



An
Bord
Pleanála

Inspector's Report ABP-319927-24

Development

Amendments to extant permission (ref. ABP-306403-20) to include a total of 257 bedrooms along with ancillary student facilities and all associated site works. An NIS was submitted with application.

Location

Coolough Road, Terryland, Galway City.

Planning Authority

Galway City Council

Planning Authority Reg. Ref.

Large-Scale Residential Development

Applicant

Montane Developments (Ireland)
Unlimited Company

Type of Application

Permission for Large Scale
Residential Development

Planning Authority Decision

Grant permission with conditions

Type of Appeal

Third Party

Appellants

- (1) Crestwood Residents
Association
- (2) Roisin NiChinneide

Observations

- (1) Edward Coughlan and Others
- (2) Tirellan Residents Association
- (3) Catherine Connolly TD
- (4) Richard Browne.

Date of Site Inspection

28th August 2024

Inspector

Colin McBride

Contents

1.0 Site Location and Description	5
2.0 Proposed Development.....	5
3.0 Planning Authority Opinion	8
4.0 Planning Authority Decision	9
4.1. Decision	9
4.2. Planning Authority reports.....	10
4.3. Prescribed Bodies.....	11
4.4. Third Party Observations	11
5.0 Planning History	11
6.0 Policy Context.....	12
6.1 National Policy.....	12
6.2 Local.....	13
6.3 Natural Heritage Designations.....	16
7.0 The Appeal.....	16
7.1 Grounds of Appeal	16
7.2 Planning Authority Response.....	18
7.3 Applicants Response	18
7.4 Appellant's Response.....	20
7.5 Observations.....	20
8.0 Screening	22
8.1 Environmental Impact Assessment	22
8.2 Appropriate Assessment.....	24
9.0 Assessment.....	27
10 Recommendation.....	39

11 Reasons and Considerations 39
12 Conditions 43

1.0 Site Location and Description

- 1.1. The site is in Galway in the suburb of Terryland c2km north of the city centre at Eyre Square. It has a stated area 1.115ha. At the time of inspection works have commenced on site (there is an extant permission on site), with the site cleared and rock breaking occurring on site. It has a triangular shape. It has c230m of frontage along the eastern side of the Coolough Road. The land on the other side of that road is pastoral and runs down to the Corrib River, apart from the plots of some detached houses. Most of the north-eastern boundary of the site runs along the back of the curtilage of houses in an estate called Crestwood, but its southern end runs along the side of the curtilage of a house and the head of a cul-de-sac in the estate. This corner of the site is near a mass rock that stands on a grassy verge along the cul-de-sac in the Crestwood. Part of the south-eastern boundary runs along the back of the curtilages of houses in an estate called Tirellan. The rest of it adjoins other scrubland. The site is higher than the lands around it. Its front boundary is marked by a low stone wall and there is wooden hoarding erected along the back of the wall with a construction entrance located where there was an existing entrance to the site off the Coolough Road. There are footpaths on both sides of the Coolough Road and streetlights. A gas main runs across the southern part of the site.

2.0 Proposed Development

- 2.1. The proposed development consists of the following.

Amendments to a previously permitted SHD Student Accommodation development on this site (ref, ABP-306403). The SHD permission comprised of 248 number student bed spaces within 2 no. Blocks ranging in height from 1 to 4 storeys with associated ancillary student facilities, car/cycle parking and associated site works.

The current proposal seeks a number of amendments to the permitted blocks which will range in height from 1 to 4 storeys (with an additional plant room on the roof of Block B).

The revised development will now provide a total of 257 no. bedrooms) of which 13 will be accessible bedrooms) within 26 no. single room clusters, along with ancillary student facilities to include student amenity space, student gym, laundry, reception/security area. Provision of car, motorbike and bicycle parking spaces, and coach drop off (with bus shelter). Bin stores, plant areas, switch room, ESB sub-stations, gas skid.

Access is to be provided from the Coolough Road as previously permitted and with additional pedestrian access now provided. All associated site development works, including landscaped areas, boundary treatments, drainage works, lighting, site services and infrastructure provision will also be provided.

2.2 Table 1: Key Figures

	Proposed LRD	Permitted SHD
Gross Site Area	1.115 hectares	1.115 hectares
Gross Floor Area	c. 2901.36 sqm	c. 2815.67 sqm
No. of bedspaces	257 no. bedspaces divided into 26 no. clusters.	248 no. bedrooms divided into 37 no. clusters
Assisted Living Units		
Height		
Block A	Part two and part three storeys	Part two and part three storeys
Block B	Part one and part four-storeys	Part one and part four-storeys
Plot Ratio	1.63	
Site Coverage	37%	
Public Open Space	6214sqm	7079.36sqm
Car Parking	8	8
Motorbike Spaces	3	3

Bicycle Parking	400	280
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2.3 Revisions were made in response to further information. These revisions include reduction of the plant area on the roof of Block B from a 248sqm compound to a 94.8sqm compound and 114.5sqm louvered area for location of heat pumps with a total area of 209.3sqm.

2.4 In addition to the standard plans and particulars, the application is accompanied by the documents and reports which include inter alia:

- Planning report
- Design Statement
- Drainage and Water Supply Report
- Stage 1 Flood Risk Assessment
- Stormwater Audit
- Traffic Report
- Landscape Design and Maintenance Report
- Tree Survey
- Archaeological Impact Assessment
- Construction Management Plan
- Construction Stage Waste Management Plan
- Daylight and Sunlight Analysis
- Ecological Impact Assessment
- Fire Safety Report for Planning
- LVIA CGIS Photomontage Views
- Microclimate Wind Analysis and Pedestrian Comfort Report
- Soils, Geology, Hydrogeology, Drainage Report
- Sustainability Statement
- Operational Waste & Recycling Management Plan
- EIA Screening
- Natura Impact Assessment

3.0 Planning Authority Opinion

- 3.1. The planning authority and the applicant convened a meeting under section 32C of the planning act for the proposed Large-scale Residential Development on the 22nd June 2022. The record of that meeting is attached to the current file.
- 3.2. Further to that meeting the planning authority issued an opinion under section 32D of the Act 28th July 2023 stating that the documents that had been submitted constitute a reasonable basis on which to make an application for permission for the proposed LRD subject to the issues raised below being addressed.
- (a) A report demonstrating compliance with the requirements of the Galway City Development Plan.
 - (b) Details of amendments proposed in comparison to the permitted development.
 - (c) Demonstration of how issues raised under the SHD application process have been addressed.
 - (d) Demonstrate compliance with regards to impacts of Climate Change for such developments, noting the requirements under Section 11.31 Climate - Scheme Sustainability Statements of the Galway City Council Development Plan .
 - (e) The application shall demonstrate compliance with Section 11.30 Student Accommodation of the Galway City Development Plan, the design standards promoted in the Guidelines on Residential Development for Third Level Students (DES 1999), the subsequent supplementary document (2005) and the Student Accommodation Scheme, (ORC 2007) and National Student Accommodation Strategy (2017) and Department of Housing, Planning, Community and Local Government Circular PL 8/2016 Identifying Planning Measures to Enhance Housing Supply.
 - (f) Demonstrate compliance with the Galway City Development Plan Section 5.2 Protected Spaces: Sites of European, National and Local Ecological Importance and Section 11.33 Appropriate Assessment, including Appropriate Assessment Screening, and if necessary, appropriate assessment.

(g) Set out a justification for the proposed height of new elements and shall demonstrate how the proposal satisfies all the criteria for increased height set out in the Urban Development and Building Heights Guidelines for Planning Authorities (December 2018) and the area specific policies, outlined in the Galway City Council Development Plan 2023 2029, Section 8.8 Urban Design and Placemaking, and the City Council Urban Density and Building Heights Study.

(h) Any proposed application shall be accompanied by an overshadowing/daylight/sunlight analysis for new elements of increased height in the proposal.

(i) Parks Department requirement including demonstrate compliance with amenity space provision of City Development Plan (Section 11.31), cycling connectivity and permeability, provision of covered outdoor cycle racks, ecological connectivity to wider Crestwood and surrounding biodiversity areas, interaction of landscape plan and ecology areas.

(j) The Surface Water Drainage Section requires the submission of a Stage 1 Storm Water Audit shall be submitted as part of any planning submission .

(k) The proposed application shall be accompanied by a detailed report/s demonstrating compliance with relevant City Development Plan Development Management Guidelines, relevant Ministerial Guidelines, Fire and Building Regulations, Irish Water, sustainable mobility, archaeology, flood risk, noting requirements under the Galway City Council Development Plan .

4.0 **Planning Authority Decision**

4.1. **Decision**

The planning authority have decided to grant permission subject to 23 conditions. Of note are the following conditions.

Condition 2: Save for amendments provided the development shall be carried out in accordance with the Strategic Housing development permission ref no. ABP-306403-20.

Condition no. 3: Requirement to establish a 20m buffer zone around a recorded monument and provide for archaeological monitoring.

Condition no. 5: Mitigation measures outlined in the submitted NIS, Ecological Impact Assessment and Construction Management Plan to be implemented.

Condition no. 6: No development above the parapet level.

Condition no. 8: Development to be managed in accordance with the submitted Student Accommodation Management Plan.

Condition no. 13: Construction Management Plan to be implemented including mitigation measures. Dilapidation survey of dwellings to be carried out prior to the commencement of development.

Condition no. 23: Special Development Contribution under Section 48(2)(c) in respect of works to improve the junction of the Dyke Road and Coolough Road as described in the Road Safety Audit associated with ref no. 306403.

4.2. **Planning Authority reports**

4.2.1. Planning Reports

Planners report (16/02/02): Further information required including submission of information justifying the extent of roof to plant area on the roof of Block B excessive in scale and having a dominant visual impact. Submission of a Noise Impact report including mitigation measures to protect adjoining residential amenity. Address the fact that a 5m buffer zone is proposed around a recorded monument despite the proposal and requirement for a 20m buffer zone under permission ref no. ABP-306403-24.

Planners Report (24/0524): The report highlights the proposal is for amendments to an extant permission and assessment relates to the amendments proposed. The revisions proposed to the design of the plant area and the submitted Noise Impact Report was noted. It was considered the applicant had demonstrated that noise impact would be acceptable in the context of adjoining residential amenities and that the revised design was acceptable in the context of visual impact and facilitates use of a more sustainable heating system in accordance with CDP policy. The report indicates that the reference to a 5m buffer zone originally is an error, and the

applicant is willing to implement the 20m buffer zone around the recorded monument condition as part of the parent permission under ABP-306403-24. A grant of permission was recommended subject to the conditions outlined above.

4.2.2 Other technical reports:

None.

4.3. **Prescribed Bodies**

Department of Heritage, Housing and Local Government (Development Applications Unit): Archaeological condition recommending maintaining of 20m buffer zone around existing recorded monument and carrying out of archaeological monitoring.

4.4. **Third Party Observations**

4.4.1. Several third-party submissions were received. The issues raised can be summarised as follows.

- Inappropriate height and scale, traffic impact and lack of sufficient parking, use of the accommodation for summer tourist accommodation, lack of consultation, ecological impacts, inadequate Appropriate Assessment, construction impact, noise light disturbance, provision of 25% of rooms for Irish language speakers and name and signage to be in Irish.

5.0 **Planning History**

5.1 ABP-306403-20: Permission granted for a Strategic Housing development consisting of 255 no. student bedspaces and associated site works. (Granted 16/06/20).

5.2 ABP-302626-20 (Reg. Ref. 17-377): Permission granted to construct 30 homes on the site consisting of 18 apartments in a 3-storey building and 12 terraced houses. (Granted 07/02/19).

6.0 Policy Context

6.1 National Policy

6.1.1 The National Planning Framework – Project Ireland 2040, (2018).

In terms of National Planning Policy, Project Ireland 2040: National Planning Framework (NPF) seeks to deliver on compact urban growth. Of relevance, objectives 33 and 35 of the NPF seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures.

6.1.2 Section 28 Ministerial Guidelines

Having considered the nature of the proposed development sought under this application, its location, the receiving environment, the documentation contained on file, including the submission from the Planning Authority, I consider that the following guidelines are relevant:

- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the ‘Building Height Guidelines’).
- Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities (2024).

6.1.34 Other National Guidance

Design Manual for Urban Roads and Streets

6.1.45 Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities (2024).

Table 3.2 - Area and Density Ranges Limerick, Galway and Waterford City and Suburbs

City - Suburban/Urban Extension Suburban areas are the low density car orientated residential areas constructed at the edge of cities in the latter half of the 20th and early 21st century, while urban extension refers to greenfield lands at the edge of the existing built-up footprint that are zoned for residential or mixed-use (including residential) development. It is a policy and objective of these Guidelines that residential densities in the range 35 dph to 50 dph (net) shall generally be applied at suburban and urban extension locations in Limerick, Galway and Waterford, and that densities of up to 100 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8).

Section 5.3.7 Daylight

"In drawing conclusions in relation to daylight performance, planning authorities must weigh up the overall quality of the design and layout of the scheme and the measures proposed to maximise daylight provision, against the location of the site and the general presumption in favour of increased scales of urban residential development. Poor performance may arise due to design constraints associated with the site or location and there is a need to balance that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution".

6.2 Local

6.2.1 Galway City Development Plan 2023-2029

The majority of the site is zoned 'R' Residential with a stated objective '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'.

Part of the site consisting of strip of land running along the southeastern boundary is zoned 'RA' Recreation and Amenity with a stated objective 'to provide for and protect recreational uses, open space, amenity uses, natural heritage and biodiversity'.

The main policies /objectives are set out below. This is not an exhaustive list and should not be read as such. The Board should consider inter alia the following:

Section 1.4 Core Strategy Context

Section 3.2 Housing Strategy

Section 4.2 Land Use and Transportation

Section 8.8 Urban Design and Placemaking

Section 11.1 Land Use Zoning Policies and Objectives

Section 11.3 General Development Standards and Guidelines: Residential Development

Section 11.30 Student Accommodation

The City Council supports the provision of high quality, professionally managed, purpose built student accommodation on/off campus at appropriate locations in terms of access to sustainable and public transport modes and third level institutes, in a manner that respects the residential amenities of the surrounding area.

Student accommodation should be designed to be attractive, accessible, safe, and minimise adverse impacts on the surrounding area while creating mixed, healthy and inclusive communities. The nature, layout and design of the development should be appropriate to its location and context and should not result in an unacceptable impact on local character, environmental quality or residential amenity. Proposals should be designed to be safe and secure for their occupants whilst respecting the character and permeability of the surrounding area.

An appropriate management plan should be part of student accommodation applications to minimise potential negative impacts from occupants and the development on surrounding properties and neighbourhoods and to create a positive and safe living environment for students. Adequate open space of suitable orientation should be provided within developments.

Proposals for student accommodation should comply in general with the design standards promoted in the Guidelines on Residential Development for Third Level

Students (DES 1999), the subsequent supplementary document (2005) and the Student Accommodation Scheme, (ORC 2007) and National Student Accommodation Strategy (2017) and Circular PI8/2016 unless superseded by new standards. Alternative design standards will be required to show that they are adapted from other international standards and prevailing best practice.

When assessing planning applications for student accommodation consideration will be given to the following:

- The location and accessibility to educational facilities and the proximity to existing or planned public transport corridors and cycle routes;
- The potential impact on local residential amenities;
- Adequate amenity areas and open space;
- The level and quality of on-site facilities, including storage facilities, waste management, bicycle facilities, leisure facilities, car parking and amenity;
- The architectural quality of the design and also the external layout, with respect to materials, scale, height and relationship to adjacent structures. Internal layouts should take cognisance of the need for flexibility for future possible changes of uses;
- The number of existing similar facilities in the area. In assessing a proposal for student accommodation the Council will take cognisance of the amount of student accommodation which exists in the locality and will resist the over-concentration of such schemes in any one area, in the interests of sustainable development and residential amenity.
- Details of the full nature and extent of use of the proposed use of the facilities outside of term time. Land Use Zoning Objectives and Development Standards and Guidelines Galway City Development Plan 2023-2029.
- Consideration regarding compliance with Part V arrangements for social housing will not be required where the accommodation is for student accommodation of a recognised third level institution.
- The proposed development includes ancillary facilities adequate to meet the needs of the development, including refuse/recycling facilities and cycle parking. • There will be a presumption against the requirement for car parking, however each proposal will be assessed on its merits and the intensity of use outside of the academic year.

- At least 10% of bed spaces shall be designed for students with disabilities. All permissions for student accommodation shall have a condition attached requiring planning permission for a change of use from student accommodation to other types of accommodation. Future applications for change of use will be resisted except where it is demonstrated that continuing over-provision of student accommodation exists in the city.

6.3 Natural Heritage Designations

Lough Corrib SAC (000297) 74m west.

Galway Bay Complex SAC (000268) 1.5km south.

Inner Galway Bay SPA (004031) 1.6km south.

7.0 The Appeal

7.1 Grounds of Appeal

7.1.1 A third party appeal has been lodged by Crestwood Residents Association. The grounds of appeal are as follows.

- Provision for enlarged plant area inappropriate in terms of overall increase in scale in the context of both visual amenities and adverse impact on adjoining residential development.
- Inadequate capacity surface water, wastewater and storm water services with issues of overflows. Proposal would cause significant risk of overflow of runoff wastewater from the development into the lower lying Crestwood. Report submitted by the applicant are inadequate in terms of assessing this issue.
- Lack of clarity in terms of the location of the additional bedspaces proposed in terms of the plans. Concerns regarding ongoing maintenance of green roof proposals.
- Proposed development is out of scale and character at this location. The proposal is excessive in density relative to adjoining development and there is

over concentration of such development at this location within this area, which should be avoided under Development Plan policy.

- The scale of development relative to existing one and two-storey dwelling raises issues regarding impact on light and privacy. The amendments proposed will reduce light levels to existing properties in Crestwood with the Daylight report submitted indicating a negative impact on existing properties. The proposal would impact on solar panels and concern is expressed regarding light impact in relation to an amendment proposed to the roof area of Block A.
- The entrance location is unsuitable and poses a danger in terms of traffic safety.
- There is a lack of cycle lanes in the area, which is an issue of concern in terms safety.
- The provision of 8 car parking spaces is inadequate for the proposal
- The provision of a pedestrian entrance is noted with a failure to provide the precise location of such.
- Concern is raised regarding noise impact of both construction and operational aspects of the proposal as well as the impact of rock fracking in terms of the structural integrity of adjoining properties.
- Concern is raised regarding summer usage of the development with a lack of clarity regarding the use of such and that student accommodation will not be the sole use.

7.1.2 A third party appeal has been lodged by Roisin NiChinneide.

- Appeal submission is a joint submission from Conradh naGaeilige, Comhalta na Mac Lecinn, University of Galway, Galway City Language Plan and East Galway City Language Plan.
- The submission notes that the Development Plan recognises the status of Gaeltacht Areas and the Irish language and erosion of such. Planning and

development issues have a significant impact on the viability of the Irish language.

- The submission recommends a number of conditions including.
25% of the rooms be reserved for Irish Speakers.
The development be given an Irish name.
Any signage to be bilingual, Irish and English.
- The submission outlines the provision of the Planning and Development Act in terms of Irish Language and the requirement for Development Pan policies in terms of preserving the Irish language.

7.2 Planning Authority Response

7.2.1 No response.

7.3 Applicants Response

7.3.1 Response by McGill Planning on behalf of the applicant Montane Developments.

- The revised design of plant room proposed will not be visually obtrusive and is subsidiary to the overall design of Block B.
- Water, sewerage and stormwater services are adequate to cater for the proposal with Uisce Eireann indicating satisfaction with the proposal.
- The plans and documents submitted are clear in terms of the provision and location of additional bedrooms.
- The green roof will not be visible from residences in Crestwood.
- The proposed development is satisfactory in terms of the character of the area and is largely similar in design scale to the permitted development on site.
- The proposed density is compliant with national policy in the form the Sustainable Residential Development and Compact Settlements with the proposal the equivalent of 57 units per hectare in density. The proposal is within walking and cycling distance of the NUIG campus.

- In response to claims of overconcentration of student accommodation it is pointed out that permission has already been granted for student accommodation on site and to the fact there is significant shortfall of student accommodation in Galway.
- The applicant refers to the submitted Daylight and Sunlight analysis and the fact it demonstrates no adverse impacts on existing residential development adjoining the site.
- The proposed entrance is as per the design and layout of that permitted and a Road Safety Audit has been carried out. It is considered that the existing road layout would allow for walking and cycling to the NUIG campus. The level of parking is considered satisfactory in the context of the accessibility of the site to the campus and the increase in bedrooms is a marginal.
- The additional pedestrian entrance provided has been identified clearly on the site layout and specified in the public notices.
- The proposal for rock breaking on site to facilitate construction was considered acceptable with permission granted on site. Condition no. 13(c) of the permission granted by the Council requires a dilapidation survey of all neighbouring properties prior to the commencement of development. No significant noise impact is anticipated with the facility subject to on-site management.
- The principle of summer accommodation was considered acceptable in regard to the permitted development on site and the development is subject to a Student Accommodation Management plan.
- The appellant refutes claims the proposal is invalid and fails to accord with development plan policy in terms of design and scale. The information provided on the applicants' website (cooloughlrd.ie) are accurate.
- In relation to demands that 25% of rooms be provided to Irish speakers it is noted that City development plan and strategy for Irish Language does not refer to student accommodation.
- It is noted that Condition no. 6 of the parent permission satisfies the appellants' request that for an Irish development name.

7.4 Appellant's Response

7.4.1 Response by Crestwood Residents Association

- In the event of a grant of permission a number of language conditions should be applied including at least 25% of the rooms reserved for Irish speaking students, that the development be given a name in Irish only, based on the native placenames of the area and that any signage relating to the scheme in full and to the individual blocks be in Irish or bilingual, in Irish and English .
- Language conditions have not been taken into account in the conditions applied by the Local Authority. Such are necessary to comply with obligations to Irish language in Gaeltacht areas.

7.5 Observations

7.5.1 Observations have been submitted by the following.

Edward Coughlan and others.

Tirellan Residents Association.

Catherine Connolly TD

Richard Browne

The issue raised in these observations can be summarised as follows. The issues raised in these observations can be summarised as follows.

- Development is overdevelopment and out of character with existing development in the area. The development fails to have regard to existing pattern and scale of development in the surrounding areas, would be visually obtrusive.
- The height and scale would have an adverse impact on adjoining residential amenities through loss of privacy and adverse impact on light. The findings of the Daylight Report are quoted with an independent report required.

- Adverse impact on efficiency of solar panels installed on existing dwellings due to impact on light.
- Failure to comply with Development Plan policy in regard to existing surrounding development.
- Lack of consultation with local residents.
- The site is within the Gaeltacht with appropriate conditions required to encourage Irish Language and appropriate naming. Lack of referral to language plan for the area.
- Provision of emergency entrance on area zoned RA is not compliant with the zoning and an appropriate use in an open space area.
- Construction impact will result in noise, dust and possible damage to existing properties in the area
- Impact of noise levels and antisocial behaviour in terms of existing dwellings in the area.
- Too high a density of student development on this site and in this area.
- Summer usage is not addressed with concern regarding parking and impact of such.
- Traffic hazard concerns regarding the entrance location, road alignment, existing congestion and what is considered to be inadequate levels of car parking.
- Failure to provide entrance layout in compliance with DMURs, inadequate upgrade proposal to public road, lack of safe cyclist access.
- Lack of pedestrian crossing infrastructure, inadequate public road network to facilitate pedestrian and cyclists and lack of public transport facilities convenient to the site. Inadequate proposals to deal with deficiencies in pedestrian facilities on the public road.
- Drainage concerns including inadequate infrastructure in the area, proximity of surface water drainage to a recorded monument.
- Inadequate Appropriate Assessment and failure to carry out a bat survey with the Lesser Horseshow bat a qualifying interest of the Lough Corrib SAC 74m

from the site. Failure to consider potential bat roosting sites in the tress to the east of the site.

- A revised fire safety report is required due to change to the permitted scheme.
- One of the submissions suggest a number Irish Language conditions including.

At least 25% of the rooms dedicated to Irish Speakers.

Use of Irish placenames.

Use of signage is Irish or bilingual.

8.0 Screening

8.1 Environmental Impact Assessment

8.1.1 This application was submitted to the Board after the 1st of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.

8.1.2 Item 10(b)(i) and (iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 as amended, and section 172(1)(a) of the Planning and Development Act 2000 as amended provides that an EIA is required for infrastructure developments comprising of urban development which would exceed:

- 500 dwellings
- 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. A business district is defined as 'a district within a city or town in which the predominant land use is retail or commercial use'.

8.1.3 Item (15) (b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 as amended provides that an EIA is required for: "Any project listed in this part

which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.”

8.1.4 The proposed development is for a residential scheme consisting of 257 bedroom student facility and is not within a business district with a mixed character to the area including recreational, industrial, retail and residential, on a stated development site area of 1.115ha. It is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001 as amended, in that it is less than 500 units and is below the size site threshold levels (not in a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere).

8.1.5 The application was accompanied by an EIA Screening Report which includes the information set out in Schedule 7A to the Planning and Development Regulations 2001 as amended and I have had regard to same. The report states that the development is below the thresholds for mandatory EIAR having regard to Schedule 5 of the Planning and Development Regulations 2001, due to the site size, number of residential units (257 bedrooms in 27 clusters) and the concludes that the proposal is unlikely to give rise to significant environment effects, so an EIAR is not required.

8.1.6 I have completed an EIA screening determination as set out in Appendix A of this report. I am satisfied that sufficient information is available to reach a conclusion in regard to screening for Environmental Impact Assessment including the submissions by the applicant, the submission of prescribed bodies and third-party observations. I consider that having regard to the nature and scale of development proposed in conjunction with the habitats/species on site and in the vicinity that the proposal would not be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would

not be likely to have significant effects on the environment, at construction and operational stages of the development, and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

8.2 **Appropriate Assessment**

8.2.1 Consideration of the Likely Significant Effects on a European Site

Article 6(3) of the Habitats Directive

8.2.2 The requirements of Article 6(3) as related to appropriate assessment of a project underpart XAB are considered fully in this section. The areas addressed in this section are as follows:

- The Natura Impact Statement
- Screening for appropriate assessment
- Appropriate assessment of implications of the proposed development on the integrity of each European site.

The Natura Impact Statement and Supplemental Information

8.2.3 The application is accompanied by an AA Screening report and an NIS which describes the proposed development, the project area and the surrounding area. A Construction Management Plan is also a key document in terms of the implementation of mitigation measures.

All Ecology and Appropriate assessment related documents have been prepared by Noreen McLoughlin, MSc, Environmental Consultant and informed by desk study including reference material from the NPWS website and data base and by field surveys. The application is also accompanied by an Ecological Impact Assessment (ECIA) and a Soils, Geology, Hydrogeology, Drainage Report.

A description of all baseline surveys is outlined within section 4.6 of the NIS. The following is a list of surveys undertaken:

The results of field surveys is outlined in Section 4.3 and 4.4 of the ECIA.

Flora and Habitats

Predominantly Dry Calcareous and Natural Grasslands (GS1).

Some area of Scrub (WS1)

Some scattered mature Ash trees (WL2) along the southeastern boundary and a small section of hedgerow (WL1) along the southwestern boundary.

Fauna

No suitable habitats on site for protected bird species including corncrake.

A number of common passerine birds observed using the scrub, hedgerow and trees for nesting and feeding., No habitats on site suitable for wading birds or bird species associated with Inner Galway Bay SPA or Lough Corrib SPA.

In the case of mammals, no evidence of badger setts with bedrock close to the surface making site unsuitable for such. Presence of otter unlikely due to lack of riparian habitats. No buildings on site and few trees that would provide roosting habitats for bat species with possibility that bats forage over the site on summer evenings.

Possibility that common frog occurs close to site but not observed. No suitable frog or newt breeding habitats.

The site is within the Corrib Hydrometric Area. There are no streams or watercourses within the site with the nearest surface water feature a small lake 500m west which feeds by a small stream into River Corrib, which is 713m west of the site with Lough Corrib 2.4km north of the site. Surface water drainage for the development will entail collection via a piped network routed through a petrol interceptor, attenuation in an underground structure and discharge via a flow control device to an existing 600mm

surface water network adjacent Crestwood. Foul water drainage is to the existing Galway City network.

It is important to note at this juncture that the proposed scheme does not overlap with any European site. The nearest European Site to the Proposed Scheme is South Dublin Bay and Lough Corrib SAC, located 74m west of the Proposed Scheme.

The scientific assessment to inform AA is presented in sections 3 -4 of the NIS and in the documentation submitted to the Board as part of the application. The conservation objectives of the various qualifying interest features and special conservation interest species are listed. Impact pathways are identified and the assessment of likely significant effects which could give rise to adverse effects on site integrity presented in Tables 3.

Mitigation measures are presented from section 5 of the NIS onwards under each site heading and detailed in full in the Construction Management Plan (CMP) and Hydrological Report. An assessment of potential in-combination effects is presented in Section 4.3 of the NIS.

The NIS together with supplemental information concludes that, following an examination, analysis and evaluation of the relevant information, including the nature of the predicted effects from the proposed development, and mitigation measures to avoid such effects, that the proposed development will not adversely affect the integrity of any European site, either alone or in combination with other plans and projects.

Adequacy of information submitted by the applicant.

8.2.4 Having reviewed the NIS and supplemental information that accompanies the application, I am satisfied that there is adequate information to undertake Screening and Appropriate Assessment of the proposed development on lands at Coolough Road within the administrative area of Galway City Council.

I am satisfied that all possible European Sites that could in anyway be affected have been considered by the Applicant.

I am satisfied that all ecological survey work and reporting has been undertaken and prepared by competent experts in line with best practice and scientific methods. Information on the competencies and professional memberships of the Ecological team are provided in the NIS. I am also satisfied that all potential impact mechanisms have been considered and appropriately assessed within the NIS document. I would refer to Appendix B where I carry out screening for Appropriate Assessment and subsequently a Stage 2 Appropriate Assessment.

9.0 Assessment

9.1 The planning issues arising from the submitted development can be addressed under the following headings-

- Principle of the proposed development
- Density
- Visual Impact
- Adjoining Amenity
- Traffic Impact/Car Parking
- Summer Accommodation
- Other Issues

9.2 Principle of the proposed development:

9.2.1 The proposal is for amendments to a permitted (ABP-306403-24). The permitted development was 248 for bedrooms within 2 no. Blocks ranging in height from 1 to 4 storeys with associated ancillary student facilities, car/cycle parking and associated site works. The amendments proposed include a number of changes. The overall layout of the permitted development remains unchanged in terms of vehicular access, the footprint and location of the proposed blocks. The changes made include an increase in the number of bedrooms from 248 (37 clusters) to 257 (26 clusters), alterations in the external elevations of the blocks and changes in height. There is a decrease of public open space from the permitted development (7,079.36sqm to 6,214sqm). In terms of changes in height the Block B includes the provision of a relocated plant area at fourth floor level that increases the permitted

ridge height from 37.600m to 40.500m. The height of Block A remains unchanged from the permitted development at 35.300m. Other revisions include an increase in bicycle parking spaces from 280 to 400 and the provision of an additional pedestrian entrance off the road frontage.

9.2.2 Having regard to the fact there is an extant permission on site and the proposal as described is for amendment to the permitted proposal, the principle of the proposed development has been established on site. In this regard I intend to assess the impact of the amendments over and above the design and scale of the permitted development and do not consider the overall principle of the proposed development needs to be justified.

9.2.3 The proposal is compliant with zoning objectives for the site with the proposal for student accommodation being residential accommodation that is consistent with Residential Zoning Objective. There is a portion of the site zoned Recreation and Amenity and in this case an area of open space is provided on this portion of the site, which is consistent with the requirements of the land use zoning objective. One of the observations question the fact there is an emergency entrance located on the portion of the land zoned RA. This is an emergency access for a fire tender and is as per the permitted layout under re no. 306403. I consider that the provision of such on the lands zoned RA would not conflict with the zoning objective and would note the previous permission the zonings of the site were the same as the current Development Plan (R and RA).

9.2.4 Conclusion on principle: I am satisfied that the overall principle of the proposed development is acceptable and has been established by the fact there is an extant permission on site. The acceptability of the proposal is contingent on the amendments proposed not having a significant additional impact over and above the level of permitted development.

9.3 Density:

9.3.1 The issue of excessive density is raised in the appeal submission. The proposal is for student accommodation consisting of 257 bedrooms and ancillary

accommodation. The proposal is for amendments to a permitted development with 248 bedrooms approved previously under ref no. 306403. In terms of overall increase in density of development the provision of 9 additional bedrooms represents a small increase over the permitted development.

9.3.2 The relevant guidelines are the Sustainable Residential Development and Compact Settlement guidelines which indicates that student accommodation density should be calculated on the basis of 1 dwelling per 4 bedspaces for net density. On this basis the permitted development is the equivalent of 62 units per hectare whereas the proposed development is 64 units per hectare, which is marginal increase over that permitted.

9.3.3 In terms of the guidelines the site is located in City - Suburban/Urban Extension Suburban area in which residential densities in the range 35 dph to 50 dph (net) shall generally be applied at suburban and urban extension locations in Limerick, Galway and Waterford, and that densities of up to 100 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8). Accessibility under Table 8 is defined as lands within 500m/5-6 minute walking distance of existing or planned high frequency urban bus services. There is a planned Bus Connects route that will run along Coolough Road where the site is located and for purposes of accessibility the fact the NUIG campus is within walking and cycling distance is relevant. I am satisfied that the density of development proposed is consistent with recommendations of the guidelines.

9.3.4 Conclusion on Density: The proposal is for amendments of a permitted student development of 248 bedrooms. The level of increase in density over the permitted is a marginal amount consisting of 9 no. bedrooms. I would consider that this density would be acceptable at this location and would comply with density policies under the Sustainable Residential Developments and Compact Settlement having regard to accessibility of the location to the NUIG campus.

9.4 Visual Impact:

- 9.4.1 The appeal submission and third-party observations raise concerns regarding the overall visual impact with the development considered to be out of scale and character with existing development in the area and having a visually obtrusive impact. The impact of the proposed plant area at the roof level Block B is considered to be disproportionate and have an adverse visual impact.
- 9.4.2 The permitted development on site consists of two blocks, Block A, which is part two and part three-storeys with a max ridge height of 35.300m and Block B, which is part single-storey and part four-storey with a max ridge height of 40.500m. The main change in in scale is the provision a plant area on part of the roof of Block B. It is notable that in response to further information revised plans were submitted with the plant area on the roof Block B reduced in scale and such were the plans that were approved.
- 9.4.3 In the main the overall scale of the amended development is similar to the permitted development on site in terms of height and scale. The current proposal provides for a small increase in overall floorspace of 85.69sqm. The provision of the plant area on Block B is a significant visual element and does have the scale of an additional storey at fourth floor level given its height, footprint and the fact that it is not setback from the elevations of Block B. In addition the blank nature of the elevation of the plant area serves to increase its visual impact. In response to further information the applicant revised the proposal to reduce the scale of plant area. The plant area has been split in two reduced in overall area and set back from the elevations and this is the design that has been ultimately been approved. The response is accompanied by a set of photomontage illustrating the visual impact of the proposal from a number of viewpoints, showing pre-development and post development including the design originally submitted and the design with reduced level of plant on the roof of Block B.
- 9.4.4 I am of the view that amended proposal subject to this application is not significantly different in design and scale over and above the permitted development on site. I would agree that the plant area originally proposed on the roof level on Block B was excessive in scale and added to the visual bulk of Block B. The revised proposal in response to further information is an acceptable change and significantly reduced the scale of the plant area, splits it in two and sets it back from the elevations of the

block. I would consider that overall visual impact of this alteration is satisfactory and that the overall scale of the development approved in this case would not have a significant or adverse visual impact at this location and does not represent a significant material change in visual impact over and above the permitted development under ref no. 306403.

9.4.5 Conclusion on Visual Impact: The proposed development subject to the changes made in the design of the plant area of Block B in response to further information, would be acceptable in the context of the overall visual amenities of the area. The overall design is similar in overall scale and design of the permitted development under ref no. 306403 and despite some changes in terms of elevational treatment and ridge height, the proposed development would be acceptable in the context of visual amenities of the area.

9.5 **Adjoining Amenity:**

Daylight/Sunlight/Overshadowing:

9.5.1 The amended proposals do provide for an increase in height of Block B with additional plant areas at roof level. The original proposal was for sizeable plant area that takes up approximately a third of the roof area of Block B and increases the height of the permitted Block B from 37.600m to 40.500m. The appeal submission and observations raise concerns about impact on light levels to existing dwellings adjoining the site. Block B is an L shaped Block with the bulkiest section running parallel to the southeastern boundary with a number of two-storey dwelling (Tirellan heights) backing onto this boundary. The gable end of the highest section of Block B adjoins the northeastern boundary with a single storey section of Block B running parallel to the boundary and with a number of single-storey dwelling with Crestwood backing onto this boundary. The concerns raised include loss of light to the existing dwellings adjoining the site and impact on solar panels installed at roof level of the existing dwellings.

9.5.2 The application was accompanied by a Daylight Analysis Report, which includes a section regarding Impact on Neighbouring Buildings. The report assesses impact on adjoining properties based on the provisions of BRE publication "Site Layout

Planning for Daylight and Sunlight – A guide to good Practice (2022 Edition) with use of Vertical Sky Component (VSC) for Daylight and Annual Probable Sunlight Hours for Sunlight.

9.5.3 The Vertical Sky Component (VSC) is a measure of how much direct daylight a window is likely to receive. The Vertical Sky Component is described as the ratio of the direct sky illuminance falling on the vertical wall at a reference point, to the simultaneous horizontal illuminance under an unobstructed sky. A new development may impact on an existing building, and this is the case if the Vertical Sky Component measured at the centre of an existing main window is less than 27%, and less than 0.8 (20%) times its former value. Assessment for such is recommended if the distance of each part of the new development from the existing window is less than three or more times its height above the centre of the existing window. Assessment is also recommended if part of a new building measured in a vertical section perpendicular to the main window wall of an existing building, from the centre of the lowest window, subtends an angle of more than 25° to the horizontal, then the diffuse light of the existing building may be adversely affected. If a window falls within a 45° angle both in plan and elevation with a new development in place then the window may be affected and should be assessed.

9.5.4 The report submitted includes an assessment of VSC for the windows facing the site on no. 1-10 and 77-82 Crestwood to the northeast of the site, no.s 150-163 Tirellan heights located to the south east of the site and two existing dwellings to the west of the site and on the opposite side of Coolough Road to the appeal site. The results indicates that all windows apart from one (no. 7 Crestwood) have a VSC value above 27% pre-development and will retain a value above 27% post-development. In the case of no. 7 Crestwood the pre-development value is 26% and will be 25.4% post development equating to a 0.98 its former value. The report classified impact as none in most case and negligible in some where there is reduction in values. The results indicate that all windows apart from one will retain the target value of 27% post-development. In the case of the one window, which falls below the 27% value (in the case of both pre and post-development), the level of reduction is 0.98 which is well above of 0.80 (20%) value, which would be considered an acceptable level of reduction.

- 9.5.5 An assessment of Annual Probable Sunlight Hours (APSH) for the adjoining properties has been carried out. The BRE standard is for interiors where the occupants should expect sunlight levels receive at least one quarter (25%) of APSH including in the winter months between 21st September and 21st March at least 5% of APSH. This standard only applies to units within 90 degrees of due south. The report submitted includes an assessment of APSH for the windows facing the site on no. 1-10 Crestwood to the northeast of the site, no.s 150-153 Tirellan Heights located to the south east of the site and two existing dwellings to the west of the site and on the opposite side of Coolough Road to the appeal site. The results indicate that all windows tested meet the target values of 25% annually and 5% for winter months both pre and post-development.
- 9.5.6 In relation to adjoining amenity spaces the relevant standard is that at least 50% of the area should receive at least 2 hours of sunlight on the 21st of March. If an existing area does not meet this standard, then the level of reduction should not be less than 0.8 times its former value. The report submitted includes assessments of amenity spaces associated with no.s no. 1-10 and 150-163 Crestwood to the northeast of the site, no.s 150-153 Tirellan Heights located to the south east of the site and two existing dwellings to the west of the site and on the opposite side of Coolough Road to the appeal site. The results indicates that all amenity spaces tested retain the target value that at least 50% of the area should receive at least 2 hours of sunlight on the 21st of March.
- 9.5.7 The submitted Daylight Analysis report demonstrates that the proposed development would have no significant or adverse impact on adjoining properties in terms of loss of daylight and sunlight to adjoining dwellings in the vicinity or overshadowing in terms of external amenity areas associated with these properties. The Daylight Analysis report uses the relevant standards (Site Layout Planning for Daylight and Sunlight – A guide to good Practice (2022 Edition)) to assess these impacts. The appeal submissions/observations call for an independent report on this issue and question the veracity of the submitted report. I am satisfied that the submitted report uses the relevant guidelines and target values to assess impact and I am satisfied based on the submitted document that the proposal would have

no significant impact in this regard with no information submitted to counter the findings of this report. In relation to the issue of impact on solar panels attached to the roofs of existing dwellings adjoining the site, I have no reason to believe that the development would adversely impact the performance of such, and I am satisfied that the approved development in this case is not significantly different in scale over and above the permitted development under ref no. 306403.

Privacy:

9.5.8 The issue of privacy is raised in the appeal submissions and observations. As reiterated throughout the report the proposal is for amendments to permitted development with some alterations in height and scale. In regard to privacy the proposal is not significantly altered in relation impact on privacy with the footprint of the blocks and level of separation as per the permitted development. I would be of the view that the proposed amendments would have no impact in terms of overlooking and privacy over and above that previously permitted on site.

9.5.9 Conclusion on Adjoining Amenity: I am of the view that the level of detail submitted by the applicant is sufficient and a reasonable technical basis to assess impact of the development on daylight, sunlight levels and overshadowing to adjoining properties. I am satisfied that the proposed development does not have disproportionate impact on daylight or sunlight levels to any single adjoining property and all windows and amenity spaces serving such with compliance with BRE target values in all cases. I am satisfied that proposed amendments over and above the permitted development in site would have no material change to the relationship between the development proposed and adjoining properties in regard to overlooking and privacy and that there is an adequate level of separation between the proposed blocks and adjoining properties.

9.6 Traffic Impact/Car Parking:

9.6.1 The appeal submission raises concerns regarding the location and overall safety of the vehicular entrance, the fact that the site is located on a busy road with a lack of sufficient pedestrian/cycling infrastructure on the local road network, insufficient provision of car parking on site as well as lack of accessibility to public transport. As

noted above the proposal is for amendment to an extant permission on site under ABP-306403-20. In terms of intensity the proposal does entail an increase in the number of bedrooms from 248 to 257, however the level of increase is by a small amount, and I am of the view that such would not entail a significant material difference in terms of overall traffic impact over and above the permitted development.

- 9.6.2 In terms of vehicular entrance the position and layout of the vehicular entrance is as per the permitted development on site under ABP-306403-20. In terms of intensity of development, the level of additional bedspaces is a marginal increase, and unlikely to have a significant material impact on traffic levels over and above the permitted development.
- 9.6.3 The application is accompanied by a Traffic Report. The report highlights traffic conditions applied to the permitted development including a Special Development Contribution under Section 48(2)(c) in respect of works to improve the junction of the Dyke Road and Coolough Road and the footpaths on the Dyke Road as described in the Road Safety Audit submitted with the previous application (RSA included with Traffic Report). The applicant has indicated a willingness to accept the development contribution or carry out the improvement works in question and has submitted drawings in the appendix of the Traffic Report showing provision of a Toucan crossing at the junction of Coolough Road and Dyke Road to the south of the site as well reduced junction radii and provision of a new section of footpath along the eastern side of Dyke Road and just north of the Terryland River.
- 9.6.4 Having regard to the marginal increase in bedrooms, I am satisfied that such will not increase traffic to a significant degree over and above the permitted development on site. The access provisions are as per the permitted development. I would consider subject to imposition of a Special Development Contribution as previously imposed providing for the upgrades required along Coolough Road, the proposal would be satisfactory in terms traffic safety and traffic movement proposed at the vehicular access.

- 9.6.5 The issue of car parking is raised by the appellants with concern regarding the level of parking and the possibility of parking demand overflowing onto adjoining properties. The proposal provides 8 car parking spaces on site and a space for a minibus/coach to pick up and drop off. This level of parking is the same level as provided with the permitted development under ref no. 306403. The proposal does entail the provision of additional bedrooms; however I note that permission was originally granted for student accommodation on this site on the basis that the site is 15 minutes walking distance from the college campus. I would consider that the increase in bedrooms is by a small number and the fact that the site is accessible to the college campus by means other than private vehicle would mean no need for additional on-site parking over and above the permitted level.
- 9.6.6 One of the observations questions the layout of the entrance in terms of compliance with DMURs, the provision of safe cyclist access and the over adequacy of footpaths and the proposed improvements. I would reiterate the proposal is amendments to a permitted development and that the traffic layout is as per the permitted development. In relation to the entrance, I am satisfied that an appropriate condition requiring compliance with DMURs including issues such as junction radii is sufficient. The current proposal provides for a dedicated pedestrian entrance separate to the vehicular entrance so does provide improved access for cyclists over the approved development. The proposal does provide for suggested improvements to the overall road network through amendments the applicant is willing to carry out or be subject to a special development contribution with a special development contribution applied previously.
- 9.6.7 Conclusion on Traffic Impact/Car Parking: The principle of the proposed development has been established at this location with the revised proposal entailing only a small increase in bedrooms over and above the previously permitted development. This fact taken in conjunction with the proposal for a traffic layout as per the permitted development in conjunction with the accessibility of the development in terms of walking and cycling to the College campus means the proposal would be satisfactory in the context of both traffic safety and parking provision.

9.7. Summer Accommodation:

9.7.1 The appeal submission and observations raise concerns about use of the development for tourist accommodation in the summer. The applicant has indicated that they wish to have the flexibility of use the accommodation for tourist accommodation outside the academic year and note that no restriction on such was placed under the parent permission with the applicant also referring to Government Circular PL 8/2016 (encourages against restrictions of use of student accommodation for tourist purposes). In granting permission under ref no. 306403, no restriction was placed on use of the development for summer tourist accommodation. In fact, Condition no. 4 of the permission specifies that “the proposed development hereby permitted shall only be occupied as student accommodation, in accordance with the definition of student accommodation provided under section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and shall not be used for any other purpose without a prior grant of planning permission for change of use”. This definition “includes residential accommodation that is used as tourist or visitor accommodation but only if it is so used outside of academic term times”.

9.7.2 I am of the view that given the proposal is for amendments to the permitted development and the fact that the intensity of development over and above that permitted is not significantly increased, I see no reason to apply a restriction in the out of term use in this regard.

9.7.3 Conclusion on Summer Accommodation: I would consider that the principle of the proposed development is established on site and that the intensity of development over and above the permitted development is such that I see no reason to impose a restriction on use of the development outside of the academic term other than as per Condition no. 4 of the parent permission requiring use as student accommodation as per the definition under section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

9.8 Other Issues:

- 9.8.1 The appeal submission raises issues concern that drainage infrastructure capacity and possible overflows into adjoining residential development. As highlighted throughout the report the proposal is for amendments to a permitted development and no significant change in the scale or intensity of development permitted. The proposal entails connection to existing drainage infrastructure and the applicant has provided details of a confirmation of feasibility to connect to foul drainage, stormwater infrastructure and water supply.
- 9.8.2 The appeal submissions/observations raise concerns regarding an over concentration of student accommodation in the area. As highlighted above the proposal is for amendments to a permitted student facility on this site permitted under ref no. ABP-306403-20 with the main changes being an increase in bedspaces and alterations to the design of the proposed blocks. The principle of the proposed development has been established on site and the level of increase in bedspaces represents a marginal increase over the permitted development.
- 9.8.3 The issue of noise and anti-social behaviour has also been raised in the appeal submission/observations. As stated previously the proposal is for amendment to a permitted development. I would acknowledge that there is an increase in bedspaces, however I would be of the view that the increase is by a marginal amount over the permitted development and is unlikely to entail a significant impact in terms of noise and disturbance over and above the permitted development. In relation to anti-social behaviour, I would refer to the fact that the proposal is a managed facility with on-site management and staff and that such should be sufficient to manage the aspect of potential anti-social behaviour and noise created by future occupants. In response to further information Noise Impact Assessment was submitted in relation to plant area. This assessment demonstrates that the plant area will not generate an adverse noise impact and mitigation is provided in the form of acoustic louvers.
- 9.8.4 Construction impact is raised in the appeal submission/observations with concerns regarding dust and noise impact as well as the impact of rock fracking on adjoining properties. The application is accompanied by a Construction Management Plan, which includes measures to minimise traffic impact, dust and noise impact during

the construction stage. In granting permission condition 13 does include the requirement for a dilapidation survey of existing adjoining properties prior to the commencement of development. I would consider the application of a similar condition in the event of a grant of permission to be a reasonable measure. I am satisfied that subject to implementation of these measures and subject to appropriate conditions restricting hours of construction, the overall impact of construction, will be temporary and manageable at this location.

9.8.5 The appeal submission/observations request that 25% of the units in the development be provided to Irish speakers and that signage should be in Irish. The site is located within a Gaeltacht Planning Area (Fig 7.3 Development Plan). There is no requirement under the Development Plan for a portion of the units to be apportioned to Irish Speakers. I would consider that an appropriate condition requiring the name of the development and signage to have regard to the location of the site within a Gaeltacht Planning Area is sufficient in this case to meet Development Plan policy requirements for a bilingual city.

9.8.6 The proposal entails the provision of separate pedestrian access along the road frontage and is a feature that was not provided under the permitted development under ref no. 306403. One of the appeal submissions raises concerns that the precise location of such is not specified. Having inspected the file the public notices make clear reference to the provision of the pedestrian entrance and the submitted drawings clearly identify the location and design and layout of this entrance. The provision of a separate pedestrian entrance would be acceptable and beneficial in terms of encouraging pedestrian movements.

10 Recommendation

10.1 I recommend that permission be granted subject to the conditions outlined below.

11 Reasons and Considerations

11.1 Having regard to

- (i) the site's location on lands with a zoning objective for 'R' and 'RA', and objective provisions in the Galway City Development Plan 2023 – 2029 in respect of residential development,
- (ii) the nature, scale and design of the proposed development which is consistent with the provisions of the Galway City Development Plan 2023 – 2029 and appendices contained therein,
- (iii) the Sustainable Residential development and Compact Settlements: Guidelines for Planning Authorities (2024),
- (iv) Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines').
- (vi) Housing for All, issued by the Department of Housing, Local Government and Heritage in September 2021,
- (vii) to the pattern of existing and permitted development in the area, and
- (viii) to the submissions and observations received,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.2 Appropriate Assessment (AA)-Stage 1

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within an established town centre location and adequately serviced urban site, the Appropriate Assessment Screening Report submitted with the application, the Inspector's Report, and submissions on file.

In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity,

the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, other than the Lough Corrib SAC, which is the European Site for which likelihood of significant effects could not be ruled out.

11.3 Appropriate Assessment-Stage 2

The Board considered the Natura Impact Statement and all other relevant submissions including expert submissions received and carried out an appropriate assessment of the implications of the proposed development on the Lough Corrib SAC in view of the site's Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's Conservation Objectives using the best available scientific knowledge in the field.

In completing the assessment, the Board considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the conservation objectives for the European sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site in view of the conservation objectives of the site. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

11.4 Environmental Impact Assessment (EIA):

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, which contains the information set out Schedule 7A to the Planning and Development Regulations 2001 (as amended), identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- The nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(i) and(iv), as amended,
- The location of the site on lands governed by zoning objective 'R' Residential and 'RA' Recreation and Amenity in the Galway City Development Plan 2023 - 2029, and the results of the strategic environmental assessment of the Development Plan undertaken in accordance with the SEA Directive (2001/42/EC),
- The existing use on the site and pattern of development in surrounding area,
- The planning history relating to the site,
- The availability of mains water and wastewater services to serve the proposed development,
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height, and quantum of development, as well as in terms of traffic and pedestrian safety and convenience. The proposal would, subject to conditions, provide an acceptable form of residential amenity for future occupants.

12 Conditions

1. The development shall be carried out as per the conditions attached to ref no. ABP-306403-20, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interests of clarity.

2. 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

3. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall ensure that:
 - (a) a 20-metre buffer, delineated by suitable secure fencing, shall be established between the development and the external perimeter of the Sites and Monument Record number GA082-096 Mass Rock, prior to commencement of any development within the site,
 - (b) no grounds work for the erection of buildings, landscaping or boundary works shall take place within the 20-metre buffer zone,
 - (c) the planning authority is notified in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(d) a suitably qualified archaeologist is employed who shall monitor all site investigations and other excavation works, and

(e) arrangements, acceptable to the planning authority, are provided for the recording and for the removal of any archaeological material which the authority considers appropriate to remove. 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 site and to secure the preservation and protection of any remains that may exist within the site.

4. The proposed development hereby permitted shall only be occupied as student accommodation, in accordance with the definition of student accommodation provided under section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act 2016, and shall not be used for any other purpose without a prior grant of planning permission for change of use.

Reason: In the interest of residential amenity and to limit the scope of the proposed development to that for which the application was made.

5. The proposed development shall be implemented as follows:
 - (a) The student accommodation and complex shall be operated and managed in accordance with the measures indicated in the Student Accommodation Management Plan submitted with the application.
 - (b) Student house units shall not be amalgamated or combined.

Reason: In the interests of the amenities of occupiers of the units and surrounding properties.

6. Prior to commencement of development a suitable name for the development (in Irish and English) reflecting local place names shall be agreed in writing with the planning authority. All signage on site shall be bilingual (Irish and English)

Reason: In the interest of local heritage.

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

Reason: In the interest of the visual amenities of the area.

8. The site shall be fully landscaped in accordance with the submitted landscape plans within the first planting season following completion of the development, except for works and planting within the area identified under condition 3(e) and within the buffer zone required under condition 3 in the south-eastern corner of the site.

Reason: In the interest of the visual and residential amenities of the area.

9. No access to the roof areas other than for maintenance shall be permitted.

Reason: In the interest of the residential amenity of adjoining properties.

10. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

11. The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

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

Reason: In the interests of visual and residential amenity.

13. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

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

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

15. The streets and junctions that are constructed and/or completed on foot of this permission shall comply with the standards and specifications set out in of the Design Manual for Urban Roads and Streets (DMURS) issued in 2019.

Reason: In the interests of road safety and to ensure that the streets in the authorised development facilitate movement by sustainable transport modes in accordance with the applicable standards set out in DMURS

16. Prior to the commencement of development, a mobility management plan which addresses all of the uses within the development, including term-time and out-of-term use, shall be submitted to, and agreed in writing with, the planning authority.

Reason: To support sustainable travel.

17. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, construction traffic management and off-site disposal of construction/demolition waste.
 - (a) prior to the commencement of development, the developer shall carry out a full dilapidation survey of all neighbouring properties. The results of the survey shall be held on file and made available to all parties when/as required as set out in the Construction Management Plan.

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

18. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented including engagement of a Hydrogeologist during the construction stage.

Reason: To protect the integrity of European Sites.

19. 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) in line with the requirement of condition 2 above 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.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

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

Reason: In the interest of sustainable waste management.

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

agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

22. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of works to improve the junction of the Dyke Road and Coolough Road and the footpaths on the Dyke Road as described in the Road Safety Audit submitted with the application. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office. Alternatively, the developer may carry out these works at its own expense in accordance with the specifications of the planning authority and those set out in the Design Manual for Urban Roads and Streets which shall, inter alia, reduce the corner radii at the junction of the Dyke Road and Coolough Road to no more than six metres.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Colin McBride
Senior Planning Inspector

09th September 2024

APPENDIX A
EIA Screening Determination

A. CASE DETAILS

An Bord Pleanála Case Reference – ABP-319927-24		
Development Summary	Amendments to extant permission (ref. ABP-306403-20) to include a total of 257 bedrooms along with ancillary student facilities and all associated site works	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?	Yes	Natura Impact Statement
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	<ul style="list-style-type: none"> • Construction Management Plan • Construction Stage Waste Management Plan
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	The following has been submitted with the application: <ul style="list-style-type: none"> • An Drainage and Water Supply report, Stage 1 Flood Risk Assessment and Stormwater Audit and Flood Risk Assessment report which have had regard to Development Plan policies regarding the Water Framework Directive (2000/60/EC) and the Floods Directive (2007/60/EC). • A Construction Management Plan and Construction Stage Waste Management Plan which considers the Waste Framework Directive (2008/98/EC). • A Construction Stage Waste Management Plan which considers EC Directive 2002/49/EC (END).

		SEA and AA was undertaken by the planning authority in respect of the Galway City Development Plan 2023-2029.	
B. EXAMINATION	Response: Yes/ No/ Uncertain	Where relevant, briefly describe the characteristics of impacts (ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The proposed development consists of a 2 no. blocks, Block A 2-3 storeys, Block B 1-4 storeys 12-storey apartment blocks on the eastern side of Coolough Road Baldoyle Road with adjoining developments comprising mainly single-storey and two-storey residential development. 3-5. The development is not regarded as being of a scale or character significantly at odds with the surrounding pattern of development.	No
1.2 Will construction, operation, decommissioning	Yes	The proposed development will result	No

<p>or demolition works causing physical changes to the locality (topography, land use, waterbodies)?</p>		<p>in site excavations and construction of a new development with the existing site subject to excavation and construction for residential use in accordance with the residential zoning that applies to these lands.</p>	
<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>Yes</p>	<p>Construction materials will be typical of such urban development. The loss of natural resources as a result of the redevelopment of the site are not regarded as significant in nature.</p>	<p>No</p>
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard measures outlined in a Construction Stage Waste Management Plan (CSWMP) would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances, and will give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust</p>	<p>No</p>

		emissions during construction are likely. Such construction impacts would be local and temporary in nature and with the implementation of standard measures outlined in a CSWMP would satisfactorily mitigate the potential impacts. Operational waste would be managed through a waste management plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.	
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No	No significant risks are identified. Operation of standard measures outlined in a CSWMP will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services and discharge surface waters only after passing through a fuel interceptor and a flow control device to the public network. Surface water drainage will be separate to foul drainage within the site and leaving the site	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	There is potential for the construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts would be suitably mitigated by the operation of standard measures	No

		listed in a CMP and a CSWMP. Management of the scheme in accordance with an agreed management plan will mitigate potential operational impacts.	
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures within a CMP and a CSWMP would satisfactorily address potential risks on human health. No significant operational impacts are anticipated, with water supplies in the area provided via piped services.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	No significant risk is predicted having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. The site is outside the consultation / public safety zones for Seveso / COMAH sites.	No
1.10 Will the project affect the social environment (population, employment)	Yes	Population of this urban area would increase. Housing would be provided to meet existing demand in the area.	No
1.11 Is the project part of a wider large scale change that could result in	No	Application is predominantly zoned R (Residential) with a portion of the site	No

cumulative effects on the environment?		zoned RA (Recreation and Amenity) is in an existing built-up area with no other undeveloped zoned urban lands immediately adjoining the site.	
2. Location of proposed development			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	No	No European sites located on or adjacent to the site. An Appropriate Assessment Screening and a Natura Impact Statement were provided in support of the application. Subject to the implementation of appropriate mitigation measures, no adverse effects are foreseen.	No
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?</p>	Yes	Field surveys of the site indicate that no protected flora or fauna species use the site. The site is not considered suitable bat roosting with no buildings and a limited trees and hedgerow.	No
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	No	Recorded monument on land adjacent the site. A 20m buffer zone is to be applied to the record monument as per the recommendations of	No

		Department of Heritage, Housing and Local Government and such is implemented in the design of the proposal.	
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	No such features are in this urban location.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwater which could be affected by the project, particularly in terms of their volume and flood risk?	No	The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding. Potential impacts arising from the discharge of surface waters to receiving waters are considered, however, no likely significant effects are anticipated.	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No		No
2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	Access to and from the site will be via the Coolough Road. No significant contribution to traffic congestion is anticipated from the subject development.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	Yes		No

3. Any other factors that should be considered which could lead to environmental impacts

3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project. Any cumulative traffic impacts that may arise during construction would be subject to a project construction traffic management plan.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No transboundary considerations arise	No
3.3 Are there any other relevant considerations?	No	No	No

C. CONCLUSION

No real likelihood of significant effects on the environment.	<input checked="" type="checkbox"/>	EIAR Not Required
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required

D. MAIN REASONS AND CONSIDERATIONS

The nature, characteristics and location of the proposed development means that it would not be likely to have significant effects on the environment.

Inspector _____ Date 09th September 2024

Approved (DP/ADP) _____ Date

APPENDIX B

Appropriate Assessment Screening

- 1.1 The first test of Article 6(3) is to establish if the proposed development could result in likely significant effects to a European site, in which case the development is 'screened in' for further detailed assessment- appropriate assessment (stage 2).
- 1.2 The screening assessment undertaken on behalf of the applicant concluded that the potential for significant effects could not be ruled out for **3 no. European Sites** within the intervening area in view of the conservation objectives of those sites and thus Stage 2 was required.

Step 1: Description of the project

- 1.3 I have considered the proposal for student accommodation in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is located on the eastern side of Coolough Road, to the north of Galway city centre and is 74m from the nearest Natura 2000 site, the Lough Corrib SAC (000297). The development consists of student accommodation with 257 bedrooms and ancillary accommodation laid out in 2 no. blocks ranging from single-storey to four-storeys in height. I would refer to the Technical Note by Dr Maeve Flynn, Inspectorate Ecologist regarding this file.

Step 2: Potential impact mechanisms from the project

- 1.4 Having regard to the location of the site relative to the nearest Natura 200 sites there is no likelihood for direct impact in the form of...
 - Habitat loss or deterioration
 - Species disturbance or mortality

There is a possibility of indirect impacts in the form of the following...

- Surface water pollution (silt/ hydrocarbon/ construction related) from construction works resulting in changes to environmental conditions such as water quality/ habitat degradation.

- Ground water pollution/ alteration of flows- effects on groundwater dependent habitats
- Human disturbance/ noise/ lighting - resulting in disturbance and displacement effects to QI species

Step 3: European Sites at risk

1.5 With reference to the potential impact mechanisms from the proposal, identify the European site(s) and qualifying features potentially at risk. Examine Site specific conservation objectives and relevant and supporting documents.

Table 1 European Sites at risk from impacts of the proposed project			
Effect mechanism	Impact pathway/Zone of influence	European Site(s)	Qualifying interest features at risk
Effect A Surface water pollution (silt/ hydrocarbon/ construction related) from construction works resulting in changes to environmental conditions such as water quality/ habitat degradation.	Discharges to surface water during construction phase and operational phase.	Lough Corrib SAC (000297)	Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130] Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140] Water courses of plain to montane levels with the Ranunculion fluitantis and

			<p>Callitricho-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>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>
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			<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>Effect B</p> <p>Ground water pollution/ alteration of flows- effects on groundwater dependent habitats</p>	<p>Discharges to groundwater during construction phase and operational phase.</p>	<p>Lough Corrib SAC (000297)</p>	<p>As above</p>
<p>Effect C</p> <p>Human disturbance/ noise/ lighting - resulting in disturbance and displacement effects to QI species</p>	<p>Disturbance during construction phase in terms of noise, dust, lighting and increased human activity and light during operational phase.</p>	<p>Lough Corrib SAC (000297)</p>	<p>As above</p>
<p>Effect A</p>	<p>Discharges to surface water during construction phase</p>	<p>Galway Bay Complex SAC (000268)</p>	<p>Mudflats and sandflats not covered</p>

<p>Surface water pollution (silt/ hydrocarbon/ construction related) from construction works resulting in changes to environmental conditions such as water quality/ habitat degradation.</p>	<p>and operational phase.</p>		<p>by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Turloughs [3180]</p> <p>Juniperus communis formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p>
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			<p>Lutra lutra (Otter) [1355]</p> <p>Phoca vitulina (Harbour Seal) [1365]</p>
<p>Effect B</p> <p>Ground water pollution/ alteration of flows- effects on groundwater dependent habitats</p>	<p>Discharges to groundwater during construction phase and operational phase.</p>	<p>Galway Bay Complex SAC (000268)</p>	<p>As above</p>
<p>Effect C</p> <p>Human disturbance/ noise/ lighting – resulting in disturbance and displacement effects to QI species</p>	<p>Disturbance during construction phase in terms of noise, dust, lighting and increased human activity and light during operational phase.</p>	<p>Galway Bay Complex SAC (000268)</p>	<p>As above</p>
<p>Effect C</p> <p>Human disturbance/ noise/ lighting - resulting in disturbance and displacement effects to QI species</p>		<p>Inner Galway Bay SPA (004031)</p>	<p>Black-throated Diver (Gavia arctica) [A002]</p> <p>Great Northern Diver (Gavia immer) [A003]</p> <p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Grey Heron (Ardea cinerea) [A028]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Wigeon (Anas penelope) [A050]</p> <p>Teal (Anas crecca) [A052]</p> <p>Red-breasted Merganser (Mergus serrator) [A069]</p>

			<p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Lapwing (Vanellus vanellus) [A142]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Curlew (Numenius arquata) [A160]</p> <p>Redshank (Tringa totanus) [A162]</p> <p>Turnstone (Arenaria interpres) [A169]</p> <p>Black-headed Gull (Chroicocephalus ridibundus) [A179]</p> <p>Common Gull (Larus canus) [A182]</p> <p>Sandwich Tern (Sterna sandvicensis) [A191]</p> <p>Common Tern (Sterna hirundo) [A193]</p> <p>Wetland and Waterbirds [A999]</p>
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Step 4: Likely significant effects on the European site(s) ‘alone’

1.6 Taking account of baseline conditions, and the effects of ongoing operational plans and projects, consider whether there is a likely significant effect ‘alone’. The question

being asked is whether it is possible that the conservation objectives might be undermined from the effects of the project 'alone'.

Table 2: Could the project undermine the conservation objectives 'alone'					
European Site and qualifying feature	Conservation objective	Could the conservation objectives be undermined (Y/N)?			
		Effect A	Effect B	Effect C	Effect D
Lough Corrib SAC					
<p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]</p> <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 Callitricho-Batrachion vegetation [3260]</p> <p>Semi-natural dry grasslands and scrubland facies on</p>	To restore and maintain the favourable conservation condition of the qualifying interests.	N	Y	N	

<p>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>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Bog woodland [91D0]</p> <p>Margaritifera margaritifera</p>					
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(Freshwater Pearl Mussel) [1029] Austropotamobius pallipes (White-clawed Crayfish) [1092] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Salmo salar (Salmon) [1106] Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303] Lutra lutra (Otter) [1355] Najas flexilis (Slender Naiad) [1833] Hamatocaulis vernicosus (Slender Green Feather-moss) [6216]					
Galway Bay Complex SPA					
Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170]	To restore and maintain the favourable conservation condition of the qualifying interests.	N	N	N	

<p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Turloughs [3180]</p> <p>Juniperus communis formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p>					
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Lutra lutra (Otter) [1355]					
Phoca vitulina (Harbour Seal) [1365]					
Inner Galway Bay SPA					
Black-throated Diver (Gavia arctica) [A002]	To maintain the favourable conservation condition of the qualifying interests.			N	
Great Northern Diver (Gavia immer) [A003]					
Cormorant (Phalacrocorax carbo) [A017]					
Grey Heron (Ardea cinerea) [A028]					
Light-bellied Brent Goose (Branta bernicla hrota) [A046]					
Wigeon (Anas penelope) [A050]					
Teal (Anas crecca) [A052]					
Red-breasted Merganser (Mergus serrator) [A069]					
Ringed Plover (Charadrius hiaticula) [A137]					
Golden Plover (Pluvialis apricaria) [A140]					
Lapwing (Vanellus vanellus) [A142]					
Dunlin (Calidris alpina) [A149]					

Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]					
Curlew (<i>Numenius arquata</i>) [A160]					
Redshank (<i>Tringa totanus</i>) [A162]					
Turnstone (<i>Arenaria interpres</i>) [A169]					
Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]					
Common Gull (<i>Larus canus</i>) [A182]					
Sandwich Tern (<i>Sterna sandvicensis</i>) [A191]					
Common Tern (<i>Sterna hirundo</i>) [A193]					
Wetland and Waterbirds [A999]					

1.7 The proposed development alone is unlikely to undermine the conservation objectives of the Lough Corrib SAC and Galway Bay Complex SAC due to discharge of sediments/pollutants to surface water during construction as standard construction measures will prevent pollution risks and provision of Sustainable Urban Drainage Systems (SuDs) as proposed will prevent discharge of sediments and pollutants to surface water during the construction and operational stage. There is also a lack of direct surface water connection to the designated site with no watercourses/stream or surface water bodies on site. Notwithstanding such in event such measures fail, the hydrological connection is indirect and the likelihood of significant effects on qualifying interests (habitats and species) can be ruled out on the basis of dilution factor. Having regard to this conclusion I would also state no

other aquatic based Natura 2000 site located in Galway Bay would be at risk as such are located at further distance from the site and I do not consider such are within the zone of influence of the project.

- 1.8 In relation to groundwater pollution during the construction phase significant effects cannot be ruled out as the site is characterised as being within an area of Extreme groundwater vulnerability with a small area of Extreme-X vulnerability determined at the western edge of the site. Impact on groundwater can be ruled out at operational phase due implementation of standard urban drainage measures on site.
- 1.9 I would acknowledge that the applicants' screening assessment did not rule out significant effects in terms of hydrological connection at construction stage and carried out a Stage 2 Appropriate Assessment in this regard with mitigation measures specified (section 5 of the NIS). In relation to surface water I am satisfied that these are standard construction/operational processes and cannot be considered as mitigation measures. These measures are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the case of groundwater pollution, the mitigation measures include the engagement of a Hydrogeologist during the construction phase and the Soils, Geology, Hydrogeology Drainage report refers to the need to prevent pollution in order to protect European Sites. I am satisfied that significant effects on Lough Corrib SAC and Galway Bay Complex SAC or any other Natura 2000 site in relation to impact on surface water quality and significant effects on the quality of aquatic habitats and subsequently on the species dependent on such habitat that are qualifying interests can be ruled out at the screening stage. In the case of groundwater pollution significant effects on the Lough Corrib SAC cannot be ruled out but are unlikely in the case of sites located further from the site including Galway Bay Complex SAC and Inner Galway Bay SPA due to dilution factor.
- 1.10 In relation disturbance of qualifying interests due to increased human activity including construction and operation, the application site is sufficiently remote from the designated sites to have no adverse impact with standard construction management measures as set out under the CMP adequate to prevent disturbance

of the habitats and species associated with any of the designated sites. The site is sufficiently removed from any designated site so there will be no significant impacts in terms of the operational phase and a lack of significant effects on any designated site in the vicinity.

- 1.11 In the case of the Lough Corrib SAC one of the qualifying interests is the Lesser Horseshoe Bat and the qualifying interests of the Inner Galway Bay SPA are wetlands and waterbirds. I am satisfied that the application site is not an ex-situ habitat for any of the species identified with based on the field surveys carried out and detailed within submitted Ecological Impact Assessment and NIS. In this regard I would rule out any significant effects on qualifying interest on the basis of loss of ex-situ habitats.
- 1.12 I conclude that the proposed development would not have a likely significant effects 'alone' on the qualifying interests of Galway Bay Complex SAC and the Inner Galway Bay SPA or any other designated Natura 2000 site from effects associated with discharge of sediments/pollutants to surface water during the construction stage and operational phase. I would however conclude that the possibility of significant effects without mitigation due to groundwater pollution during construction phase on the Lough Corrib SAC cannot be ruled out and a Stage 2 Appropriate Assessment is required.
- 1.13 Likely significant effects on the European site(s) 'in-combination with other plans and projects: I would rule out in-combination effects on the basis that any proposed or permitted development was subject to AA screening and that such connect to existing drainage infrastructure and are subject to the same construction management measures to prevent discharges of sediments/pollutants to surface water. I conclude that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European site(s).

1.14 Overall Conclusion- Screening Determination: In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information I conclude that significant effects cannot be ruled out in relation to the Lough Corrib SAC. It is therefore determined that Appropriate Assessment (stage 2) is required.

Appropriate Assessment (Stage 2)

2.1 The following is an objective assessment of the implications of the proposal on the relevant conservation objectives of the European sites based on the scientific information provided by the applicant and taking into account expert opinion and submissions on nature conservation. It is based on an examination of all relevant documentation and submissions, analysis and evaluation of potential impacts, findings conclusions. A final determination will be made by the Board.

2.2 All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects on site integrity are examined and evaluated for effectiveness. I have relied on the following guidance:

- DoEHLG (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service. Dublin
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC
- EC (2021) Assessment of plans and projects in relation to Natura 2000 sites. Methodological guidance on Article 6(3) and 6(4) of the Habitats Directive 92/43/EC.

Relevant European sites:

2.3 In the absence of mitigation or further detailed analysis, the potential for significant effects could not be excluded for:

Lough Corrib SAC (000297)

2.4 A description of the site and their Conservation Objectives and Qualifying Interests/Special Conservation Interests, including relevant attributes and targets for these sites, are set out in the NIS. I have also examined the Conservation Objectives Supporting Documents for these site, available through the NPWS website (www.npws.ie).

2.5 Table 1 below summarise the information considered for the Appropriate Assessment. I have taken this information from that provided by the applicant within the NIS. I expand on certain issues further in my report.

Table 1

Lough Corrb SAC [00297]			
Detailed Conservation Objectives available: ConservationObjectives.rdl (npws.ie)			
Summary of Appropriate Assessment			
Special Conservation Interest (SCI)	Conservation Objectives Targets and attributes (summary- inserted)	Potential adverse effects	Mitigation measures
Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]	To restore the favourable conservation condition of Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae).	An accidental pollution event during construction could infiltrate groundwater due to groundwater vulnerability on site and downstream in Lough Corrib SAC.	Detailed pollution control measures to protect water quality are outlined within section 5 and include but are not limited to: Appropriate fuel and chemical storage. Management of fuelling and servicing of machinery/ Contingency plans in case of spillages/use of soil kits.
Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]	To restore the favourable conservation condition of Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoëto-Nanojuncetea .		
Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]	To restore the favourable conservation condition of Hard oligo-mesotrophic waters with benthic vegetation of Chara spp.		
Water courses of plain to montane levels with the Ranunculion	To maintain the favourable conservation condition of Water courses of plain to montane		

<p>fluitantis and Callitricho-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>levels with the Ranunculion fluitantis. and Callitricho-Batrachion vegetation.</p> <p>To maintain the favourable conservation condition of Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (*important orchid sites).</p> <p>To maintain the favourable conservation condition of Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae).</p> <p>To restore the favourable conservation condition of Active raised bogs*.</p> <p>The conservation objective for this habitat is inherently linked to that of Active raised bogs (7110) and a separate conservation objective has not been set.</p> <p>The conservation objective for this habitat is inherently linked to that of Active raised bogs (7110) and a separate conservation objective has not been set.</p> <p>To maintain the favourable conservation condition of Calcareous fens with Cladium mariscus and species of the Caricion davallianae.</p> <p>To maintain the favourable conservation condition of Petrifying springs with tufa formation (Cratoneurion)*.</p> <p>To maintain the favourable conservation condition of Alkaline fens.</p>		<p>Best practice concrete/aggregate measures.</p> <p>Sediment and run-off control for... Site access and loading areas, Roadside Drainage channel, Pumping water from excavations, Top soil management, Rock breaking activities and Excavations and site clearance.</p> <p>During groundworks a hydrogeologist to be engaged to ensure works are being carried out in accordance with the Construction Management Plan</p>
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<p>Limestone pavements [8240]</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>To maintain the favourable conservation condition of Limestone pavements*.</p> <p>To maintain the favourable conservation condition of Old sessile oak woods with Ilex and Blechnum.</p> <p>To maintain the favourable conservation condition of Bog woodland*.</p> <p>To restore the favourable conservation condition of Freshwater Pearl Mussel.</p> <p>To maintain the favourable conservation condition of White-clawed Crayfish.</p> <p>To restore the favourable conservation condition of Sea Lamprey.</p> <p>To maintain the favourable conservation condition of Brook Lamprey.</p> <p>To maintain the favourable conservation condition of Atlantic Salmon.</p> <p>To restore the favourable conservation condition of Lesser Horseshoe Bat.</p> <p>To maintain the favourable conservation condition of Otter.</p> <p>To maintain the favourable conservation condition of Slender Green Feather-moss (Shining Sickle-moss.)</p> <p>To restore the favourable conservation condition of Slender Naiad.</p>		
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Overall conclusion: Integrity test

The applicant determined that following the implementation of mitigation, the construction and operation of this 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 can be excluded for Lough Corrib SAC. Adverse effects from water contamination and sediment release in the case of groundwater can be effectively prevented by mitigation measures ensuring the prevention of pollutants and contaminated water infiltrating groundwater through construction management measures and engaging a hydrogeologist during the construction phase.

Based on the information submitted, surveys carried out analysis provided I am satisfied that no uncertainty remains.

The proposed development would not delay or prevent the attainment of the Conservation objectives of the Lough Corrib SAC.

Potential for Adverse effects

- 2.6 As outlined above the potential for adverse effects relates to the changes to water quality arising from contamination of groundwater on site during the construction phase. It is important to reiterate at this juncture that no works will take place within the boundary of any Natura 2000 site and as such the potential for direct effects does not arise.
- 2.7 The release of contaminated surface water runoff and/or an accidental spillage or pollution event during construction, has the potential to affect water quality in the receiving aquatic environment. Such a pollution event may include the accidental spillage and/or leaks of contaminants into receiving waters. The associated effects of a reduction of groundwater quality could potentially extend to the Lough Corrib SAC which is 74m from the site downstream of the location of an accidental pollution event or the discharge, with groundwater vulnerability indicated as high on appeal site including a section of the site with particular extreme vulnerability. This reduction in water quality (either alone or in combination with other pressures on water quality) could result in the degradation of sensitive habitats present within Lough Corrib SAC.
- 2.8 Overall, I am satisfied that the NIS and supplementary information provided as part of the application has examined the potential for all impact mechanisms in terms of the conservation objectives of the North Lough Corrib SAC. The potential for adverse effects can be effectively ameliorated by both the applied mitigation measures relating construction management and to surface water quality.

Mitigation Measures and Monitoring:

- 2.9 A summary of mitigation measures is presented in the tables above. Full details are provided in the NIS, Construction Management Plan. I consider that all measures proposed are implementable and will be effective in their stated aims. Furthermore, a Hydrogeologist will be employed to ensure that measures are implemented as prescribed. Overall, I consider that the proposed mitigation measures are clearly described, and precise, and definitive conclusions can be reached in terms of avoidance of adverse effects on the integrity of designated European site based on the outlined mitigation measures. Overall, the measures proposed are effective, reflecting current best practice, and can be secured over the short and medium term.

In Combination Effects:

- 2.10 There is no likelihood of in-combination effects with other plans and projects subject to the full implementation of mitigation measures outlined in the NIS given the small footprint of the site and the fact that all adjoining sites consist of existing development.

Appropriate Assessment Conclusion:

- 2.11 The proposed residential development at Coolough Road has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.
- 2.12 Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have significant effects on Lough Corrib SAC. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the site in light of its conservation objectives.
- 2.13 Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of Lough Corrib SAC.

- 2.14 This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of the Lough Corrib SAC.
- Detailed assessment of in combination effects with other plans and projects including historical projects, plans and current proposals.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Lough Corrib SAC.

2.15 I have had full consideration of the information, assessment and conclusions contained within the NIS. I have also had full regard to National Guidance and the information available on the National Parks and Wildlife Service (NPWS) website in relation to the identified designated Natura 2000 sites. I consider it reasonable to conclude that on the basis of the information submitted in the NIS report, including the recommended mitigation measures, and reports submitted in support of this application, that the proposed development, individually or in combination with other plans or projects would not be likely to adversely affect the integrity of Lough Corrib SAC.

Inspector: Colin McBride
Date: 09th September 2024

