Inspector's Addendum Report ABP-319154-24

Type of Appeal	Permission for amendments to previously permitted residential development permitted under Board reference number 308431-20 comprising the following (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. This application is accompanied by a Natura Impact Statement.

Location	Trusky East, Bearna, Co. Galway
Applicant	Burkeway Homes Ltd
Planning Authority	Galway County Council.
Planning Authority Ref	23/60649
Appellant	Gabriel McGoldrick (third party)
Planning Authority Decision	Grant of Planning Permission.
Inspector	Fergal Ó Bric.

1.0 **Preliminary**

1.1. This report has been prepared pursuant to a Board request (Board Direction number BD-019058-25) which seeks the preparation of an addendum report**.** The Board decided that the file should be referred back to the Inspector for the preparation of an addendum report which specifically addresses matters in relation to density of development within the red line boundary as permitted originally within the Strategic Housing Development (SHD), Board reference number 308431-20, the density of development as now proposed within the 308431-20 red line boundary and the density of development as proposed within the extended site boundary, including those lands east of the Trusky stream. The Board are also seeking commentary on the housing unit typology and mix as proposed and its consistency with policy objective UL3 ass et out within the current County Develoepmnt Plan 2022-28. The Board is also seeking an updated AA assessment specifically in relation to the in-combination effects of the amended development proposals having regard to proposed/permitted development downstream of the appeal site.

2.0 Assessment

2.1. Introduction

2.1.1. In this, my addendum report, I have confined myself to the matters set out within the Board direction, namely further consideration of density of development as permitted under Board reference 308431-20 and density of development as proposed under the current proposals and the impact of extending the red line boundary in terms of density. The mix of residential unit types will also be addressed as well as the updated Appropriate Assessment, specifically considering in combination effects.

2.2. Density of Development (Items 1 & 2 of Board Direction)

2.2.1 The net density of development that was originally permitted within the Strategic Housing Development (SHD) residential development permitted by the Board was 35 residential units per hectare. This was subsequently revised when the applicants were permitted amendments to the permitted SHD scheme by Galway County Council under planning reference number 22/61247. Under those proposals, the number of residential units was reduced by six and this resulted in a net density of 33 residential units per hectare within the SHD red line boundary.

2.2.2 The current proposals under Board reference number 319154-24 pertain to amendments to the previously permitted SHD scheme, However, the red line

application site boundary has been extended and incorporates part of the eastern section of the red line application site boundary permitted under 308431-20 and an extended portion of lands along the Trusky channel and lands east of the Trusky stream channel. In essence, the red line boundary as submitted under the current proposals comprises two elements, the first being the eastern portion of the SHD red line boundary and secondly lands along the Trusky channel which are zoned as open space, recreation and amenity and lands further east of the Trusky channel zoned residential. The second element of the current proposal did not form part of the SHD red line boundary.

2.2.3 From the information submitted, the current proposals red line boundary comprises a site area of 3.22 hectares. This 3.22 hectares is the subject of two land use zoning objectives. The central part of the subject site redline boundary is zoned open space, recreation and amenity along the Trusky channel and the remainder of the subject lands are zoned residential, located east and west of the Trusky channel. The portion zoned residential and west of the Trusky channel formed part of the permitted SHD red line application site boundary.

2.2.4 Under the current proposals the applicants are proposing to omit two blocks of three storey apartments, which provided for twenty-seven apartment units, permitted as part of the SHD development. These would be replaced by six conventional two storey residential units and four apartment units, generally in the same area where the twenty-seven apartments were permitted. An additional eleven detached dwellings are also proposed on lands east of the Trusky channel, which did not form part of the SHD red line boundary. Therefore, the number of residential units now proposed within the original SHD red line boundary (permitted under 308431-20) would be 98 residential units. The net site area is 3.47 hectares and with 98 units now proposed within the original SHD red line boundary, the net residential density within the original SHD red line boundary would now be 28.2 units per hectare**.** The evolution of the net density of development within the site is presented in Table 1 below.

Items 3 & 4 of Board Direction

Table 1-Key Planning Statistics

Planning/Board reference number	308431-20 (SHD as originally permitted)	22/61247	319154-24	308431-20 (as set out within current proposals)
Application Site Area	5.38 hectares	5.38 hectares	3.22 hectares	5.38 hectares
Net site area	3.47 hectares	3.47 hectares	1.59 hectares	3.47 hectares
Net Density	35 units per hectare	33.1 units per hectare	26 units per hectare	28.2 units per hectare

2.2.5 **F**rom a review of the current Bearna Settlement Plan land use zoning map as set out within Volume 2 of the Galway County Development Plan (GCDP) 2022-28, the area east of the Trusky channel comprises two separate land use zonings, residential phase 1 zoning (in the form of three separate pockets of residential zoning), and some open space, recreation and amenity zoning, along the Trusky channel and its associated floodplain. The site area associated with the current appeal site (3.22 hectares) incorporates lands zoned residential and open space, recreation and amenity zonings, both east and west of the Trusky channel. These lands only form part of the red line application site boundary submitted under 319154-24. Therefore, I have used the ABP Mapviewer system to approximate the areas of land associated with each of the two land use zonings east of the Trusky channel. I estimate that the lands zoned open space, recreation and amenity comprise approximately 0.414 hectares and the residential zoning elements comprise approximately 0.547 hectares. There are eleven detached units proposed east of the Trusky channel and ten units proposed west of the Trusky channel. I calculate an approximate net density of 20.11 residential unts per hectare east of the Trusky channel. Although, this density is below what is envisaged within the current Development Plan, it must be considered in the context of density within the whole of the Ard Raithni residential development, both east and west of the Trusky channel. From the key planning statistics presented in the table above, I am satisfied that what has been permitted and developed and is under construction to date by the developers further west and north-west of the current proposal, whereby the net density achieved within the development as a whole accords with the density parameters provided for within

Table 15.1 the Development Plan, which is set at between 25 and 30 residential units per hectare for the outer suburban areas within the Metropolitan Area, including the settlement of Bearna.

2.2.6 Table 15.1-Residential Density as set out within Section 15.2.3 of the current Galway County Development Plan (GCDP) 2022-28 provides for a residential density range of 25-30 units per hectare for the outer suburban areas within the Metropolitan Area. 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. Therefore, I consider that the revised density as proposed, within all of the lands under the control of the developers comfortably remains within the density range as set out within the current Development Plan and is considered suitable for this particular site at this particular location on the northern periphery of the settlement. It is also noted that public open space provision is in accordance with the Development Plan standards

Item 5 of Board Direction

Housing Unit Mix

2.2.7 The Board have sought clarity on the housing unit mix now proposed within the development having regard to the provisions of policy objective UL3 as set out within the current GCDP 2022-28. This policy objective seeks 'To promote a mix of house types and sizes that appeals to all sectors of the community and contribute to a healthy neighbourhood'. This policy objective is not prescriptive. The proposals provide for a mix of 2, 3- and 4-bedroom units, with a range of housing typologies including semi-detached, detached, terraced dwellings, duplex and apartment units. Under the current proposals, including the lands east of the Trusky channel, the two, three and four bed dwelling units would comprise 58% of the mix, and the duplex and apartment units would comprise the remaining 42% of the unit mix. The breakdown of the unit types as they have evolved from the original SHD proposals is presented in Table 2 below.

Table 2-Housing Units Mix Breakdown

Planning/Board reference number	Housing Units	Duplex/Apartment units	Total number of units
308431-20 (SHD as originally permitted)	52	69	121
22/61247	46	69	115
319154-24	63	46	109
Within red line boundary of 308431-20 as set out within current proposals.	52	46	98

2.2.8 I consider this mix to be reasonable and will enhance the housing mix and unit typologies in the area. I also consider that the residential unit mix as now proposed would contribute towards the achievement of specific policy objective UL 3 and would provide for a broad mix of unit typologies and sizes and would, therefore, contribute towards the achievement of a healthy and sustainable neighbourhood. The range of unit typologies proposed would follow on from the first phase of the Ard Raithní development which has developed further west of the current proposals, developed by the current applicants incorporating a detached, semi-detached and terraced housing units with a high quality of design, layout and finish and is partly inhabited. There are also many more residential units including a childcare facility within the northern part of the development which are at an advanced stage of construction and/or near completion.

Appropriate Assessment

2.3 **Background**

2.3.1 The Board noted that the source pathway identified is the Trusky channel which runs down the centre of the subject site and ultimately discharges to Galway Bay approximately one kilometre downstream of the appeal site. There are a number of other developments permitted further south of the subject site. These will be specifically referenced in the paragraphs below.

AA Screening

Item 6 of Board Direction-Updated Assessment sought

Description of the project

2.3.2 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.

2.3.3 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.

2.3.4 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.

2.3.5 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

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

'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.

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

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

Potential impact mechanisms from the project

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

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

2.3.9 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.

2.3.10 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.

2.3.11 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.

2.3.12 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'		
		Could the conservation objectives be undermined (Y/N)?

European Site and qualifying feature	Conservation objective (summary) [2]	Indirect surface water pollution	Indirect groundwater pollution
Galway Bay Complex SAC			
Mudflats and sandflats not covered by seawater at low tide. Turloughs. Reefs. Large shallow inlets and Bays. Harbour Seal. Salicornia and other annuals colonising mud and sand. Semi-natural dry grasslands. Perennial vegetation of story banks. Calcareous Fens. Alkaline Fens.	To maintain the favourable conservation condition of habitats within the Galway Bay Complex SAC.	Yes. see discussion below.	No. see discussion below.
Coastal lagoons. Otter.	To retore the favourable conservation	No. See discussion below	No. see discussion below

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

Atantic salt meadows. Juniperous communis formations on heaths or clacareous grasslands. Mediterranean salt meadows.	condition of habitats and species within the Galway Bay Complex SAC.		

European Sites at risk

Table 2 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 within Galway Bay approximately 1.21 kilometres south of the appeal site boundary.	Inter Galway Bay SPA (site code 004031).	Great Northern Diver Cormorant Grey Heron Brent Goose Wigeon Teal Shoveler Red-breasted Merganser Ringed Plover

			Golden Plover Lapwing Dunlin Bar-tailed Godwit Curlew Redshank Turnstone Black-headed Gull Common Gull Sandwich Tern Common Tern Wetlands

Inner Galway Bay SPA.

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

European Site and qualifying feature	Conservation objective (summary) [3]	Indirect surface water pollution	Indirect groundwater pollution
Inner Galway Bay SPA			
Wetlands. Great Northern Diver. Cormorant. Grey Heron. Brent Goose. Wigeon. Red-breasted Merganser. Ringed Plover. Golden Plover. Lapwing. Dunlin. Bat tailed Godwit. Curlew. Redshank. Turnstone Black headed Gull. Common Gull. Sandwich Tern.	To maintain the favourable conservation condition of Wetlands and bird species within the Inner Galway Bay SPA.	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)

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

2.3.13 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 Galway Bay Complex SAC 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 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 and the Inner Galway Bay SPA.

2.3.14 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.

2.3.15 Notwithstanding the inclusion of these control measures, it is considered that there remains potential to adversely impact water quality within the Galway Bay Complex SAC and 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 Galway Bay exists, resulting from contaminated surface water run-off is possible.

2.3.16 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 Galway Bay Complex SAC and the Inner Galway Bay SPA unlikely.

2.3.17 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.

2.3.18 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.

2.3.19 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 Galway Bay approximately 0.88 kilometres downstream of the site.

2.3.20 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'

2.3.21 From a planning history search within the area, sing the Galway County Council mapping tools and the Boards internal GIS mapping tool, I am aware of development proposals that have been permitted within the settlement of Bearna. However, following a review of these developments, I note that many of the developments are removed from the Trusky channel and, therefore, the Trusky stream would not act as a pathway to the Galway Bay European sites from these proposals. I also note that in many instances, the proposals are for very modest scale developments including domestic extensions, one off dwellings and small commercial developments on zoned serviced lands.

2.3.22 I also note that that there are two current proposals, both located approximately 500 metres south of the subject site and north of Bearna Main Street (the R336). These relate to Board reference numbers 320963-24, seeking the development of a single dwelling unit and 320964-24 relating to a mixed-use development of two ground floor offices and two apartment units overhead. To date, the Board have not issued a decision in relation to either of these proposals, both modest in scale. These developments were refused planning permission by GCC in relation to the absence of adequate site-specific flood risk proposals and the potential for a knock-on adverse impact upon the Galway Bay European sites.

2.3.23 The issue of adverse flooding/surface water management impacts arising from the proposed development in combination with flooding impacts that may arise from other proposals downstream along the Trusky channel would need to be considered in greater detail as part of a more detailed Appropriate Assessment.

2.3.24 I conclude, therefore, that the proposed development may have the potential to adversely impact upon qualifying features of European sites downstream of the site,

in combination with other development proposals Further assessment in this regard is required.

Overall Conclusion- Screening Determination

2.3.25 I conclude that the proposed development has the potential to adversely impact the water dependent habitats and species associated with the Galway Bay Complex SAC and 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 also required at this time.

2.3.26 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'.

Natura Impact Statement

2.4.1 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. Section 8 of the NIS considers the potential for cumulative effects on the Galway Bay Complex SAC and the Inner Galway Bay SPA arising in combination with other plans and permitted developments in Bearna. Section 9 concludes that with the implementation of the best practice and mitigation measures set out within Section 6 of the report and the mitigation measures included within Section 5 of the Construction and Environmental Management Plan (CEMP). 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.

2.4.2 I am satisfied that the Natura Impact Statement (NIS) considers the overall SHD site. I note that the previous SHD included an NIS as part of its planning documentation. That NIS concluded that subject to the implementation of the mitigation measures, that there would be no adverse impacts upon water quality, the conservation objectives or qualifying interest features associated with the Galway Bay Complex SAC nor with the Inner Galway Bay SPA

2.4.3 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

2.4.4 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.

2.4.5 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.

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

2.4.7 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.

2.4.8 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).

2.4.9 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).

In combination Effects

2.4.10 Section 8 of the NIS considers the potential for cumulative effects on the Galway Bay Complex SAC and the Inner Galway Bay SPA arising in combination with other plans and permitted developments in Bearna. This includes inter alia the Bearna Settlement Plan incorporated within the current Galway County Development Plan 2022-28, as set out within Volume 2 of the GCDP and relating to all the settlements within the Galway Metropolitan area, including Bearna. Within Appendix 4 of their Natura Impact Statement (NIS) the applicants provided details of development proposals that have been permitted within the settlement of Bearna. From a review of these developments, I note that many of the developments are removed from the Trusky channel and, therefore, the Trusky stream would not act as a pathway to the Galway Bay European sites from these proposals. I also note that in many instances, the proposals are for very modest scale developments including domestic extensions, one off dwellings and small scale commercial developments on zoned serviced lands.

2.4.11 However, I also note that that there are two current proposals, both located approximately 500 metres south of the subject site and north of Bearna Main Street (the R336). These relate to Board reference numbers 320963-24, for the development of a single dwelling and 320964-24 relating to a mixed-use development of two ground floor offices and two apartment units overhead. The issues arising with the PA decision (to refuse planning permission) in both instances relate to the absence of adequate site-specific flood risk proposals and the potential for a knock-on adverse impact upon the Galway Bay European sites. To date, the Board have not issued a decision in relation to either of these proposals, both modest in scale. In any event, having regard to the modest scale of these two development proposals, I consider it unlikely that they would adversely impact the water quality within Galway Bay, subject to the implementation of appropriate surface water management proposals, which would form part of best practice construction methods.

2.4.12 I consider that the current appeal site is a discrete piece of land that is zoned for both residential and open space recreation and amenity uses use within the current GCDP 2022-28. The applicants submitted a site -specific flood risk assessment (SSFRA) as part of their planning documentation and this concluded that the proposed development would not increase the risk of flooding in the area, subject to the inclusion of the site specific surface water management measures, either within the site or on lands downstream of the subject site, in terms of in-combination flooding impacts. These surface water management mitigation measures can be re-enforced by means of a suitable planning condition. Subject to the implementation of such mitigation, in-combination effects with the two modest downstream developments (currently under consideration by the Board) are not considered likely.

2.4.13 The future development of Bearna is clearly set out within the current Galway Development Plan 2022-28, which in itself was subject to appropriate assessment, as was the original SHD (308431-20) development, deemed acceptable and permitted by the Board. In this instance, I am satisfied that the proposals on their own would not lead to adverse effects on European sites nor in combination with other proposed/permitted development, nor adversely impact on the qualifying interests nor on the conservation objectives associated with the Galway Bay Complex SAC or the Inner Galway Bay SPA by reason of deterioration of water quality. Overall, I am satisfied that cumulative impacts are not anticipated. Within Section 9 of the NIS, it is concluded that with the implementation of the best practice and mitigation measures set out within Section 6 of the NIS report and within Section 6 of the Construction Environmental and Management Plan (CEMP) ‘that it can be objectively concluded that the proposed development, individually, or in combination with other plans or projects, will not adversely affect the integrity of any European site’..

2.4.14 I note that that Gallway County Council determined ‘that subject to the implementation of the mitigation measures as set out in the NIS, the proposed development (alone or in combination with other plans or projects) would not have an adverse effect on the Galway Bay Complex SAC and/or on the Inner Galway Bay SPA, in terms of their qualifying interests and conservation objectives. Based on the information available, I would concur with the opinion of the Planning Authority, where with the implementation of the extensive range of mitigation measures

proposed, as set out within Tables 1 and 2 of my original report, that the development, either alone, or in combination with other permitted or proposed development, further downstream along the Trusky channel, the pathway to the European sites, that the qualifying interests nor conservation objectives of the designated sites would not be adversely impacted upon.

Potential Impacts on identified European Sites

Table 3

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	To maintain the favourable conservation	Deterioration in water quality arising	Silt and solid fencing will be used to	With the implementation of the mitigation	Yes

not covered by sea water at low tide.	condition of mudflats and sandflats not covered by seawater at low tide in the Galway Bay Complex SAC.	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.	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	measures as set out within the NIS and within the CEMP, including the management of sediment and construction materials adjacent to the Trusky channel, that no increase in contaminated surface water outflow from the site into the Trusky channel will occur and, therefore, no adverse in-combination affects in water quality within Galway Bay will arise.	

			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.		
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	With the implementation of the mitigation measures as set out within the NIS and within the CEMP, including the management of sediment and construction materials adjacent to the Trusky channel, that no increase in contaminated surface water outflow from the site into the Trusky channel will occur and, therefore, no adverse in-combination affects in water quality within Galway Bay will arise.	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	With the implementation of the mitigation measures as set out within the NIS and within the CEMP, including the management of sediment and construction materials adjacent to the Trusky channel, that no increase in contaminated surface water outflow from the site into the Trusky channel will occur and, therefore, no adverse in-combination affects in water quality within	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	Galway Bay will arise.	

			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	With the implementation of the mitigation measures as set out within the NIS and within the CEMP, including the management of sediment and construction materials adjacent to the Trusky channel, that no increase in contaminated surface water outflow from the site into the Trusky channel will occur and, therefore, no	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	adverse in-combination affects in water quality within Galway Bay will arise.	

			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	With the implementation of the mitigation measures as set out within the NIS and within the CEMP, including the management of sediment and construction materials adjacent to the Trusky channel, that no increase in contaminated surface water	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.	outflow from the site into the Trusky channel will occur and, therefore, no adverse in-combination *affects in water quality within Galway Bay will arise*.	

			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	With the implementation of the mitigation measures as set out within the NIS and within the CEMP, including the management of sediment and construction materials	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.	adjacent to the Trusky channel, that no increase in contaminated surface water outflow from the site into the Trusky channel will occur and, therefore, no adverse in-combination affects in water quality within Galway Bay will arise.	

			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	With the implementation of the mitigation measures as set out within the NIS and within the CEMP,	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	including the management of sediment and construction materials adjacent to the Trusky channel, that no increase in contaminated surface water outflow from the site into the Trusky channel will occur and, therefore, no adverse in-combination affects in water quality within Galway Bay will arise.	

			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,	With the implementation of the mitigation measures as set out within the NIS and within the CEMP, including the management of sediment and construction materials adjacent to the Trusky channel, that no increase in contaminated surface water outflow from the site into the Trusky channel will occur and, therefore, no adverse in-combination affects in water quality within Galway Bay will arise.	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	With the implementation of the mitigation measures as set out within the NIS and within the CEMP, including the management of sediment and construction materials adjacent to the Trusky channel, that no increase in contaminated surface water outflow from the site into the Trusky channel will occur and, therefore, no adverse in-combination affects in water quality within Galway Bay will arise.	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 4.

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	With the implementation of the mitigation measures as set out within the NIS and within the CEMP, including the management of sediment and construction materials adjacent to the Trusky channel, that no increase in contaminated surface water outflow from the site into the Trusky channel will	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	occur and, **therefore, no adverse in-**combination affects in water quality within Galway Bay will arise**.**	

			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	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off. All petroleum	With the implementation of the mitigation measures as set out within the NIS and within the CEMP, including the management of sediment and	Yes

		arising from construction activities on site and potentially adversely impacting upon protected habitat and species. 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	construction materials adjacent to the Trusky channel, that no increase in contaminated surface water outflow from the site into the Trusky channel will occur and, therefore, no adverse in-combination affects in water quality within Galway Bay will arise.	

			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 conditions of the Cormorant 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	With the implementation of the mitigation measures as set out within the NIS and within the CEMP, including the management of sediment and construction materials adjacent to the Trusky channel, that no increase in contaminated surface water outflow from the site into the Trusky channel will occur and, therefore, no adverse in-combination affects in water quality within	Yes

			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	Galway Bay will arise.	

			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	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	With the implementation of the mitigation measures as set out within the NIS and within the CEMP, including the management of sediment and construction materials adjacent to the Trusky channel, that no increase in contaminated	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.	surface water outflow from the site into the Trusky channel will occur and, therefore, no adverse in-combination affects in water quality within Galway Bay will arise.	

			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	Deterioration in water quality arising from sedimentation and release of hydrocarbo	Silt and solid fencing will be used to contain sediment, soils and construction materials	With the implementation of the mitigation measures as set out within the NIS and within the	Yes

	Galway Bay SPA.	ns 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	CEMP, including the management of sediment and construction materials adjacent to the Trusky channel, that no increase in contaminated surface water outflow from the site into the Trusky channel will occur and, therefore, no adverse in-combination affects in water quality within Galway Bay will arise.	

			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 the Wigeon 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	With the implementation of the mitigation measures as set out within the NIS and within the CEMP, including the management of sediment and construction materials adjacent to the Trusky channel, that no increase in contaminated surface water outflow from the site into the Trusky channel will occur and, therefore, no adverse in-	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	combination affects in water quality within Galway Bay will arise. .	

			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	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	With the implementation of the mitigation measures as set out within the NIS and within the CEMP, including the management of sediment and construction materials adjacent to	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.	the Trusky channel, that no increase in contaminated surface water outflow from the site into the Trusky channel will occur and, therefore, no adverse in-combination affects in water quality within Galway Bay will arise. .	

			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 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	With the implementation of the mitigation measures as set out within the NIS and within the CEMP, including the management of sediment and construction materials adjacent to the Trusky channel, that no increase in contaminated surface water outflow from the site into the Trusky channel will occur and, therefore, no adverse in-combination affects in water quality within	Yes

			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	Galway Bay will arise. .	

			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 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	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	With the implementation of the mitigation measures as set out within the NIS and within the CEMP, including the management of sediment and construction materials adjacent to the Trusky channel, that no increase in contaminated	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.	surface water outflow from the site into the Trusky channel will occur and, therefore, no adverse in-combination affects in water quality within Galway Bay will arise.	

			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	Deterioration in water quality arising from sedimentation and release of hydrocarbo	Silt and solid fencing will be used to contain sediment, soils and construction materials	With the implementation of the mitigation measures as set out within the NIS and within the	Yes

	Galway Bay SPA.	ns 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	CEMP, including the management of sediment and construction materials adjacent to the Trusky channel, that no increase in contaminated surface water outflow from the site into the Trusky channel will occur and, therefore, no adverse in-combination affects in water quality within Galway Bay will arise.	

			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 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	With the implementation of the mitigation measures as set out within the NIS and within the CEMP, including the management of sediment and construction materials adjacent to the Trusky channel, that no increase in contaminated surface water outflow from the site into the Trusky channel will occur and, therefore, no adverse in-	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	combination affects in water quality within Galway Bay will arise.	

			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 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	With the implementation of the mitigation measures as set out within the NIS and within the CEMP, including the management of sediment and construction materials adjacent to	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.	the Trusky channel, that no increase in contaminated surface water outflow from the site into the Trusky channel will occur and, therefore, no adverse in-combination affects in water quality within Galway Bay will arise.	

			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	Deterioration in water quality	Silt and solid fencing will be used	With the implementation of the	Yes

	conservation condition of Bar tailed Godwit in the Inner Galway Bay SPA.	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.	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 hydrocarbon	mitigation measures as set out within the NIS and within the CEMP, including the management of sediment and construction materials adjacent to the Trusky channel, that no increase in contaminated surface water outflow from the site into the Trusky channel will occur and, therefore, no adverse in-combination affects in water quality within Galway Bay will arise.	

			s, and construction materials, all construction will be carried out in accordance with best practice environmental control measures. Cement pouring to occur during dry weather periods. 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 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	With the implementation of the mitigation measures as set out within the NIS and within the CEMP, including the management of sediment and construction materials adjacent to the Trusky channel, that no increase in contaminated surface water outflow from the site into	Yes

		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	the Trusky channel will occur and, therefore, no adverse in-combination affects in water quality within Galway Bay will arise.	

			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 Galway Bay SPA.	Deterioration in water quality arising from sedimentation and release of hydrocarbons and cement to surface	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-	With the implementation of the mitigation measures as set out within the NIS and within the CEMP, including the management	Yes

		water channels arising from construction activities on site and potentially adversely impacting upon protected habitat and species. Potential for spread of Invasive species.	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	of sediment and construction materials adjacent to the Trusky channel, that no increase in contaminated surface water outflow from the site into the Trusky channel will occur and, therefore, no adverse in-combination affects in water quality within Galway Bay will arise.	

			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	With the implementation of the mitigation measures as set out within the NIS and within the CEMP, including the management of sediment and construction materials adjacent to the Trusky channel, that no increase in contaminated surface water outflow from the site into the Trusky channel will occur and, therefore, no adverse in-combination affects in water quality	

			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,	within Galway Bay will arise.	

			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	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	With the implementation of the mitigation measures as set out within the NIS and within the CEMP, including the management of sediment and construction materials adjacent to the Trusky channel, that no increase	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	in contaminated surface water outflow from the site into the Trusky channel will occur and, therefore, no adverse in-combination affects in water quality within Galway Bay will arise.	

			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	Deterioration in water quality arising from sedimentation and	Silt and solid fencing will be used to contain sediment, soils and	With the implementation of the mitigation measures as set out within	Yes

	Common Gull 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	the NIS and within the CEMP, including the management of sediment and construction materials adjacent to the Trusky channel, that no increase in contaminated surface water outflow from the site into the Trusky channel will occur and, therefore, no adverse in-combination affects in water quality within Galway Bay will arise.	

			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	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	With the implementation of the mitigation measures as set out within the NIS and within the CEMP, including the management of sediment and construction materials adjacent to the Trusky channel, that no increase in contaminated surface water outflow from the site into the Trusky channel will occur and,	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	therefore, no adverse in-combination affects in water quality within Galway Bay will arise.	

			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 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	Silt and solid fencing will be used to contain sediment, soils and construction materials emanating from surface water run-off. All petroleum products to	With the implementation of the mitigation measures as set out within the NIS and within the CEMP, including the management of sediment and construction	Yes

		construction activities on site and potentially adversely impacting upon protected habitat and species. Potential for spread of Invasive species.	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 environment	materials adjacent to the Trusky channel, that no increase in contaminated surface water outflow from the site into the Trusky channel will occur and, therefore, no adverse in-combination affects in water quality within Galway Bay will arise.	

			al 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 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	With the implementation of the mitigation measures as set out within the NIS and within the CEMP, including the management of sediment and construction materials adjacent to the Trusky channel, that no increase in contaminated surface water outflow from the site into the Trusky channel will occur and, therefore, no adverse in-combination affects in water quality within	Yes

			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	Galway Bay will arise.	

			isolated. Landscaping along Trusky channel and minimisation of light spillage along watercourse and in biodiversity area.		

Overall conclusion: Integrity test

2.4.15 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.

2.4.16 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.

2.4.17 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

2.4.18 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.

2.4.19 Following the Appropriate Assessment and the consideration of mitigation measures, I can ascertain with confidence that the project alone or in combination with other plans or projects 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.

3.0 Recommendation

Having regard to the above and to the content of my original report dated 31st day of January 2025, I recommend that planning permission be granted.

4.0 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 SSP1 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 water 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.

5.0 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, 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 Construction and Environmental Management

Plan 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 as submitted to the Planning Authority on the 14th day of June 2023.

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 March 2025

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