



An
Bord
Pleanála

Inspector's Report

ABP-319201-24

Development

Demolition of an existing shed and garage and partial demolition of existing shed and garage for the construction of a six-storey apartment building consisting of 24 apartments.

Location

Lough Atalia Road, Galway City, Co. Galway.

Planning Authority

Galway City Council.

Planning Authority Reg. Ref.

2360059.

Applicant(s)

Tom Richardson.

Type of Application

Permission.

Planning Authority Decision

Refuse Permission.

Type of Appeal

First Party versus decision.

Appellant(s)

Tom Richardson.

Observer(s)

None.

Date of Site Inspection

5 November 2024.

Inspector

Stephen Rhys Thomas.

Contents

1.0 Site Location and Description	5
2.0 Proposed Development	5
3.0 Planning Authority Decision	7
3.1. Decision	7
3.2. Planning Authority Reports	7
3.3. Prescribed Bodies	8
3.4. Third Party Observations	9
4.0 Planning History	9
5.0 Policy Context	9
5.1. Development Plan	9
5.2. Natural Heritage Designations	11
5.3. Environmental Impact Assessment (EIA) Screening	12
6.0 The Appeal	13
6.1. Grounds of Appeal	13
6.2. Planning Authority Response	15
7.0 Assessment	16
8.0 Appropriate Assessment (AA)	23
9.0 Recommendation	26
10.0 Reasons and Considerations	26
11.0 Conditions	27

List of appendices

Appendix 1 – Form 1: EIA - Pre-Screening

Appendix 2 - Form 2 - EIA - Preliminary Examination

Appendix 3 - AA Screening Determination

1.0 Site Location and Description

- 1.1. The appeal site is located close to the centre of Galway City on the Lough Atalia Road. The site slopes upwards from the Lough Atalia Road, from 4.5 m OD to 11.6 m OD, to meet the rear gardens of older dwellings along College Road (R339). The site comprises the rear gardens of the housing to the north west and are overgrown at present. A rubble stone wall forms the boundary to the public road and in places it shows various repairs over time. The immediate area of the site is characterised by older urban styled housing stock. There are apartment buildings ranging from 5 – 6 storeys to the south west of the appeal site (Lough View Apartments, Tur an Tsaile and Tobar na Mban Apartments). There is no development along the banks of Lough Atalia to the east. The provides extensive views across the road over Lough Atalia beyond.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a 24 unit apartment scheme with a gross floor area (GFA) of 2,556 sqm on a site of 0.188 Hectares, works include the following:

Permission to demolish an existing shed and garage and the partial demolition of an existing shed/garage, these small structures are all associated with houses along College Road (within the ownership of the applicant).

The construction of a 6-storey apartment building with 24 apartments, comprising:

- 5 one-bed units,
- 18 two-bed units,
- One 3 bed unit

The apartment building will comprise a total of six floors in height with the sixth floor as a set back penthouse level on the southern side. The total height from ground level as viewed from the Lough Atalia Road, 19.24 metres from ground to parapet level. Stair and lift core to rear. Details of the scheme include:

- New entrance and homezone access road
- 10 car parking spaces

- Two covered bicycle shelters with timber cladding, sedum roof providing 44 long stay spaces and six oversize bike spaces, located to the rear of the site.
- Bin storage with timber cladding,
- ESB substation,
- Connection to water services.
- On site surface water drainage
- Communal open space (with dedicated play zone), to the rear of the site, accessed by ramp and steps.
- Private open space areas, as balconies to the front elevation.
- Revised boundary treatments including removal of high rubble stone wall along the south-eastern roadside boundary, with reclaimed stone to be reused as part of the revised boundary treatment.

Further Information was submitted on the 12 January 2024, the overall scheme changed little, noteworthy changes include:

- An increase in building set back from the Lough Atalia Road, 5.6 metres from the back of the footpath.
- Confirmation of the re-use of stone to front boundary walls.

The application was accompanied by the following documentation:

- Natura Impact Statement (NIS) and Appropriate Assessment (AA) Screening Report
- Preliminary Construction Demolition Environmental Waste Management Plan
- Design Statement
- Planning Statement
- Arboricultural Assessment
- Engineering Design Report
- Outdoor Lighting Report

- Ecological Impact Assessment
- Traffic and Mobility Report
- Shadow Cast Analysis (drawing 1533.PL.315)

3.0 Planning Authority Decision

3.1. Decision

The planning authority refused permission for a single reason, as follows:

The Galway City Development Plan 2023 – 2029 gives priority to protecting the character and enhancing the amenity of Inner Residential Areas, by ensuring that new development does not adversely affect their character and has regard to the prevailing pattern, form and density of these areas. In terms of the design / visual appearance of the proposed development, it is considered that the height, form and density of the proposed development would be discordant in relation to nearby and neighbouring structures, by reason of a visually dominant overbearing expression onto the streetscape. It is considered that the design has failed to have sufficient regard to the existing pattern of development in the local area, particularly with regard to proportions of existing buildings, massing and height of buildings in relation to the street and the maximum permitted plot ratio standard set out under Section 11.3 of the current City Development Plan 2023-2029 for development on Inner Residential Areas. The proposed development would seriously injure the amenities or depreciate the value of properties in the area and therefore be considered contrary to the Galway City Development Plan 2023 – 2029 and to proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The basis of the planning authority decision includes:

First Report

- The site is zoned as Residential (R) in the Galway City Council Development Plan 2023 - 2029 (Inner Residential Area).

- A plot ratio of 1.18:1 is proposed, this is in excess of the maximum set plot ratio set out in the current development plan 0.46:1.
- The distance between the side gable of the proposed apartment development and the site boundaries, is less than 1.5m, not in accordance with development plan standards.

Further information required, as per the issues raised above.

Second Report

- The current development plan objectives in relation to height and density are noted and so too are the Draft Sustainable and Compact Settlement Guidelines for Planning Authorities, Draft Consultation August 2023. The development is not acceptable and should be refused.
- Other amendments to set back and boundary treatment are acceptable.

3.2.2. Other Technical Reports

- Environment Department – further information required.
- Heritage Officer – no objections.
- Transportation Department - no objections.

3.2.3. Conditions

- Not relevant, permission refused. I note conditions recommended by the other technical departments of the Council.

3.3. Prescribed Bodies

Department of Housing, Local Government and Heritage Development

Applications Unit (DAU) – the competent authority should be satisfied that the proposed development will not have a significant impact on nearby European Sites qualifying interest habitats, species and on water quality and that waste water can be adequately treated. All Mitigation Measures as outlined in Chapter 6 of the supplied Natura Impact Statement (NIS) be a condition of planning.

3.4. **Third Party Observations**

- 3.4.1. A single submission was received by the planning authority, issues include, the height and scale of development, overlooking, distance to boundaries, retaining wall impacts and consent to carry out works, noise, and that the oof garden: will give rise to a negative impact on residential amenity.

4.0 **Planning History**

4.1.1. **Site**

None.

4.1.2. **Sites in the Area**

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

Planning Authority Case Reference: 21102 and ABP-**312943**-22 - Permission for a 6 storey plus penthouse level apartment building comprising 18 units, open space, landscaping, car parking and all associated site works and services at rear of Forster Street House (a protected structure). April 2024.

5.0 **Policy Context**

5.1. **Development Plan**

5.1.1. **Galway City Council Development Plan 2023-2029**

The operative development plan is the Galway City Development Plan 2023-2029 according to which the site area, is subject to the zoning objective R (Residential) - To provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods.

The site is located along a road that has an indicative greenway cycle network as well as views and prospects. A bus route runs along the road to the north of the site.

The appeal site is located within the 'Inner Residential Area', Table 3.1 Indicative Neighbourhood Areas in Galway and Fig 3.1 Galway City Neighbourhood Areas both refer.

Land Use Zoning Objectives and Development Standards and Guidelines

11.3 Residential Development

Policy 3.6 Sustainable Neighbourhoods: Inner Residential Areas

1. Protect the quality of inner residential areas including Claddagh, Shantalla and Newcastle (to Quincentenary Bridge) by ensuring that new development through consolidation, infill and redevelopment does not adversely affect their character and has regard to the prevailing pattern, form and density of these areas.
2. Enhance inner residential areas such as Claddagh, Shantalla and Bohermore, through the implementation of environmental improvement schemes and the protection of all open spaces, including existing green spaces.
3. Prioritise the provision of new homes on designated Regeneration and Opportunity Sites in the Inner Residential Areas at appropriate scales to enable the development of new sustainable communities.

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

- Residential Development
- Urban Development and Building Height
- Transportation
- Waste Management

Specific Development Standards are also highlighted and relevant guidance includes:

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

5.1.2. Section 28 Ministerial Guidelines

Having considered the nature of the appeal, the receiving environment, and the documentation on file, and given the recent publication of Section 28 Ministerial Guidelines since the adoption of the development plan, the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) are relevant in this instance.

5.2. Natural Heritage Designations

- 5.2.1. The Galway Bay Complex Special Area of Conservation (SAC) (Site Code: 000268) and Inner Galway Bay Special Protection Areas (SPA) (Site Code: 004031), coincide and are located 43 metres to the east of the site. The applicant prepared an NIS for this application.

5.3. Environmental Impact Assessment (EIA) Screening

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

(i) Construction of more than 500 dwelling units

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

5.3.2. It is proposed to construct a 24 unit apartment scheme with a gross floor area (GFA) of 2,556 sqm. The site has an overall area of 0.188 hectares and is located within an existing built up area but not in a business district. The site area is therefore well below the applicable threshold of 10 hectares and far less than 500 residential units. The introduction of a residential development will not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site as discussed in section 8.0 of my report below and there is no direct hydrological connection present such as would give rise to significant impact on nearby water courses. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing or commercial development in the area. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Uisce Éireann (Irish Water) and Galway City Council, upon which its effects would be marginal.

5.3.3. Having regard to: -

- The nature and scale of the proposed development, which is significantly under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands that are zoned “R (Residential) -” in the Galway City Development Plan 2023-2024, and the results of the strategic environmental

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

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

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

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The applicant has appealed the planning authority’s decision to refuse permission and can be summarised as follows:

- Given the waterfront and close to city centre location, the proposed development is compliant with national and local residential policies with regard to higher density.
- Sustainable Residential Development and Compact Settlements 2024, these new guidelines provide the basis for the density of development proposed. As per table 3.2 of the guidelines, the site can be characterised as ‘urban neighbourhoods’ and a net density range of 50 – 200 dwellings per hectare should be considered. The proposed low rise apartment development amounts to a net density of 130 dwellings per hectare. In terms of accessibility, the site should be considered as a high capacity public transport

node or interchange, as per table 3.8 of the guidelines, Ceant train station (760 metres) and the planned BusConnects Corridor are all close by.

- Sustainable Urban Housing: Design Standards for New Apartments – The proposed development meets all the requirements of these guidelines in terms of walking distance to the city centre, public transport, amenity, retail/employment and sporting facilities. Table 1 of details how the development complies with various criteria of the guidelines.
- Sustainable Residential Development in Urban Areas – references residential density calculations, ABP-310644-21 (Salthill 108 dph), ABP-304901-19 (Salthill 182 dph) and ABP-308011-20 (Salthill 258 dph) are all referenced to support the density proposed in this appeal. In addition, recently permitted development at a suburban location was granted permission by the Board at 119 dph, ABP-315844-23 refers.
- Inner Residential Areas policy – section 3.7 of the city development plan recognises the dynamic character of such areas and being close to all relevant amenities, the development is acceptable. There is no specific Inner Residential Area policy in relation to the subject site.
- There are other similar developments in the vicinity, six storey apartment blocks at Tur an tSaile and Tobar na mBan (133 dph). The height, scale and design of the proposed development accords with these buildings, contiguous elevation drawings and submitted photomontage image refers. It is likely that other nearby infill sites will be developed in the future, in a similar way.
- It is not considered appropriate for the Board to remove a floor from the development as this would undermine the locational advantages for higher densities and efficient use of land.
- There are no plot ratio standards in the current development plan so that portion of the reason for refusal should be omitted from further consideration. It is thought that the standards of the previous plan were brought into play, in the initial planning assessment by the planning authority. It is noted that a similar development under consideration at the rear of Forster Street House,

48 Forster Street & fronting on to Lough Atalia Road, a seven storey is currently under appeal, ABP-312943-22 refers.

6.2. Planning Authority Response

None.

7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The planning authority refused permission on residentially zoned land for a single reason. In broad terms, it is the height, form and density of the proposed development that forms the basis for the planning authority's concerns. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Height, Form and Density
- Other Matters

7.2. Height, Form and Density

7.2.1. The appeal site is zoned 'Residential' (R) under the Galway City Development Plan 2023 – 2029 and residential uses are compatible with this land use zoning. The appeal site is located within the 'Inner Residential Area', figure 3.1 *Galway City Neighbourhood Areas refers*. It is the stated policy of the City Development Plan to accommodate additional infill residential development in Inner Residential Areas subject to such development being of a scale which does not adversely affect the character or existing residential amenity of the area, in particular having regard to existing building lines, massing and the height of buildings, and that the development makes a positive contribution to the area's urban fabric. Noting the scale and design of the proposed development, and to the pattern of development in the vicinity that includes apartment buildings ranging from five to six storeys, I consider the principle of residential development to be acceptable at this location. That being the case, the planning authority are concerned that the design of the development will adversely impact the character of the area in terms of height, form and density. Specifically, that the scale of development did not have regard to the maximum permitted plot ratio standard set out under Section 11.3 of the current City Development Plan. All of this would injure residential amenities and devalue property in the area. I address these matters in the subsequent sections of my report.

7.2.2. Height – The site is located in an area that has experienced the redevelopment of large sloping rear garden plots associated with detached and semidetached houses along College Road. From the location of the appeal site southwards, large rear gardens have been redeveloped for apartment buildings of various heights and designs. Lough View Apartments, Tur an Tsaile and Tobar na Mban Apartments are examples of where apartment blocks of up to six storeys have been permitted and constructed. I also note that a recent Board decision to permit a six storey plus penthouse level apartment building 300 metres to south along Lough Attalia Road continues this pattern of development, ABP-312943-22 refers. To the north east of the appeal site, the distance between housing along College Road and Lough Atallia Road tapers until both roads meet at an acutely angled junction. Residential development northwards from the site tends to be conventional housing up to three storeys, or garden plots that remain undeveloped. In locational terms the site is located close to the city centre and all of its amenities, employment opportunities and services. Public transport nodes are located a 650 metre walk to the south, Ceannt Railway Station and the Galway Coach Station. Existing bus services run along College Road to the north and the BusConnects Galway Cross-City Link Scheme has recently been approved here, ABP-314597-22 refers. There are no landscape designations in the area that are listed for protection and no views or prospects to protect either. Lough Atalia is located immediately to the east of the site, but the imposition of an apartment building on the appeal site will not interfere with any views listed in the development plan.

7.2.3. In terms of the building height policy background, I note that the current City Development Plan was drafted in the context of the 2009 density guidelines and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, (2020), Policy 3.1 Housing Strategy (18) refers. In addition, residential density and height were considered in light of the Urban Development and Building Height Guidelines 2018. In addition, the statutory plan is supported by an Urban Density and Building Heights Study (2021) that was largely informed by the Sustainable Residential Development in Urban Areas (2009) guidelines which promote higher residential densities in appropriate locations, section 1.8.5 of the plan refers. The Galway Urban Density and Building Height Study 2021 provides general guidance in relation to proposals for tall buildings within the city. The Galway City

Development Plan 2023-2029 describes the study as providing suggested ranges of scale and intensity which are to be used as a guide and not absolute measures to be pursued or achieved, and notes that each site should be considered on its merits, with consideration of densities and heights lower or higher than those outlined in the study considered appropriate when assessed against other relevant policy and guidance. I note that the Galway Urban Density and Building Height Study 2021 does not provide any specific guidance in respect of height for the appeal site, or Lough Atalia. The study recommends the carrying out of sensitivity analysis in respect of proposals for buildings of increased height, which includes a consideration of the impact of such proposals on views and cognisance of topography. The Galway City Development Plan 2023-2039 seeks the submission of a Tall Building Statement, the purpose of which is to provide a justification for the height of the proposal based on location, design, context and assimilative capacity, Built Heritage, Placemaking and Urban Design chapter of the plan refers. The applicant prepared a Design Statement, Planning Statement and Visual Assessment (drawing 1533.PL.314) that tackle the issue of height and address the requirement to justify the proposal taking into account the current development plan policies and objectives in relation to height.

- 7.2.4. In addition to all of the previous policy advice in relation to height and density, the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities were published in 2024 and has some relevance to the appeal site. The Compact Settlements Guidelines recognise that previous guidelines reinforce the national policy objectives of the NPF relating to compact growth and set a framework for a performance-based approach to the consideration of building height. With specific reference to height and density (section 3.3.6 refers) the 2024 guidelines notes some exemptions and a presumption against very high densities that exceed 300 dph (net) on a piecemeal basis. Densities that exceed 300 dph (net) are open for consideration on a plan-led basis only and where the opportunity for densities and building heights that are greater than prevailing densities and building height is identified in a relevant statutory plan. The density proposal falls well below this maximum level and this has consequences for the eventual height of the development. Lastly and with reference to the 2024 guidelines and their advice in relation to height, I note that under Circular Letter: NRUP 02/2024 issued by the

Department of Housing, Local Government and Heritage, the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities have been revoked and are replaced by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities. To ensure consistency planning authorities are requested to review statutory development plans currently in force and form a view as to whether the plan(s) is materially consistent with the policies and objectives (including SPPRs) of the new Guidelines. If not, then steps should be taken to vary the statutory development plan so as to remove the material inconsistency(s) concerned. What this means for residential densities in Galway in general and the appeal site in particular is that the issue of residential density must be assessed in accordance with the Compact Settlements Guidelines until a formal review has been completed. With reference to residential density and its relationship to height, the two issues are related and so the Compact Settlement Guidelines are relevant to this appeal.

- 7.2.5. In terms of building height, given the circumstances of the site, its location and proximity to the city centre, public transport, the pattern of development in the area, the waterfront location and wide street, the proposed building height of five to six storeys is acceptable at this location. I consider that the proposed development is consistent with the guidance set out in the Galway City Development Plan 2023 – 2029, the accompanying document the Galway Urban Density and Building Height Study 2021 and the additional advice to be taken into account with the Compact Settlements Guidelines 2024. For clarity, though the Compact Settlements Guidelines allow some exemptions to pertain with respect to density and height, in this instance the proposed apartment is not out of context with its surroundings and will not strike a discordant feature in this urban landscape.
- 7.2.6. Form – The proposed apartment building will be located on a sloping site and be viewed as a five storey building with a sixth floor set back from the Lough Atalia Road. Parts of the building will be glimpsed from College Road to the north, but will appear no higher than existing two storey housing, contextual elevation drawing 1533.PL.30 refers. In terms of design the Architect has employed a modern and contemporary approach, not dissimilar to Tur an Tsaile and Tobar na Mban Apartments 30 metres to the south. Initially, the planning authority had an issue with the breaking of a building line and the closeness of the site to the back of the

footpath. This was addressed by the applicant, the building was set back on the site and drawing 1533.PL.303 refers. The planning authority concluded that the applicant's revisions with regard to building set back provided a suitable solution and where acceptable.

- 7.2.7. The proposed apartment block will maintain at least 22 metres from the rear elevations of existing houses within the applicant's ownership, to the north. Floorplans and elevations show opaque high level windows to the kitchen areas/bedrooms and bathrooms, no overlooking will result to property on either side. 19 units, will be dual aspect, and 5 units are south facing single aspect units, there are no adverse impacts from a daylight/sunlight perspective. All units either meet or exceed the minimum apartment floor area standards, and I anticipate no adverse residential amenity impacts, either for future occupants or existing neighbours. In this regard, I note that the planning authority raised no significant concerns in this regard either. I am satisfied that the design of the proposed apartment building is appropriate to this urban location and to the character of the area. I note the use of glazing and the variation in material finishes, that will add a degree of visual interest along Lough Atalia Road. The recessed penthouse level eases the overall building height and scale of the proposed apartment building and the overall block has been sufficiently set back from Lough Atalia and present a positive face to the street. The area between the building and street, and the retention and reuse of stone wall material where possible creates an attractive interface with Lough Atalia Road.
- 7.2.8. Density – The proposed development will amount to 24 apartment units on a site of 0.188 Hectares, this equates to a gross density of 127 dwelling units per hectare (dph). I have already stated that the current development plan was drafted prior to the publication of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024 and how this has implications for assessing building height. More importantly, the Compact Settlement Guidelines are a key tool to be used in assessing residential density until local statutory plans are aligned if that is the case.
- 7.2.9. Table 3.2 of the Compact Settlement Guidelines sets out residential density ranges for Galway. The appeal site is just outside the development plan identified city centre area and as such the city urban neighbourhoods category would be the best fit for the appeal site. In that context, the guidelines state that:

(i) the compact medium density residential neighbourhoods around the city centre that have evolved over time to include a greater range of land uses,

(ii) strategic and sustainable development locations; and

(iii) lands around existing or planned high capacity public transport nodes or interchanges (defined in Table 3.8) – all in the city and suburbs area.

These are highly accessible urban locations with good access to employment, education and institutional uses and public transport. It is a policy and objective of these Guidelines that residential densities in the range 50 dph to 200 dph (net) shall generally be applied in urban neighbourhoods of Limerick, Galway and Waterford.

7.2.10. In this instance, the calculation between net and gross residential densities are more or less the same and so I am satisfied that the proposal for 127 dph would fall within the range set out in the guidelines. I note that the current development plan relies on the densities outlined in the Design Standards for New Apartments - Guidelines for Planning Authorities 2020 and the earlier Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities 2009 when considering higher density development and no specific density ranges are set out in the plan. With regard to the proximity of the appeal site to the city centre, Ceannt Railway Station and the Galway Coach Station, to the scale and design of the proposed development, I am satisfied that the residential density proposed is appropriate.

7.2.11. Plot ratio – the planning authority have highlighted that section 11.3 of the current plan with reference to the maximum permitted plot ratio standard has not been taken into account by the applicant. The applicant's Design Statement states that a plot ratio of 1.18:1, has been achieved to meet policy objectives around compact development. In addition, the applicant looks at the plot ratio of Tobar na Mban (1.38:1) and notes that the proposed scheme is less. From my reading of the city development plan, I can see that section 11.3 of the plan refers to Residential Development and plot ratio in this section refers to commercial development and other mixed use schemes on residentially zoned land. Plot ratio is dealt with in detail under section 11.4 of the plan and this relates to the city centre area only and not the inner residential area that the appeal site resides. However, taking a wide interpretation of the plan and noting the city centre nature of the advice, I note that

section 11.1.2 Plot Ratio states that in the case of infill development in an existing terrace or street, it may be necessary to have a higher plot ratio in order to maintain a uniform fenestration and parapet alignment or to obtain greater height for important urban design reasons. In such circumstances, an increased plot ratio may be permitted. In this instance, the plot ratio is no greater than recently constructed apartment blocks and within the parameters for the city centre currently set at a plot ratio of 2:1. The proposed development will not approach the plot ratio of a city centre site and will match similar apartment developments in the vicinity and that is acceptable.

7.2.12. Property devaluation – the planning authority set out their concerns regarding the height, form and density of the development and how it will impact negatively upon property values. It is my view that this will not be the case insofar as the proposed development will be a positive addition to the area and not injure residential or visual amenities. I note the issue raised in the reason for refusal drafted by the planning authority in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

7.2.13. Height, Form and Density Summary – given the forgoing, I am satisfied that the proposed five to part six storey apartment block comprising 24 units would be an acceptable addition to the streetscape at this location. The development is not dissimilar from adjacent development and is a logical expansion of the urban form northwards along Lough Atalia Road. I am satisfied that the height, form and residential density proposed is in accordance with the development plan and other relevant national guidance in relation to compact urban development. The new block will not visually dominate the area and will not adversely impact property values.

7.3. Other Matters

7.3.1. Planning Conditions - Given the forgoing, I am satisfied that permission should be granted for the development as proposed and amended by supporting further information submitted during the application process. General conditions to do with residential use developments should be attached, such as water services, traffic/transport, service cables, estate name, social/affordable housing provision,

public lighting, construction phase of development, management company and building finishes. Lastly, the Department of Housing, Local Government and Heritage Development Applications Unit (DAU) submitted an observation with regard to nature conservation, and recommended condition, section 8.0 of my report refers.

8.0 Appropriate Assessment (AA)

8.1. Stage 1 Screening

- 8.1.1. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that the proposed development is likely to have a significant effect on the qualifying features of Galway Bay Complex SAC (Site Code 000268) and the Inner Galway Bay SPA (Site Code 004031), 'alone' in respect of effects associated with the close proximity and the topography of the land sloping towards the Natura 2000 sites, potential significant effects/impacts cannot be ruled out during the construction phase of development due to surface water run-off. Short-term disturbance is predicted during construction and demolition to QI bird species associated with Inner Galway Bay SPA due to demolition, earth and groundworks, however, long-term impacts are not predicted in association with the operational phase. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is required on the basis of the effects of the project 'alone'. Appendix 3 of my report refers.
- 8.1.2. 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'.

8.2. The Natura Impact Statement (NIS)

- 8.2.1. A NIS, prepared by Planning Consultancy Services, Emma Fleming (B.Sc., M.Sc) and Colette Casey (B.SC) in partnership with James O' Donnell (BA, MRUP, Dip APM) examines and assesses potential adverse effects of the proposed development on Galway Bay Complex SAC and Inner Galway Bay SPA. The NIS identifies the main potential impacts from the proposed development on Galway Bay Complex SAC and Inner Galway Bay SAC as the potential for surface water run-off containing pollutants such as sediments or hydrocarbons to exit the site during the

construction and/or operational phase of the proposed development and enter the SAC and SPA, affecting aquatic dependent QI's and SCI supporting habitat and the potential for disturbance during the construction phase to bird species.

- 8.2.2. The NIS refers to mitigation measures which will be adhered to. These mitigation measures are detailed in section 6 of the NIS. Measures are proposed for the construction phase of the proposed development and are detailed in the NIS under the following headings: Site Set-Up, Earth Works, Air Quality, Dust and Emissions, Refueling, Fuel and Hazardous Materials Storage, Environmental Approvals and Licenses, Ground Water Contamination, Drainage and Water Quality, Noise Control Measures, and the Protection of biodiversity and Landscape.
- 8.2.3. The NIS concludes that when the mitigation measures are implemented, the project, individually or in combination with other plans and projects, will not have an adverse effect on the integrity of Galway Bay Complex SAC and Inner Galway Bay SPA, in view of their conservation objectives and in view of best scientific knowledge.
- 8.2.4. Having reviewed the documents, submissions and consultations, I am satisfied that the information allows for a complete assessment of any adverse effects of the development on the conservation objectives of the following European sites alone, or in combination with other plans and projects:
- Galway Bay Complex SAC (Site Code: 000268)
 - Inner Galway Bay SPA (Site Code: 004031)
- 8.2.5. The applicant's NIS was prepared in line with current best practice guidance and provides an assessment of the potential impacts on Galway Bay Complex SAC and Inner Galway Bay SPA.
- 8.2.6. Appropriate Assessment of implications of the proposed development. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European sites 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.
- 8.2.7. The following sites are subject to Appropriate Assessment:
- Galway Bay Complex SAC (Site Code: 000268)

- Inner Galway Bay SPA (Site Code: 004031)

8.2.8. A description of the sites and their Conservation and Qualifying Interests/Special Conservation Interests are set out in my report. 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).

8.2.9. The main aspects of the proposed development that could adversely affect the conservation objectives of the European sites include;

- Impacts on water quality from the discharge of contaminated surface water run-off during the construction phase of the proposed development to ground water and surface water, affecting aquatic QIs and SCI-supporting habitat.
- likely result in disturbance to the bird species associated with Inner Galway Bay SPA, which may affect feeding and behaviours of the species. No long-term disturbance is predicted.

8.2.10. Assessment of proposed Mitigation Measures - The NIS outlines a number of mitigation measures. For the most part the mitigation measures are intended to avoid the release of contaminated run-off to from the site and to groundwater and surface water. In addition, noise control measures and protection of biodiversity and landscape seeks to limit disturbance to bird species. I note the submission on file from the Department of Housing, Local Government and Heritage Development Applications Unit (DAU) with reference to nature conservation. The DAU refer to the submission of an NIS, they note the mitigation measures and recommend the attachment of a condition to ensure all measures are implemented in full. I am satisfied that the measures are sufficient to address potential impacts from pollution during construction, disturbance to QI/SCI associated with European sites, and that the potential for deterioration of habitats and species identified within the European Sites is not likely.

8.2.11. Integrity test. Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain that the project would not adversely affect the integrity of Galway Bay Complex SAC and Inner Galway Bay SPA in view of the Conservation Objectives of these sites. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

8.2.12. Appropriate Assessment Conclusion. The proposed development has been considered in light of the assessment requirements of Sections [177U and 177V] of the Planning and Development Act, 2000, as amended. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on Galway Bay Complex SAC and Inner Galway Bay SPA. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of Galway Bay Complex SAC (Site Code 000268) and Inner Galway Bay SPA (Site Code 004031), in view of the Conservation Objectives of these sites. This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of Galway Bay Complex SAC and Inner Galway Bay SPA.
- 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 absence of adverse effects on the integrity of Galway Bay Complex SAC.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Inner Galway Bay SPA.

9.0 Recommendation

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

10.0 Reasons and Considerations

Having regard to the zoning objective R (Residential) and the provisions of the Galway City Development Plan 2023-2029, and the scale and nature of the proposed development, it is considered that the proposed development would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic and pedestrian safety and

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

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 12th day of January 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

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

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

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

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

4. All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses 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.

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity

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

Reason: In the interest of visual amenity.

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

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

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

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

9. If, during the course of site works any archaeological material is discovered, the Planning Authority shall be notified immediately. The developer is further advised that in this event that under the National Monuments Act, the National Monuments Service, Dept. of Housing, Heritage and Local Government and the National Museum of Ireland require notification.

Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

10. Public lighting shall be provided in accordance with a scheme acceptable to the planning authority. The scheme shall include lighting along pedestrian routes through the site. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

11. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

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

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

13. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

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

Reason: In the interest of sustainable waste management.

15. The landscaping scheme shown on drawing 23-030-100, as submitted to the planning authority on the 7th day of September, 2023 as amended by further information submitted on the 12th day of January 2024 shall be carried out in full. 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.

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

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

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

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

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

18. Prior to the opening/occupation of the development, a Mobility Management Plan (MMP) shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport (where

available), cycling and walking by residents/occupants of the development. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

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

19. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

20. 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 transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall 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.

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

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

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

Stephen Rhys Thomas
Senior Planning Inspector

21 November 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-319201-24			
Proposed Development Summary	It is proposed to construct a 24 unit apartment scheme with a gross floor area (GFA) of 2,556 sqm. The site has an overall area of 0.188 hectares.			
Development Address	Lough Atalia Road, Galway City.			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓	
		No		
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes				
No	✓		Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No	✓			No EIAR required
Yes	✓	10. Infrastructure projects, (b)(i) Construction of more than 500 dwelling units. And	Urban development of a 24 unit apartment scheme with a gross floor area	Proceed to Q.4

		(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.	(GFA) of 2,556 sqm. The site has an overall area of 0.188 hectares.	
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4. Has Schedule 7A information been submitted?		
No	✓	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____

Appendix 2

Form 2

EIA - Preliminary Examination

An Bord Pleanála Case Reference	ABP-319201-24	
Development Summary	It is proposed to construct a 24 unit apartment scheme with a gross floor area (GFA) of 2,556 sqm. The site has an overall area of 0.188 hectares.	
Examination		
	Yes / No / Uncertain	
1. Is the size or nature of the proposed development exceptional in the context of the existing environment?	No	
2. Will the development result in the production of any significant waste, or result in significant emissions or pollutants?	No	
3. Is the proposed development located on, in, adjoining or have the potential to impact on an ecologically sensitive site or location?	No	
4. Does the proposed development have the potential to affect other significant environmental sensitivities in the area?	No	
Comment (if relevant) Screening determination not required . Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.		
Conclusion		
Based on a preliminary examination of the nature, size or location of the development, is there a real likelihood of significant effects on the environment **?		
There is no real likelihood of significant effects on the environment	EIAR not required	✓

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

Inspector _____ **Date:** _____

DP/ADP _____ **Date:** _____

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

Appendix 3

AA Screening Determination

Screening for Appropriate Assessment

Screening Determination

Screening for Appropriate Assessment

Screening Determination

Step 1: Description of the project

I have considered the housing scheme in light of the requirements of S177U of the Planning and Development Act 2000 as amended and with reference to the AA Screening Report submitted by the applicant. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor Model are located as follows:

Site code	Site name	Distance from the site
000297	Lough Corrib SAC	843 metres
000268	Galway Bay Complex SAC	43 metres
002034	Connemara Bog Complex SAC	13.69km
001312	Ross Lake and Woods SAC	14.45km
001926	East Burren Complex SAC	14.35km
000606	Lough Fingal Complex SAC	13.35km

004031	Inner Galway Bay SPA	43 metres
004042	Lough Corrib SPA	3.64km
004142	Cregganna Marsh SPA	7.48km

The proposed development comprises the construction of an apartment development in an urban area. There are no watercourses on the site, but Lough Atalia is located across the road to the east, the site drains to the municipal surface water system.

Step 2: Potential impact mechanisms from the project.

The development involves none of the following direct impacts:

- Habitat loss or deterioration
- Species disturbance or mortality

The development involves no indirect impacts, there is an absence of any need for specific measures, there is a lack of any hydrological pathways that would significantly affect the QIs or COs of sites listed at step 1 above. The proposed development is located entirely outside of the Natura 2000 site; therefore, no direct impacts/effects are predicted during the construction and/or operational phase of development.

Step 3: European Sites at risk

Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on the qualifying interests (QI) of the

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

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

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

- Galway Bay Complex SAC (000268)
- Inner Galway Bay SPA (004031)

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

Site (site code) and Conservation Objectives	Distance from site (approx.)	Qualifying Interests/Species of Conservation Interest (Source: EPA / NPWS)	Connections.
Galway Bay Complex SAC (000268)	43 metres	Mudflats and sandflats not covered by seawater at low tide [1140]	No direct.

<p>To maintain or restore the favourable conservation condition of the bird species and habitats listed as Special Conservation Interests.</p>		<p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Turloughs [3180]</p> <p><i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (*important orchid sites) [6210]</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]</p> <p>Alkaline fens [7230]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Phoca vitulina</i> (Harbour Seal) [1365]</p>		
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<p>Inner Galway Bay SPA (004031)</p> <p>To maintain or restore the favourable conservation condition of the bird species and habitats listed as Special Conservation Interests.</p>	<p>43 metres</p>	<p>Great Northern Diver (<i>Gavia immer</i>) [A003]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Grey Heron (<i>Ardea cinerea</i>) [A028]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p>	<p>No direct.</p>	
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		Turnstone (<i>Arenaria interpres</i>) [A169] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Common Gull (<i>Larus canus</i>) [A182] Sandwich Tern (<i>Sterna sandvicensis</i>) [A191] Common Tern (<i>Sterna hirundo</i>) [A193] Wetland and Waterbirds [A999]		
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Step 4: Likely significant effects on the European site(s) ‘alone’

The development site is not within or directly adjacent to any Natura 2000 site. The site is separated from the nearest designated site by a wide road, footpath and wide grass margin. The site is located in an area surrounded by existing medium density residential development and community infrastructure. The site comprises brownfield land with garden areas, hardstanding and buildings.

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

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

Summary Screening Matrix				
European Site	Distance to proposed development/ Source, pathway receptor	Possible effect alone	In combination effects	Screening conclusions:
Galway Bay Complex SAC (Site Code 000268)	c. 43 metres	During the construction phase there is potential for surface water runoff from site works to temporarily discharge to groundwater and surface water and reach the SAC. There is the potential for the water quality	No effect	Screened in for AA

		pertinent to this European Site to be negatively affected by contaminants, from site clearance and other construction activities and also from the release of hydrocarbons.		
Inner Galway Bay SPA (Site Code 004031)	c. 43 metres	During the construction phase, there is potential for surface water runoff from site works to temporarily discharge to groundwater and surface water and flow into the SPA, with consequent potential for water sensitive habitat/habitat supportive of SCI associated with Inner Galway Bay SPA to be negatively affected by any contaminants, such as silt from site clearance and other construction activities and also from the release of hydrocarbons.	No effect	Screened in for AA

		The proposed construction and demolition works will be short-term in duration, however, will likely result in disturbance to the QI bird species which may affect feeding and behaviours of the species. No long-term disturbance is predicted.		
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There are no identifiable hydrological connectors to either of the Natura 2000 sites, however, in the absence of mitigation, there is the potential for surface water run-off during the construction phase of development which could potentially result in water quality deterioration in the Natura 2000 site. In addition, the proposed construction/demolition works will be short-term in duration, however, will likely result in disturbance to the QI bird species which may affect feeding and behaviours of the species. No long-term disturbance is predicted. Therefore, in the absence of mitigation during the construction phase, significant impacts/effects cannot be ruled out in the Galway Bay Complex SAC and/or the Inner Galway Bay SPA.

Consideration of Impacts:

- There is nothing unique or challenging about the proposed brownfield development, either at construction phase or operational phase.
- With regard to impacts on sites within a 15 km radius due to ecological connections, I am satisfied having regard to the nature and scale of the proposed development on serviced land, the minimum separation distances from European sites, the

intervening uses, and the absence of direct source – pathway – receptor linkages, that there is no potential for indirect impacts on sites in the wider area (e.g. due to habitat loss / fragmentation, disturbance or displacement or any other indirect impacts) and that no Appropriate Assessment issues arise in relation to the European sites listed above.

- During the operational stage, after passing through standard surface water management systems, all stormwater generated onsite will be managed on-site through infiltration and to the municipal stormwater water network. The surface water pathway creates the potential for an interrupted connection between the site and the Clare-Corrib groundwater catchment and a distant hydrological connection between the proposed development and European sites in at Galway Bay.
- During the construction phase it has been highlighted that there is the potential of short-term disturbance to QI wintering bird species associated with the Inner Galway Bay SPA during demolition and construction on site. No long-term impacts are predicted.
- During the operational phase clean, attenuated surface water will infiltrate to groundwater or the municipal drainage system. The pollution control measures to be undertaken during both the construction and operational phases are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed, I remain satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Clare-Corrib groundwater catchment and Galway Bay can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in Galway Bay (dilution factor).

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

Surface water from the proposed development will pass through a range traps and filters. Waters from roofs and paving and all other surface water will be attenuated in underground attenuation tanks before discharge through infiltration and the municipal stormwater network. All surface waters will pass through a hydrocarbon interceptor before discharge (See 'Engineering Design Report' and drawings by Tobin Consulting Engineers). These waters will ultimately drain to Clare-Corrib groundwater catchment, and Galway Bay via a variety of watercourses. These are not works that are designed or intended specifically to mitigate an effect on a Natura 2000 site. They constitute the standard approach for construction works in an urban area. Their implementation would be necessary for a residential development on any brownfield site in order to protect the receiving local environment and the amenities of the occupants of neighbouring land regardless of connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on an urban site whether or not they were explicitly required by the terms or conditions of a planning permission.

The good construction practices are required irrespective of the site's hydrological connection via the urban surface water drainage system and groundwater catchment system to those Natura 2000 sites. They are not required for the purpose of mitigating any potential impact to those Natura sites, given the distance and levels of dilution that would occur in any event. There is nothing unique, particularly challenging or innovative about this urban development on a brownfield site, either at construction phase or operational phase. It is therefore evident from the information before the Board that the proposed construction on the applicant's landholding would not be likely to have a significant effect on the Galway Bay Complex SAC

(000268) and Inner Galway Bay SPA (004031). However, I note the potential for disturbance to bird species during the construction phase of the developments. In this regard, I note the applicant submitted a Natura Impact Statement (NIS).

Based on the information presented by the applicant, I conclude that the proposed development could have likely significant effect 'alone' on qualifying feature(s) of the Galway Bay Complex SAC and Inner Galway Bay SPA. Further AA screening in-combination with other plans and projects is required.

Proceed to Step 5.

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

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

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

Overall Conclusion- Screening Determination

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that the proposed development is likely to have a significant effect on the qualifying features of Galway Bay Complex SAC (Site Code 000268) and the Inner Galway Bay SPA (Site Code 004031), 'alone' in respect of effects associated with the close proximity and the topography of the land sloping towards the Natura 2000 sites, potential significant effects/impacts cannot be ruled out during the construction phase of development due to surface water run-off. Short-term

disturbance is predicted during construction and demolition to QI bird species associated with Inner Galway Bay SPA due to demolition, earth and groundworks, however, long-term impacts are not predicted associated with the operational phase. 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'.