



An
Bord
Pleanála

Inspector's Report

ABP-319508-24

Development	Construction of 3 office blocks, 4-8 storeys in height.
Location	Galway Business Park, Knocknacarra, Galway.
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	2460021
Applicant(s)	McDonogh Capital Investments Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant permission subject to conditions.
Type of Appeal	Third Party.
Appellant(s)	Linn Bhuí Residents.
Observer(s)	Helen Sullivan.
Date of Site Inspection	14 March 2025.
Inspector	Stephen Rhys Thomas.

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1.0 Site Location and Description

- 1.1. The site of 1.38 Hectares is located at Galway Business Park which is on the south west side of the Ragoon Road (L1016), in the western suburbs of Galway City. The overall business park is subdivided into a number of sub-sites and serviced by an internal network of roads and footpaths. The Galway Business Park comprises a number of vacant sites, together with operational office blocks of up to three storeys. The Gateway Shopping Park and the Gaelscoil Mhic Amhlaidh campus occupy the southern portions of the overall business park complex.
- 1.2. The appeal site is located on the western side of the business park and abuts Bóthar Stiofáin a road that links the Ragoon Road with the Western Distributor Road to the south. The internal access road of the office park can be accessed from the Western Distributor Road to the south, and from the L5000 to the east. The internal roads have footpaths to each side and double yellow continuous yellow lines are located along each side of the carriageway. Brooklawn House and the Gateway Shopping Park can be accessed from pedestrian crossing points along Bóthar Stiofáin to the west. The site has been cleared of vegetation and there are mounds of earth piled in various sections of the site. A stout stone wall of up to 1.2 metres aligns the boundary of the site with Bóthar Stiofáin and Ragoon Road, together with a wide grass verge. A steel fence separates the site from the internal access road of the business park. A footpath aligns the west side of Bóthar Stiofáin, but there is not a footpath along the appeal site side. There are bus stops along Bóthar Stiofáin, the Ragoon Road to the north and further south along the Western Distributor Road.

2.0 Proposed Development

- 2.1. The proposed development is for the construction of three office blocks ranging in height from 4 to 6 storeys, the detail is as follows:
- Block 1: 8 storey office building (GFA: 7,330 sqm). Located at the eastern portion of the site.
 - Block 2: 6 storey office building (GFA: 4,445 sqm). Located at the middle portion of the site.

- Block 3: 4 storey office building (GFA: 2,875 sqm). Located at the western portion of the site, adjacent to Bóthar Stiofáin.
- Gross floorspace - 14,650.00 sqm
- Surface car park for 167 cars (including 9 accessible spaces and 33 EV charging spaces)
- 216 bicycle parking spaces (including 22 electric bicycle charging spaces) and 9 motorbike spaces.
- A new vehicular access positioned at the south eastern corner of the site, and two new pedestrian access points onto the Bóthar Stiofáin to the west.
- Provision of bin stores, ESB substation, roof mounted solar PV, landscaping, boundary treatments, staff changing facilities and public lighting.

2.2. Accompanying documentation includes:

- Planning Report
- Architectural Design Statement
- Architectural Drawings
- Daylight and Sunlight Report
- Aerials, CGIs and Verified Views Booklet
- Arboricultural Impact Assessment
- Operational Waste Management Plan
- Construction and Environmental Management Plan
- Landscape Report
- Landscape Drawings
- Appropriate Assessment Screening Report
- Natura Impact Statement
- Electrical Site Lighting Layout Drawing
- Energy and Sustainability Report
- Public Lighting Design Report

- DMURS Statement of Consistency
- Mobility Management Plan
- Traffic and Transport Assessment
- Civil Engineering Report
- Engineering Drawings

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority issued a notification to grant permission subject to 22 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Report

The basis for the planning authority's decisions is as follows:

- NIS noted and acceptable. EIA not required.
- Development is acceptable in land use terms, and in close proximity to an existing district centre.
- Density is lower than desirable but acceptable in the context of neighbouring residential development to the west.
- Height is acceptable and takes account of neighbouring development.
- No adverse impacts from overshadowing, given the separation distances involved.
- No adverse impacts from overlooking, given the separation distances involved.
- Office building design acceptable.
- Scale and design of open space acceptable.
- A piece of public art is required.

- Bike and bin storage acceptable.
- There is a shortfall in car parking, however, this is acceptable given the location of the site close to a district centre, residential areas and other amenities including public transport.

Permission was granted in accordance with the recommendation of the Planner.

3.2.2. Other Technical Reports

- Roads Report – no objections.
- Active Travel – further information required regarding bike and bin storage.
- Drainage Section - no objections.

3.3. Conditions

3.3.1. The planning authority issued a notification to grant permission subject to 22 conditions, some are standard and technical in nature including a contribution condition, bespoke conditions for the site are set out in their entirety as follows:

3. The proposed uses for the offices shall be limited to the following:

- Data Processing.
- Software Development.
- Information Technology.
- Commercial Laboratories.
- Research and Development.
- Creative Media.
- Telemarketing and Publishing.
- Or other technology/IT related use.
- Details of the use of each floor or entire buildings shall be submitted to and agreed in writing with the Planning Authority prior to the occupation of each unit. Any use not generally provided for other than the uses listed above, shall require a prior grant of planning permission.

Reason: To ensure that the development is carried out in accordance with the permission and that effective control is maintained.

4. Prior to the commencement of development a revised site layout plan shall be submitted in which future access via an appropriately sized pedestrian and bicycle access point to the lands to the north are provided, no buffer strip shall be located at the edges of the connection point. A temporary gate shall be permitted to be erected but shall be removed once the lands to the north are developed.

Reason: In the interest of proper planning and sustainable development and the orderly development of the area.

5. Full details of the coffee kiosk shall be submitted for the written agreement of the Planning Authority prior to the commencement of development, and the details of the exact use and signage shall be agreed in writing with the Planning Authority prior to their occupation.

Reason: In the interest of clarity and to ensure the development caters for local retailing requirements in accordance with the proper planning and sustainable development of the area.

6. The pedestrian/cycle access points from the site onto Bothar Stiofain and their exact interface/materials to be used, with the roadway/footpath/improvements shall be agreed in writing with the Planning Authority within 3 months of the issuing of the final grant of permission.

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

7. Prior to the commencement of development a traffic/parking control plan for the site shall be submitted, in which clear enforcement measures are outlined by the management company of the site for any occupier of the blocks, which will prevent unauthorised parking in adjacent housing estates, and shall be to the written agreement of the Planning Authority and the above plan shall be carried out in accordance with the details agreed.

Reason: In the interest of public and traffic safety and the proper planning and sustainable development.

10. The developer shall submit all signage relating to the entire development on the office buildings and the office campus area within the site for written agreement with the Planning Authority.

Reason: In the interest of residential amenity and the proper planning and sustainable development.

12. Prior to the commencement of development a piece/s of artwork shall be provided within this development. The evolution of the design should include the creation of an aesthetic object/s, either reflecting the natural or built environment, or an abstract piece all of which should allow for the generation experiences which can be shared with others within this new community. The artwork proposed for this development shall be sponsored by the developer. The details and timeframe for its erection shall be agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In the interest of orderly development and the protection of visual amenities

14. Details of the bilingual naming of the development along with a wayfinding and road marking strategy, for the internal site layout and a co-ordinated signage strategy shall be submitted to, and agreed in writing with, the Planning Authority prior to occupation of the development.

Reason: To provide for the future maintenance of this development in the interests of amenity and orderly development.

19. Prior to commencement of the development the developer is requested to submit, for approval by the Planning Authority, an assessment of the impact of the lighting scheme on the receiving environment external to the development on both the private roadway and on Bothar Stiofan. The developer shall bear the cost of any

amendments necessary to the lighting schemes on Bothar Stiofan and the private roadway.

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

20. Prior to the commencement of development a revised car parking layout shall be submitted for written agreement with the Planning Authority, in which the proposed three parking spaces (no. 90-92) in the north western corner of the site, the proposed bike shelter and bin storage compound at the southern end of the site and the cluster of proposed EV parking (no. 136-167) are revised so that they provide a safe circulation route/corridor to the footpath network associated with the building footprints.

Reason: In the interest of proper planning and sustainable development.

3.4. Prescribed Bodies

Transport Infrastructure Ireland (TII) – Comments include:

- It is unclear that the proposed development is consistent with the Galway Transport Strategy. Public transport accessibility and facilities are currently limited in this area. An inappropriate level of car parking provision would imply that the development would promote an undesirable dependence on the private car and therefore, may impact adversely on the efficiency and operation of the existing and future national road network in the area. A check should be made to ensure that proposed development is not at variance and conflicting with the GTS measures and that it is in line with the provisions of Section 3.5 of the Galway City Development Plan. In TII's opinion, if the parking is found to be inconsistent with the GTS, the proposal in its current form would be considered to be at variance with the provisions of the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (January, 2012). This proposed development should take due cognisance of and be in line with the provisions of the GTS, as set out in Section 4.6.

National Transport Authority (NTA) – recommendations include:

- Car parking provision should be linked to the mode share targets (See Section 4, MMP) for the site which should seek to reduce car dependency and maximise sustainable travel patterns from the outset;
- Consideration should be given to determining the quantum of car parking spaces by providing car parking for a limited percentage of the projected workforce.

Further consideration should be given to setting more ambitious mode share targets in the MMP and a wider range of initiatives. This should be linked to the quantum of car parking and cycle parking provided.

- Consideration should be given to providing for a future active travel link through the centre of the site to the adjoining undeveloped lands to the north (marked as 'Phase 2' in the submitted drawings).
- Clearly identifiable routes between the access road and the cycling parking locations should be set out.
- The total volume of cycle parking should be linked to the total number of employees and the proposed mode share targets set out in the MMP (See Section 5);
- All cycle infrastructure and facilities proposed should comply with the requirements of the new NTA Cycle Design Manual and the applicant should demonstrate this clearly. <https://www.nationaltransport.ie/publications/cycle-design-manual/>

3.5. Third Party Observations

- 3.5.1. 13 submissions, issues raised are similar to those set out in the grounds of appeal.

4.0 Planning History

4.1. Site

- 4.1.1. PA ref 17/354 and ABP-301857-18 - Permission for a 2.4m high security fence, four entrance gates and associated works, on the roadside boundary of their lands at subsites 1, 3, 4, 7 & 8 (Pl. Ref. No. 98/785 refers).
- 4.1.2. No other relevant applications with reference to the appeal site. The applicant's Planning Report includes *Table 1: Planning History in the vicinity of the subject site*.

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 is subject to the zoning objective I - To provide for Enterprise, industry and related uses.

Uses which are compatible with and contribute to the zoning objective, for example: Specialist office based industries of a business/ technology nature

Lands zoned I at Ragoon, comprising approximately 29 hectares, the Council will consider the development of these lands for a technology/business park.

Development proposals in line with this objective must achieve a parkland setting compatible with the residential amenity of existing and future adjoining housing areas.

Chapter 2 – Climate Action – Climate action is a combination of mitigation and adaptation measures to tackle climate change. The CDP recognises the strategic role that land use and spatial planning can play in providing for population growth in a compact, sustainable way that will reduce greenhouse gas emissions, reduce energy demand and address climate change adaptation, including reducing the need to travel and encouraging regeneration of brownfield sites. The Core Strategy has been developed in line with this approach.

Policy 2.4 Sustainable Building Design and Construction – includes objectives to increase energy performance of new buildings, limit GHG emissions, use of renewable and low carbon energy through design and layout and promote high standards of energy conservation/performance.

Table 2.1 sets out the key policy measures throughout the development plan which incorporate climate adaptation and mitigation measures.

Chapter 4 – Sustainable Mobility and Transportation – the aim is to integrate sustainable land use and transportation, facilitating access and choice to a range of transport modes, accessible to all sections of the community, in order to create a sustainable and compact city.

Policy 4.1 – Support Galway Transport Strategy – the implementation of the GTS will advance the delivery of and modal shift to more sustainable modes of transport and enable planned integration of land use and transport.

Policy 4.2 – Land Use and Transportation – support and facilitate the integration of land use and transportation in order to facilitate compact city growth, supported by sustainable modes of transport. Provide for the development of high volume, trip intensive developments such as commercial centres and employment hubs at locations that will minimise the need, distance and time taken to travel and promote the use of sustainable transport modes such as walking, cycling and public transport. Promote the 15 minute city and effective sustainable residential densities in the city and close to public transport.

Policy 4.4 – Sustainable Mobility – Walk and Cycle – Promote, facilitate and maintain maximum connectivity and permeability for pedestrians and cyclists in the design and management of new projects.

Chapter 6 – Economy, Enterprise and Retail – aim is to facilitate and promote development of the city as a National Gateway and Regional city and to create a resilient and diverse city economy that meets the need for sustainable employment opportunities, provides for a high level of service provision and drives national and regional competitiveness.

Policy 6.1 – General – Support role as Regional city and driver of growth as set out in NPF and RSES.

5.1.2. Galway City Urban Density and Building Heights Study (2021)

The UDBHS for the city provides a strategy to guide urban density and building height in new development. It reflects national policy which seeks to achieve a more sustainable, compact form of development whilst making a positive contribution to

the character of the city and create good quality mixed use communities. The strategy takes account of the historic environment of the city with its sensitive and distinct character as well as the coastline context and unique landscape and townscape setting. It provides for a range of building heights and densities which are intended to guide development, but are not to be interpreted as absolute measures, with each site/development proposal to be considered on its merits. The capacity for height is based on a spatial strategy but also takes account of larger scale sites where opportunities for exceptional development will depend on their built form, their social economic and environmental impact and whether they can deliver excellence. In general, heights and densities greater than the suggested ranges in the UDBHS may be considered when assessed against other relevant policy and guidance.

5.2. National Planning Policy

5.2.1. National Planning Framework Project Ireland 2040

Galway City has the potential to generate and be the focus of significant employment and housing growth. As one of the four key Regional cities in the country, it is targeted for compact growth with 40% of future housing to be located within the built-up footprint. Key policies include:

National Policy Objective 6 – regenerate and rejuvenate urban areas with increased residential population and employment activity and enhanced levels of amenity and design quality in order to influence and support their surrounding areas.

National Policy Objective 13 - in urban areas, planning and related standards including, in particular, building height and car parking will be based on performance criteria that seek to achieve well designed high-quality outcomes in order to achieve targeted growth.

5.2.2. Section 28 Ministerial Guidelines

Having considered the nature of the proposed development, the receiving environment, the documentation on file, including the submissions from the planning authority, the first party appellant and the third party appellants, I am of the opinion that the most relevant Section 28 Ministerial Guidelines are as follows:

- Urban Development and Building Heights – Guidelines for Planning Authorities, December 2018.

5.2.3. **Climate Action Plan (CAP) 2024**

The Climate Action Plan 2024 sets out the measures and actions that will support the delivery of Ireland’s climate action ambition. Climate Action Plan 2024 sets out the roadmap to deliver on Ireland’s climate ambition. It aligns with the legally binding economy-wide carbon budgets and sectoral ceilings that were agreed by Government in July 2022. Ireland is committed to achieving climate neutrality no later than 2050, with a 51% reduction in GHG emissions by 2030. These legally binding objectives are set out in the Climate Action and Low Carbon Development (Amendment) Act 2021.

Cap 24 outlines measures and actions by which the national climate objective of transitioning to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy by 2050 is to be achieved. These include the delivery of carbon budgets and reduction of emissions across sectors of the economy. Of relevance to the proposed development, is that of the built environment sector. The Board must be consistent with the Plan in its decision making.

5.2.4. **National Biodiversity Action Plan (NBAP) 2023-2030**

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

- Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity
- Objective 2 - Meet Urgent Conservation and Restoration Needs
- Objective 3 - Secure Nature’s Contribution to People

- Objective 4 - Enhance the Evidence Base for Action on Biodiversity
- Objective 5 - Strengthen Ireland's Contribution to International Biodiversity Initiatives

5.2.5. **Regional Policy**

Northern & Western Regional Assembly Regional Spatial and Economic Strategy 2020-2032

The RSES provides a high level development framework for the Northern and Western Region that supports the implementation of the National Planning Framework. It establishes Galway as the primary urban centre in the region and recognises its primacy in the settlement hierarchy.

The RSES includes a Metropolitan Area Strategic Plan (MASP) for Galway City and Environs, a key sustainability goal of which is to deliver growth in a compact form with an objective to locate at least half of new homes within the existing built footprint of the city. The redevelopment of key regeneration/brownfield sites at locations that are well served by public transport are highlighted as being key to supporting compact growth and population targets.

In Knocknacarra/Rahoon, lands are available for a significant level of employment opportunities which will focus on the technology/office-based industries thereby providing potential employment close to this large residential neighbourhood linking land use and transport requirements sustainably. Development on these lands will complement the existing commercial/ community developments associated with the designated Knocknacarra district centre

RPO 3.6.5 Support the delivery of lands for employment uses at Knocknacarra/Rahoon, Mervue, Dangan, Parkmore, Briarhill, Airport and Oranmore.

5.3. **Natural Heritage Designations**

- 5.3.1. 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 3km to the south east of the site. The Lough Corrib SAC 2.4km to the east of the site. The applicant prepared an NIS for this application.

6.0 Environmental Impact Assessment (EIA) Screening

- 6.1.1. 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:

(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.)

- 6.2. It is proposed to construct three office blocks with a gross floorspace of 14,650.00 sqm, and 4-8 storeys in height at the Galway Business Park, Knocknacarra, Galway. The site has an overall area of 1.38 Hectares Gross floorspace and is located in a purpose built business park within an existing built up area but not in a business district. The site area is well below the applicable threshold of 2 hectares for a business district. The introduction of an office 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 9.0 of my report below and it is noted that a watercourse is present within the proposed site, there is no hydrological connectivity between the remnant channel of a watercourse and designated sites. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other office 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.

- 6.2.1. 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 I - To provide for Enterprise, industry and related uses in the Galway City Development Plan 2023-2029, 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 commercial and 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).

6.2.2. 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.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. A third party on behalf of a resident’s association (together with a signed petition) has appealed the notification to grant permission issued by the planning authority, the grounds of appeal can be summarised as follows:

- Scale, height and density – mass and scale of the development is out of character with adjacent business premises. There are no other buildings in the area that are eight storeys high, average height is just over 7 metres in the vicinity. The buildings will block light and cast shadows on adjacent residential development to the west and north. The planning authority have refused other commercial/office development at other locations, 23/92 refers. The eight storey element of the proposed development is monolithic and overbearing and affect the visual appeal of the area. There will be overlooking opportunities from the top floors.

The character of the area will be changed on account of the scale and height of the proposed blocks and this will guide future development in the same upward direction. In addition, at the local Knocknacarra District centre to the south, permission was refused on account of not masterplanning the wider area, 21148 refers and other sites too.

According to the Urban Height and Density Study, 4-5 storeys would be more suitable at this location. A Tall Building Statement should have been produced by the applicant.

- Commercial Viability – since the pandemic, office working has declined and there is an oversupply of office accommodation in Galway.
- Biodiversity, Environment and Climate Change – the development objective for the appeal site lands is for a technology/business in a parkland setting. It is the understanding that some sort of recreational space or some sort of natural reserve would be provided. Clearance of the site that had a high biodiversity value has already occurred. The clearance work is the subject of an enforcement matter, UD24/12 refers.

The level of landscaping is minimal and much biodiversity has been lost without replacement. Biodiversity net loss and climate change have not been assessed. The Ragoon stream runs along the site, the works carried out may have impacted designated sites downstream, this has not been addressed by the applicant.

- 7.1.2. The grounds of appeal are noted and agreed by the residents (party to a petition) of Bóthar Stiofáin and Linn Bhuí.

7.2. Applicant Response

- 7.2.1. The applicant prepared a response to the grounds of appeal and reiterates the contents of the original planning documentation, relevant points can be summarised as follows:

- A description of the proposed development, policy background, planning history and extracts from the planning authority report are set out.

- The locational benefits of the site are revisited, and the height scale and massing of the development accords with all relevant guidance and policies.
- The development is located a sufficient distance from residences and will not result in any overlooking, overshadowing or overbearing impacts.
- A Tall Building Statement was not included in the original application (with reference to the GUBDH strategy), the GUBDH states that up to seven to eight storeys may be appropriate at this location. In response the applicant has captured all relevant policies in relation to height and provided a rationale.
- A Traffic and Transport Assessment was submitted with the application. Bus routes have been detailed, and cycle facilities are proposed. Car parking is in accordance with the development plan standards.
- There is a requirement for modern offices in and around Galway City, the viability of the development is not in question.
- In relation to the clearance of the site, no further enforcement action was pursued by the planning authority and permission was granted. The landscape design proposed is parkland in terms of setting, provides for SuDS features and accommodates higher density. The proposal will support biodiversity and accords with the relevant policies of the development plan.

7.3. Planning Authority Response

None.

7.4. Observations

- 7.4.1. A single observation was submitted and reiterates all of the issues set out in the grounds of appeal and references the issues as taken from their perspective as a resident along Bóthar Stiofáin, opposite the proposed site.

8.0 Assessment

8.1. Introduction

8.1.1. 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 issued a notification to grant permission and the appellant has raised issues about scale, traffic, viability and biodiversity. Having examined the application details and all other documentation on file, including all of the report/s of the local authority, observer's submissions, 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 can be grouped as per the reasons for refusal and are as follows:

- Scale, height and density
- Traffic, mobility and parking
- Commercial Viability
- Biodiversity, Environment and Climate Change
- Other Matters
- Conditions

8.2. Scale, height and density

8.2.1. The appellant considers that the height, mass and scale of the development is out of character with adjacent business premises. The concern is that the buildings will block light and cast shadows on adjacent residential development to the west and north. From a visual perspective the eight storey element of the proposed development is monolithic and overbearing and in the opinion of the appellant would adversely affect the visual appeal of the area. There will be overlooking opportunities from the top floors and the character of the area will change without the benefit of any masterplanning the wider area. According to the Urban Height and Density Study, 4-5 storeys would be more suitable at this location. The applicant disagrees with the points raised in relation to the design of the office scheme and reiterates the information submitted with the application.

8.2.2. The site is located in a purpose built office campus with all of the infrastructure to accommodate the types of uses allowed for under the I zoning objective. There are a

number of vacant plots yet to be filled and there are other sites that currently host two and three storey office and industrial type development. Further to the south a new school is in operation and a large retail park drives the local economy. The site is zoned for enterprise, industry and relate uses, it is not unreasonable to expect that the lands would be developed at some point and that development would include office based uses. The applicant proposes to erect three office blocks ranging in height from four to eight storeys. The development would be taller than existing offices and commercial buildings in the business park and it is this aspect of the proposal that concerns the appellant and observer.

- 8.2.3. Scale, height and density all combine to result in the development as it has been proposed, three office blocks of four, six and eight storeys in height. The applicant has set out, in detail, the rationale for 14,650 sqm of office space at this location and the planning authority agree. The applicant sets out various policy objectives at local and national level, these are highlighted to support the heights of between four and eight storeys and the current development plan was written in the context of all relevant guidelines. Of the advice in relation to building height and urban areas, I find that the Galway City Urban Density and Building Heights Study (GCUDBHS), that informed the current development provides useful up to date and location specific guidance. The purpose of the study is to examine what are the optimal densities and heights that can achieve the most efficient and effective use of land, can make a positive contribution to the character of the city, can create good quality mixed use communities while also contribute to successful place making and liveability. With regard to the subject appeal, density is more relevant to residential development, I am satisfied that scale and height are the relevant factors to consider. The study divides the city into neighbourhoods and the appeal site is located in the Outer Suburbs (West), where the heights open for consideration could range between three and four storey development, page 153 of the study refers. I note that the planning authority report refers to seven to eight level buildings as suitable for this location, but I cannot find this reference in the study. The building heights study also provides design guidance and where a tall building, one that significantly exceeds the prevailing benchmark heights is proposed, it shall be accompanied by a Tall Building Statement which gives justification for an exception for such height and includes at a minimum the case for the proposal based on location, design, context

and assimilative capacity. The current development plan also calls for a Tall Building Statement in order to achieve principles of good design.

- 8.2.4. As the appellant points out, the applicant did not prepare a Tall Building Statement and one was not requested by the planning authority by a request for further information. However, the applicant did prepare a wide variety of detailed and graphic documentation to support the application, these are all listed at section 2.2 of my report. In their response to the grounds of appeal, the applicant has prepared a comprehensive table that interrogates the criteria of the Urban Development and Building Heights Guidelines (2018) and Policy 8.7 Urban Design and Placemaking of the current development plan, with a positive conclusion. In essence this is a Tall Building Statement and together with the material already submitted with the planning application, I am satisfied that there is enough information on the appeal file with reference to scale, height and density.
- 8.2.5. The proposed development positions a four storey office block (block 3) of 16.4 metres in height at the western side of the site, close to Bóthar Stiofáin. Block 3 will be located 40 metres from the gable of number 1 Linn Bui and 47 metres from the front elevation of number 1 Bóthar Stiofáin. The contextual elevation, drawing WES BKD 00 ZZ DR A 2010, provides a good illustration of how the overall development relates to nearby dwellings. The Architectural Design Statement provides an overall masterplan for the wider area as well as the design concept, proposed views, CGIs, aerial montages and verified views. The Daylight and Sunlight Assessment Report shows how all relevant factors that concern access to daylight (Vertical Sky Component, Annual and Winter Probable Sunlight Hours) result in complete compliance with relevant standards and negligible effects for all neighbouring development. In terms of shadow cast (Sun on Ground Assessment), results are again negligible and this is not to be unexpected, given the orientation and distance from sensitive receptors.
- 8.2.6. In terms of the overall scale and height of the proposed development, I can see that the applicant has been careful to graduate the height upwards from existing two storey housing to the west. There is a significant gap between the closest house and the first office block, a public road and the proposed landscaped parking area provides a distinct separation space. The material prepared by the applicant demonstrates that residential amenities will not be impacted upon. I accept that the

current vista eastwards from housing along Bóthar Stiofáin will change. However, the lands are zoned for development, views are not protected, and though studies point to four storeys for the Outer Suburbs (West), the applicant has adequately demonstrated that up to eight storeys can be comfortably accommodated here. Given, the graduated increase in building height and the significant separation distances involved, I am satisfied that an overbearing appearance will not be experienced to such a degree to warrant refusal or amendment of the design and height.

- 8.2.7. Given the foregoing, I am satisfied that the design approach deployed by the applicant results in an acceptable response to this large site, set within a purpose built business park. The scale of the office blocks has been graduated down to meet adjacent development across Bóthar Stiofáin to the west. The architectural design approach to each building block is modern and responsive, the selection of materials is hardwearing and contemporary. The landscape design and provision of pedestrian connections will be welcome additions to the public realm of the area. I am satisfied that all the correct ingredients that provide for the provision of good placemaking have all been adequately addressed by the applicant's design team.

8.3. Traffic, mobility and parking

- 8.3.1. The appellant is concerned that because the roads infrastructure in the area is poor the development cannot be accommodated, traffic congestion will result, and ad hoc parking will occur in surrounding housing estates. Public transport in the area is limited and cycle facilities are not extensive. It is the view of the appellant that the proposed development is premature pending the delivery of the outer ring road and that proposed pedestrian connections will become a nuisance. The planning authority found the development to be acceptable and attached conditions to ensure that transportation issues are addressed prior to the commencement of development, conditions 4, 6, 7 and 20 all refer. I note the submissions on the planning application made by TII and the NTA. The applicant counters all the points made by the appellant and points back to the documentation lodged with the application, including the DMURS Statement of Consistency, Mobility Management Plan, Traffic and Transport Assessment (TTA), Civil Engineering Report, Engineering Drawings as well as the Planning Report.

- 8.3.2. The appeal site is located in a purpose built business park, all roads and footpaths are in a completed state and the entire area is easily accessible from the wider neighbourhood. There are three bus services operating nearby, the 405 Bus Eireann route and the 411, and 412 City Direct bus routes. This suburban area is characterised by urban streets, footpaths and cycle lanes, with more sustainable transport infrastructure planned in combination with the outer ring road and BusConnects program. The site is well connected and this is not surprising given the land use zoning objective, existing and planned infrastructure as well as existing social and commercial services already in operation. The applicant's TTA and Mobility Management Plan, clearly describes and illustrates these points, concluding that the proposed development is a good fit for the area. There are a number of traffic and transport related issues that have been raised by the appellant, observer and statutory consultees and I address these in the following sections of my report.
- 8.3.3. Road Infrastructure – the condition of the local road infrastructure is criticised as being unable to support the scale of development proposed. The appeal site is located within a purpose built business park that includes all internal roads and footpaths in a completed and well maintained state. The streets and footpaths in the wider area are in the care of the City Council and also well maintained and functional. Bóthar Stiofáin aligns the western portion of the appeal site and has no footpath on its eastern side. However, the applicant has plans for this section of Bóthar Stiofáin and layout drawings indicate a reservation area for future road widening, although the specifics of such works are not detailed. In some ways condition 6 attached by the planning authority addresses elements of this matter with reference to the detailed design and interface of pedestrian/cycle connections to Bóthar Stiofáin.
- 8.3.4. The applicant's TTA addresses the issue of trip generation, capacity and includes detailed junction analysis, I am satisfied that there is a suitable amount of material to allow examination in the context of surrounding road network. Trip generation in terms of arrivals and departures is set out at tables 5.2, 5.3 and 5.4 of the TTA. According to modelling, the junctions tested are currently operating within capacity (Junction 1 Priority Junction - Ragoon Road / Gort Na Bró, Junction 2 Priority Junction – Knocknacarra District Centre Internal Access Road / Gort Na Bró and Junction 3 Roundabout Junction - Western Distributor Road / Knocknacarra District

Centre / Gort Na Bró). Most junctions are forecast to operate within capacity for all traffic streams in both the morning and evening peak period with or without development, however, junction 3 hits the maximum capacity in the morning period for both scenarios. In terms of the proposed development and the receiving environment from a traffic perspective on roads and junctions that already exist, I am satisfied that the development can be accommodated. Employment uses have been planned for the area, the land use zoning objectives signal this fact, and it is clear that development would occur here at some point. The applicant's documentation demonstrates that the existing network can support the anticipated volume of traffic and I see no issues here in that respect.

- 8.3.5. TII have commented that the development may impact adversely on the efficiency and operation of the existing and future national road network in the area. In terms of the existing road network the TTA explains the acceptability of the development in terms of traffic generation and junction capacity. With reference to future national road infrastructure, the TTA states that the analysis carried out includes no reduction applied to the background traffic as a result of the impact of the N6 Galway City Ring Road and that this was to ensure a more robust analysis. I am satisfied that the TTA has set a balanced approach to how the development will operate in terms of existing and planned road infrastructure.
- 8.3.6. Car Parking – criticism is levelled at the low level of car parking provided from the appellant and observer point of view, and conversely at the high level of car parking from statutory consultees (TII and NTA). The planning authority are satisfied with the car parking provision, subject to minor amendments, conditions 15 and 20 both refer.
- 8.3.7. A total of 167 car parking spaces are being provided for the proposed development. According to the applicant's calculations a maximum of 196 spaces could have been provided, table 11.6 of the development plan refers. The applicant explains that a reduced level of car parking can apply because of the site's central location, proximity to public transport links and all other standard urban infrastructure (pedestrian and cyclist linkages), such a reduced provision of parking for the site is acceptable in line with the sustainability measures outlined in the Galway Transport Strategy and the Galway City Development Plan. In that context, I am satisfied that the concerns raised by TII and the NTA with respect to car parking have been adequately dealt with.

- 8.3.8. Local residents are concerned that ad-hoc overflow car parking will take place in local estates, because the car parking level is too low. However, I am satisfied that the planning authority took the correct approach and attached condition 7 to ensure that unauthorised car parking does not take place. Combined with the targets set out in the applicant's Mobility Management Plan (MMP) and the overall suitability of the site's location and access to sustainable transport modes, no adjustment to car parking provision is required.
- 8.3.9. TTA Quality – the appellant is critical of the applicant's TTA with respect to walking times/distances and level of public transport availability. I have examined in detail the applicant's TTA and I am satisfied that it is suitably robust to provide an acceptable level of data and analysis of the traffic and transport situation for the area. I note that traffic congestion can be an issue for this area and Galway City in general, the Western Distributor Road being a case in point. However, this is a symptom of a city wide problem with traffic, public transport provision and the provision of more sustainable methods of moving around the city. The planning authority raise no issues around the content and findings of the TTA and I do not either.
- 8.3.10. Bóthar Stiofáin Linkages – the appellant and observer raise issues with the proposed connections to the site from Bóthar Stiofáin, antisocial behaviour is anticipated and the links are not wanted. Along the length of Bóthar Stiofáin, I note the occurrence of pedestrian linkages and crossing points to the shopping centre and the existing office block to the south. These are good connections and allow for permeability and easy access to and from the residential and commercial areas. I note that condition 6 attached by the planning authority seeks greater detail on design and that condition 4 looks for more connections to the vacant site to the north. I am satisfied that a properly designed and publicly lit pedestrian/cycle link to Bóthar Stiofáin will be a valuable asset to the area as a whole. I see no reason to omit its inclusion in the overall layout and together with the overall improvements to Bóthar Stiofáin, I am satisfied that the linkages should remain as a key part to the overall transport sustainability of the development.
- 8.3.11. Mobility Management Plan (MMP) – The NTA have some suggestions to improve the applicant's MMP. The applicant's MMP sets out various targets with respect to getting to and from the workplace with measures and monitoring to be deployed. The applicant accepts that the MMP is a continuous and evolving document. It requires

monitoring, and to remain relevant, review and revision is required. I am satisfied that an appropriately worded condition can be attached to address more ambitious mode share targets and a wider range of initiatives.

- 8.3.12. Traffic and Transport Summary - On balance, the proposed development is located at a well-served suburban location close to a variety of amenities and facilities. Current public transport options are limited to three different bus services with varying frequency, some without defined bus corridors but this may change in the future as BusConnects is developed. At present however, there are good cycle and pedestrian facilities in the wider area and the proposed development will add significant improvements to the public realm in this respect. It is inevitable that traffic in all forms will increase as the business park is built out and more employment comes on stream. However, I am satisfied that most of the ingredients are in place to encourage existing and future employees to increase modal shift away from car use to more sustainable modes of transport and this can be achieved by the implementation of the mobility management plan and car parking strategy submitted by the applicant.

8.4. Commercial Viability

- 8.4.1. The appellant has questioned the need for more office space in a climate where office attendance is low and where there is an oversupply of office accommodation in the city already. The applicant has responded by submitting a letter from a property company that sets out a review of the office market in Galway (Q1 2024). The appellant's concern about the viability of the proposed office accommodation is noted, however, in the absence of any specific evidence to support the contention that there is office oversupply in Galway, I am minded to have regard to that information presented by the applicant. In addition, the site is located within a purpose built business park, where it is more than likely that office accommodation amongst other types of commercial uses was planned for. In that context, it is acceptable that office development should be situated here and that such development should serve a demand for such accommodation.

8.5. Biodiversity, Environment and Climate Change

- 8.5.1. The appellant is concerned about the loss of mature vegetation on the site and the impact it has had on local biodiversity and the ecology of the area. It is the view of

the appellant that the proposed development works against the principles of biodiversity, the environment and climate change. The landscape design will not replace what has been lost, no assessment of biodiversity net loss and climate change has been presented and nor have impacts to the Ragoon stream. The applicant disagrees and highlights how the issue of some essential site clearance has been dealt with and that no further action has followed on from the Warning Letter dated 1st February 2024. The applicant goes on to describe how the landscaping plan and the provision of Sustainable Urban Drainage Systems (SuDS) all help to assist with biodiversity and the aims of the development plan for the area.

- 8.5.2. I see that the site has been mostly cleared of vegetation, save for low standing shrubs and grasses here and there. Specifically, I note that shrubs and trees have been removed from along Bóthar Stiofáin, comparing the fresh cutting activity and images from the various assessments prepared by the applicant, work goes on. However, all of these matters have been addressed by the planning authority and enforcement procedures have, so far, run their course. There is no scope for the Board to address matters in this instance and issues to do with enforcement are a matter for the planning authority to attend to.
- 8.5.3. In terms of biodiversity in general, I note the applicants Ecological Impact Assessment and its findings, as well as the NIS submitted with the application. The appeal site had become overgrown over time and it is reasonable to expect that some variety of local wildlife and vegetation had resided here. However, I note the conclusions of the Ecology Impact Assessment that states the proposed development will not result in any significant effects on the biodiversity, flora and fauna of the existing environment. This is provided that the proposed development is carried out in accordance with best practice that is described in the Ecological Impact Assessment, significant effects on biodiversity are not anticipated at any geographical scale.
- 8.5.4. In addition, I have studied the landscape design for the site and how SuDS will be incorporated into the surface water drainage of the overall site. It is inevitable that these lands zoned for development would be significantly altered in the future. I am satisfied that the applicant has prepared a suitable landscape design that incorporates a variety of measures that include: tree planting, internal courtyards, SuDS features; bioretention pond, SuDS tree pits and pollinator mixes. Car parking

spaces are broken up by generously proportioned tree planting beds and native hedgerow planting to the site boundary will enhance green infrastructure links. All of these measures have been designed in the context of the policies and objectives set out on the development plan, and will contribute to the Green Network of the city. I am satisfied that the proposed development has adequately addressed the matter of biodiversity.

- 8.5.5. Ragoon Stream – The appellant raises concerns about the Ragoon Stream and the lack of any assessment made of it by the applicant. Section 4.6 of the applicant's Ecological Impact Assessment addresses River Catchments and Watercourses, the Ragoon Stream is not named. However, a watercourse is present on site, previously mapped by the EPA (code: IE_WE_31K160960). According to the applicant the watercourse has been heavily encroached by vegetation and now resembles a drainage ditch. The applicant goes on to state that the remnant isolated channel of a historical EPA mapped watercourse (IE_WE_31K160960, segment code: 31_1071) is present within the northern portion of the proposed development site. I observed that the channel has no or little flow and has been heavily encroached by vegetation. It is stated that further downstream this watercourse has been historically culverted as a result of a previous development from 1996 and was incorporated into the storm sewer network. There is no hydrological connectivity between either drainage feature.
- 8.5.6. The Ragoon Stream is not mentioned in any of the applicant's documentation. However, I note from the Board's internal mapping service, that the Ragoon Stream historically flowed a distance to the east of the site. As the applicant has already pointed out the wider area has been developed over the years and existing watercourses have been redirected and culverted. I also note the severed nature of the existing watercourse feature on and to the north of the site and I am satisfied that an adequate level of assessment has been made. Specifically, I note the contents of the applicant's NIS and my analysis of same, section 9.0 and appendices 3 and 4 of my report all refer. In any case, I am satisfied that the SuDS measures proposed for the site are in accordance with the policies and objectives of the development plan and the water quality outcomes for this site will be improved.
- 8.5.7. Climate Change – the appellant mentions climate change in general terms. The applicant has prepared an Energy and Sustainability Report, that addresses the

energy performance of the buildings proposed. It is concluded that if the energy and sustainability strategy is successfully implemented, the proposed office development will satisfy all Part L and BER requirements. At a wider scale, I have already concluded that the development is acceptable from a planning perspective, not least, as the lands are zoned to accommodate such office based and commercial uses. From a broad climate perspective, I note Chapter 2 Climate Change, of the current development plan that sets out in detail the approach to addressing and reversing climate change. The proposed development incorporates the principles set out in the development plan in terms of building and landscape design. In terms of location, this site is close to existing residential neighbourhoods and close to retail and social infrastructure, it is a logical location to position higher density employment uses. I am satisfied that the proposed development has properly considered climate change and sustainability in its design and there is no reason to refuse permission because of a lack of climate change accountability.

8.6. Other Matters

- 8.6.1. Water Services - The Infrastructure Design Report submitted with the application outlines in detail the surface water management strategy proposed for the site. The applicant states that a review of the most recent Office of Public Works flood mapping indicates that there is no potential for flood risk on the subject site or in the vicinity of the site. In this regard it was not considered necessary to undertake a Flood Risk Assessment in respect of the proposed development and the planning authority did not require one during the planning application process. I can see that the applicant has incorporated significant SuDS measures as part of the landscaping and surface water drainage response to the site. I also note the Civil Works Design Report states that stormwater generated from the development will enter the proposed stormwater sewer system via a network of drains, gullies, rain gardens, swales and tree pits located throughout the site and on to attenuation tanks. Stormwater design has taken account of the 1 in 100-year storm events (+ 20% for Climate Change). The attenuation tanks will have a capacity of 277m³ and 684m³, drawing number 11275-2003 refers. Storm water within the attenuation tank will then discharge to the existing 225mm storm drainage network on the existing road at a combined controlled rate equal to 2 l/sec/ha (Greenfield Runoff rate). Finally, the site can be facilitated by water services infrastructure and the planning authority and

Uisce Eireann have confirmed this, appendix D of the applicant's Infrastructure Design Report refers. I am satisfied that there are no significant water services issues that cannot be addressed by an appropriate condition.

8.7. Conditions

8.7.1. The planning authority attached 22 conditions to the notification to grant permission. Many conditions are standard and technical in nature, including a development contribution condition. Section 3.3 of my report lists out conditions specifically drafted by the planning authority for the application. In the preceding sections I have identified where specific conditions may be required or in addition to those sought by the planning authority, but a complete grouping and explanation of conditions as they relate to the numbering sequence set out in the notification to grant permission, is as follows:

- Condition 2 refers to the mitigation measures outlined in the NIS, this is essential and should be included, also section 9.0 and appendices 3 and 4 of my report refer.
- Condition 3 seeks to specify the types of use that should be undertaken at the office buildings, the applicant has not raised any issues in this respect, it is acceptable to include the condition as worded by the planning authority.
- Condition 4 seeks to ensure that lands to the north are open to be accessible by foot/cycle. This is an acceptable condition to ensure permeability through to the overall business campus and to assist with the further masterplanning of the overall business park.
- Condition 5 highlights the need for further details in relation to the coffee kiosk on the eastern side of the site. I have no reason to omit this condition.
- Condition 6 and 7, I refer to this condition at section 8.3 of my report, it is acceptable to include the conditions as worded by the planning authority.
- Condition 10 refers to signage, and it is relevant and acceptable to include the condition as worded by the planning authority.
- Condition 12 refers to the installation of artwork, there is a requirement in the development plan to include artwork, section 11.27 Art/Cultural Amenity of the

Development Standards and Guidelines refers, thus there is a basis to include a condition in this scenario. I recommend that condition 12 is retained.

- Condition 14 refers to bilingual signage, this accords with the aims of the development plan for the Irish language, Policy 7.4 Bilingual City (2) refers.
- Condition 19 refers to public lighting and neighbouring residential areas, design details are to be submitted for approval. This condition is relevant and should be retained, I reference residential amenities within my report and public lighting design will assist with the integration of the overall development.
- Condition 20 refers to car parking arrangement and detailed design, I have already highlighted its importance within the traffic and transport section of my report, it is acceptable to include the condition as worded by the planning authority.

8.7.2. All other conditions are standard or technical in nature and I recommend the use of the conditions I set out in section 12.0 of my report below.

9.0 Appropriate Assessment (AA) Screening

9.1. Screening Determination - Finding of likely significant effects

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

9.2. Natura Impact Statement (NIS)

- 9.2.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Galway Bay Complex

SAC [000268] and Inner Galway Bay SPA [004031] in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

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

9.2.3. My conclusion is based on the following:

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

10.0 Recommendation

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

11.0 Reasons and Considerations

Having regard to the zoning objective I - To provide for Enterprise, industry and related uses. 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.

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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, Ecological Impact Assessment and Construction Environmental Management Plan (CEMP), shall be carried out in full, except where otherwise required by conditions attached to this permission.

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

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

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

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

4. The proposed uses for the offices shall be limited to the following:

- a. Data Processing.
- b. Software Development.
- c. Information Technology.
- d. Commercial Laboratories.
- e. Research and Development.
- f. Creative Media.
- g. Telemarketing and Publishing.
- h. Or other technology/IT related use.
- i. Details of the use of each floor or entire buildings shall be submitted to and agreed in writing with the Planning Authority prior to the occupation of each unit. Any use not generally provided for other than the uses listed above, shall require a prior grant of planning permission.

Reason: To ensure that the development is carried out in accordance with the permission and that effective control is maintained.

5. Prior to the commencement of development a revised site layout plan shall be submitted in which future access via an appropriately sized pedestrian and bicycle access point to the lands to the north are provided, no buffer strip shall be located at the edges of the connection point. A temporary gate shall be permitted to be erected but shall be removed once the lands to the north are developed.

Reason: In the interest of proper planning and sustainable development and the orderly development of the area.

6. Full details of the coffee kiosk shall be submitted for the written agreement of the Planning Authority prior to the commencement of development, and the details of the exact use and signage shall be agreed in writing with the Planning Authority prior to their occupation.

Reason: In the interest of clarity and to ensure the development caters for local retailing requirements in accordance with the proper planning and sustainable development of the area.

7. The pedestrian/cycle access points from the site onto Bothar Stiofain and their exact interface/materials to be used, with the roadway/footpath/improvements shall be agreed in writing with the Planning Authority within 3 months of the issuing of the final grant of permission.

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

8. Prior to the commencement of development a traffic/parking control plan for the site shall be submitted, in which clear enforcement measures are outlined by the management company of the site for any occupier of the blocks, which will prevent unauthorised parking in adjacent housing estates, and shall be to the written agreement of the Planning Authority and the above plan shall be carried out in accordance with the details agreed.

Reason: In the interest of public and traffic safety and the proper planning and sustainable development.

9. (a) The developer shall submit all signage relating to the entire development on the office buildings and the office campus area within the site for written agreement with the Planning Authority.

(b) Details of the bilingual naming of the development along with a wayfinding and road marking strategy, for the internal site layout and a co-ordinated signage strategy shall be submitted to, and agreed in writing with, the Planning Authority prior to occupation of the development.

Reason: In the interest of residential amenity and the proper planning and sustainable development.

10. 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

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

Reason: In the interest of visual amenity.

12. Prior to the commencement of development a piece/s of artwork shall be provided within this development. The evolution of the design should include the creation of an aesthetic object/s, either reflecting the natural or built environment, or an abstract piece all of which should allow for the generation experiences which can be shared with others within this new community. The artwork proposed for this development shall be sponsored by the developer. The details and timeframe for its erection shall be agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In the interest of orderly development and the protection of visual amenities

13. (a) Prior to commencement of the development the developer is requested to submit, for approval by the Planning Authority, an assessment of the impact of the lighting scheme on the receiving environment external to the development on both the private roadway and on Bothar Stiofan. The developer shall bear the cost of any amendments necessary to the lighting schemes on Bothar Stiofan and the private roadway.

(b) 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 office unit.

Reason: In the interest of amenity and public safety.

14. Prior to the commencement of development a revised car parking layout shall be submitted for written agreement with the Planning Authority, in which the proposed three parking spaces (no. 90-92) in the north western corner of the site, the proposed bike shelter and bin storage compound at the southern end of the site and the cluster of proposed EV parking (no. 136-167) are revised so that they provide a safe circulation route/corridor to the footpath network associated with the building footprints.

Reason: In the interest of proper planning and sustainable development.

15. 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.

16. 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.

17. 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.

18. 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.

19. The landscaping scheme submitted with the planning application 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 visual amenity.

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

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

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

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

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

22. Prior to the opening/occupation of the development, a Mobility Management Plan (MMP) that reasonably includes the recommendations as set out by the National Transportation Authority correspondence dated 21st February 2024, 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.

23. 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

02 April 2025

13.0 Appendix 1 EIA Pre-Screening

An Bord Pleanála	ABP-319508-24		
Case Reference			
Proposed Development Summary	Construction of 3 office blocks, 4-8 storeys in height		
Development Address	Galway Business Park, Knocknacarra, Galway.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	✓		Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	✓		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			

Yes	✓	10. Infrastructure projects, (b)(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. Site is less than 2 hectares, 10 hectares and 20 hectares.	Preliminary examination required (Form 2)
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5. Has Schedule 7A information been submitted?		
No	✓	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ **Date:** _____

14.0 Appendix 2 EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-319508-24
Proposed Development Summary	Construction of 3 office blocks, 4-8 storeys in height
Development Address	Galway Business Park, Knocknacarra, Galway.
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The proposed development of three office blocks in an existing business park, by virtue of its size, design, cumulation with existing/proposed development, use of natural resources and production of waste, will not result in any adverse impacts from pollution and nuisance, risk accidents/disasters or human health.</p>
<p>Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The proposed development of three office blocks in an existing business park is not close to the environmental sensitivity of any geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment (such as it is), European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance.</p>

Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	The proposed development of three office blocks in an existing business park is not likely to result in significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).								
Conclusion									
Likelihood of Significant Effects	<table border="1"> <tr> <th data-bbox="663 743 1155 788">Conclusion in respect of EIA</th><th data-bbox="1155 743 1452 788">Yes or No</th></tr> <tr> <td data-bbox="663 846 1155 994">EIA is not required.</td><td data-bbox="1155 846 1452 994">No, EIA is not required.</td></tr> <tr> <td data-bbox="663 994 1155 1191">Schedule 7A Information required to enable a Screening Determination to be carried out.</td><td data-bbox="1155 994 1452 1191">No, Schedule 7A Information is not required.</td></tr> <tr> <td data-bbox="663 1191 1155 1339">EIAR required.</td><td data-bbox="1155 1191 1452 1339">No, EIAR is not required.</td></tr> </table>	Conclusion in respect of EIA	Yes or No	EIA is not required.	No , EIA is not required.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No , Schedule 7A Information is not required.	EIAR required.	No , EIAR is not required.
Conclusion in respect of EIA	Yes or No								
EIA is not required.	No , EIA is not required.								
Schedule 7A Information required to enable a Screening Determination to be carried out.	No , Schedule 7A Information is not required.								
EIAR required.	No , EIAR is not required.								
There is no real likelihood of significant effects on the environment.									
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.									
There is a real likelihood of significant effects on the environment.									

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)

15.0 Appendix 3 - AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics Case file: ABP-319508-24	
Brief description of project	Construction of 3 office blocks, 4-8 storeys in height.
Brief description of development site characteristics and potential impact mechanisms	<p>It is proposed to construct three office blocks in a purpose built office park. A detailed description of the proposed development is provided in Section 2.0 of the Inspectors report and detailed specifications of the proposal are provided in the AA screening report/ NIS and other planning documents provided by the applicant.</p> <p>The site is not located in proximity to any designated sites.</p>
Screening report	Yes
Natura Impact Statement	Yes
Relevant submissions	The appellant raised issues with regard to the removal of vegetation on the site.
Step 2. Identification of relevant European sites using the Source-pathway-receptor model <p>Two European sites were identified as being located within a potential zone of influence of the proposed development as detailed in Table 1 below. I note that the applicant included a greater number of European sites in their initial screening consideration with sites within 15km of the development site considered. There is no ecological justification for such a wide consideration of sites, and I have only included those sites with any possible ecological connection or pathway in this screening determination.</p>	

European Site (code)	Qualifying interests (summary) Link to conservation objectives (NPWS, date)	Distance from proposed development	Ecological connections	Consider further in screening Y/N
Galway Bay Complex SAC [000268]	<p>[1140] Mudflats and sandflats not covered by seawater at low tide</p> <p>[1150] Coastal lagoons*</p> <p>[1160] Large shallow inlets and bays</p> <p>[1170] Reefs</p> <p>[1220] Perennial vegetation of stony banks</p> <p>[1310] Salicornia and other annuals colonising mud and sand</p> <p>[1330] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>)</p> <p>[1410] Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p> <p>[3180] Turloughs*</p> <p>[5130] <i>Juniperus communis</i> formations on heaths or calcareous grasslands</p> <p>[6210] Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>)</p> <p>(*important orchid sites)</p>	1.8 km	<p>The development site is located completely outside of the SAC boundary, therefore, there is no potential for direct effect.</p> <p>Taking a highly precautionary approach, a potential pathway for indirect effects on the SAC via deterioration of water quality via a shared groundwater body and resulting from run off of pollutants during the construction and operational phases of the proposed</p>	Y

	<p>[7210] Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i>*</p> <p>[7230] Alkaline fens</p> <p>[1365] Harbour Seal (<i>Phoca vitulina</i>)</p> <p>[1355] Otter (<i>Lutra lutra</i>)</p> <p>https://www.npws.ie/protected-sites/sac/000268</p>		<p>development via overland flow to the stormwater network was identified</p> <p>A complete source pathway receptor chain was identified and in the absence of mitigation, there is potential for the proposed development to result in likely significant effects on this European Site. Therefore, the European Site is located within the Likely Zone of Impact and is considered further in this assessment.</p>	
<p>Inner Galway Bay SPA [004031]</p>	<p>[A137] Ringed Plover (<i>Charadrius hiaticula</i>)</p> <p>[A169] Turnstone (<i>Arenaria interpres</i>)</p>	2 km	<p>The development site is located completely outside of the</p>	Y

<p>[A182] Common Gull (<i>Larus canus</i>)</p> <p>[A140] Golden Plover (<i>Pluvialis apricaria</i>)</p> <p>[A017] Cormorant (<i>Phalacrocorax carbo</i>)</p> <p>[A052] Teal (<i>Anas crecca</i>)</p> <p>[A162] Redshank (<i>Tringa totanus</i>)</p> <p>[A003] Great Northern Diver (<i>Gavia immer</i>)</p> <p>[A142] Lapwing (<i>Vanellus vanellus</i>)</p> <p>[A191] Sandwich Tern (<i>Sterna sandvicensis</i>)</p> <p>[A179] Black-headed Gull (<i>Chroicocephalus ridibundus</i>)</p> <p>[A193] Common Tern (<i>Sterna hirundo</i>)</p> <p>[A069] Red-breasted Merganser (<i>Mergus serrator</i>)</p> <p>[A160] Curlew (<i>Numenius arquata</i>)</p> <p>[A050] Wigeon (<i>Anas penelope</i>)</p> <p>[A157] Bar-tailed Godwit (<i>Limosa lapponica</i>)</p> <p>[A149] Dunlin (<i>Calidris alpina</i>)</p> <p>[A028] Grey Heron (<i>Ardea cinerea</i>)</p> <p>[A046] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)</p>			<p>SPA boundary, therefore, there is no potential for direct effect.</p> <p>Taking a highly precautionary approach, a potential pathway for indirect effects on the SPA via deterioration of water quality via a shared groundwater body and resulting from run off of pollutants during the construction and operational phases of the proposed development via overland flow to the stormwater network was identified.</p> <p>A complete source pathway receptor chain was identified and in the</p>	
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	A056 Shoveler (Anas clypeata) [A999] Wetlands https://www.npws.ie/protected-sites/spa/004031		absence of mitigation, there is potential for the proposed development to result in likely significant effects on this European Site. Therefore, the European Site is located within the Likely Zone of Impact and is considered further in this assessment.	
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Ecological surveys were undertaken by the applicant at an appropriate season and frequency, using best practice survey methods. No significant effects are predicted. Following consideration of the residual effects it is noted that the proposed development will not result in any significant effects on the biodiversity, flora and fauna of the existing environment. Provided that the proposed development is carried out in accordance with the best practice that is described in the Ecological Impact Assessment that accompanied the application. Significant effects on biodiversity are not anticipated at any geographical scale.

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

The proposed development will not result in any direct effects on either the SAC or SPA.

Sources of impact and likely significant effects are detailed in the Table below.

Screening matrix

Site name	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Galway Bay Complex SAC [000268]	Indirect pathway to SAC:	<p>Taking a highly precautionary approach, a potential pathway for indirect effects on the SAC via deterioration of water quality via a shared groundwater body and resulting from run off of pollutants during the construction and operational phases of the proposed development via overland flow to the stormwater network was identified.</p> <p>A complete source pathway receptor chain was identified and in the absence of mitigation, there is potential for the proposed development to result in likely significant effects on this European Site. Therefore, the European Site is located within the Likely Zone of Impact and is considered further in this assessment.</p>
	Likelihood of significant effects from proposed development (alone): Yes	
	Impacts	Effects
Inner Galway Bay SPA [004031]	Indirect pathway to SPA:	Taking a highly precautionary approach, a potential pathway for

		<p>indirect effects on the SAC via deterioration of water quality via a shared groundwater body and resulting from run off of pollutants during the construction and operational phases of the proposed development via overland flow to the stormwater network was identified.</p> <p>A complete source pathway receptor chain was identified and in the absence of mitigation, there is potential for the proposed development to result in likely significant effects on this European Site. Therefore, the European Site is located within the Likely Zone of Impact and is considered further in this assessment.</p>
	Likelihood of significant effects from proposed development (alone): Yes	

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

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

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

Screening Determination

Finding of likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the Galway Bay Complex SAC [000268] and the Inner Galway Bay SPA [004031] in view of the conservation objectives of a number of qualifying interest features of those sites.

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

16.0 Appendix 4 - Appropriate Assessment - AA Determination

Appropriate Assessment

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

Taking account of the preceding screening determination at appendix 3 of my report, the following is an appropriate assessment of the implications of the proposed development of three office blocks in view of the relevant conservation objectives of the Galway Bay Complex SAC [000268] and the Inner Galway Bay SPA [004031] based on the scientific information provided by the applicant.

The information relied upon includes the following:

- Natura Impact Statement prepared by prepared by Brónagh Boylan (BSc.) and reviewed by Rachel Walsh (BSc.).
- Construction and Environmental Management Plan
- Arboricultural Impact Assessment
- Ecological Impact Assessment
- Landscape Report
- Landscape Drawings
- Appropriate Assessment Screening Report
- Civil Engineering Report

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

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

Submissions/observations

Third Party appellant issues include the following:

- Biodiversity, Environment and Climate Change – the development objective for the appeal site lands is for a technology/business in a parkland setting. It is the understanding that some sort of recreational space or some sort of natural reserve would be provided. Clearance of the site that had a high biodiversity value has already occurred. The clearance work is the subject of an enforcement matter, UD24/12 refers. The level of landscaping is minimal and much biodiversity has been lost without replacement. Biodiversity net loss and climate change have not been assessed. The Ragoon stream runs along the site, the works carried out may have impacted designated sites downstream, this has not been addressed by the applicant.

Galway Bay Complex SAC [000268]:

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

(i) Water quality degradation (construction and operation)

See Table 5.1 NIS

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)	
			NIS Section 6	
1140 Mudflats and sandflats not covered by seawater at low tide	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in Galway Bay Complex SAC	The site of the proposed development is located approx. 1.8km from Galway Bay Complex SAC, separated by existing dwellings to the south of the proposed	Construction Phase Control Measures A Construction and Environmental Management Plan (CEMP) has been prepared for the proposed development and is included with the	

		<p>development.</p> <p>Taking a highly precautionary approach, a potential pathway for indirect effects on the SAC via deterioration of water quality via a shared groundwater body and resulting from run off of pollutants during the construction and operational phases of the proposed development via overland flow to the stormwater network was identified.</p> <p>Therefore, following the precautionary approach, in the absence of mitigation, there is potential for indirect adverse effect to these Qualifying</p>	<p>planning application documents and can be found in Appendix III of the NIS.</p> <p>Operational Phase Control Measures</p> <p>To limit surface water runoff from the site to that of a partly brownfield site, the surface water drainage for the proposed development will be designed in accordance with the principles of Sustainable Urban Drainage Systems (SuDS).</p> <p>Install a by-pass separator (Kingspan Klargest bypass separator) prior to discharging to the proposed attenuation tank.</p>	
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		Interests (Qis) as a result of the proposed development.	Foul Water Management	
1150 Coastal lagoons	To restore the favourable conservation condition of Coastal lagoons in Galway Bay Complex SAC	As above		
1160 Large shallow inlets and bays	To maintain the favourable conservation condition of Large shallow inlets and bays in Galway Bay Complex SAC	As above	As above	
1310 Salicornia and other annuals colonising mud and sand	To maintain the favourable conservation condition of Salicornia and other annuals colonizing mud and sand in Galway Bay Complex SAC	The site of the proposed development is located approx. 1.8km from Galway Bay Complex SAC, separated by existing dwellings to the south of the proposed development. Taking a highly precautionary	As above	

		<p>approach, a potential pathway for indirect effects on the SAC via deterioration of water quality via a shared groundwater body and resulting from run off of pollutants during the construction and operational phases of the proposed development via overland flow to the stormwater network was identified.</p> <p>Therefore, following the precautionary approach, in the absence of mitigation, there is potential for indirect adverse effect to these QIs as a result of the proposed development.</p>		
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1330 Atlantic salt meadows (<i>Glauco Puccinellietalia maritimae</i>)	To restore the favourable conservation condition of Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) in Galway Bay Complex SAC	As above	As above	
1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)	To restore the favourable conservation condition of Mediterranean salt meadows (<i>Juncetalia maritimi</i>) in Galway Bay Complex SAC	As above	As above	
7210 Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i>	To maintain the favourable conservation condition of Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> in Galway Bay Complex SAC	As above	As above	

1355 Lutra lutra (Otter)	To restore the favourable conservation condition of Otter in Galway Bay Complex SAC	<p>The site of the proposed development is located approx. 1.8km from Galway Bay Complex SAC, separated by existing dwellings to the north of the proposed development.</p> <p>There is no potential for direct effect on either species as the proposed development site is located entirely outside of Galway bay Complex SAC. Additionally, there is no potential for ex-situ disturbance effects on either species due to the intervening distance between the proposed site and the SAC.</p> <p>Following a precautionary</p>	As above	
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		<p>approach, potential for indirect effect in the form of water quality deterioration within the SAC has been identified as a result of surface water connectivity during the construction and operational phases of the proposed development. Therefore, following the precautionary approach, in the absence of mitigation, there is potential for indirect adverse effect to these QIs as a result of the proposed development.</p>		
1365 Phoca vitulina (Harbour Seal)	To maintain the favourable conservation condition of	As above	As above	

	Harbour Seal in Galway Bay Complex SAC			
Other QI's				
1220 Perennial vegetation of stony banks	To maintain the favourable conservation condition of Perennial vegetation of stony banks in Galway Bay Complex SAC	Due to the terrestrial nature of this QI habitat and the intervening distance between the SAC and the proposed development site no potential for adverse effect is anticipated with respect to this QI and it will not be assessed further.		
3180 Turloughs	To maintain the favourable conservation condition of Turloughs in Galway Bay Complex SAC	According to map 10 of the Site- specific Conservation Objectives (NPWS, 2013) none of the Turloughs for which the SAC is designated occur within the same groundwater body as the proposed development site.		

		Therefore, there is no potential for the proposed development to have an adverse effect on the groundwater dependent QI habitat.	
5130 Juniperus communis formations on heaths or calcareous grasslands	To restore the favourable conservation condition of Juniperus communis formations on heaths or calcareous grasslands in Galway Bay Complex SAC	Due to the terrestrial nature of these QI habitats and the intervening distance between the SAC and the proposed development site no potential for adverse effect is anticipated with respect to these QIs and it will not be assessed further.	
6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco Brometalia)(*important orchid sites)	To maintain the favourable conservation condition of Semi-natural dry grasslands	As above	

	and scrubland facies on calcareous substrates (Festuco Brometalia) in Galway Bay Complex SAC		
<p>The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.</p>			
<p>Assessment of issues that could give rise to adverse effects view of conservation objectives</p> <p>(i) Water quality degradation</p> <p>Water quality of SAC remains vulnerable. Good quality water is necessary to maintain the populations of the Annex II animal species listed. Water quality degradation is the main risk from unmanaged site works where silt laden surface water reaches the municipal drainage system and Galway Bay beyond. A watercourse is present within the proposed site that has been previously mapped by the EPA (code: IE_WE_31K160960). The watercourse has been heavily encroached by vegetation and now resembles a drainage ditch. The remnant isolated channel of a historical EPA mapped watercourse (IE_WE_31K160960, segment code: 31_1071) is present within the northern portion of the proposed development site (Plate 5-5). This remnant channel has no flow and has been heavily encroached by vegetation, now acting as a drainage ditch (FW4) which is impounded within the site by the Bothar Stiofain road. Further downstream this watercourse has been historically culverted as a result of a previous development from 1996 and was incorporated into the storm sewer network. Decrease in water quality would compromise conservation objectives for Annex II species listed and increase sedimentation could alter habitat quality for spawning or nursery grounds.</p>			

Mitigation measures and conditions

Construction Phase Control Measures

A Construction and Environmental Management Plan (CEMP) has been prepared for the proposed development and is included with the planning application documents and can be found in Appendix III of the NIS. The following best practice mitigation and environmental control measures as outlined in the CEMP have been incorporated into the proposed development:

Earthworks

Adjacent drainage systems/groundwater need to be protected from sedimentation and erosion due to direct surface water runoff generated onsite during the construction phase. To prevent this from occurring surface water discharge from site will be managed and controlled for the duration of the construction works until the permanent surface water drainage system of the proposed site is complete.

All works shall be undertaken in accordance with the CIRIA document, 'Control of Water Pollution from Construction Sites, guidance for consultants and contractors'. A temporary drainage system shall be installed prior to the commencement of the construction works to collect surface water runoff from the site during construction. A summary of surface water controls that can be employed during the earthworks and construction phase are as follows:

- Source controls:
- In-Line controls:
- Treatment systems:
- Silt Fences:
- Silt Bags:

Shallow Excavation Dewatering

Appropriate interceptor drainage, to prevent upslope surface runoff from entering excavations will be put in place if required.

The interceptor drainage will be discharged to the site constructed drainage system and not directly to surface waters.

In the event of encountering groundwaters during excavation, the excavation will be dewatered using a pump equipped with a silt bag on the outlet if necessary, to

capture any silty material prior to subsequent natural percolation to ground.

Alternatively, this water will be tankered off site if required.

Daily monitoring of excavations by a suitably qualified person will occur during the construction phase. If high levels of seepage inflow occur, excavation work should immediately be stopped, and a geotechnical assessment undertaken.

Hydrocarbons

All oils, fuels, paints and other chemicals will be stored in a secure bunded construction hardstand area.

Refuelling and servicing of construction machinery will take place in a designated hardstand area which is also remote from any drainage systems.

A response procedure will be put in place to deal with any accidental pollution events and spillage kits will be available and construction staff will be familiar with the emergency procedures and use of the equipment.

Fuels stored on site will be minimised. Any storage areas will be bunded appropriately for the fuel storage volume for the time period of the construction.

Spill kits will be available to deal with accidental spillages.

A named person will be given the task of overseeing the pollution prevention measures agreed for the site to ensure that they are operating safely and effectively as well as having responsibility for the implementation of Emergency Procedures for spill control measures

Wastewater Disposal

A self-contained port-a-loo with an integrated waste holding tank will be used at the site compounds, maintained by the providing contractor, and removed from site on completion of the construction works; and,

No wastewater will be discharged on-site during either the construction or operational phase

Cement Based Products

No batching of wet-cement products will occur on site.

Ready-mixed supply of wet concrete products and where possible, emplacement of precast elements, will take place. Where possible pre-cast elements for culverts and concrete works will be used.

No washing out of any plant used in concrete transport or concreting operations will be allowed on-site.

Where concrete is delivered on site, only chute cleaning will be permitted, using the smallest volume of water possible. No discharge of cement contaminated waters to the construction phase drainage system or directly to any artificial drain or watercourse will be allowed.

Use weather forecasting to plan dry days for pouring concrete.

Ensure pour site is free of standing water and plastic covers will be ready in case of sudden rainfall event.

Operational Phase Control Measures

Surface Water Management

The existing site primarily consists of a greenfield site with no existing storm drainage or SuDS measures in place. To limit surface water runoff from the site to that of a partly brownfield site, the surface water drainage for the proposed development will be designed in accordance with the principles of Sustainable Urban Drainage Systems (SuDS) as embodied in the recommendations of the Greater Dublin Strategic Drainage Study (GDSDS).

For the proposed development, the interception storage can be achieved by implementing an infiltration storage tank. Growth factors will be applied to allow for the 100-year event.

Sustainable Urban Drainage System (SuDS), to ensure:

- Water Quality
- Water Quantity
- Biodiversity
- Attenuation Unit Design
- Kingspan Klargestor Bypass Separator

Proposed Foul Water Management

A pre-connection enquiry has been submitted to Uisce Eireann and the subsequent Confirmation of Feasibility has been granted (Ref no. CDS2300731) and is attached as Appendix D of the Civil Works Design Report accompanying this application. The above measures robustly block any potential impact pathway between the proposed project and any downstream EU designated sites during the operational phase.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected aquatic

species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures related to water quality are captured in Planning condition 2 of my Inspectors Report.	
<p>In-combination effects</p> <p>I am satisfied that in-combination effects have been assessed adequately in the NIS. The proposed development was considered in-combination with other plans and projects in the area that could result in cumulative impacts on designated Sites. No other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.</p>	
<p>Findings and conclusions</p> <p>The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site. Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for the Galway Bay Complex SAC [000268]. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.</p> <p>Reasonable scientific doubt</p> <p>I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.</p> <p>Site Integrity</p> <p>The proposed development will not affect the attainment Conservation objectives of the Galway Bay Complex SAC [000268]. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.</p>	
Inner Galway Bay SPA	

[004031]

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

(ii) Water quality degradation (construction and operation)

See Table 5.14 NIS

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (as relevant - summary)	Potential adverse effects	Mitigation measures (summary) NIS SECTION 6
Great Northern Diver (Gavia immer) [A003]	To maintain the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.	There is no potential for disturbance and displacement impacts to the Great Northern Diver (Gavia immer) as a result of the proposed development. The proposed development site is not located within the SPA, and due to the intervening distance between the SPA and the proposed development site there will be no disturbance effect on the species. Taking	Construction Phase Control Measures A Construction and Environmental Management Plan (CEMP) has been prepared for the proposed development and is included with the planning application documents and can be found in Appendix III of the NIS. Operational Phase Control Measures To limit surface water runoff from the

		<p>a highly precautionary approach, there is potential for a deterioration in water quality resulting from the construction and operational phases of the proposed development via runoff to the existing storm network and groundwater body, both of which are connected to Inner Galway Bay SPA. A complete source-pathway-receptor chain for adverse effects on this habitat was identified.</p>	<p>site to that of a partly brownfield site, the surface water drainage for the proposed development will be designed in accordance with the principles of Sustainable Urban Drainage Systems (SuDS).</p> <p>Install a by-pass separator (Kingspan Klargestер bypass separator) prior to discharging to the proposed attenuation tank.</p> <p>Foul Water Management</p>	
<p>Cormorant (Phalacrocorax carbo) [A017]</p>	As above	As above	As above	
<p>Grey Heron (Ardea cinerea) [A028]</p>	As above	As above	As above	

Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]	As above	As above	As above	
Wigeon (<i>Anas Penelope</i>) [A050]	As above	As above	As above	
Teal (<i>Anas crecca</i>) [A052]	As above	As above	As above	
Shoveler (<i>Anas clypeata</i>) [A056]	As above	As above	As above	
Red-breasted Merganser (<i>Mergus serrator</i>) [A069]	As above	As above	As above	
Ringed Plover (<i>Charadrius hiaticula</i>) [A137]	As above	As above	As above	
Golden Plover (<i>Pluvialis apricaria</i>) [A140]	As above	As above	As above	
Lapwing (<i>Vanellus vanellus</i>) [A142]	As above	As above	As above	
Dunlin (<i>Calidris alpina alpina</i>) [A149]	As above	As above	As above	
Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]	As above	As above	As above	
Curlew (<i>Numenius 51enelop</i>) [A160]	As above	As above	As above	
Redshank (<i>Tringa 52enelop</i>)	As above	As above	As above	

[A162]				
Turnstone (<i>Arenaria interpres</i>) [A169]	As above	As above	As above	
Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]	As above	As above	As above	
Common Gull (<i>Larus canus</i>) [A182]	As above	As above	As above	
Sandwich Tern (<i>Sterna sandvicensis</i>) [A191]	As above	As above	As above	
Common Tern (<i>Sterna hirundo</i>) [A193]	As above	As above	As above	
Wetlands and waterbirds [A999]	To maintain the favourable conservation condition of wetland habitat in Inner Galway Bay SPA as a resource for the regularly occurring migratory waterbirds that utilise it.	Emissions to surface and ground water pathways during the construction and operational phases have the potential to result in adverse impacts on Wetlands and Waterbirds [A999]. A complete source-pathway-receptor chain for adverse effects on this habitat was identified.	As above	

<p>The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.</p>	
<p>Assessment of issues that could give rise to adverse effects:</p> <p>(i) Water quality degradation</p> <p>As above for SAC. Maintenance of good water quality is an attribute required to maintain favourable conservation condition for bird species.</p> <p>Mitigation measures and conditions</p> <p>As above for SAC</p>	
<p>In-combination effects</p> <p>I am satisfied that in-combination effects have been assessed adequately in the NIS. The proposed development was considered in-combination with other plans and projects in the area that could result in cumulative impacts on designated Sites. No other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.</p>	
<p>Findings and conclusions</p> <p>The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site. Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for the Inner Galway Bay SPA [004031]. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.</p> <p>Reasonable scientific doubt</p> <p>I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.</p>	

Site Integrity

The proposed development will not affect the attainment Conservation objectives of the Inner Galway Bay SPA [004031]. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

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

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

My conclusion is based on the following:

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