An Bord Pleanála

Inspector's Report

ABP-320864-24

Development	An underground storage tank to provide wastewater storage capacity at the Merlin Park pumping station.
Location	Merlin Park Pumping Station in the townland of Merlin Park, Old Dublin Road, Galway.
Planning Authority	Galway City Council.
Planning Authority Reg. Ref.	2460226.
Applicant(s)	Uisce Éireann.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party.
Appellant(s)	An Taisce.
Observer(s)	Eoin Butler. James McCarthy.
Date of Site Inspection	7 May 2025.

Inspector	Stephen Rhys Thomas.

Contents

1.0 Site Location and Description

1.1. The site is located at an existing Uisce Éireann (UÉ) facility known as the Merlin Park Pumping Station on lands bound by the Old Dublin Road to the north and Lios an Uisce to south. The UÉ facility comprises a pumping station in the eastern suburbs of Galway City. A portion of the appeal site comprises the UÉ facility, a portion of immature woodland and an area of maintained public open space. The wider area is characterised by open woodland to the north across the Old Dublin Road and residential units associated with Lios an Uisce to the south. At present the UÉ facility is unfenced and open to public access.

2.0 Proposed Development

2.1. The proposed development is for an underground storage tank that will provide wastewater storage capacity to the Merlin Park pumping station, the detail is summarised as follows:

- A new 950m3 underground storage tank, with upstanding bollards placed around the south, east and northern portions of the tank. The tank will be positioned below ground, and the topmost section will align with existing ground levels. The tank includes internal tank mixer, wash units, with a maximum water level indicated at 2.5 metre below obvert level.
- Overground kiosks and passive odour control units, to include

  Rencab Metering Kiosk – height 2.3 m, width 1.3 m, depth .31m.

  Passive odour control units, approximately 1m in height.
- Underground sewerage manholes, watermain, chambers, tank washdown units, and tank mixer.
- Lifting davit
- 2.0m high perimeter paladin security fencing
- Vehicular and pedestrian gates on the southern portion of the site adjacent to the public road, and curved 0.45m high wall,
- Filter drains,

- Replacement of the existing pumps and control panel,
- The existing storm water overflow from the wet well and proposed storm water overflow from the new storage tank will be fitted with baffles and 6mm static fine screen;
- Landscaping to include slight reduction in ground levels across the site, removal of most trees on site, and all associated site development works above and below ground, to include some sewer diversions

A Natura Impact Statement (NIS) was submitted with the planning application.

The planning application was accompanied by the following documentation:

- Book of Drawings;
- Planning Report;
- Appropriate Assessment Screening Report;
- Natura Impact Statement;
- Arborist Report;
- Archaeological Assessment Report;
- Ecological Impact Assessment Report;
- Flood Risk Assessment Report;
- GMC Construction Environmental Plan (CEMP)

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority issued a notification to grant permission, subject to 11 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Report 1

- Acceptable development in principle, open for consideration in the current development plan.
- NIS conclusions noted.
- EcIA and landscaping noted, the proposed landscaping elements of the proposed project is a positive feature enhancing biodiversity and visual amenities in the area.
- Archaeological assessment required.
- FRA noted, no flood risk issues.
- CEMP noted.
- Noise and Odour, measures noted to limit impacts.

In accordance with the recommendation of Planner, grant permission.

3.2.2. Other Technical Reports

- Active Travel Unit – no objections.

3.2.3. Conditions

11 conditions, most conditions are standard and technical in nature, condition 6 refers to the NIS and condition 9 refers to archaeological assessment.

3.3. Prescribed Bodies

An Taisce – criticism of the existing water services networks and their impact upon designated sites. Critical of the AA, NIS and EcIA submitted with the application.

3.4. Third Party Observations

Observations reiterate the views of An Taisce and levels criticism at the existing water services networks and their impact upon designated sites in the Galway area.

4.0 Planning History

None.

5.0 Policy Context

5.1. Development Plan

Galway City Development Plan 2023-2029

The site is subject to zoning objective RA - To provide for and protect recreational uses, open space, amenity uses and natural heritage. The proposed wastewater infrastructure and storage tank is a public utility and is therefore open for consideration under the RA land use zoning objective.

Relevant policies and objectives include:

Policy 9.3 Water Services

1. Work in close liaison with Irish Water in the operation of water and wastewater facilities in the city and the upgrade and expansion of the network and the delivery of strategic projects such as the Terryland Water Treatment Plant Intake Works.

2. Support the delivery of the objectives of the Irish Water, Water Services Strategic Plan (2015) and implementation of the Irish Water Capital Investment Plan 2020-2024.

3. Work in conjunction with Irish Water to ensure the provision and maintenance, of a high quality and efficient water supply capable of meeting existing and future needs of the city and support any ongoing water mains rehabilitation and water conservation projects.

4. Encourage all significant water users to use best practices in water conservation and continue to promote water conservation measures in the design of all new development in the city, such as rainwater harvesting and re-use of grey water, in liaison with Irish Water.

5. Support and liaise with Irish Water in the provision of a sustainable and effective wastewater drainage collection and treatment system capable of meeting the existing and future needs of domestic, commercial and industrial users in the city and MASP area.

6. Support the Irish Water ongoing watermain rehabilitation and water leak reduction programme in order to conserve the city's water supply.

7. Support the decommissioning of existing individual effluent treatment systems which include septic tanks at locations which include Ballyloughane, where there is a feasible option to connect to the public sewer network. Galway City Council will collaborate with Irish Water in this regard.

8. Support the development and implementation of Drinking Water Safety Plans by Irish Water, which seek to protect human health by identifying, assessing and managing risks to water quality and quantity; taking a holistic approach from source to tap.

9. Support the promotion of effective management of trade in discharges to sewers by Irish Water in order to maximise the capacity of existing sewer networks and minimise detrimental impacts on sewage treatment works.

Ardaun LAP 2018-2024

• Provision/upgrade of wastewater infrastructure including the upgrade of Merlin Park pumping station, and provision of water supply infrastructure.

• Upgrade storage in Merlin Park Area Drainage collection network.

5.2. National Policy

5.2.1. Climate Action Plan 2025

Goal 6: Clean Water and Sanitation

AD/25/1 Improve the resilience of Ireland's water infrastructure through implementation of a Nature Based Solutions (NBS) Programme

AD/25/10 Develop Sectoral Adaptation Plan for Water Services Infrastructure

5.2.2. National Planning Framework First Revision – April 2025

Key future growth enablers for Galway include:

Ensuring that water supply and wastewater needs are met by new national projects to enhance Galway's water supply and increase waste water treatment capacity;

5.2.3. National Biodiversity Action Plan (NBPA) 2023-2030

The 4th NBAP strives for a "whole of government, whole of society" approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness

of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to “act for nature”. This National Biodiversity Action Plan 2023- 2030 builds upon the achievements of the previous Plan. It will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

▪ Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity

▪ Objective 2 - Meet Urgent Conservation and Restoration Needs

▪ Objective 3 - Secure Nature’s Contribution to People

▪ Objective 4 - Enhance the Evidence Base for Action on Biodiversity

▪ Objective 5 - Strengthen Ireland’s Contribution to International Biodiversity Initiatives

5.3. **Natural Heritage Designations**

5.3.1. Galway Bay Complex SAC (site code 000268) is located 0.38 kilometres to the south.

5.3.2. Proposed Natural Heritage Areas: Galway Bay Complex is located 0.38 kilometres to the south.

6.0 Environmental Impact Assessment (EIA) Screening

6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (Appendices 1 and 2 of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. The third party grounds of appeal, are summarised as follows:

- Background – that An Taisce are supportive of sustainable development and investment in infrastructure. The history of wastewater treatment and investment in the Galway area is outlined and criticised at length. The UÉ investment plan for the Galway area is outlined and concluded that the subject proposal is not strategic in nature. The planning history of the site is outlined, in particular, the previous application that was withdrawn by UÉ.
- Previous Application – comparisons are drawn between the previous application and the current one. The rationale for a storage tank at this location are not set out in detail, information is missing such as: where overflows occur, frequency and volume. In addition, the catchment area of the Merlin Pumping station is not outlined, tank size calculations, discharge licence breaches and receiving waters impacts. Until the Drainage Area Plan is complete the need for the development cannot be known for certain. Further information should have been sought, 18 individual items are suggested.

  Land ownership is called into question with the previous application but resolved now.

  ABP concerns about wastewater infrastructure in Galway should be taken in to account, extract from ABP-306413-20 is set out with reference to the provision of housing and lack of services.

  The content of AA Screening Report and NIS submitted as part of the previous and current application are compared. Hydrological connectivity is highlighted as being present. The NIS addresses construction impacts but operational impacts are not assessed.

  Ecological Impact Assessment (EcIA) does not take in to account the wider network implications of the development. Broadly, the EcIA is criticised as not

taking a holistic approach to the wider network and area for the consideration of impacts. The proposed infrastructure will not in itself improve water quality.

In all events, pump sequencing has not been considered, i.e. when one station is operating the other cannot.

- The PA Planning Report – the lack of internal department reporting is noted. It is not clear that the planning authority had regard to all the issues raised in the An Taisce submission in a recent LRD application. The views of other observers on the current application have been ignored. The records of pre-planning meetings have not been made available to view. Inaccuracies and disagreements with the content and conclusions drawn are highlighted throughout the PA report.
- An Taisce – wide ranging criticisms are levelled at the lack of existing and planned wastewater infrastructure is set out. Non-compliance with wastewater discharge licence is highlighted. Specifically, conditions 3, 4, 5 and 6 are critiqued. Oranmore Pumping Station activities and operations are criticised and discharges to receiving waters at other locations in Galway are highlighted.

An Taisce ask that the Board consider the appeal from the beginning, request further information and invite further submissions from interested parties. The grounds of appeal are accompanied by:

Appendix A – Galway City Development Plan core strategy statistics and background.

Appendix B - Galway County Development Plan core strategy statistics and background

Appendix C – UÉ letter dated 4 December 2019, pre-connection enquiry for 342 units at Rosshill.

Appendix D – Galway City Council letter dated 7 July 2009, WWDL application.

Appendix E – Relationship between rainfall events and Oranmore Pumping Station status.

Appendix F – Ardaun LAP 2018-2024 various extracts.

Appendix G – Oranmore LAP 2012, extended to 2022, various extracts

Appendix H – McBreen Environmental Report, Survey of Siphons under the bed of the estuary of the River Corrib, dated 2024, with suggested actions recommended.

7.2. Applicant Response

7.2.1. The response to the grounds of appeal, are summarised as follows:

- The proposed development will provide additional wastewater capacity and eliminate storm overflows. Tank will allow flow balancing at the Merlin Park Wastewater Pumping Station. Tank will allow for additional storage capacity to meet 25 years projected growth in the eastern part of Galway City. Calculations show that storm water overflow would be eliminated when taken together with proposed development in place.
- Galway City Council is supportive of the development.
- Storm water overflow (SWO) predictions are set out at table 1 of the response document, spill frequency is calculated to be 0 at baseline, 6 year and 25 year with the development in place. During an emergency, baffles and screens will reduce solids overflowing to Galway Bay.
- The AA Screening Report, NIS and EcIA submitted with the application contain all relevant information.
- The objectives of the CDP that relate to wastewater have been met and specifically objectives that relate to the Ardaun LAP and the provision of a new wastewater storage tank are also met.
- The concerns about the wider wastewater issues of Galway city are noted, and it is contended that the proposed development is part of a wider strategy (Galway City Drainage Action Plan – DAP) to address deficits in infrastructure.

The submission is accompanied by an information leaflet about the Galway Wastewater Strategy.

7.3. Planning Authority Response

None.

7.4. Observations

7.4.1. Two observations that reiterate the issues raised in the grounds of appeal have been received, additional matters are summarised as follows:

- Permission for the new storage tank will delay other important wastewater infrastructure and deflect investment elsewhere.
- Another location for the storage tank should be considered, proximity to the sea should not be a reason for its proposed location and monitoring should be required.
- The proposed location of the storage tank has not been rationalised and the whole application lacks other information to determine the need and design specifications of the tank. What happens the existing tank on site?
- Groundwater pollution due to leakage of the tank have not been assessed.
- Climate change and specifically increased rainfall events have not been factored in to any calculations.
- Compliance with wastewater discharges and specifically at Surface Waer Overflow Outlet 05 (SWO05) are queried.
- Further Information should be requested.
- The planning application was not assessed in accordance with the Habitats Directive. Oranmore Pumping Station has been omitted from any assessment.

One observation includes the initial submission to the planning authority, that includes discharge information, UÉ and EPA correspondence.

8.0 Assessment

8.1. Introduction

8.1.1. The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. This is an appeal that concerns a wastewater storage tank at an existing Uisce Éireann (UÉ) facility in the eastern suburbs of Galway city. The planning authority issued a notification to grant permission, and the appellant has raised issues about broad environmental matters. Having examined the application details and all other documentation on file, including all of the report/s of the local authority, observer's submissions, having inspected the site, and having regard to the relevant policies and guidance, I consider that the substantive issues in this appeal to be considered can be grouped as follows:

- Infrastructure Need
- Environment
- Licensing
- Procedural Matters
- Land ownership
- Conditions

8.2. Infrastructure Need

8.2.1. The appellant and observers all raise issues about the need for the proposed development at this location and its design, especially when other wastewater infrastructure in the Galway area is inadequate. In part, the applicant agrees that wastewater infrastructure for Galway city in general requires investment and that the proposed development is just part of a wider 50 year strategy currently underway (Galway Wastewater Strategy). The planning authority acknowledges this and a notification to grant permission issued.

8.2.2. In the first instance, the proposed development will be located at an existing UÉ facility, the Merlin Park Pumping Station. The lands are zoned RA Recreation and Amenity, the objective of which is to provide for and protect recreational uses, open space, amenity uses, natural heritage and biodiversity. A public utility such as that

proposed by UÉ is a use that can be considered at this location in terms of its location and scale. The proposed development amounts to an underground tank, some above ground infrastructure commensurate with that already in place, fencing and landscaping, drawing IE000195B-RPS-00-XX-DR-LA-DG0001 refers. The tank roof will be planted in the style of a wildflower meadow which will help increase plant and insect biodiversity at the site. I am satisfied that the detailed landscaping plan will contribute to the overall usability of the existing public open space at this location and will not diminish its attractiveness or amenity value. The space is currently well used and on the day of my site visit I observed a number of people enjoying the space. The UÉ development will not adversely affect the current level of amenity provided and will improve the safety associated with the existing UÉ infrastructure, that is currently open to public access.

8.2.3. Section 9.4 of the current development plan identifies a new wastewater storage tank at Merlin Park Pumping Station No.1, and Policy 9.3 Water Services, sets out a number of items that all support the upgrade and expansion of the water services network. I am satisfied that the proposed development is entirely acceptable from a policy objective perspective and the development plan and planning authority confirm that view.

8.2.4. The appellant and observer's concerns and criticisms revolve around the wider problem of wastewater infrastructure in and around Galway City. This is an issue that is common throughout the country and one that is in the process of being resolved, however, infrastructure improvements take time. With reference to Galway, I note that consultation is ongoing with regard to a Galway Wastewater Strategy and I hope that all interested parties have and will engage with that process. In the context of this appeal, the appellant and observers question the rationale for the installation of a new 949m³ underground storage tank, when other more pressing improvements are required. Third parties want more information about the scheme and a long list of questions are set out and seen as lacking. The applicant, in their response, sets out the rationale for the project and reiterates the content of the planning application documentation.

8.2.5. I have examined the content of the planning application, the observations received during the application process, the appeal and other observations and responses to the appeal. I am satisfied that there is an adequate amount of detailed information

already on file and more information is not required. I can see that the installation of a new wastewater storage tank will add storage capacity to the existing Merlin Park Area Drainage Scheme and be located at an existing UÉ facility (Merlin Park Pumping Station). The design specifications for the underground tank are given, but the sizing calculations and whether climate change was factored in are not. However, I do not see this as an issue to consider further, because I am satisfied that the FRA prepared demonstrates the absence of flood risk and that UÉ are capable and competent enough to design infrastructure to fit their needs. There is downstream capacity to accommodate the project, which in effect simply adds capacity along the line. According to the applicant, the reason for the location and need for this facility is to address any issues that may arise from the existing Storm Water Overflow (SWO) that flows via a 1500mm storm water pipe and discharges at the foreshore of Galway Bay at Murrough. This existing SWO at Merlin Park PS is currently operating under its EPA Galway City licence conditions, Licence Reference No. D0050-1. The wastewater storage tank will provide additional storage capacity, reduce the frequency of overflows and allow for flow balancing at the Merlin Park WWPS enabling the pass forward flow rate to be maintained, thus avoiding adverse impacts on the downstream network.

8.2.6. Other network improvements upstream in the Ardaun and Eastern Galway city area are noted, and the new wastewater storage tank at Merlin Park will facilitate these upgrades, unlocking zoned land for development. In addition, the new wastewater storage tank will eliminate spill frequency (10 year cycle), table 1-1 of the applicant's planning report refers, data sourced from the Draft Galway Drainage Area Plan. On the one hand this UÉ project will enable future development to occur whilst addressing storm water overflow events in the future. I am satisfied that there is a need for the proposed underground tank at this location and that it fits in with the strategic goals of UÉ to improve wastewater infrastructure for the area as a whole and consequently improve water quality.

8.3. Environment

8.3.1. The appellant and observers are very critical of the environmental documentation submitted by the applicant, namely the Ecological Impact Assessment (EcIA) AA Screening Report and subsequent NIS, but other documentation is also included for criticism. The Board should note that I address matters to do with environmental

impact and designated sites at sections 6.0 and 9.0 and appendices 1, 2, 3 and 4 of my report. In all cases, I am satisfied that the reports and other documentation submitted are thorough and suitable to allow assessment of environmental or nature conservation impacts, if any. The project to install an underground tank at this location will improve wastewater infrastructure for the Galway area and have beneficial impacts on the environment. Third party concerns for the wider environment are relevant but do not warrant further assessment as part of the proposal before the Board.

8.3.2. The concern expressed is that other more important infrastructural improvements will be delayed or cancelled by concentrating on an ad hoc or non-strategic approach to infrastructural improvements. I cannot address these wider issues in the context of this development that will ultimately improve matters both environmentally and infrastructurally. The broad environmental issues raised by third parties are well known and the applicant has pointed to the draft Galway Wastewater Strategy, as the way forward to improve things for the city, its citizens and the environment. In addition, I note that the installation of an underground storage tank at Merlin Park has been flagged for some time in various documents, including the Ardaun LAP, the City Development Plan, and the infrastructure will meet the various policies set out in at the regional and national policy scale, section 6.2 of the applicant's planning report refers.

8.3.3. With reference to local ecology concerns, the applicant submitted an EcIA, prepared by a suitably qualified and competent practitioner, section 1.2 of the EcIA refers. The assessment methodology follows approved protocols and guidance and includes desk studies, field surveys (December 06th 2022, January 20th 2023 and February 03rd 2023 and April 27th 2023), habitat surveys over similar dates, and checks for mammals and other taxa. The site characteristics are outlined, and suitability for badger and otter ruled out. The habitat suitability test for bats was utilised and the site recorded a score of 33.56 out of 100 or a moderate suitability for bats. According to the EcIA the adjacent R338 and accompanying street lighting and fragmented nature of young woodland and its location within a busy peri-urban environment, reduces the woodland's suitability to provide optimal foraging or roosting habitat for bats.

8.3.4. The EcIA sets out mitigation measures during construction and these should be implemented and in general the report concludes that significant ecological impacts have not been identified. It is anticipated that measures and the landscaping plan associated with the proposed development will result in residual neutral to slight positive impacts on ecological receptors within the Merlin Park site and the surrounding environs. After visiting the site and observing existing conditions, this is a conclusion that I consider to be accurate and have little or no reason to think otherwise. I have already outlined that the applicant's assessment with regard to designated sites (AA Screening and NIS) and other documentation that I have utilised to reach conclusions on environmental impact are all satisfactory. The applicant has prepared an array of environmental and ecologically related documentation for the project on hand. Whilst I note the wider environmental context highlighted by third parties, the proposed development will improve water quality by eliminating or at least reducing spill events for the next ten years, once completed. Together with new baffles and screens there will be a reduction in solids entering Galway Bay at Murrough and all of these improvements are seen as beneficial to improving the status of receiving waters.

8.3.5. I find that third party concerns about the operational phase of the development and how such issues have not been addressed as slightly misleading. The proposed development has been designed to improve environmental matters by reducing or eliminating spill events and this is to be welcomed. The corollary is that the proposed development during its operational phase will positively impact the environment, it is adverse effects that necessarily require examination not positive ones. I am satisfied that the environmental documentation, that includes the following:

- Planning Report;
- Appropriate Assessment Screening Report;
- Natura Impact Statement;
- Arborist Report;
- Ecological Impact Assessment Report;
- Flood Risk Assessment Report;
- GMC Construction Environmental Plan (CEMP)

And submitted by the applicant set out an acceptable level of information commensurate with the scale and scope of the proposed development, and to request more information is simply not required.

8.4. **Licensing**

8.4.1. Licensing and specifically meeting various EPA discharge licence conditions are listed out. In this regard I note that the Merlin Park PS forms part of the wider Galway City Agglomerate (License number D0050-01). According to the documentation submitted by the applicant, the existing pumping station passes forward flows for treatment at the Mutton Island WWTP, this plant currently has additional capacity. Neither the existing Merlin Park facility or the proposed underground tank generate or will generate wastewater and so the licensing requirements fall to be controlled and managed at the Mutton Island WWTP or at relevant spill locations. The purpose of the proposed development is to deal with overflow and spill events.

8.4.2. The applicant's documentation states that there is an existing provision for storm water overflow from Merlin Park PS via a 1500mm storm water pipe which discharges at the foreshore of Galway Bay at Murrough, 1.7km to the south of Merlin Park PS. The existing SWO at Merlin Park PS is currently operating under its EPA Galway City licence conditions, Licence Reference No. D0050-1. The SWO is deemed as having a 'Low Significance' in the latest Galway City 2022 D0050-1 Annual Environmental Report (AER) dated June 2023. I can see that the proposed development is designed to eliminate or reduce overflow and spill events in order to improve water quality and this could address shortfalls in meeting conditions of a licence, if any exist. However, that is a matter for the EPA and not the Board in this instance. The project is not of a scale that would meet any of the thresholds set out in the 2001 Regulations with regard to environmental impact and consultation with the EPA is not a requirement, appendices 1 and 2 of my report refer. To be clear, this is an inline network improvement that is meant to manage overflow and spill events, and will not by itself generate or increase flows downstream to Mutton Island Wastewater Treatment Plant (WWTP) that has in any case capacity to absorb this project and the development that will be unlocked by it.

8.4.3. I am satisfied that the proposed development will not in itself affect matters to do with any licensing requirements as they currently stand. Third party concerns around

meeting discharge licence conditions may be well founded in the context of the wider Galway area but have no place for assessment with regard to the location and nature of the appeal on hand.

8.5. **Procedural Matters**

8.5.1. Planning Authority Assessment - Third parties are concerned that the planning authority did not take everything into account during their consideration of the planning application. A cause for concern is the lack of detailed information regarding environmental matters in the round, or the wider Galway area. Specifically, third parties fear that their observations were not fully taken into account and that further information was not sought to address the deficiencies, as they see it, in the application. A call is made for the Board to seek further information and a comprehensive lit of items is offered.

8.5.2. Firstly, I am satisfied that all observations were taken into account and this has been stated in the report prepared by the planning authority. The planning authority elected not to seek further information, as is their right, because they accepted that all the relevant information was to hand. A notification to grant permission was issued with 11 conditions, none of which would affect or alter the findings and conclusions of the NIS.

8.5.3. With respect to the long list of further information items offered by third parties to enable the Board to make a decision. I am not satisfied that any of this material is required, I have been able to assess the proposed development within the parameters of the appeal documentation and the requirements of the 2000 Act. I have already pointed out that many of the concerns highlighted by third parties hinge on the deficiencies of wastewater infrastructure for the city as a whole. Arguably, these concerns are valid, and the applicant acknowledges the infrastructural shortfalls up to a point. I see no need to seek further information with regard to the proposed development, and I am satisfied that all relevant matters germane to the project the subject of the appeal have been addressed, either in the body of my report or its appendices.

8.5.4. Previous Application – the third parties have drawn comparisons between the previous application that was withdrawn and the current appeal. Questions are raised as to why the previous application was withdrawn against the background to

the current application. The applicant has detailed that the concerns raised in the initial application (23/134) by the planning authority have now been addressed in the current application. No further action is required.

8.6. **Land ownership**

8.6.1. The appellant is satisfied that the ownership of lands, the subject of the application, have been resolved. I note that a correspondence from Galway City Council dated 11th April 2024, provides the relevant consents to lodge a planning application. UÉ by provide consent to make the application by letter dated 28th February 2024. Finally question 10 of the application forms states - Part of the lands that are the subject of this planning application have been purchased by Uisce Éireann. This transfer dated 12th February 2024, from the beneficial owner to Uisce Éireann is currently subject to a pending application to Land Registry for completion. The remaining areas of the site are owned by Galway City Council and a letter of consent dated the 11th April 2024 has been obtained to carry out works at this location.

8.6.2. On occasion, the ownership of lands or consent of the landowner may be disputed, this is not the case in the background to this appeal. The 2007 Development Management Guidelines note that in such circumstances, the Board can seek further information pursuant to Article 33, but that "Only where it is clear from the response that the applicant does not have sufficient legal interest should permission be refused on that basis." A clear lack of sufficient legal interest is, therefore, the appropriate test for refusing permission on this basis. In this instance, I already have sufficient information before me that details the ownership of lands and the relevant consents, and I am satisfied that the Board will not require any further information in this respect. From the information available to me on the file, it is clear that there are no significant issues to be resolved in the context of land ownership and consent.

8.7. **Conditions**

8.7.1. The planning authority issued a notification to grant permission subject to 11 conditions. All of the conditions are reasonable and I have no cause either to significantly amend, omit or add unnecessary conditions in this instance. My schedule of conditions are set out at section 13.0 of my report and are worded to take account of current conventions exercised by the Board.

8.7.2. The Galway City Council Development Contribution Scheme 2020-2026 states that Power Lines, Antennae Structures, Sewer / Drainage / Road Construction / Provision of infrastructural facilities, all receive a 100% reduction from payment of a contribution, section 12 of development contribution scheme refers.

9.0 Appropriate Assessment (AA) Screening

9.1. Screening Determination - Finding of likely significant effects

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

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

9.2. Natura Impact Statement (NIS)

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

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

9.2.3. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.

- Effectiveness of mitigation measures proposed including supervision and integration into CEMP ensuring smooth transition of obligations to eventual contractor.
- Application of planning conditions to ensure application of these measures.

9.2.4. The proposed development will not affect the attainment of conservation objectives for the Galway Bay Complex SAC [000268] and Inner Galway Bay SPA [004031].

10.0 Water Framework Directive Assessment

10.1. Relevant waterbodies in the vicinity of the application site are detailed at appendix 5 of my report and include:

- Terryland_010 IE_WE_30T010500
- Corrib_020 IE_WE_30C020600
- Corrib Estuary IE_WE_170_0700
- Inner Galway Bay North IE_WE_170_0000
- Clarinbridge IE_WE_G_0008

10.2. The proposed development comprises the provision of a new wastewater storage tank (approximately 949m³), in order to add storage capacity to the existing Merlin Park Area Drainage Scheme and reduce Storm Water Overflows. The storage tank will allow for flow balancing at the Merlin Park WWPS and enable the pass forward flow rate to be maintained, avoiding impacts on the downstream network. Water deterioration concerns with regard to the wider Galway area were raised in the planning appeal. The applicant has stated that project is in accordance with the WFD because the proposed works are expected to reduce the risk of overloading, flooding or SWO overflows from the Merlin Park PS, thereby helping to protect water quality. The applicant also addresses Urban Wastewater Treatment Directive (91/271/EEC) and notes that the proposed development will help to achieve the directive's aims in relation to the design, construction and maintenance of collecting systems undertaken in accordance with the best technical knowledge not entailing excessive costs, notably regarding: the volume and characteristics of urban waste water, the prevention of leaks, the limitation of pollution of receiving waters due to storm water

overflows. In the same context the applicant points to the Marine Strategy Framework Directive (2008/56/EC) and the development will positively contribute to meeting this directive's aims.

10.3. I have assessed the wastewater storage tank project and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- The wastewater storage tank design is to prevent or reduce Storm Water Overflows,
- The lack of a meaningful hydrological connections with the nearest designated water body, given the purpose of the proposed development that is to reduce and control future pollution events,
- The findings and measures set out in the CEMP, FRA and NIS,

10.4. Conclusion - I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 **Recommendation**

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

12.0 Reasons and Considerations

Having regard to the zoning objective Recreation and Amenity (RA) - To provide for and protect recreational uses, open space, amenity uses and natural heritage, Policy 9.3 Water Services and the provisions of the Galway City Development Plan 2023-2029, the scale and nature of the proposed development, it is considered that the proposed development would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic and pedestrian safety and visual amenity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

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

Reason: In the interest of clarity.

2. All mitigation and environmental commitments identified in the Natura Impact Statement and Ecological Impact Assessment shall be implemented in full as part of the proposed development. All works shall be monitored by an Ecological Clerk of Works to ensure implementation of mitigation and environmental commitments.
Reason: In the interest of environmental protection.

3. All mitigation, environmental commitments and monitoring measures identified in the planning particulars submitted shall be implemented in full as part of the proposed development, including inter alia:

a) Construction Environmental Management Plan (CEMP)

b) Flood Risk Assessment (FRA)

c) Archaeology Assessment

d) Arboricultural Assessment and Landscape Plan

Where such measures 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.

Reason: In the interest of development control, public information, and clarity.

4. The mitigation measures contained in the submitted Natura Impact Statement (NIS), Ecological Impact Assessment, Construction Environment Management Plan, Arboricultural Assessment, and the Flood Risk Assessment Report shall be implemented.

Reason: To protect and conserve ecology, protect environment and water quality in the interest of proposed planning and sustainable development.

5. The proposed security fencing shall not exceed 2m (two metres) high and shall be continuously maintained in good repair.

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

6. a) Surface water run-off associated with this development shall not be permitted to discharge onto the public road or footpath or onto adjacent properties.

b) Surface water drainage from the proposed development should discharge to a suitably designed soakaway. Design details of the proposed soakaway system will be agreed in writing with the Planning Authority prior to the commencement of development. An Alternative solution incorporating discharge attenuation or other appropriate SUDS measures can be developed and agreed with the Planning

Authority in the event that discharge to ground is rendered inappropriate due to ground conditions.

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

7. Any alterations to public services, public areas or utilities necessitated by the development shall be carried out at the developers' expense having firstly obtained the agreement in writing of Galway City Council or other public bodies responsible for such areas or utilities, before any alterations are carried out.

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

8. The developer shall ensure that all construction activity within this site shall comply with the following: a. All construction activity shall be restricted to the following: between 0800 hours and 1800 hours Monday to Friday; between 0900 hours and 1300 hours Saturday, unless otherwise agreed in writing with the Planning Authority; No works shall take place on Sundays, Bank Holidays or Public Holidays; Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been issued by the Planning Authority. b. All workers and visitors to the site shall not park on the adjacent public footpaths or roadways. c. In the event that rock breaking is required on the site, a schedule of works including mitigating measures, and the hours and days of operations shall be submitted for the agreement of the Planning Authority in writing.

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

9. All works shall be carried out in accordance with the requirements for "Site Development Works for Housing Areas" and issued by The Department of the Environment, Community & Local Government unless required otherwise by Galway City Council in which case Galway City Council standards shall apply.

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

10. a) The developer shall engage a suitably qualified Archaeologist to monitor (licensed under the National Monuments Acts) all site clearance and preparatory works, engineering trial pits, site investigations, breaking/removal of existing surfaces, topsoil stripping and other groundworks associated with the development. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. No sub-surface work shall take place in the absence of the Archaeologist without his/her express consent.

b) Should archaeological remains be identified during the course of archaeological monitoring, all works shall be suspended in the area of archaeological interest pending a decision of the Planning Authority, in consultation with this Department, regarding appropriate mitigation (preservation in situ / excavation).

c) The developer shall facilitate the Archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the Planning Authority, following consultation with this Department, shall be complied with by the developer.

d) Following the completion of all archaeological work on site and any necessary post excavation specialist analysis, the Planning Authority and this Department shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required.

e) All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

11. With regards to the landscaping of the development the following shall be applicable:

a) The developer shall appoint a qualified landscape architect.

b) On completion of the landscaping/amenity scheme for the development, the developer shall submit to the Planning Authority a certificate of completion from a suitably qualified landscape designer confirming that the landscaping works have been satisfactorily carried out in accordance with the approved landscaping/amenity

scheme. The developer shall be responsible for full maintenance of the landscaping and for the replacement of all failed stock. A copy of the maintenance agreement with a suitably qualified person shall be submitted with the required certification.

c) Tree Protection Areas, Root Protection Areas and tree protection measures including protective fencing and monitoring, as outlined in the submitted Arboricultural Assessment shall be carried out under the direct supervision of a qualified consultant Arborist.

Reason: In the interest of visual amenity.

12. The developer shall ensure that all demolition/construction activity within this site shall comply with the following:

a. Prior to the commencement of development, the developer or any agent acting on its behalf shall prepare a Construction and Demolition Resource Waste Management Plan (RWMP) as set out in the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the Planning Authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

b. All wastes arising from the development shall be disposed of by suitably licenced service provider to a suitably licensed facility.

c. Any hazardous waste arising shall be dealt with in compliance with hazard waste legislation.

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

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

Stephen Rhys Thomas
Senior Planning Inspector

13 June 2025

14.0 Appendix 1 – Environmental Impact Assessment (EIA) Pre-Screening

An Bord Pleanála Case Reference		ABP-320864-24	
Proposed Development Summary		Underground storage tank that will provide a wastewater storage capacity to the Merlin Park pumping station.	
Development Address		Merlin Park Pumping Station in the townland of Merlin Park, Old Dublin Road, Galway.	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)			**Yes** ✓ / **No** Tick if relevant. No further action required
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	✓	10 Infrastructure projects 11 Other projects 15 'Sub-Threshold' Projects	Proceed to Q3.
No	Tick or leave blank		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No	✓	10 (b) (iv) Urban development which would involve an area greater than 2 hectares in the case of a	Proceed to Q4

		business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.) 10 (g) Dams and other installations not included in Part 1 of this Schedule which are designed to hold water or store it on a long-term basis, where the new or extended area of water impounded would be 30 hectares or more. 11 (c) Waste water treatment plants with a capacity greater than 10,000 population equivalent as defined in Article 2, point (6), of Directive 91/271/EEC not included in Part 1 of this Schedule.	
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	✓	10 (b) (iv), the site is less than 2 Hectares. 10 (g) the impounded area is not more than 30 hectares 11 (c) this is not a treatment plant; it is a holding tank associated with an existing pumping station connected to a wider wastewater network.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?

No	✓	**Pre-screening determination conclusion remains as above (Q1 to Q4)**
Yes	Tick/or leave blank	**Screening Determination required**

Inspector: _____ **Date:** _____

15.0 Appendix 2 - Environmental Impact Assessment (EIA) Preliminary Examination

An Bord Pleanála Case Reference	**ABP-320864-24**
Proposed Development Summary	Underground storage tank that will provide a wastewater storage capacity to the Merlin Park pumping station.
Development Address	Merlin Park Pumping Station in the townland of Merlin Park, Old Dublin Road, Galway.
The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations. **This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.**	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The development is on serviced lands in a built up area and does not constitute a significant urban development in the context of the wider city and the other projects which may occur in the vicinity. The proposed development is not of size, design, or cumulation with existing/proposed development, or excessive use of natural resources, will not result in the production of waste, pollution and nuisance or result in the risk

	of accidents/disasters and to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The site is located on urban land adjacent to an existing water services facility. The development is not associated with any significant loss of habitat or pollution which could act in a cumulative manner to result in significant negative effects to any ecological site. The site is not located close to environmentally sensitive areas, any archaeological significance can be addressed by mitigation measures if necessary.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the nature and scale of the proposed development, the environmental impacts are not complex or intense. Furthermore, the implementation of standard best practice methodologies during the construction and operation phase of the proposed development will result in a reasonable possibility of effectively reducing potential impacts. There are no significant effects on environmental parameters, in terms of

	magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation have been outlined.

Conclusion		
Likelihood of Significant Effects	**Conclusion in respect of EIA**	**Yes or No**
There is no real likelihood of significant effects on the environment.	EIA is not required.	**No -** EIA is not required
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	**No -** Schedule 7A Information is not required.
There is a real likelihood of significant effects on the environment.	EIAR required.	**No –** EIAR is not required

Inspector: **Date:**

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

16.0 Appendix 3 – Appropriate Assessment (AA) Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics **Case file: ABP-320864-24**	
Brief description of project	Underground storage tank that will provide a wastewater storage capacity to the Merlin Park pumping station.
Brief description of development site characteristics and potential impact mechanisms	The site is located at an existing Uisce Éireann (UE) facility on lands bound by the Old Dublin Road to the north and Lios an Uisce to south. The UÉ facility comprises a pumping station in the eastern suburbs of Galway City. A portion of the appeal site comprises the UÉ facility, a portion of immature woodland and an area of maintained public open space. The wider area is characterised by open woodland to the north across the Old Dublin Road and residential units associated with Lios an Uisce to the south. A detailed description of the proposed development is provided in the detailed specifications of the proposal and provided in the AA screening report/ NIS and other planning documents provided by the applicant. The site is not located in proximity to any designated sites.
Screening report	Yes
Natura Impact Statement	Yes
Relevant submissions	The appellant and observers raise issues with many aspects of the development in the context of the wider

	wastewater environment, section 7.0 of the Inspector's Report refers.

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

Two European sites were identified as being located within a potential zone of influence of the proposed development as detailed in Table 1 below. I note that the applicant included a greater number of European sites in their initial screening consideration and I have included Lough Corrib SAC in order to consider further in screening. There is no ecological justification for a wider consideration of sites, and I have only included those sites with any possible ecological connection or pathway in this screening determination.

European Site (code)	**Qualifying interests (summary) Link to conservation objectives (NPWS, date)**	**Distance from proposed development**	**Ecological connections**	**Consider further in screening Y/N**
Galway Bay Complex SAC [000268]	[1140] Mudflats and sandflats not covered by seawater at low tide [1150] Coastal lagoons* [1160] Large shallow inlets and bays [1170] Reefs [1220] Perennial vegetation of stony banks [1310] Salicornia and other annuals colonising mud and sand [1330] Atlantic salt meadows (Glauco-Puccinellietalia maritimae)	0.39 km	It is possible that there will be groundwater and likely there will surface water accumulation during the excavation to facilitate the proposed storage tank and it is proposed to discharge this surface water to the existing storm water	Y

	[1410] Mediterranean salt meadows (Juncetalia maritimi) [3180] Turloughs* [5130] Juniperus communis formations on heaths or calcareous grasslands [6210] Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (*important orchid sites) [7210] Calcareous fens with Cladium mariscus and species of the Caricion davallianae* [7230] Alkaline fens [1365] Harbour Seal (Phoca vitulina) [1355] Otter (Lutra lutra https://www.npws.ie/protected-sites/sac/000268		overflow. The storm water overflow discharges to inner Galway Bay adjacent to Murrough House via an existing storm water pipeline for a distance of c.800m to a headwall discharge point. It is acknowledged that there is an existing emergency overflow and indirect operational phase pathway from Merlin Park PS via a stormwater pipe which provides for emergency discharge to the foreshore of Galway Bay at Murrough.	

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 Callitricho-Batrachion vegetation [3260] Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150]	3.4 km	Construction works for the proposed tank at Merlin Park PS will involve excavation and construction of the underground storage tank, interconnecting pipework, diversion of the 1,500mm storm water pipe and ancillary works. The existing downstream pipework from Merlin Park PS leads to Mutton Island WWTP. The existing pipework contains a stormwater overflow at Long Walk in the estuarine section of the River Corrib which overlaps with the Galway Bay Complex SAC	N

	Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210] Petrifying springs with tufa formation (Cratoneurion) [7220] Alkaline fens [7230] Limestone pavements [8240] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Bog woodland [91D0] Margaritifera margaritifera (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]		(Site Code 000268) and the estuarine section of the Lough Corrib SAC (Site Code 000297) in Galway City. The construction work will be undertaken in the absence of a pathway to the Mutton Island WWTP. Thus, there will be no pathway to the River Corrib from the construction source during the construction works.	

	https://www.npws.ie/protected-sites/sac/000297			
Inner Galway Bay SPA [004031]	[A137] Ringed Plover (Charadrius hiaticula) [A169] Turnstone (Arenaria interpres) [A182] Common Gull (Larus canus) [A140] Golden Plover (Pluvialis apricaria) [A017] Cormorant (Phalacrocorax carbo) [A052] Teal (Anas crecca) [A162] Redshank (Tringa totanus) [A003] Great Northern Diver (Gavia immer) [A142] Lapwing (Vanellus vanellus) [A191] Sandwich Tern (Sterna sandvicensis) [A179] Black-headed Gull (Chroicocephalus ridibundus) [A193] Common Tern (Sterna hirundo) [A069] Red-breasted Merganser (Mergus serrator) [A160] Curlew (Numenius arquata) [A050] Wigeon (Anas penelope)	0.51 km	It is possible that there will be groundwater and likely there will surface water accumulation during the excavation to facilitate the proposed storage tank and it is proposed to discharge this surface water to the existing storm water overflow. The storm water overflow discharges to inner Galway Bay adjacent to Murrough House via an existing storm water pipeline for a distance of c.800m to a	Y

	[A157] Bar-tailed Godwit (Limosa lapponica) [A149] Dunlin (Calidris alpina) [A028] Grey Heron (Ardea cinerea) [A046] Light-bellied Brent Goose (Branta bernicla hrota) A056 Shoveler (Anas clypeata) [A999] Wetlands https://www.npws.ie/protected-sites/spa/004031		headwall discharge point. It is acknowledged that there is an existing emergency overflow and indirect operational phase pathway from Merlin Park PS via a stormwater pipe which provides for emergency discharge to the foreshore of Galway Bay at Murrough. The Merlin Park site was surveyed on December 6th 2022, January 20th 2023 and February 3rd 2023 and April 27th 2023 and determined not to host suitable habitats for the coastal bird	

			species for which the Inner Galway Bay SPA is designated.	

Ecological surveys were undertaken by the applicant at an appropriate season and frequency, using best practice survey methods. No significant effects are predicted and it is considered that the proposed development at Merlin Park pumping station will have a localised minor negative impact to habitats covered under the footprint of the proposed works during the construction phase. Following consideration of the residual effects it is noted that the proposed development will not result in any significant effects on the biodiversity, flora and fauna of the existing environment. Significant impacts to designated sites, habitats, flora or fauna have not been identified as a result of the proposed works. Provided that the proposed development is carried out in accordance with the best practice that is described in the Ecological Impact Assessment (appendix B and C) that accompanied the application. The proposed biodiversity enhancement measures and landscaping plan associated with the proposed development will result in residual neutral to slight positive impacts on ecological receptors within the Merlin Park site and their surrounding environs. Significant effects on biodiversity are not anticipated at any geographical scale.

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

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

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

Screening matrix

Site name	Possibility of significant effects (alone) in view of the conservation objectives of the site*

	Impacts	Effects
Galway Bay Complex SAC [000268]	Construction phase, that may include: Vegetation clearance Demolition Surface water runoff from soil excavation/infill/landscaping (including borrow pits) Dust, noise, vibration Lighting disturbance Impact on groundwater/dewatering Storage of excavated/construction materials Access to site Pests	Taking a precautionary approach, a potential pathway for indirect effects on the SAC via deterioration of water quality via a shared groundwater body and resulting from run off of pollutants during the construction phase of the proposed development via overland flow to the stormwater network was identified. A complete source pathway receptor chain was identified and in the absence of mitigation, there is potential for the proposed development to result in likely significant effects on this European Site. Therefore, the European Site is located within the Likely Zone of Impact and is considered further in this assessment.
	Likelihood of significant effects from proposed development (alone): **Yes**	
	Impacts	**Effects**
Inner Galway Bay SPA [004031	Construction phase, that may include: Vegetation clearance Demolition Surface water runoff from soil excavation/infill/landscaping (including borrow pits)	Taking a precautionary approach, a potential pathway for indirect effects on the SAC via deterioration of water quality via a shared groundwater body and resulting from run off of pollutants during the construction phase of the proposed development via

	Dust, noise, vibration Lighting disturbance Impact on groundwater/dewatering Storage of excavated/construction materials Access to site Pests	overland flow to the stormwater network was identified. A complete source pathway receptor chain was identified and in the absence of mitigation, there is potential for the proposed development to result in likely significant effects on this European Site. Therefore, the European Site is located within the Likely Zone of Impact and is considered further in this assessment.
	Likelihood of significant effects from proposed development (alone): **Yes**	

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

The primary consideration in terms of source-receptor-pathways for indirect impacts relates to surface water and potential indirect impacts on hydrologically linked habitats and aquatic species. The potential for impact is considered whereby the Proposed Development would result in a significant detrimental change in surface water quality either alone or in combination with other projects or plans as a result of indirect pollution of surface water during construction. The effect would have to be considered in terms of changes in water quality which would affect the habitats or species for which the Galway Bay Complex SAC or the Inner Galway Bay SPA are designated.

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

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

Screening Determination

Finding of likely significant effects

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

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

17.0 **Appendix 4 - Appropriate Assessment (AA) Determination**

Appropriate Assessment
The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V [or S 177AE] of the Planning and Development Act 2000 (as amended) are considered fully in this section.
Taking account of the preceding screening determination at appendix 3 of my report, the following is an appropriate assessment of the implications of the proposed development of three office blocks in view of the relevant conservation objectives of the Galway Bay Complex SAC [000268] and the Inner Galway Bay SPA [004031] based on the scientific information provided by the applicant. The information relied upon includes the following: • The Appropriate Assessment Screening Report prepared by: Moore Group – Environmental Services • Natura Impact Statement prepared by: Moore Group – Environmental Services • Construction and Environmental Management Plan • Arboricultural Impact Assessment • Ecological Impact Assessment • Landscape Report • Landscape Drawings • Civil Engineering Report I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.
Submissions/observations

Third Party appellant and observer issues include the following: The content of AA Screening Report and NIS submitted as part of the previous and current application area compared. Hydrological connectivity is highlighted as being present. The NIS addresses construction impacts but operational impacts are not assessed. Ecological Impact Assessment (EcIA) does not take in to account the wider network implications of the development. Broadly, the EcIA is criticised as not taking a holistic approach to the wider network and area for the consideration of impacts. The proposed infrastructure will not in itself improve water quality.				
Galway Bay Complex SAC [000268]: **Summary of Key issues that could give rise to adverse effects (from screening stage):** **(i) Water quality degradation (construction and operation)** **Section 3.1 NIS**				
Qualifying Interest features likely to be affected	**Conservation Objectives**	**Potential adverse effects**	**Mitigation measures (summary)** NIS Section 6	
1140 Mudflats and sandflats not covered by seawater at low tide	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in Galway Bay Complex SAC	The site of the proposed development is located approx. 0.39 km from Galway Bay Complex SAC, separated by existing dwellings to the south of the proposed development. Taking a	Construction Phase Control Measures A Construction and Environmental Management Plan (CEMP) has been prepared for the proposed development and is included with the planning application	

		precautionary approach, a potential pathway for indirect effects on the SAC via deterioration of water quality via a shared groundwater body and resulting from run off of pollutants during the construction and operational phases of the proposed development via overland flow to the stormwater network was identified. Therefore, following the precautionary approach, in the absence of mitigation, there is potential for indirect adverse effect to these Qualifying Interests (Qis) as a result of the	documents and can be found at section 3.5 of the NIS.	

		proposed development.		
1150 Coastal lagoons	To restore the favourable conservation condition of Coastal lagoons in Galway Bay Complex SAC	As above		
1160 Large shallow inlets and bays	To maintain the favourable conservation condition of Large shallow inlets and bays in Galway Bay Complex SAC	As above	As above	
1310 Salicornia and other annuals colonising mud and sand	To maintain the favourable conservation condition of Salicornia and other annuals colonizing mud and sand in Galway Bay Complex SAC	The site of the proposed development is located approx. 0.39 km from Galway Bay Complex SAC, separated by existing dwellings to the south of the proposed development. Taking a highly precautionary approach, a potential pathway	As above	

		for indirect effects on the SAC via deterioration of water quality via a shared groundwater body and resulting from run off of pollutants during the construction and operational phases of the proposed development via overland flow to the stormwater network was identified. Therefore, following the precautionary approach, in the absence of mitigation, there is potential for indirect adverse effect to these QIs as a result of the proposed development.		

1330 Atlantic salt meadows (Glauco Puccinellietalia maritimae)	To restore the favourable conservation condition of Atlantic salt meadows (Glauco-Puccinellietalia maritimae) in Galway Bay Complex SAC	As above	As above	
1410 Mediterranean salt meadows (Juncetalia maritimi)	To restore the favourable conservation condition of Mediterranean salt meadows (Juncetalia maritimi) in Galway Bay Complex SAC	As above	As above	
7210 Calcareous fens with Cladium mariscus and species of the Caricion davallianae	To maintain the favourable conservation condition of Calcareous fens with Cladium mariscus and species of the Caricion davallianae in Galway Bay Complex SAC	As above	As above	

1355 Lutra lutra (Otter)	To restore the favourable conservation condition of Otter in Galway Bay Complex SAC	The site of the proposed development is located approx. 0.39 km from Galway Bay Complex SAC, separated by existing dwellings to the north of the proposed development. There is no potential for direct effect on either species as the proposed development site is located entirely outside of Galway bay Complex SAC. Additionally, there is no potential for ex-situ disturbance effects on either species due to the intervening distance between the proposed site and the SAC. Following a precautionary	As above	

		approach, potential for indirect effect in the form of water quality deterioration within the SAC has been identified as a result of surface water connectivity during the construction and operational phases of the proposed development. Therefore, following the precautionary approach, in the absence of mitigation, there is potential for indirect adverse effect to these QIs as a result of the proposed development.		
1365 Phoca vitulina (Harbour Seal)	To maintain the favourable conservation condition of	As above	As above	

	Harbour Seal in Galway Bay Complex SAC			
1220 Perennial vegetation of stony banks	To maintain the favourable conservation condition of Perennial vegetation of stony banks in Galway Bay Complex SAC	The site of the proposed development is located approx. 0.39 km from Galway Bay Complex SAC, separated by existing dwellings to the south of the proposed development. Taking a precautionary approach, a potential pathway for indirect effects on the SAC via deterioration of water quality via a shared groundwater body and resulting from run off of pollutants during the construction and operational phases of the proposed development via	As above	

		overland flow to the stormwater network was identified. Therefore, following the precautionary approach, in the absence of mitigation, there is potential for indirect adverse effect to these Qualifying Interests (Qis) as a result of the proposed development.		
3180 Turloughs	To maintain the favourable conservation condition of Turloughs in Galway Bay Complex SAC	As above	As above	
5130 Juniperus communis formations on heaths or calcareous grasslands	To restore the favourable conservation condition of Juniperus communis	As above	As above	

	formations on heaths or calcareous grasslands in Galway Bay Complex SAC			
6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco Brometalia)(*important orchid sites)	To maintain the favourable conservation condition of Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco Brometalia) in Galway Bay Complex SAC	As above	As above	
The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.				
Assessment of issues that could give rise to adverse effects view of conservation objectives **(i) Water quality degradation** The primary consideration in terms of source-receptor-pathways for indirect impacts relates to surface water and potential indirect impacts on hydrologically linked habitats and aquatic species. The likelihood of impacts on hydrologically connected European sites is low and will be avoided by best practice construction management.				

Given that groundwater will likely be encountered for tank excavation works, the dewatering of the c. 8m deep excavations will also likely be required. In the absence of construction management measures, inadequate or unregulated dewatering of excavations could result in silted or sediment laden waters reaching the coastline. As such, there is potential for negative effects on the Galway Bay Complex SAC and Inner Galway Bay SPA from the dewatering and disposal of groundwater which has infiltrated areas of deep excavation. Appropriate environmental controls are therefore presented in Section 3.5 below.

Mitigation measures and conditions

Construction Phase Control Measures

A Construction and Environmental Management Plan (CEMP) has been prepared for the proposed development and is included with the planning application documents. The main sources of water on site which will require management are:

• Surface water runoff from surrounding areas

• Transverse water ingress from utility crossings such as the surface water sewer (water running along the length of the pipe and leaking joints)

• Rainfall / Ground water

The following best practice mitigation and environmental control measures as outlined in the CEMP and NIS have been incorporated into the proposed development:

General Water Management Works Specific Control / Mitigation Measures

Transverse Water Ingress - Water ingress around the existing 1500mm diameter surface water sewer is the most likely source of water into the storm tank excavation. This pipework is due to be diverted early in the programme of works. Prior to diversion the existing pipe will be exposed on the upstream side of the works. The excavation will be utilised to remove the permeable granular (pea gravel pipe surround) material. Once removed a 300-500mm Clay “Plug” of dense puddle clay will be installed and compacted. This dense material will prevent

water from travelling along the existing pipe surround and entering our works. This method will significantly reduce the amount of water potentially entering the excavation. Any water entering the excavation will be managed as mitigation described below. If further services are encountered a similar approach will be undertaken

Rainfall/Groundwater

- The sides of the storm tank (once excavated) will be covered in a combination of geotextile membrane and polythene. These membranes will reduce the contact of rainfall with the soil and rock surfaces thus reducing the suspended solids in the water.
- During site establishment the site will be stripped of topsoil and a permeable hard standing constructed using a combination of 6F2 stone on geotextile membrane covered with 804 stone. The finished levels will be such that surface water will be directed away from excavations and pump locations.

The following system will be installed on site to manage dewatering activities;

- Water will be pumped via a 6 inch pump and discharged the Storm Sewer via the following settlement apparatus;
- Siltaway Filtration Unit: This is specifically designed to provide effective separation of suspended solids from pumped groundwater sources. The pumped water passes through a Lamella plate box which separates the suspended solids to the bottom of the unit. The benefit from using this system is that the silt that accumulates in the bottom of the unit can be removed without the need to stop operations. This will enable continuous operation. This unit has been chosen as it can cope with large volumes even though it has a relatively small foot print (3.5m * 3.5M).
- Settlement Tank: A settlement tank will be installed on the downstream side of the silt filtration unit. This is not required to cope with the expected flows but is being deployed as a secondary mitigation measure to provide further assurances.
- Silt Bags/Sock: All discharge hoses will have filtration/silt bags attached to add further protection. These will be inspected daily and replaced as needed.

- Material storage areas will undergo an environmental assessment prior to commencement of works.
- Dry materials will be stored in designated material storage areas and protected from run-off, damage, deterioration and loss.
- Stockpile area for materials (e.g. gravel and pipes) will be kept to a minimum in terms of size.
- Materials deliveries will be scheduled as required to avoid excessive material storage at the storage or laydown areas.
- Excavated materials for re-use will be segregated and temporarily stored a minimum distance of 10m from watercourses.
- Measures will be put in place to ensure that all hazardous liquid materials are appropriately labelled and stored in an upright position and in a secure, designated area within a drip tray.
- Materials and equipment to ensure spills are correctly delt with must be available (for example, spill kits, and booms). These should be in clearly marked response points, which can be accessed by all staff.
- Smaller quantities of fuel will be carried/stored in clearly labelled Jeri cans. Green for diesel and red for petrol and mixes. The Jeri cans shall be in good condition and have secure lockable lids. The Jeri cans shall be stored in a drip tray when not in use.
- Refuelling of plant and machinery will not take place within 100m of a watercourse should be conducted using a mobile fuel bowser.
- Small quantities of hazardous materials that may be stored at the storage areas will be bunded and the bunds covered to prevent the collection of rainwater.
- Material Storage training will be provided at induction and thereafter in the form of communication sessions and toolbox talks.
- Environmental inspections carried out will include material storage arrangements. Significant environmental findings will be communicated to the Environmental Officer for corrective and preventive action. Actions found will be addressed and corrective / preventive action put in place to reduce the likelihood of re-occurrence.
- Concrete mixing will not occur on-site and will be brought to the site by truck;

• Equipment, batching and ready-mix lorry washing and cleaning will be washed-out on-site into a designated area that has been designed to contain wet concrete/wash waters. • Only concrete delivery truck chutes may be washed out in this location. Spill Control / Mitigation Measures • All tanks/containers will be labelled properly. • Containers will be stored accordingly and necessary spill retention/bunding will be required, where necessary. • All equipment will be kept in well working order. Inspections will be carried out regularly on equipment to identify and resolve any potential leaks from equipment. • Refuelling of machinery should be carried out off site where possible. If onsite refuelling is required to be carried out, it will be done so in a designated area (not withing 100m any watercourse), where spill kit material will be readily available. • Drip trays will be used during re-fuelling in the designated re-fuelling area. • Fuel will be obtained from the local service stations as required. • Fuels, oils, greases and hydraulic fluids must be stored in bunded compounds well away from water. • A suitably sized spill kit and appropriate spill containment materials will be available during all re-fuelling operations. Monitoring, Reporting & Auditing, to be carried out by suitably qualified personnel during construction. I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected aquatic species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures related to water quality are captured in Planning condition 2 of my Inspectors Report.	
In-combination effects	

I am satisfied that in-combination effects have been assessed adequately in the NIS. The proposed development was considered in-combination with other plans and projects in the area that could result in cumulative impacts on designated Sites. No other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.	
Findings and conclusions The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site. Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for the Galway Bay Complex SAC [000268]. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted. **Reasonable scientific doubt** I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects. **Site Integrity** The proposed development will not affect the attainment Conservation objectives of the Galway Bay Complex SAC [000268]. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.	
Inner Galway Bay SPA **[004031]** **Summary of Key issues that could give rise to adverse effects (from screening stage):** **(ii) Water quality degradation (construction and operation)** **Section 3.1 NIS**	

Qualifying Interest features likely to be affected	**Conservation Objectives Targets and attributes (as relevant - summary)**	**Potential adverse effects**	**Mitigation measures (summary)** section 3.5 of the NIS.	
Great Northern Diver (Gavia immer) [A003]	To maintain the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.	There is no potential for disturbance and displacement impacts to the QI list across, as a result of the proposed development. The proposed development site is not located within the SPA, and due to the intervening distance between the SPA and the proposed development site there will be no disturbance effect on the species. Taking a highly precautionary approach, there is potential for a deterioration in water quality resulting from the	Construction Phase Control Measures A Construction and Environmental Management Plan (CEMP) has been prepared for the proposed development and is included with the planning application documents and can be found at section 3.5 of the NIS.	

		construction and operational phases of the proposed development via runoff to the existing storm network and groundwater body, both of which are connected to Inner Galway Bay SPA. A complete source-pathway-receptor chain for adverse effects on this habitat was identified.		
Cormorant (Phalacrocorax carbo) [A017]	As above	As above	As above	
Grey Heron (Ardea cinerea) [A028]	As above	As above	As above	
Light-bellied Brent Goose (Branta bernicla hrota) [A046]	As above	As above	As above	
Wigeon (Anas Penelope) [A050]	As above	As above	As above	
Teal (Anas crecca) [A052]	As above	As above	As above	
Shoveler (Anas clypeata) [A056]	As above	As above	As above	

Red-breasted Merganser (Mergus serrator) [A069]	As above	As above	As above	
Ringed Plover (Charadrius hiaticula) [A137]	As above	As above	As above	
Golden Plover (Pluvialis apricaria) [A140]	As above	As above	As above	
Lapwing (Vanellus vanellus) [A142]	As above	As above	As above	
Dunlin (Calidris alpina alpina) [A149]	As above	As above	As above	
Bar-tailed Godwit (Limosa lapponica) [A157]	As above	As above	As above	
Curlew (Numenius 51enelop) [A160]	As above	As above	As above	
Redshank (Tringa 52enelop) [A162]	As above	As above	As above	
Turnstone (Arenaria interpres) [A169]	As above	As above	As above	
Black-headed Gull (Chroicocephalus ridibundus) [A179]	As above	As above	As above	
Common Gull (Larus canus)	As above	As above	As above	

[A182]			
Sandwich Tern (Sterna sandvicensis) [A191]	As above	As above	As above
Common Tern (Sterna hirundo) [A193]	As above	As above	As above
Wetlands and waterbirds [A999]	To maintain the favourable conservation condition of wetland habitat in Inner Galway Bay SPA as a resource for the regularly occurring migratory waterbirds that utilise it.	Emissions to surface and ground water pathways during the construction and operational phases have the potential to result in adverse impacts on Wetlands and Waterbirds [A999]. A complete source-pathway-receptor chain for adverse effects on this habitat was identified.	As above
The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.			
Assessment of issues that could give rise to adverse effects: (i) Water quality degradation As above for SAC. Maintenance of good water quality is an attribute required to maintain favourable conservation condition for bird species and relevant habitats. Mitigation measures and conditions - As above for SAC			

In-combination effects

I am satisfied that in-combination effects have been assessed adequately in the NIS. The proposed development was considered in-combination with other plans and projects in the area that could result in cumulative impacts on designated Sites. No other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site. Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for the Inner Galway Bay SPA [004031]. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

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

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Galway Bay Complex SAC [000268]

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

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

My conclusion is based on the following:

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

18.0 **Appendix 5 - Water Framework Directive (WFD) Screening Matrix**

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	**ABP-320864-24**	**Townland, address**	Merlin Park Pumping Station, in the townland of Merlin Park, Old Dublin Road, Galway.
Description of project		The proposed development is for an underground storage tank that will provide a wastewater storage capacity to the Merlin Park pumping station, the detail is summarised as follows: • A new 950m3 underground storage tank, with upstanding bollards placed around the south, east and northern portions of the tank • Overground kiosks and passive odour control units, to include Rencab Metering Kiosk – height 2.3 m, width 1.3 m, depth .31m. Passive odour control units, approximately 1m in height. • Underground sewerage manholes, watermain, chambers, tank washdown units, tank mixer,	

	• Lifting davit • 2.0m high perimeter paladin security fencing • Vehicular and pedestrian gates on the southern portion of the site adjacent to the public road, and curved 0.45m high wall, • Filter drains, • Replacement of the existing pumps and control panel, • Landscaping to include slight reduction in ground levels across the site, removal of most trees on site, and all associated site development works above and below ground, to include some sewer diversions. Drawings indicate upgrades to the existing Merlin Pumping Station on site.
Brief site description, relevant to WFD Screening,	A full description of the development site can be found at section 1.0 of my report, in summary the UÉ storage tank will be constructed at an existing UÉ wastewater facility.
Proposed surface water details	The construction of the tank will necessitate the local diversion around the proposed storage tank of the existing 1500mm diameter surface water sewer within the site. During construction, it is proposed to discharge this surface water to the existing storm water overflow.

	During site establishment the site will be stripped of topsoil and a permeable hard standing constructed using a combination of 6F2 stone on geotextile membrane covered with 804 stone. The finished levels will be such that surface water will be directed away from excavations and pump locations. The following system will be installed on site to manage dewatering activities; • Water will be pumped via a 6 inch pump and discharged the Storm Sewer via the following settlement apparatus; • Siltaway Filtration Unit: This is specifically designed to provide effective separation of suspended solids from pumped groundwater sources. The pumped water passes through a Lamella plate box which separates the suspended solids to the bottom of the unit. The benefit from using this system is that the silt that accumulates in the bottom of the unit can be removed without the need to stop operations. This will enable continuous operation. This unit has been chosen as it can cope with large volumes even though it has a relatively small foot print (3.5m * 3.5M). • Settlement Tank: A settlement tank will be installed on the downstream side of the silt filtration unit. This is not required to cope with the expected flows but is being deployed as a secondary mitigation measure to provide further assurances.

	• Silt Bags/Sock: All discharge hoses will have filtration/silt bags attached to add further protection. These will be inspected daily and replaced as needed.
Proposed water supply source & available capacity	None.
Proposed wastewater treatment system & available capacity, other issues	None.
Others?	None.

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)

River[1]	3 km	TERRYLAND_010 IE_WE_30T010500	SW 2016-2021 Moderate	At Risk	Urban	Surface run-off
River[2]	3.7 km	CORRIB_020 IE_WE_30C020600	SW 2016-2021 Good	Not at Risk	Urban	Surface run-off
Transitional[3]	60 m	Corrib Estuary IE_WE_170_0700	SW 2016-2021 Ecological – Moderate Chemical Surface Water - Failing to achieve good	Review	Urban	Surface run-off

[1] https://www.catchments.ie/data/#/waterbody/IE_WE_30T010500?_k=2v14e5
[2] https://www.catchments.ie/data/#/waterbody/IE_WE_30C020600?_k=zh47wt
[3] https://www.catchments.ie/data/#/waterbody/IE_WE_170_0700?_k=y2qipr

Coastal[4]	1.5 km	Inner Galway Bay North IE_WE_170_0000	SW 2016-2021 Good	Not at Risk	Urban	Surface run-off
Groundwater[5]	0	Clarinbridge IE_WE_G_0008	GW 2016-2021 Good	Not at risk	Urban	Infiltration to groundwater

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.

CONSTRUCTION PHASE

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	**Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain'**

[4] https://www.catchments.ie/data/#/waterbody/IE_WE_170_0000?_k=qx12rs
[5] https://www.catchments.ie/data/#/waterbody/IE_WE_G_0008?_k=a3nuy3

							proceed to Stage 2.
1.	Surface	TERRYLAND_010 IE_WE_30T010500	Existing municipal drainage system.	Siltation, pH (concrete), hydrocarbon spillages.	Standard construction practice, submission of a CEMP, section 6.6, 6.7 and 6.8 all refer. Specific measures are detailed in the NIS at section 3.5 and include: • Surface water runoff from surrounding areas • Transverse water ingress from utility crossings such as the surface water sewer (water running along the length of the pipe and leaking joints)	No.	Screened out.

					• Rainfall / Ground water		
2.	Surface	CORRIB_020 IE_WE_30C020600	Existing municipal drainage system.	Siltation, pH (concrete), hydrocarbon spillages.	As Above	No.	Screened out.
3.	Surface	Corrib Estuary IE_WE_170_0700	Existing municipal drainage system.	Siltation, pH (concrete), hydrocarbon spillages.	As Above	No.	Screened out.
4.	Surface	Inner Galway Bay North IE_WE_170_0000	Existing municipal drainage system.	Siltation, pH (concrete), hydrocarbon spillages.	As Above	No.	Screened out.
5.	Ground	Clarinbridge IE_WE_G_0008	Pathway may exist. Taken from FRA - Examination of the geology of the area	Hydrocarbon spillages.	As Above	No.	Screened out.

			and groundwater flood risk maps also indicated no instances of predictive groundwater flooding. However, according to the 25" OSi Historical mapping, there are lands liable to flooding around the location of the swallow hole adjacent to Dublin Rd. To date, it is not believed that there has been any reported flooding in relation to the				

			swallow hole or well.				
OPERATIONAL PHASE							
1.	Surface	TERRYLAND_010 IE_WE_30T010500	Existing municipal drainage system.	Overflows.	Once complete, the development will provide additional storage capacity and reduce the frequency of overflows from sewerage networks. The storage tank will allow for flow balancing at the Merlin Park WWPS and enable the pass forward flow rate to be maintained, avoiding any impact on the downstream network.	No.	Screened out.

2.	Surface	CORRIB_020 IE_WE_30C020600	Existing municipal drainage system.	Siltation, pH (concrete), hydrocarbon spillages.	As Above	No.	Screened out.
3.	Surface	Corrib Estuary IE_WE_170_0700	Existing municipal drainage system.	Siltation, pH (concrete), hydrocarbon spillages.	As Above	No.	Screened out.
4.	Surface	Inner Galway Bay North IE_WE_170_0000	Existing municipal drainage system.	Siltation, pH (concrete), hydrocarbon spillages.	As Above	No.	Screened out.
DECOMMISSIONING PHASE							
1.	N/a	N/a	N/a	N/a	N/a	N/a	N/a