



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319670-24

#### Development

Demolition of the existing public house and adjoining shed and the construction of a hotel with a total of 6 floors comprising 182 rooms.

#### Location

Tonery's Pub, 144 Bohermore, Galway, H91 P653.

#### Planning Authority

Galway City Council.

#### Planning Authority Reg. Ref.

2360064.

#### Applicant(s)

Carra Shore Hotel (Galway) Limited.

#### Type of Application

Permission.

#### Planning Authority Decision

Grant permission.

#### Type of Appeal

Third party and first party versus conditions.

#### Appellant(s)

1. An Taisce Galway Association.
2. Carra Shore Hotel (Galway) Limited.

#### Observer(s)

Bryan and Jacqueline Egan.

**Date of Site Inspection**

14 March 2025.

**Inspector**

Stephen Rhys Thomas.

## Contents

1.0 Site Location and Description .....	5
2.0 Proposed Development .....	5
3.0 Planning Authority Decision .....	6
3.1. Decision .....	6
3.2. Planning Authority Reports .....	6
3.3. Prescribed Bodies .....	10
3.4. Third Party Observations .....	10
4.0 Planning History .....	10
5.0 Policy Context .....	11
5.1. Development Plan .....	11
5.2. Natural Heritage Designations .....	11
6.0 Environmental Impact Assessment (EIA) Screening .....	12
7.0 The Appeal .....	13
7.1. Grounds of Appeal .....	13
7.2. Applicant Response .....	16
7.3. Planning Authority Response .....	17
7.4. Observations .....	17
8.0 Assessment .....	18
9.0 Appropriate Assessment (AA) Screening .....	27
10.0 Recommendation .....	28
11.0 Reasons and Considerations .....	28
12.0 Conditions .....	28
13.0 EIA Pre-Screening .....	38

14.0	EIA Preliminary Examination .....	40
15.0	Appropriate Assessment (AA) Screening Determination .....	43

## 1.0 Site Location and Description

- 1.1. The appeal site comprises Tonery's Pub and car park at 144 Bohermore in Galway City and is located 450 metres north-east of the city centre (Eyre Square). The properties to the immediate north and south accommodate terraced dwellings. The adjoining area is residential in character. Forster Court housing estate, is located to the south and the appeal site provides an informal pedestrian access way between the housing estate and Bohermore to the north. Forster Court is positioned at a lower level than the public house lands and there is a level difference of 5 metres between Bohermore and Forster Court.

## 2.0 Proposed Development

- 2.1. The applicant proposes to demolish the existing public house and sheds on the site and construct a hotel, the detail is as follows:

- A multi storey hotel comprising 182 rooms.
- The hotel will rise to 13.4 metres as measured from the street level and present four storeys.
- The site will be excavated and provide a maximum of six internal courtyard floors, with an overall height from a new ground floor level of 19.45 metres at the middle section. The southern portions of the site will range between two and four storeys with heights of 6.6 metres and 16 metres relative to the rear elevations of 92-95 Forster Court.
- Demolition of the existing pub and adjoining shed/garage (588.3 sqm).
- Provision of 8 cycle spaces

Public realm improvements, roof mounted solar panels and lighting.

- 2.2. Further Information was submitted, 26 February 2024, changes include:

- Reduction in gross floor area – gross floor area now 5,524 sqm. Reduction in rooms from 182 to 163.
- Building set backs to maintain at least 11 metres, drawing P-1-008 refers.
- Overall site area is confirmed at 0.256 Hectares.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. The planning authority issued a notification to grant permission subject to 29 conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The basis of the planning authority decision includes:

##### Report 1

- Having regard to the 'R' zoning objective and the location of the development site, located in close proximity to Galway City Centre, it is considered that the principle of the proposed development is acceptable.
- Plot ratio of 2.40:1, this is higher than advised in the development plan (1:1) and higher than previously permitted (2:1).
- Streetscape elevation is overbearing, reduction necessary.
- Height and scale of overall building is excessive and a reduction should be sought.
- Traffic and parking is acceptable.
- Overlooking may occur in places, further information to be sought.
- Stage 1 'Screening' for Appropriate Assessment noted and accepted.
- Water services acceptable.

Further information requested to respond to the issues raised by the Planner.

##### Report 2

- Total area reduced from 6,143 sqm down to 5,524 sqm and total roof area reduced from 1,353 sqm down to 1,224 sqm. Reduction in rooms from 182 to 163.
- Plot ratio reduced to 2:1.

- It is considered that the proposed 3-Storey Hotel shall only respond well to the overall built environment and shall make a positive contribution to the urban neighbourhood and existing streetscape provided the 3rd floor is omitted together with 11 hotel bedrooms and a revised streetscape design.
- Revised set backs are acceptable.
- Attach a condition that will require public / pedestrian accessibility through the site at all times.
- Water services acceptable subject to conditions.
- Lobby and ESB substation arrangement along the street elevation to be amended by condition.
- Fire safety acceptable, subject to conditions and relevant certification.

In accordance with the Planner's recommendation grant permission subject to conditions.

#### 3.2.2. Other Technical Reports

- Fire Authority – further information.
- Roads Department – further information received acceptable, conditions recommended.
- Transportation Department - further information
- Environment Department - further information.
- Drainage Section – no objections, further information received acceptable, conditions recommended.
- GTS Bus Connects – no comments.
- Active Travel Unit - no objections.

#### 3.2.3. Conditions

Notable conditions include:

2. Prior to the commencement of development, the developer shall submit revised drawings and floor plans for the consideration and written approval of the Planning Authority consisting of the following:

- (i) Submit revised plans showing for the omission of Level No. 3, to be agreed in writing with the Planning Authority.
- (ii) The projecting area of the lobby at street frontage on the proposed ground floor shall be recessed flush with the main hotel entrance doorway.
- (iii) The ESB substation and switch room shall be relocated internally within the building or inward on site and setback to a position not forward of the main entrance doorway to the proposed Hotel building as shown on drawing P-1-003.
- (iv) The above amendments to the design and layout of the Hotel may result in a reduction in the floor area of the Lobby/Reception and a reduction in the number of rooms over all floor levels.

Reason: In the interest of visual amenity and the protection of residential amenity.

6. The developer shall ensure public access via the proposed cycle/pedestrian route traversing the site is secured through the site, at all times as shown in site layout plan P-1-003. Exceptions to this requirement will only be permitted for periods of maintenance /other, but where this limited exception is agreed in advance with the Planning Authority. Such facilitation shall be incorporated into the Management Plan as per Condition No. 5.

Reason: In order to ensure access, permeability and vibrancy in accordance with the Galway City Development Plan.

7. Prior to commencement of development on site the applicant shall submit the following to be agreed with the Planning Authority:

- (i) Details including boundary treatments, site levels and finishes of the proposed cycle/pedestrian route traversing the site from Bohermore to Forster Court Housing Estate as shown on Drawing P-1-003.
- (ii) The proposed pedestrian/cycling route shall be designed universally for all end users in accordance with access for all standards and shall be agreed in writing with the Planning Authority prior to the development becoming operational on site.
- (iii) The developer shall include proposals for the installation of a cycle ramp on the access steps to / from the Forster Court development to be agreed with the Planning Authority.



(v) The proposed cycle/pedestrian route traversing the site shall be limited to use by pedestrian and cyclist. Vehicular access is not permitted on this pedestrian route to gain access to adjoining lands.

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

8. Prior to commencement of development on site the applicant shall submit a revised cycle parking plan, including accessible cycle parking provision whereby all cycle stands are to be sheltered/covered and details agreed with the Planning Authority.

Reason: To order to ensure access, permeability and vibrancy in accordance with the Galway City Development Plan.

10. Prior to the commencement of any development works the developer shall submit to the Planning Authority a Construction and Excavation Management Plan, which shall include the following;

- (i) Details of enabling works;
- (ii) Traffic management measures for public roads for the duration of the construction works;
- (iii) Details of contractor's compound and car parking facilities;
- (iv) Management of deliveries;
- (v) Measures to prevent the transfer of mud and debris onto the adjacent public roads including for wheel washing facilities;
- (vi) Details of construction lighting.
- (vii) Measures proposed to mitigate the impact of the construction activities (and associated activities including vehicle movements) on the amenities and activities in the vicinity.
- (viii) This plan shall include all details of intended construction practice for the development, including hours of working, noise, dust, odour and vibration mitigation and management measures, and monitoring of such levels.

Reason: In the interest of the operational efficiency, amenity and safety of the road network.

28. (i) The applicant shall engage with Uisce Éireann by submitting a diversion enquiry to Uisce Éireann in advance of commencing the development so as to agree the best solution to protect /divert the existing watermain/sewer on site.

(ii) The developer shall submit an alternative proposal to the proposed pumped connection on site to the 225m clay sewer that shall comply with Uisce Éireann's Standard Details and Codes of Practice prior to the commencement of development.

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

29. The applicant is requested to provide evidence of consent and agreement with the Foster Court Management Company with regards connecting to Forster Court Infrastructure on 3rd party land in private ownership to Uisce Éireann networks prior to the commencement of development.

Reason: In interests of orderly development.

- 3.2.4. All other conditions are standard and technical in nature, including a development contribution condition.

### 3.3. Prescribed Bodies

**An Taisce** – refuse permission, issues include: hotel justification, description of development, site location, site coverage, plot ratio, scale and massing, traffic and parking, water services, rights of way and designated sites.

**Uisce Éireann** – additional information required.

### 3.4. Third Party Observations

- 3.4.1. 40 submissions received, items include: some qualified support for the development, but mostly opposed to height, scale, massing, traffic, overlooking, overshadowing, overbearing and rights of way.
- 3.4.2. A single observation in response to the further information submitted, critical of response and still opposed to the development.

## 4.0 Planning History

- 4.1. Appeal Site:

Planning authority reference 2181 - Permission for a hostel development and retail unit on a site extending over 3 floors above ground floor level and 2 floors below ground floor level, comprising 163 rooms (5,217.36 sqm); a retail unit (308.88 sqm); public realm and landscaping works including pedestrian linkages and cycle parking spaces.

## **5.0 Policy Context**

### **5.1. Development Plan**

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

- 4. Sustainable Mobility and Transportation
- 6. Economy, Enterprise and Retail
- 8. Built Heritage, Placemaking and Urban Design
- 9. Environment and Infrastructure
- 10. Compact Growth and Regeneration

Eyre Square Architectural Conservation Area (ACA) is located 450 metres to the west.

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

The site is not located within a Regeneration and Opportunity Site.

### **5.2. Natural Heritage Designations**

- 5.2.1. The Galway Bay Complex Special Area of Conservation (SAC) (Site Code: 000268) and Inner Galway Bay Special Protection Areas (SPA) (Site Code: 004031), coincide and are located 380 metres to the south east of the site. The applicant prepared an AA Screening Report as part of the planning application documentation.

## 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.)

6.1.2. It is proposed to construct a multi storey hotel comprising 182 rooms on an overall area of 0.2 hectares and located outside the business district. The site area is therefore well below the applicable threshold of 10 hectares. The introduction of hotel 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 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 there is no direct hydrological connection present such as would give rise to significant impact on nearby water courses. The site is located within the zone of archaeological potential of the city centre and appropriate steps can be taken during construction to monitor and record finds should they arise. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other 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.

6.1.3. Having regard to: -

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

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

- The location of the site within the existing built-up business district area, which is served by public infrastructure, and the existing pattern of commercial 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).

6.1.4. I have concluded that, by reason of the nature and scale of the hotel 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. The proposed development is the subject of a first party appeal which concerns certain conditions and a third party who opposes the granting of permission.

7.1.2. First Party versus conditions.

The first party appeal seeks the omission of condition 2(i) and condition 6, proposals as per condition 2(ii) are submitted for information. The main points are summarised as follows:

Omit condition 2(i) – part 2(i) will require the removal of level 3 (top floor) and 11 bedrooms. Conflicting ideas about plot ratio between planning reports has a bearing on understanding what is already permitted for the site. The City Development Plan states a ratio of 1:1 for commercial development on residentially zoned lands, but the permitted hostel amounts to 2:1 and the current proposal is 2:12, slightly more. To omit a whole floor on the basis that it will bring plot ratio down is unreasonable, when high plot ratios are permissible. Plot ratio is a crude measure of development and should be noted that most of the hotel is below ground and level so heights are not

impacted. The proposed hotel is a better all round design than the already approved hotel development. The hotel is set off the boundaries. The comparative analysis presented in the grounds of appeal, show how the hotel is a better fit than the hostel.

The height of the proposed hotel is acceptable, in line with relevant guidelines, compliant with the development for a close to city centre location and cognisant of relevant sunlight/daylight requirements. The target of three to four storeys at such a location is met, as aimed for in the Urban Development and Building Height Guidelines, section 1.4 and 1.9 refer. The Architectural Design Statement and Appeal Statement illustrate how the proposed building height is acceptable at this location whilst protected the visual and residential amenities of the area. Building set back and set down towards Forster Court demonstrates no overlooking, overshadowing or overbearing appearance.

Sustainable Residential Development and Compact Settlement Guidelines, located in an 'immediately surrounding neighbourhood', a building height of up to four storeys with good urban design and public realm improvements is encouraged and met by the design proposal.

Omit condition 6 – it is unreasonable to require a right of way at all times through hotel lands, when no right of way has been registered as such, note legal correspondence already submitted. Management and safety of such a pathway would be problematic. No opposition to the provision of a route through the hotel lands during defined time periods when safety and management of the space can be done in a practical and easy manner. A question is raised as to the appropriateness of condition 6 with reference to the Development Management Guidelines and legal opinion states that it is not.

The developer is willing to accept a condition that limits public access through the site during defined time periods and not on a 24 hour seven days a week basis.

The applicant has submitted the following:

- Legal Opinion – rights of way and imposition or related conditions.
- Design Statement (May 2024)
- Drawings package.

7.1.3. Third Party versus Decision, grounds of appeal summarised as follows:

- Hotel Justification – given the lack of housing and student accommodation, the construction of another hotel in Galway cannot be justified. Galway is a growing city and permissions for housing have not kept pace with an increased population. Construction and occupation of new office buildings means workers will require accommodation. There are already 13 operational hotels in the and around the city centre that provide 1,133 bedrooms, table 1 refers. It is noted that Dublin City have refused permission for hotels on the basis that hotel provision is over-concentrated, and this is the case for Galway. The applicant has failed to provide the rationale for another hotel in the city.
- Quality – the description as a high quality hotel is misleading as not dining room or bar are provided. This limits local engagement with the facility, unlike the existing public house on the site at present.
- Location – the site is not located within the city centre, it is an inner residential area as defined by the Galway City Development Plan.
- Site Coverage – site coverage is too high, there will be no outdoor amenity space.
- Plot Ratio – at 2.4:1 the plot ratio is higher than that outlined for the area in the development plan, for either a city centre area or inner residential area.
- Scale and Massing – given the inner residential area location of the site, the scale and massing of the proposed hotel is much larger than the previously permitted hostel development, a comparison is set out at table 2. Condition 3 of permission 21/81 (hostel development) required the omission of level 3.
- Vehicle set down – there are no areas provided for the set down of cars or buses. This will lead to traffic disruption along the Bohernmore Road.
- Bicycle Parking – the amount of bicycle parking spaces is too low and inadequate for the scale of development.
- Water Services – the combined sewer in the area cannot cope with the additional flow, reference is made to the Uisce Éireann report on file. The site is very confined, and routing of pipes proposed by the applicant may not meet the approval of Uisce Éireann. A pumping station may be required to

facilitate development. Surface water from the site may join a combined sewer that is at capacity, details on drawings do not show the surface water connection.

The report prepared by Uisce Éireann, submitted just before the notification to grant permission, has not been taken into account. The Uisce Éireann raises significant issues with the water services arrangement proposed by the applicant, permission should be refused.

Inadequate capacity in the wastewater network means that during wet weather there will be an increase in discharge to the River Corrib and this development will contribute to this impact.

- AA Screening – screening for appropriate assessment report is deficient. No account has been taken of stormwater overflows and how the proposed development will make matters worse with regard to water pollution during adverse weather events.

## **7.2. Applicant Response**

7.2.1. The applicant has prepared a response to the third party's grounds of appeal. The applicant reiterates much of the material already prepared as part of the application, relevant new points include:

- Hotel use is acceptable at this location policies 6.1 and 6.8 of the development plan refer, no specific justification is required.
- The design of the hotel is high quality architecture and the provision of kitchen and dining room is primarily for visitors to the hotel.
- The site is located on residentially zoned land and close to the city centre.
- Generous outdoor areas have been provided for patrons.
- Laybys and set down areas were dismissed by the Council and the provision of an internal service/delivery area is the preferred option.
- Water Services – correspondence from MMOS consulting engineers confirms that proposals are acceptable to Uisce Éireann.



- AA Screening – Openfield Ecological Services correspondence responds to stormwater overflow concerns.

### **7.3. Planning Authority Response**

None.

### **7.4. Observations**

A single observation, that is summarised as follows:

- The proposed development is for a hostel/dormitory, because no bar/pub/restaurant has been proposed.
- The proposal constitutes overdevelopment of the site, at a plot ratio of 2:16.
- Dull architectural design.
- Lack of any parking, will create parking and traffic problems in the area.
- The restriction of a right of way used by local people for over thirty years is wrong and contrary to planning and common law.

## 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 issues can be dealt with under the following headings:

- Planning Context
- Hotel Justification
- Design Quality
- Traffic and Transport
- Water Services
- First Party Appeal against Conditions
- Conditions
- Other Matters

### 8.2. **Planning Context**

8.2.1. Permission was previously granted for a hostel development and retail unit on a site extending over 3 floors above ground floor level and 2 floors below ground floor level, comprising 163 rooms (5,217.36 sqm); a retail unit (308.88 sqm); planning authority reference 2181 refers. The massing diagrams prepared by the applicant as part of the further information sought by the planning authority in the current application, provide a comparison between what was already permitted and what is now proposed. In addition, floorplans and elevations submitted as part of the initial planning application package provided dashed line outlines of the previously permitted development across the site. Lastly, appeal documentation also shows comparisons drawn between permitted and proposed development. In all cases I observe that the current proposed in all its forms is of a lesser impact in terms of visual and residential amenity than that already permitted on this site and originally proposed in this appeal.

8.2.2. The proposed development seeks to accommodate hotel instead of hostel uses in a revised design envelope, such uses are considered to contribute to the zoning

objectives, dependent on location and scale of the development. In this instance, permission already exists for a hostel of similar proportions and the planning authority have issued a notification to grant permission for the current hotel proposal now before the Board. I am satisfied that the proposed hotel use at this location is compatible with the land use zoning for the lands in question. The height, scale and design of the overall development underwent significant changes that were required by the planning authority in order to better fit in with surrounding development. As an overview, I am satisfied that in broad terms the proposal now before the Board has been positively refined a number of times and is better suited to its surroundings than previous and permitted attempts for this site. Over the following sections of my report, I address each matter as they refer to the various grounds of appeal and observations.

### **8.3. Hotel Justification**

- 8.3.1. In the grounds of appeal prepared by An Taisce, specific criticism is levelled at the need for additional hotel accommodation in Galway city given the lack of housing and student accommodation. It is the view of the appellant that another hotel in Galway cannot be justified. An Taisce's analysis is that Galway is a growing city, planning permissions for housing have not kept pace with the increasing population. Construction and occupation of new office buildings means workers will require living accommodation. There are already 13 operational hotels in and around the city centre that provide 1,133 bedrooms, table 1 of the grounds of appeal refers. An Taisce note that Dublin City have refused permission for hotels on the basis that hotel provision is over-concentrated, and this is the case for Galway. In conclusion the applicant has failed to provide the rationale for another hotel in the city. The applicant notes that hotel use is acceptable at this location policies 6.1 and 6.8 of the development plan refer, and that no specific justification is required.
- 8.3.2. The examination set out by An Taisce in their submission on hotel beds in the city centre and their commentary on the housing crisis and the wide range of threats to the sustainability of city centres is well made, coherent and noteworthy. However, the circumstances in this appeal refer to the substitution of proposed hostel accommodation for a hotel accommodation close to the city centre, near to amenities, public transport and supportive of the tourism industry. The planning authority raised no issues about the provision of or oversupply of hotel bed spaces in

Galway city. I note Policy 6.8 of the current development plan and its support for the tourism sector in general and the promotion of a sustainable range of tourism accommodation in particular. The applicant's Planning Report sets out the rationale for the hotel proposal, but it is more concerned with the building envelope rather than the demand for additional hotel bed spaces in the city. In this regard the applicant highlights that a justification for hotel accommodation is not a requirement of the development plan.

- 8.3.3. There is no analysis or cap on hotel bed spaces set out in the current statutory plan for the area. The Tourism Strategy 2020-2025 prepared by Galway City Council feeds into and supports the policies and objectives contained in the current development plan with reference to tourism. This strategy does not highlight in detail the bed space requirements of the city, and the county wide 2023-31 Tourism Strategy sets out capacity for the county as a whole not the city as a separate entity. However, section 11.4.3 of the development plan notes that student accommodation, hotels and hostels can be considered as a proportion of the obligation to deliver a residential content, in the city centre area. In that context, I am satisfied that the provision of additional hotel accommodation within Galway city centre supports the overall aims of the development plan to support tourism related activities as well as meeting broader housing strategy objectives. I am satisfied that a hotel is acceptable at this location, given the planning history of the site and the role it will play in providing accommodation within Galway city and broadly meet the varied accommodation needs of the city centre as a whole.

#### **8.4. Design Quality**

- 8.4.1. The appellant and observer are critical of nearly all aspects of the proposed hotel in place of a public house, from its design response and use to its massing and scale. The applicant refutes these criticisms and asserts the design quality and merits of the amendments that have taken place during the planning process. In addition, the grounds of appeal prepared by the applicant attempt to respond to the conditions attached by the planning authority's notification to grant permission, with illustrations of the perception of visual impact or lack of it. Taking each point raised by the appellant in turn:

8.4.2. Quality – the proposed development is for a modern and contemporary hotel with a large breakfast dining area at level 1 and a large lobby/reception area along the street front at Bohermore. This is not uncommon for a city centre hotel, however I note a slightly different format that includes the renovation of the adjacent public house at the Dean Hotel, 180 metres to the south west along Bohermore. The street elevation at the appeal site will be open at ground floor level and public realm improvements are planned. Whilst the loss of a public house might be regrettable, some types of publicly accessible facilities will still be available albeit in a different format and not as a public house. I note that a breakfast bar is proposed but not a public licensed bar. In any case, the quality of the proposed hotel services are no different to any other similar city centre proposition and I see no reason to recommend a refusal on the basis of the facilities proposed.

8.4.3. Overdevelopment – the appellant is critical of the site coverage of the development and the lack of outdoor amenity space. Firstly, I note that the planning authority raised only a slight concern with reference to plot ratio and site coverage calculations but were satisfied to grant permission for the development more or less as it was proposed. The development amounts to a plot ratio of 2:12, slightly greater than the city centre 2:1 advised in the development plan and site coverage is consistent with that previously permitted. With reference to non-residential development on residentially zoned lands the development plan states that where it is of a scale that serves the local need and where all other development management requirements are satisfied, alternate plot ratios can be considered. Specifically, plot ratio for commercial, leisure, community and mixed developments on residentially zoned lands shall not normally exceed 1:1, however, on major access roads where commercial development will contribute to the quality of urban design and is otherwise acceptable a higher plot ratio may be considered. This is just such a case, I am satisfied that higher plot ratios can be considered at this location and have already been considered appropriate given the scale of the previously permitted hostel development on this same site.

8.4.4. Open Space - I can see from the layout drawings that there are various pockets of amenity space at level 1, combined with a pedestrian access through the site. The amenity areas are well proportioned, and landscape planting is designed to respond to the 'well like' spaces that will result from the floors above. There are no specific

open space standards for hotel accommodation, as is the case for residential development. In addition, the amenity spaces planned for this development are not public open spaces as defined by the development plan but are specifically designed to break up the form of the overall building, protect residential amenities associated with neighbouring development and provide visual interest for patrons.

- 8.4.5. The proposed development has been conceived to be a better design response to the site than that already permitted. All of the appellant's drawings and illustrations throughout the planning process have detailed comparisons between the scale and massing of the previously permitted hostel and the new hotel. I am satisfied that a careful design process has been followed, taking account of third party observations with respect to visual and residential amenity. I am satisfied that the design aesthetic associated with the current proposal is responsive to the character of its setting, where there are no specific architectural or heritage designations close by. I am mindful of the Bohermore streetscape, that is a combination of single and two storey domestic architecture, but I am alert to the successful integration of a similar hotel development just 200 metres to the east of this site. I am also mindful of the current structures on site that are limited in their contribution to the streetscape and overall sense of place. Lastly, I am satisfied that the scaling down of the overall hotel building as it meets with Forster Court has successfully addressed any residential amenity issues and these have all been carefully addressed in the documentation prepared by the applicant including massing studies and sunlight/daylight analysis. In this respect I mostly share the views and conclusions expressed by the planning authority in terms of the design quality of the overall hotel and I consider it unnecessary to open up matters to do with residential amenity that have already been resolved by the planning authority and have not been revisited by the appellant or observers. However, I do address some issues to do with the conditions attached by the planning authority to deal with visual amenity as viewed from Bohermore and these are dealt with under section 8.7 of my report.

## **8.5. Traffic and Transport**

- 8.5.1. The appellant has raised issues with how the proposed development is to be served from a traffic and transport perspective. The main concern is that a vehicle set down area has not been provided, and that the quantum of bicycle parking is too low. The applicant has set out the rationale for a lack of an on street pull in area, internal

servicing and avoidance of a conflict with the future BusConnects Scheme are highlighted. The planning authority agree with this view and are satisfied with the servicing proposals advanced by the applicant.

8.5.2. The applicant has provided a loading bay area of 55 sqm, accessed from Bohermore and internalised within the building envelope. I noticed a similar arrangement at the nearby Dean Hotel, a comparable and operational hotel development 200 metres to the south west. The proposed loading bay will ensure that the servicing needs of the hotel will be internalised and managed within the site and off the street. In terms of a dedicated vehicle pull in, I observed that Bohermore is not a particularly wide road and that the footpath area is narrow in places. The applicant has proposed public realm improvements that will benefit the area and provide unhindered and comfortable pedestrian access along the site frontage with Bohermore. In my view the imposition of a vehicle pull in would dilute the design aesthetic for this new stretch of streetscape, put an undue importance on the needs of cars/taxis and impact on planned public transport infrastructure for the area (BusConnects).

8.5.3. The hotel is well placed, close to the city centre, and on street car parking is available nearby. I am satisfied that the applicant's Mobility Management Plan adequately addresses how patrons and employees will arrive and depart the hotel once operational and can be adjusted by condition as necessary. I see no reason to require a vehicle pull in area as part of this hotel development. With respect to the quantum and location of bicycle spaces. I see that a dedicated bicycle parking area is located at the eastern end of the site. No specific requirements regarding bicycle parking for hotels are set out in the development plan. However, I note that condition 8 attached by the planning authority states that revised cycle parking plan, including accessible cycle parking provision together with appropriate cover should be prepared. I am satisfied that this remains the case and appropriately worded condition should be attached.

## 8.6. **Water Services**

8.6.1. The appellant has raised concerns about how the development is to be served by water services, specifically, that water services in the vicinity cannot cope and that permission should be refused based upon the concerns raised by Uisce Éireann. The applicant notes constraints in the network but has provided information to show

that an alternate proposal that involves the diversion of surface water from the initially proposed combined sewer together with some attenuation on site. A new connection will be made to a 225mm sewer that runs along the boundary of the site with Forster Court, then onwards to a 900mm sewer running through the main part of the housing estate. All this infrastructure is taken in charge and connection can be availed of and this has been confirmed by the applicant (Uisce Éireann correspondence) in their response to the grounds of appeal.

- 8.6.2. The appellant has raised wider scale concerns about wastewater treatment capacity and how this development will impact on increased discharges to the River Corrib. This falls outside the scope of this application, on a site that already accommodates a commercial development currently connected to the municipal water services network. The site can be facilitated by water services infrastructure and the planning authority and Uisce Eireann have confirmed this. I am satisfied that there are no significant water services issues that cannot be addressed by an appropriate condition.

#### **8.7. First Party Appeal against Conditions**

- 8.7.1. The first party appeal seeks the omission of condition 2(i) and condition 6, proposals as per condition 2(ii) are submitted for information purposes. Each condition as they refer to the grounds of appeal to omit are addressed as follows:
- 8.7.2. Condition 2 - Condition 2(i) requires the omission of Level number 3 and the provision of details to be agreed in writing with the planning authority. The planning authority already sought further information to address various aspects of the overall proposal, a primary concern was the visual impact from Bohermore. For the most part the revisions submitted by the applicant were satisfactory, however, condition 2(i) highlights that concerns remain and necessitate further revisions. The applicant disagrees and sets out a lengthy and detailed rebuttal of the planning authority's concerns.
- 8.7.3. I have examined the initial design submitted by the applicant and I note the amendment process that resulted from the planning authority's further information request. I observe that the massing and scale of the overall development was reduced across the site, and this was principally to address residential amenity concerns. These amendments are successful and address the issues raised by the



planning authority and observers, and are not in play in condition 2. The only element of the proposal that remains a concern, in the opinion of the planning authority and generally the appellant and observer, is the visual impact as taken from Bohermore. The appellant has prepared a design statement with massing drawings that show, the previously permitted hostel, the initial design and the amended design after further information was requested. I have compared all of these drawings, observed the site and other similar development in the vicinity and can see no reason to omit the upper floor from a purely visual amenity perspective. The proposed height of up to four storeys as taken from the street, is not excessive and complies with all relevant guidance with respect to building height, urban design and placemaking. The proposed building takes advantage of the gradients across the site and up to six storeys is found at the heart of the site within a significant excavated area. I am satisfied that there is no rational design reason to remove the upper floor and so it should remain. Condition 2(i) should be omitted, however, the balance of condition 2 should remain to be agreed with the planning authority.

8.7.4. Condition 6 – Condition 6 requires the proposed cycle/pedestrian route traversing the site to be open at all times. The applicant sees this as problematic and unmanageable and requires its omission.

8.7.5. I have observed the site as it is at present, a pedestrian or cyclist can pass freely through the site from Forster Court to Bohermore. There is a pedestrian gate and large step at the Forster Court end, but it was not closed on the day of my site visit. The route is well used and provides a useful shortcut. The applicant aims to retain this pedestrian route and the plans show its path around the northern margin of the site. It is a welcome development that the applicant intends to retain this useful pedestrian link, despite no legal evidence of a right of way being in place. I suggest that careful management and monitoring of the pedestrian link will be necessary to ensure that antisocial behaviour does not take place along its route. I note that a similarly useful pedestrian linkage connects the lower portion of Forster Court with the upper portion of the estate. The pedestrian linkage is 67 metres in length, incorporates a dog leg turn, is positioned between the gable walls of houses and lit along its length. I did not observe any forms of security along its length other than lamp standards, but the pathway was not hindered by a gateway and seems to be well used with no obvious signs of antisocial behaviour having or taking place. There

was no graffiti or litter present along the pathway's length. I can see why a pedestrian route proposed through the applicant's site could present issues of public liability and perhaps an unsafe environment along its length, this route will no longer be a wide open space to roam, instead it will be a confined space between buildings. I see some worth in the retention of condition 6 in principle but with some amendments to ensure safe passage through the link. Items such as sufficient lighting, management plan and monitoring, but above all a specific opening and closing period to be agreed between the developer and planning authority and my suggestion is closure of the link between 11pm and 6am at all times of the year.

- 8.7.6. In summary, I am satisfied that that condition 2(i) should be omitted and that condition 6 be amended.

## **8.8. Conditions**

- 8.8.1. The planning authority attached 29 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 summary 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 revised drawings and floor plans. I have already addressed condition 2(i) as per the appellant's grounds of appeal. As already concluded, part (i) shall be omitted and the remainder of condition 2 shall remain.
- Condition 6 refers to a pedestrian access route through the site, as already concluded, condition 6 shall remain with amendments.
- Condition 7 relates to further amendments to the pedestrian linkage in order to make it more accessible, retain condition.
- Condition 8 refers to cycle parking standards, retain.
- Condition 10 refers to a construction plan, specifically with reference to excavation, retain condition.

- Condition 28 refers to Uisce Éireann, water services have already been addressed at section 8.6 of my report, a suitably worded condition should replace condition 28.

8.8.2. 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.

## 8.9. **Other Matters**

8.9.1. Designated Sites - The appellant has raised issues about Appropriate Assessment Screening and the wider impacts to designated sites in the Galway area as a result of wastewater infrastructure deficits. The applicant prepared a statement in relation to these issues and can be found in the response to the grounds of appeal. I am satisfied that the matter of wastewater and designated sites are adequately addressed under section 8.6 and 9.0 of my report, no further assessment is required.

## 9.0 **Appropriate Assessment (AA) Screening**

9.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on:

- Galway Bay Complex SAC (000268)
- Inner Galway Bay SPA (004031)
- Lough Corrib SAC (000297)

in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required. This determination is based on:

- Nature of works, the limited scale of the site and the urban nature of the development.
- The location within the city centre and distance from the nearest European site and the lack of a meaningful connection.
- Taking into account the screening determination by the planning authority.

## **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 R (Residential) and the provisions of the Galway City Development Plan 2023-2029, and the scale and nature of the proposed development, it is considered that the proposed development would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic and pedestrian safety and visual amenity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **12.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 26<sup>th</sup> day of February 2024 and by the Board on the 8<sup>th</sup> day of May 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of development, the developer shall submit revised drawings and floor plans for the consideration and written approval of the Planning Authority consisting of the following:

- (i) The projecting area of the lobby at street frontage on the proposed ground floor shall be recessed flush with the main hotel entrance doorway.
- (ii) The ESB substation and switch room shall be relocated internally within the building or inward on site and setback to a position not forward of the main entrance doorway to the proposed Hotel building as shown on drawing P-1-003.
- (iii) The above amendments to the design and layout of the Hotel may result in a reduction in the floor area of the Lobby/Reception and a reduction in the number of rooms over all floor levels.

Reason: In the interest of visual amenity and the protection of residential amenity.

3. The developer shall ensure public access via the proposed cycle/pedestrian route traversing the site is secured through the site, during the hours of 0600 and 2300 at as shown in site layout plan P-1-003. Exceptions to this requirement will only be permitted for periods of maintenance /other, but where this limited exception is agreed in advance with the Planning Authority. Such facilitation shall be incorporated into the Management Plan required by condition 13 of this order.

Reason: In order to ensure access, permeability and vibrancy in accordance with the Galway City Development Plan.

4. Prior to commencement of development on site the applicant shall submit the following to be agreed with the Planning Authority:

- (i) Details including boundary treatments, site levels and finishes of the proposed cycle/pedestrian route traversing the site from Bohermore to Forster Court Housing Estate as shown on Drawing P-1-003.
- (ii) The proposed pedestrian/cycling route shall be designed universally for all end users in accordance with access for all standards and shall be agreed in writing with the Planning Authority prior to the development becoming operational on site.
- (iii) The developer shall include proposals for the installation of a cycle ramp on the access steps to / from the Forster Court development to be agreed with the Planning Authority.

(v) The proposed cycle/pedestrian route traversing the site shall be limited to use by pedestrian and cyclist. Vehicular access is not permitted on this pedestrian route to gain access to adjoining lands.

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

5. Prior to commencement of development on site the applicant shall submit a revised cycle parking plan, including accessible cycle parking provision whereby all cycle stands are to be sheltered/covered and details agreed with the Planning Authority.

Reason: To order to ensure access, permeability and vibrancy in accordance with the Galway City Development Plan.

6. Prior to the commencement of any development works the developer shall submit to the Planning Authority a Construction and Excavation Management Plan, which shall include the following;

(i) Details of enabling works;

(ii) Traffic management measures for public roads for the duration of the construction works;

(iii) Details of contractor's compound and car parking facilities;

(iv) Management of deliveries;

(v) Measures to prevent the transfer of mud and debris onto the adjacent public roads including for wheel washing facilities;

(vi) Details of construction lighting.

(vii) Measures proposed to mitigate the impact of the construction activities (and associated activities including vehicle movements) on the amenities and activities in the vicinity.

(viii) This plan shall include all details of intended construction practice for the development, including hours of working, noise, dust, odour and vibration mitigation and management measures, and monitoring of such levels.

Reason: In the interest of the operational efficiency, amenity and safety of the road network.

7. 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.

8. 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.

9. 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.

10. 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.

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

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

12. 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.

13. 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 all open spaces, footpaths 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 and public amenity.

14. (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.

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

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

16. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall: (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues: (i) the nature and location of archaeological material on the site, and (ii) the impact of the proposed development on such archaeological material. A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements

(including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

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

17. The developer is required to submit a detailed “management and operations plan” which outlines how it is intended to manage and operate the hotel accommodation. This shall include details of staffing, on-site management / security and servicing. This shall be submitted to and agreed in writing with the Planning Authority, prior to the occupation of the hotel building and such terms of management and operation shall be subsequently implemented in full.

Reason: In the interests of the protection of residential amenity and in the interest of the proper planning and sustainable development of the area.

18. The management and maintenance of the development, including public realm, shall be the responsibility of a management company established by the developer/owneroccupier. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas, open spaces, landscaping, public lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the Planning Authority, prior to the occupation of the development.

Reason: To provide for the future maintenance of this development in the interest of the proper planning and sustainable development of the area.

19. (i) Details of the public lighting scheme within the development, including the specification of all lighting structures, shall be submitted and agreed in writing with Galway City Council prior to the commencement of the development. The lighting shall be so designed so as to be low level lighting and to prevent overspill onto neighbouring properties.

(ii) Details of the public lighting scheme to serve the pedestrian/cycling route within the development, including the specification of all lighting structures, shall be submitted and agreed in writing with Galway City Council prior to the commencement of the development.

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

20. (i) All plant machinery chimneys, filters or extraction vents to be used in connection with the development shall be located within the buildings and shall not extend beyond roof level unless subject of a separate planning permission.

(ii) No telecommunications structures shall be erected on the building unless authorised by a necessary planning consent.

Reason: In the interest of residential amenity.

21. No security shutters, canopies, projecting signs/ spotlights or other appliances shall be erected onto the development without a prior grant of planning permission.

Reason: In the interest of visual amenity.

22. Prior to the commencement of development, the developer shall submit details of the design and specification of all signage to the Planning Authority for written agreement. Use of the Irish language/bilingual signage shall be incorporated within the development and the applicant shall liaise with Gaillimhe na Gailiage in this regard.

Reason: In the interest of visual amenity.

23. Prior to the commencement of development, the developer shall submit details of the design and specifications of all solar panels proposed on the roof levels to the Planning Authority for written agreement.

Reason: In the interest of visual amenity.

24. All construction and demolition waste generated by the proposed development shall be disposed of by a suitably licensed service provider to a suitably licensed facility.

Reason: In the interest of orderly development and preservation of amenity.

25. The nature and use of the hotel shall be restricted to use as a short term tourist hotel as described in the application and defined under relevant tourist accommodation legislation and shall not be used for long term or permanent residential accommodation

Reason: To clarify the nature and extent of development approved by this permission in the interests of residential amenity.

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

Reason: To ensure the satisfactory completion of the development.

27. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any

applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An 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

14 May 2025

### 13.0 EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-319670-24		
<b>Proposed Development Summary</b>	Demolition of the existing public house and adjoining shed and the construction of a hotel with a total of 6 floors comprising 182 rooms.		
<b>Development Address</b>	Tonery's Pub, 144 Bohermore, Galway, H91 P653.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	✓
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	✓	Class (10) Infrastructure projects, part (b), of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended)	Proceed to Q3.
<b>No</b>			
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	✓		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			

<b>Yes</b>	✓	<p>Class (10) Infrastructure projects, part (b) paragraph (iv) Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.</p> <p>The site (0.256 Hectares) is not located in a business district, and is considerably less than 10 Hectares in extent.</p>	Preliminary examination required (Form 2)
------------	---	--	---

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	✓	<b>Pre-screening determination conclusion remains as above (Q1 to Q4)</b>
<b>Yes</b>		<b>Screening Determination required</b>

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

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

## 14.0 EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>ABP-319670-24</b>
<b>Proposed Development Summary</b>	Demolition of the existing public house and adjoining shed and the construction of a hotel with a total of 6 floors comprising 182 rooms.
<b>Development Address</b>	Tonery's Pub, 144 Bohermore, Galway, H91 P653.
<p><b>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.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<b>Characteristics of proposed development</b> (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The size, design, and cumulation with existing/proposed development is not significant. The use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health are considered to be minimal.
<b>Location of development</b> (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European	The land use would integrate satisfactorily with the area, that is characterised by medium density urban development. European sites are located nearby and these are assessed in detail under section 9.0 of the



<p>sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>main report. There are no landscapes of significance in the close vicinity of the site. The site is located within the zone of archaeological potential of the city centre and appropriate steps can be taken during construction to monitor and record finds should they arise. There is a no protected structure on the site and the Eyre Square ACA lies a distance to the west, these features will not be unduly impacted by the design as proposed and amended.</p>		
<p><b>Types and characteristics of potential impacts</b> (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>There are no significant effects identified in relation to environmental parameters, in terms of magnitude and spatial extent and the nature of impacts. There are no transboundary issues. The development is not of an intensity or complexity, that would result in significant, cumulative effects or limit opportunities for mitigation.</p>		
<p><b>Conclusion</b></p>			
<p><b>Likelihood of Significant Effects</b></p>	<table> <tr> <td data-bbox="665 1729 1157 1845"> <p><b>Conclusion in respect of EIA</b></p> </td><td data-bbox="1157 1729 1458 1845"> <p><b>Yes or No</b></p> </td></tr> </table>	<p><b>Conclusion in respect of EIA</b></p>	<p><b>Yes or No</b></p>
<p><b>Conclusion in respect of EIA</b></p>	<p><b>Yes or No</b></p>		

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

**Inspector:** \_\_\_\_\_

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

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

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

(only where Schedule 7A information or EIAR required)

## 15.0 Appropriate Assessment (AA) Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
<b>Step 1: Description of the project and local site characteristics</b> <b>Case file: ABP-319670-24</b>	
<b>Brief description of project</b>	Hotel.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>It is proposed to construct a hotel in the city centre of Galway. 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 and other planning documents provided by the applicant.</p> <p>The site is not located in proximity to any designated sites.</p>
<b>Screening report</b>	Yes
<b>Natura Impact Statement</b>	No
<b>Relevant submissions</b>	The appellant raised issues with regard to the wastewater treatment concerns and the River Corrib.
<b>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</b>  <p>Three 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</p>	

of sites, and I have only included those sites with any possible ecological connection or pathway in this screening determination.

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 (Glauco-Puccinellietalia maritimae)</p> <p>[1410] Mediterranean salt meadows (Juncetalia maritimi)</p> <p>[3180] Turloughs*</p> <p>[5130] Juniperus communis formations on heaths or calcareous grasslands</p> <p>[6210] Semi-natural dry grasslands and scrubland facies on calcareous substrates</p>	380 metres	<p>The development site is located completely outside of the SAC boundary, therefore, there is no potential for direct effect.</p> <p>Indirect connections may occur as part of the municipal water services network.</p>	Y

	(Festuco-Brometalia) (*important orchid sites) [7210] Calcareous fens with Cladium mariscus and species of the Caricion davallianae* [7230] Alkaline fens [1365] Harbour Seal (Phoca vitulina) [1355] Otter (Lutra lutra  <a href="https://www.npws.ie/protected-sites/sac/000268">https://www.npws.ie/protected-sites/sac/000268</a>			
Inner Galway Bay SPA [004031]	[A137] Ringed Plover (Charadrius hiaticula) [A169] Turnstone (Arenaria interpres) [A182] Common Gull (Larus canus) [A140] Golden Plover (Pluvialis apricaria) [A017] Cormorant (Phalacrocorax carbo) [A052] Teal (Anas crecca) [A162] Redshank (Tringa totanus) [A003] Great Northern Diver (Gavia immer) [A142] Lapwing (Vanellus vanellus) [A191] Sandwich Tern (Sterna sandvicensis)	380 metres	The development site is located completely outside of the SAC boundary, therefore, there is no potential for direct effect. Indirect connections may occur as part of the municipal water services network.	Y

	<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>A056 Shoveler (<i>Anas clypeata</i>)</p> <p>[A999] Wetlands</p> <p><a href="https://www.npws.ie/protected-sites/spa/004031">https://www.npws.ie/protected-sites/spa/004031</a></p>			
Lough Corrib SAC (000297)	<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130]</p>	700 metres	The development site is located completely outside of the SAC boundary, therefore, there is no potential for direct effect. There is no	Y

	<p>Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p> <p>Depressions on peat substrates of the Rhynchosporion [7150]</p> <p>Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p>		<p>direct or indirect, surface or subsurface pathway to the Lough Corrib SAC.</p>	
--	--	--	---	--

	<p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Bog woodland [91D0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Najas flexilis (Slender Naiad) [1833]</p> <p>Hamatocaulis vernicosus (Slender Green Feather-moss) [6216]</p> <p><a href="https://www.npws.ie/protected-sites/sac/000297">https://www.npws.ie/protected-sites/sac/000297</a></p>			
--	--	--	--	--

In response to observer concerns, there is an indirect hydrological pathway to Galway Bay through the combined foul sewer via the municipal WWTP. Sampling of water quality in Galway Bay (and presented in the Annual Environmental Report for the WWTP) indicates that the discharge from the wastewater treatment plant is not having an observable effect on the



receiving environment. There are consequently pathways to a number of Natura 2000 sites. There are hydrological links to the Inner Galway Bay SPA (site code: 4031) and the Galway Bay Complex SAC (site code: 0268). There is no direct or indirect, surface or subsurface pathway to the Lough Corrib SAC (site code: 0297).

There are no surface, terrestrial, hydrological, direct or indirect pathways to any other Natura 2000 site.

### 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 SACs or SPA identified.

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:	There is an indirect pathway from the development site via surface water and wastewater flows to Galway Bay and via water abstraction to Lough Corrib. In terms of the conservation objectives of the Galway Bay Complex SAC maintaining good water quality has been stated as an objective for coastal lagoon, cladium fens and alkaline fens. However there is no example of the

		<p>cladium or alkaline fens habitats directly downstream of the site (as shown on maps within the NPWS conservation objectives report) and so the pathway to these areas is very weak. Lough Atalia is a coastal lagoon however there is no direct hydrological pathway to this feature. There can be no change to the quality or quantity of surface water draining from the site and the municipal wastewater treatment plant is operating to prescribed standards. Therefore, there can be no significant effect to the SAC arising from wastewater or surface water flows from the site during operation.</p>
	Likelihood of significant effects from proposed development (alone): <b>No</b>	
	<b>Impacts</b>	<b>Effects</b>
Inner Galway Bay SPA [004031	Indirect pathway to SPA:	<p>There is an indirect pathway from the development site via surface water and wastewater flows to Galway Bay and via water abstraction to Lough Corrib. In terms of the conservation objectives of the Galway Bay Complex SPA maintaining good water quality has been stated as an objective. Lough Atalia is a coastal</p>

		lagoon however there is no direct hydrological pathway to this feature. There can be no change to the quality or quantity of surface water draining from the site and the municipal wastewater treatment plant is operating to prescribed standards. Therefore, there can be no significant effect to the SPA arising from wastewater or surface water flows from the site during operation.
	Likelihood of significant effects from proposed development (alone): <b>No</b>	
	<b>Impacts</b>	<b>Effects</b>
Lough Corrib SAC (000297)	None.	None.
	Likelihood of significant effects from proposed development (alone): <b>No</b>	

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

I conclude that the proposed development alone would not result in likely significant effects on:

- Galway Bay Complex SAC (000268)
- Inner Galway Bay SPA (004031)
- Lough Corrib SAC (000297)

The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.

<b>Screening Determination</b>
<b>Finding of no likely significant effects:</b> In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on: <ul style="list-style-type: none"><li>• Galway Bay Complex SAC (000268)</li><li>• Inner Galway Bay SPA (004031)</li><li>• Lough Corrib SAC (000297)</li></ul> in view of the conservation objectives of this/ these sites and is therefore excluded from further consideration. Appropriate Assessment is not required. This determination is based on the limited scale and location of the development proposed, with no direct or meaningful connections or pathways.