stage, and the relevant regulations and standard conditions that will be

required to be adhered to at operational stage, are not mitigation measures intended to reduce or avoid any harmful effect on any Natura 2000 site and would be employed by any competent operator, notwithstanding any proximity to any Natura 2000 site.

However, the applicants have included a number of site-specific mitigation measures in order to protect the surface water within the Trusky stream along the eastern boundary of the site. These are included in order to protect the water quality of the Trusky stream which outfalls to the Inner Galway Bay SPA, approximately 0.88 kilometres downstream of the site.

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

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

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

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

Overall Conclusion- Screening Determination

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

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

Appendix 4 – Appropriate Assessment

7.7 Natura Impact Statement

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

7.7.3 The NIS concludes that although potential hydrological pathways were identified, that with the range of mitigation and avoidance measures proposed to negate them as set out within the NIS and the CEMP, that it can be concluded beyond any reasonable scientific doubt, that the proposed development will not adversely affect the site specific conservation objectives associated with the Galway Bay Complex SAC, the Inner Galway Bay SPA, or the integrity of any European sites.

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

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

7.7.5 A number of Qualifying Interests (QI's) within the Galway Bay Complex SAC and the Inner Galway Bay SPA have been removed from further assessment as the potential for significant effects on these particular QI's has been ruled out due largely to the absence of hydrological pathways between the appeal site and these particular QI's and the separation distance between the appeal site and a number of the particular qualifying interests.

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

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

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

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

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

Potential Impacts on identified European Sites

Table 2

Site 1:

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

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

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

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

		Summary of Appropriate Assessment			
Qualifying Interest feature	**Conservation Objectives** **Targets and attributes**	**Potential adverse effects**	**Mitigation measures**	**In-combination effects**	**Can adverse effects on integrity be excluded?**
Mudflats and sandflats not covered	To maintain the favourable conservation condition of	Deterioration in water quality arising from	Silt and solid fencing will be used to contain	No significant in-combination	Yes

by sea water at low tide.	mudflats and sandflats not covered by seawater at low tide in the Galway Bay Complex SAC.	sedimentation and release of hydrocarbons and cement to surface water channel arising from construction activities on site and potentially adversely impacting upon protected habitat and species. Potential disturbance of the Otter Species and potential for spread of Invasive species.	sediment, soils and construction materials emanating from surface water run-off. All petroleum products to be stored within a bunded area. Site storage of materials to be on an impervious base. Perimeter swales will be used to manage contaminated surface water run-off. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction	adverse effects	

			will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods. Project Ecologist will be appointed to supervise and monitor hand pulling and disposal of Himalayan Balsam, contaminated soil to be isolated Landscaping along Trusky channel and minimisation of light spillage along watercourse and in		

			biodiversity area.		
Coastal lagoons	To restore the favourable conservation status of Coastal lagoons in the Galway Bay Complex SAC.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channel arising from construction activities on site and potentially adversely impacting upon protected habitat and species. Potential disturbance of the Otter Species and potential for spread of Invasive species.	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off. All petroleum products to be stored within a bunded area. Site storage of materials to be on an impervious base. Perimeter swales will be used to manage contaminated surface water run-off. Storage and handling of harmful materials	No significant in-combination adverse effects	Yes

			including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods. Project Ecologist will be appointed to supervise and monitor hand pulling and disposal of Himalayan Balsam, contaminated soil to be isolated Landscaping along Trusky channel and		

			minimisation of light spillage along watercourse and in biodiversity area.		
Perennial vegetation of story banks	To maintain the favourable conservation conditions of Perennial vegetation of story banks in the Galway Bay Complex SAC.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channel arising from construction activities on site and potentially adversely impacting upon protected habitat and species. Potential disturbance of the Otter Species and potential for	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off. All petroleum products to be stored within a bunded area. Site storage of materials to be on an impervious base. Perimeter swales will be used to manage contaminated surface water	No significant in-combination adverse effects	Yes

		spread of Invasive species.	run-off. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods. Project Ecologist will be appointed to supervise and monitor hand pulling and disposal of Himalayan Balsam, contaminated		

			soil to be isolated. Landscaping along Trusky channel and minimisation of light spillage along watercourse and in biodiversity area.		
Reefs	To maintain the favourable conservation status of Reefs in the Galway Bay Complex SAC.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channel arising from construction activities on site and potentially adversely impacting upon protected habitat and species.	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off. All petroleum products to be stored within a bunded area. Site storage of materials to be on an impervious base. Perimeter	No significant in-combination adverse effects	Yes

		Potential disturbance of the Otter Species and potential for spread of Invasive species.	swales will be used to manage contaminated surface water run-off. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods. Project Ecologist will be appointed to supervise and monitor		

			hand pulling and disposal of Himalayan Balsam, contaminated soil to be isolated. Landscaping along Trusky channel and minimisation of light spillage along watercourse and in biodiversity area.		
Atlantic salt meadows	To restore the favourable conservation condition of Atlantic salt meadows in the Galway Bay Complex SAC.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channel arising from construction activities on site and potentially adversely	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off. All petroleum products to be stored within a bunded area. Site storage of	No significant in-combination adverse effects	Yes

		impacting upon protected habitat and species. Potential disturbance of the Otter Species and potential for spread of Invasive species.	materials to be on an impervious base. Perimeter swales will be used to manage contaminated surface water run-off. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods.		

			Project Ecologist will be appointed to supervise and monitor hand pulling and disposal of Himalayan Balsam, contaminated soil to be isolated. Landscaping along Trusky channel and minimisation of light spillage along watercourse and in biodiversity area.		
Turloughs	To maintain the favourable conservation condition of Turloughs. in the Galway Bay Complex SAC.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channel arising from	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off. All petroleum	No significant in-combination adverse effects	Yes

		construction activities on site and potentially adversely impacting upon protected habitat and species. Potential disturbance of the Otter Species and potential for spread of Invasive species.	products to be stored within a bunded area. Site storage of materials to be on an impervious base. Perimeter swales will be used to manage contaminated surface water run-off. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control measures.		

			Cement pouring to occur during dry weather periods. Project Ecologist will be appointed to supervise and monitor hand pulling and disposal of Himalayan Balsam, contaminated soil to be isolated. Landscaping along Trusky channel and minimisation of light spillage along watercourse and in biodiversity area.		
Large shallow inlets and Bays	To maintain the favourable conservation condition Large shallow inlets and Bays in the	Deterioration in water quality arising from sedimentation and release of	Silt and solid fencing will be used to contain sediment, soils and construction	No significant in-combination adverse effects	Yes

	Galway Bay Complex SAC.	hydrocarbons and cement to surface water channel arising from construction activities on site and potentially adversely impacting upon protected habitat and species. Potential disturbance of the Otter Species and potential for spread of Invasive species.	materials emanating from surface water run-off. All petroleum products to be stored within a bunded area. Site storage of materials to be on an impervious base. Perimeter swales will be used to manage contaminated surface water run-off. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance		

			with best practice environmental control measures. Cement pouring to occur during dry weather periods. Project Ecologist will be appointed to supervise and monitor hand pulling and disposal of Himalayan Balsam, contaminated soil to be isolated. Landscaping along Trusky channel and minimisation of light spillage along watercourse and in biodiversity area.		

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

			and construction materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods. Project Ecologist will be appointed to supervise and monitor hand pulling and disposal of Himalayan Balsam, contaminated soil to be isolated. Landscaping along Trusky channel and minimisation of light		

			spillage along watercourse and in biodiversity area.			
Otter	To restore the favourable conservation condition of the Otter in the Galway Bay Complex SAC.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channel arising from construction activities on site and potentially adversely impacting upon protected habitat and species. Potential disturbance of the Otter Species and potential for spread of	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off. All petroleum products to be stored within a bunded area. Site storage of materials to be on an impervious base. Perimeter swales will be used to manage contaminated surface water run-off. Storage and	No significant in-combination adverse effects	yes	

		Invasive species.	handling of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods. Project Ecologist will be appointed to supervise and monitor hand pulling and disposal of Himalayan Balsam, contaminated soil to be isolated.			

			Landscaping along Trusky channel and minimisation of light spillage along watercourse and in biodiversity area.			
Overall conclusion: Integrity test Following the implementation of the mitigation measures, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.						

Table 3.

Site 2:

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

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

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

			hand pulling and disposal of Himalayan Balsam, contaminated soil to be isolated. Landscaping along Trusky channel and minimisation of light spillage along watercourse and in biodiversity area.		
Great Northern Diver	To maintain the favourable conservation status of the Great Northern Diver in the Inner Galway Bay SPA.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channels arising from construction	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off. All petroleum products to be stored	No significant in-combination adverse effects	Yes

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

			Cement pouring to occur during dry weather periods. Project Ecologist will be appointed to supervise and monitor hand pulling and disposal of Himalayan Balsam, contaminated soil to be isolated. Landscaping along Trusky channel and minimisation of light spillage along watercourse and in biodiversity area.		
Cormorant	To maintain the favourable conservation	Deterioration in water quality arising from	Silt and solid fencing will be used to contain	No significant in-combination	Yes

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

			materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods. Project Ecologist will be appointed to supervise and monitor hand pulling and disposal of Himalayan Balsam, contaminated soil to be isolated. Landscaping along Trusky channel and minimisation		

			of light spillage along watercourse and in biodiversity area.		
Grey Heron	To maintain the favourable conservation status of the Grey Heron in the Inner Galway Bay SPA.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channels arising from construction activities on site and potentially adversely impacting upon protected habitat and species. Potential for spread of	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off. All petroleum products to be stored within a bunded area. Site storage of materials to be on an impervious base, Perimeter swales will be used to manage	No significant in-combination adverse effects	Yes

		Invasive species.	contaminated surface water run-off. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods. Project Ecologist will be appointed to supervise and monitor hand pulling		

			and disposal of Himalayan Balsam, contaminated soil to be isolated. Landscaping along Trusky channel and minimisation of light spillage along watercourse and in biodiversity area.		
Brent Goose	To maintain the favourable conservation condition of the Brent Goose in the Inner Galway Bay SPA.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channels arising from construction activities on	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off. All petroleum products to be stored within a	No significant in-combination adverse effects	Yes

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

			pouring to occur during dry weather periods. Project Ecologist will be appointed to supervise and monitor hand pulling and disposal of Himalayan Balsam, contaminated soil to be isolated. Landscaping along Trusky channel and minimisation of light spillage along watercourse and in biodiversity area.		
Wigeon	To maintain the favourable conservation condition of	Deterioration in water quality arising from sedimentati	Silt and solid fencing will be used to contain sediment,	No significant in-combination	Yes

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

			construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods. Project Ecologist will be appointed to supervise and monitor hand pulling and disposal of Himalayan Balsam, contaminated soil to be isolated. Landscaping along Trusky channel and minimisation of light		

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

		Invasive species.	d surface water run-off. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods. Project Ecologist will be appointed to supervise and monitor hand pulling and disposal		

			of Himalayan Balsam, contaminated soil to be isolated. Landscaping along Trusky channel and minimisation of light spillage along watercourse and in biodiversity area.		
Red Breasted Merganser	To maintain the favourable conservation condition of the Red Breasted Merganser in the Inner Galway Bay SPA.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channels arising from construction activities on site and	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off. All petroleum products to be stored within a bunded	No significant in-combination adverse effects	Yes

		potentially adversely impacting upon protected habitat and species. Potential for spread of Invasive species.	area. Site storage of materials to be on an impervious base, Perimeter swales will be used to manage contaminated surface water run-off. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to		

			occur during dry weather periods. Project Ecologist will be appointed to supervise and monitor hand pulling and disposal of Himalayan Balsam, contaminated soil to be isolated. Landscaping along Trusky channel and minimisation of light spillage along watercourse and in biodiversity area.		
Ringed Plover	To maintain the favourable conservation condition of Ringed	Deterioration in water quality arising from sedimentation and	Silt and solid fencing will be used to contain sediment, soils and	No significant in-combination	Yes

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

			will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods. Project Ecologist will be appointed to supervise and monitor hand pulling and disposal of Himalayan Balsam, contaminated soil to be isolated. Landscaping along Trusky channel and minimisation of light spillage		

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

			water run-off. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods. Project Ecologist will be appointed to supervise and monitor hand pulling and disposal of		

			Himalayan Balsam, contaminated soil to be isolated. Landscaping along Trusky channel and minimisation of light spillage along watercourse and in biodiversity area.		
Lapwing	To maintain the favourable conservation condition of Lapwing in the Inner Galway Bay SPA.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channels arising from construction activities on site and potentially	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off. All petroleum products to be stored within a bunded area. Site	No significant in-combination adverse effects	Yes

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

			dry weather periods. Project Ecologist will be appointed to supervise and monitor hand pulling and disposal of Himalayan Balsam, contaminated soil to be isolated. Landscaping along Trusky channel and minimisation of light spillage along watercourse and in biodiversity area.		
Dunlin	To maintain the favourable conservation condition of the Dunlin in the Inner	Deterioration in water quality arising from sedimentation and release of	Silt and solid fencing will be used to contain sediment, soils and construction	No significant in-combination adverse effects	Yes

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

			carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods. Project Ecologist will be appointed to supervise and monitor hand pulling and disposal of Himalayan Balsam, contaminated soil to be isolated. Landscaping along Trusky channel and minimisation of light spillage along		

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

			off. Storage and handling of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods. Project Ecologist will be appointed to supervise and monitor hand pulling and disposal of Himalayan		

			Balsam, contaminated soil to be isolated. Landscaping along Trusky channel and minimisation of light spillage along watercourse and in biodiversity area.		
Curlew	To maintain the favourable conservation condition of the Curlew in the Inner Galway Bay SPA.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channels arising from construction activities on site and potentially adversely	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off. All petroleum products to be stored within a bunded area. Site storage of	No significant in-combination adverse effects	Yes

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

			periods. Project Ecologist will be appointed to supervise and monitor hand pulling and disposal of Himalayan Balsam, contaminated soil to be isolated. Landscaping along Trusky channel and minimisation of light spillage along watercourse and in biodiversity area.		
Redshank	To maintain the favourable conservation condition of Redshank in the Inner	Deterioration in water quality arising from sedimentation and release of hydrocarbon	Silt and solid fencing will be used to contain sediment, soils and construction materials	No significant in-combination adverse effects	Yes

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

			in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods. Project Ecologist will be appointed to supervise and monitor hand pulling and disposal of Himalayan Balsam, contaminated soil to be isolated. Landscaping along Trusky channel and minimisation of light spillage along watercourse		

			and in biodiversity area.		
Turnstone	To maintain the favourable conservation condition of Turnstone in the Inner Galway Bay SPA.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channels arising from construction activities on site and potentially adversely impacting upon protected habitat and species. Potential for spread of Invasive species.	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off. All petroleum products to be stored within a bunded area. Site storage of materials to be on an impervious base, Perimeter swales will be used to manage contaminated surface water run-off. Storage		

			and handling of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods. Project Ecologist will be appointed to supervise and monitor hand pulling and disposal of Himalayan Balsam,		

			contaminated soil to be isolated. Landscaping along Trusky channel and minimisation of light spillage along watercourse and in biodiversity area.		
Black Headed Gull	To maintain the favourable conservation condition of the Black Headed Gull in the Inner Galway Bay SPA.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channels arising from construction activities on site and potentially adversely impacting	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off. All petroleum products to be stored within a bunded area. Site storage of materials to	No significant in-combination adverse effects	Yes

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

			Project Ecologist will be appointed to supervise and monitor hand pulling and disposal of Himalayan Balsam, contaminated soil to be isolated. Landscaping along Trusky channel and minimisation of light spillage along watercourse and in biodiversity area.		
Common Gull	To maintain the favourable conservation condition of the Common Gull in the Inner	Deterioration in water quality arising from sedimentation and release of hydrocarbons and	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating	No significant in-combination adverse effects	Yes

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

			accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods. Project Ecologist will be appointed to supervise and monitor hand pulling and disposal of Himalayan Balsam, contaminated soil to be isolated. Landscaping along Trusky channel and minimisation of light spillage along watercourse and in		

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

			of harmful materials including hydrocarbons, and construction materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods. Project Ecologist will be appointed to supervise and monitor hand pulling and disposal of Himalayan Balsam, contaminate		

			d soil to be isolated. Landscaping along Trusky channel and minimisation of light spillage along watercourse and in biodiversity area.		
Common Tern	To maintain the favourable conservation condition of the Common Tern in the Inner Galway Bay SPA.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface water channels arising from construction activities on site and potentially adversely impacting upon	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off. All petroleum products to be stored within a bunded area. Site storage of materials to be on an	No significant in-combination adverse effects	Yes

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

			Ecologist will be appointed to supervise and monitor hand pulling and disposal of Himalayan Balsam, contaminated soil to be isolated. Landscaping along Trusky channel and minimisation of light spillage along watercourse and in biodiversity area.		
Shoveler	To maintain the favourable conservation condition of the Shoveler in the Inner Galway Bay SPA.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface	No significant in-combination adverse effects	Yes

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

			with best practice environmental control measures. Cement pouring to occur during dry weather periods. Project Ecologist will be appointed to supervise and monitor hand pulling and disposal of Himalayan Balsam, contaminated soil to be isolated. Landscaping along Trusky channel and minimisation of light spillage along watercourse and in		

			biodiversity area.		

Overall conclusion: Integrity test

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

7.7.10 Following the Appropriate Assessment and the consideration of mitigation measures, I can ascertain with confidence that the project would not adversely affect the integrity of the Galway Bay Complex SAC nor the Inner Galway Bay SPA, in view of the Conservation Objectives for these sites. This conclusion has been based on a complete assessment of the implications of the project alone, and in combination with plans and projects.

7.7.11 I consider that any siltation, sediment or hydrocarbons that would enter Galway Bay, would be mitigated through the use of the best practice environmental control measures set out within Section 6 of the NIS and within the Construction Environmental and Management Plan(CEMP), including the installation of the silt and solid fencing, the use of perimeter swales, the use of a bunded re-fuelling area, the pouring of cement during dry weather periods, the appointment of a project ecologist to monitor the environmental measures and the removal of the Himalayan Balsam, the installation hydrocarbon interceptors and many other measures set out within Section 6.2 of the NIS during the construction phase of the development. I am also satisfied that any surface water that may leave the site would be diluted sufficiently before they would reach the nearest boundary of the Galway Bay SAC or SPA, which are both located approximately 0.93 and 1.21 kilometres respectively downstream of the appeal site. Therefore, I consider that as a result of the implementation of these control measures that the impacts would be lessened and would not be so adverse as to cause undue risk to the qualifying interests and conservation objectives associated with these European sites. Therefore, I do not consider it appropriate to assess the potential impacts upon these particular European sites any further as part of this exercise.

Appropriate Assessment Conclusion

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

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

This conclusion is based on:

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