



An  
Bord  
Pleanála

## Inspector's Report ABP-320938-24

<b>Development</b>	Upgrade and Enhancement of Woodquay Park and surrounding public realm
<b>Location</b>	Woodquay Park, Galway City.
<b>Local Authority</b>	Galway City Council.
<b>Type of Application</b>	Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 as amended (local authority development requiring appropriate assessment).
<b>Prescribed Bodies</b>	An Taisce Development Applications Unit National Transport Authority
<b>Observer(s)</b>	Alan Phelan Anne Marshall Anne Fox Angela Gallagher Bernadette Divilly Caitriona Flanagan Caimin Garry Catherine Egan

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Clare Nally  
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Frank Walsh  
Grace O' Connell  
Les Burke  
Mary Morgan  
Marjanne Bryan  
Mark Green  
Mercy Primary School  
Mrs Nichola Dalrymple  
Nessa MacLean  
Paul Burke  
P. Farrell Garage  
Robert Grealish  
Robert Cantwell  
Sheila Gallagher  
St. Nicholas Parochial School  
The Nora Barnacle House Museum  
Victoria McCormack  
Woodquay Residents Association

**Date of Site Inspection** 04th November 2024

**Inspector** Donogh O'Donoghue

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## **1.0 Introduction**

- 1.1. Galway City Council is seeking approval from An Bord Pleanála to undertake the upgrade and expansion of Woodquay Park adjacent to the Lough Corrib SAC which is a designated European site. There are other designated European sites (SPAs and SACs) in proximity to the proposed works (see further analysis below). A Natura Impact Statement (NIS) and application under Section 177AE was lodged by the Local Authority on the basis of the proposed development's likely significant effect on a European site.
- 1.2. Section 177AE of the Planning and Development act 2000 (as amended) requires that where an appropriate assessment is required in respect of development by a local authority, the authority shall prepare a NIS and the development shall not be carried out unless the Board has approved the development with or without modifications. Furthermore, Section 177V of the Planning and Development Act 2000 (as amended) requires that the appropriate assessment shall include a determination by the Board as to whether or not the proposed development would adversely affect the integrity of a European site, and the appropriate assessment shall be carried out by the Board before consent is given for the proposed development.

## **2.0 Proposed Development**

- 2.1. The proposed development consists of the following:
  - i. Upgrades and expansion of the Woodquay Park including the provision of:
    - a. Hard and soft landscaping including rain gardens, seating areas, natural play landform, and planting of Molina meadow, spring bulbs, hedge row, and ground cover;
    - b. Removal of 1 no. 'Class C', and 1 no. 'Class B' trees. Planting of 4 no. new 'Golden Alder' trees;
    - c. Relocation and reduction in size of existing bike share station;
    - d. Galway Orb Sculpture and Light Feature;
    - e. Litter Bins;
    - f. Bollards;

- g. Flexible Events and Open Space Area;
  - h. Enhanced Public Lighting;
  - i. Enhanced SuDS based surface water management,
  - j. Relocation of existing ICA memorial; and
  - k. All other associated and ancillary works;
- ii. Provision of 4 no. pedestrian crossings including 2 no. across Riverside, 1 no. across Waterside, and 1 no. across Corrib Terrace;
- iii. Hard and soft landscaping adjacent to the park (across Riverside) to provide enhanced public realm including: public lighting, drainage rain garden, seating areas, and all other associated and ancillary works;
- iv. Vehicular parking consisting of relocation of 2 no. EV parking spaces, relocation of 2 no. accessible parking spaces, retention of approx. 10 no. on street parking spaces on Corrib Terrace with modifications for new pedestrian crossings, and relocation of 4 no. motorcycle spaces. This is a net removal of 11 no. existing car spaces;
- v. Hard and soft landscaping adjacent to the park (across Waterside) to enable a continuation of paving type, wider footpaths, enhanced lighting, and consistent public realm design;
- vi. All other associated and ancillary development and site works.

A Natura Impact Statement (NIS) has been prepared in respect of the Proposed Development.”

## 2.2. Accompanying documents

This application for approval is accompanied by the following documents:

- Planning Report provided by MKO Planning and Environmental Consultants
- Public Consultation Report provided by MKO Planning and Environmental Consultants
- Construction and Environmental Management Plan provided by MKO Planning and Environmental Consultants

- Ecological Impact Assessment provided by MKO Planning and Environmental Consultants
- Natura Impact Statement with Appropriate Assessment Screening Report provided by MKO Planning and Environmental Consultants
- Architectural Heritage Impact Assessment provided by ACP Conservation Architects
- Archaeological Impact Assessment provided by TOBAR Archaeological Services
- Landscape Design Report provided by LUC Landscape Architects
- Tree Constraints Plan provided by Tom Brandford Arborist Services
- Engineering Planning Report provided by PUNCH Consulting Engineers
- Stage 1&2 Road Safety Audit provided by PMCE Consulting Engineers
- Quality Audit provided by PMCE Consulting Engineers
- Site Specific Flood Risk Assessment provided by PUNCH
- Public Lighting Report provided by Don O'Malley & Partners Consulting Engineers
- Electrical Services Planning Report provided by Don O'Malley & Partners Consulting Engineers

### **3.0 Site and Location**

- 3.1. The site is located circa 300m northwest of Galway City Centre. It is located between the River Corrib and the R866, Headford Road/Woodquay Street. The site comprises Woodquay Park and a small car and bike parking area to the south of the park. The park is currently surrounded by a hedge and metal railing, with gates located at each of the entrance points. It is bordered by the waterside and the River Corrib to the northwest. The site is bordered to the southwest by terraced housing (Corrib Terrace) and to the northeast by Riverside terraced housing. The wider area consists of the historic Woodquay neighbourhood within the city centre of Galway, which is known for

its close cultural and physical ties to the River Corrib, vibrant shops and pubs, and attractive residences.

## **4.0 Planning History**

- 4.1. There is no noted planning history on the subject site.
- 4.2. Of note is the recently permitted ABP Case 314597-22, which is the BusConnects Galway Cross-City Link Scheme. This development is part of Galway's Bus Connects programme and seeks to reallocate space within the City Centre and along key routes in and out of the city centre to sustainable and active modes of travel. The BusConnects scheme includes the R866 Headford Road which is directly south of the subject site. There is no overlap between the redlines of the proposed development and the BusConnects scheme.

## **5.0 Legislative and Policy Context**

- 5.1. **The EU Habitats Directive (92/43/EEC):** This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) and 6(4) require an appropriate assessment of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site (SAC or SPA).
- 5.2. **European Communities (Birds and Natural Habitats) Regulations 2011:** These Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgements. The Regulations in particular require in Reg 42(21) that where an appropriate assessment has already been carried out by a 'first' public authority for the same project (under a separate code of legislation) then a 'second' public authority considering that project for appropriate assessment under its own code of legislation is required to take account of the appropriate assessment of the first authority.
- 5.3. **National nature conservation designations:** The Department of Culture, Heritage and the Gaeltacht and the National Parks and Wildlife Service are responsible for the

designation of conservation sites throughout the country. The three main types of designation are Natural Heritage Areas (NHA), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and the latter two form part of the European Natura 2000 Network.

5.4. European sites located in proximity to the subject site include:

- Lough Corrib SAC (Site code: 000297) – the proposed site is located directly adjacent to this SAC
- Galway Bay Complex SAC (Site code: 000268) – c. 680m to the south
- Inner Galway Bay SPA (Site code: 004031) – c. 1.5km to the south
- Lough Corrib SPA (Site code: 004042) – c. 3km to the north

5.5. **Planning and Development Acts 2000 (as amended):** Part XAB of the Planning and Development Acts 2000-2017 sets out the requirements for the appropriate assessment of developments which could have an effect on a European site or its conservation objectives.

- 177(AE) sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.
- Section 177(AE) (1) requires a local authority to prepare, or cause to be prepared, a Natura impact statement in respect of the proposed development.
- Section 177(AE) (2) states that a proposed development in respect of which an appropriate assessment is required shall not be carried out unless the Board has approved it with or without modifications.
- Section 177(AE) (3) states that where a Natura impact assessment has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the appropriate assessment.
- Section 177(V) (3) states that a competent authority shall give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site.



- Section 177AE (6) (a) states that before making a decision in respect of a proposed development the Board shall consider the NIS, any submissions or observations received and any other information relating to:
  - The likely effects on the environment.
  - The likely consequences for the proper planning and sustainable development of the area.
  - The likely significant effects on a European site.

## 5.6. National Planning Framework

The Project Ireland 2040 National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of Ireland to 2040. It is a framework to guide public and private investment, to create and promote opportunities and to protect and enhance the Irish environment. The NPF creates a shared set of goals for every community across the country which are expressed as 10 no. National Strategic Outcomes.

The Seventh National Strategic Outcome relates to "Enhanced Amenity and Heritage". This promotes investment in well-designed public realm, which includes public spaces, parks and streets, as well as recreational infrastructure. This will ensure that our cities, towns and villages are attractive and can offer a good quality of life. There is a general requirement to protect and integrate with built, cultural and natural heritage, which has intrinsic value in defining the character of urban and rural areas and adding to their attractiveness and sense of place.

The objectives under this strategic outcome include NSO 7:

- invest in and enable access to recreational facilities which will be designed and delivered with a strong emphasis on conservation, allowing the protection and preservation of our most fragile environments and providing a wellbeing benefit for all.

## 5.7. Climate Action and Low Carbon Development Act 2015 (as amended)

The Act commits Ireland to the objective of becoming a carbon-neutral economy by 2050, reducing emissions by 51% by the end of the decade. Section 17 amends the principle act such that Section 15(1) requires:

*“(1) A relevant body shall, in so far as practicable, perform its functions in a manner consistent with—*

- a) the most recent approved climate action plan,*
- b) the most recent approved national long term climate action strategy,*
- c) the most recent approved national adaptation framework and approved sectoral adaptation plans,*
- d) the furtherance of the national climate objective, and*
- e) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State”.*

“Relevant body” means a prescribed body or a public body.

## 5.8. Climate Action Plan 2024

The Climate Action Plan 2024 (CAP24) is the third annual update to Ireland’s Climate Action Plan. The purpose of the Climate Action Plan is to lay out a roadmap of actions which will ultimately lead the country to meeting its national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. The Plan provides a roadmap for taking decisive action to halve Ireland’s emissions by 2030 and reach net zero by no later than 2050, as committed to in the Climate Action and Low Carbon Development Act 2015 (as amended). The actions include:

- JM/24/2 - Support the implementation of local and regional economic strategies.
- JM/24/9 - Provide publicly accessible vehicle charge point infrastructure at community facilities in the region.

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

Ireland's 4<sup>th</sup> National Biodiversity Action Plan (NBAP) sets the national biodiversity agenda for the period 2023-2030 and aims to deliver the transformative changes required to the ways in which we value and protect nature. The 4<sup>th</sup> 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

## **5.10. Regional Spatial and Economic Strategy (RSES) for the North West Region**

The RSES for the North West Region acknowledges that further protection and enhancement of the historic core of Galway city and making improvements to the city centre public realm, will contribute to the vitality and vibrancy of the city centre and reinforce the positive image of the city as a place to live, work, visit and shop. The Regional Planning Objectives (RPOs) include the following:

RPO 3.5 - Identify and develop quality green infrastructure, within and adjacent to City, Regional Growth Centres and Key Towns.

RPO 4.2 - To support the maintenance of, and enhanced access to state lands, such as National Parks, Forest Parks, Waterways together with Monuments and Historic Properties, for recreation and tourism purposes.

RPO 5.11 - Support the provision and/or upgrade of cultural facilities (e.g. multi-purpose arts centres, theatres, galleries, libraries, museums etc) where the public, and visitors to the region, may enjoy and participate in cultural activities, with particular priority given to the City of Galway, Regional Growth Centres, Key Towns and to Gaeltacht Towns.

RPO 5.13 - Protect, enhance and harness the potential of the region's cultural and heritage assets.

RPO 5.17 - Support the adaptation and re-use of heritage buildings and places.

RPO 6.41 - Promote technology interventions and best practice that enhance sustainability in public places, parks, waterways and building management.

## **5.11. Local Planning Policy**

### **5.11.1. Galway City Development Plan 2023 - 2029**

The site is zoned 'RA – Recreation and Amenity' where it is an objective 'To provide for and protect recreational uses, open space, amenity uses, natural heritage and biodiversity.'

Key Provisions relevant to this proposal include:

#### **Policy 3.3 Sustainable Neighbourhood Concept**

3. Support neighbourhoods that can meet the needs of an ageing and increasingly diverse society and that can accommodate social and physical inclusiveness and contribute to a good quality of life and general wellbeing.

#### **Policy 3.7 City Centre Residential Areas**

3. Enhance city centre residential areas through implementation of environmental improvement schemes and improvements to the public realm, including, where appropriate, homezones and recreational facilities in conjunction with local residents.

#### **Policy 4.4 Sustainable Mobility - Walk and Cycle**

4. Implement a structured programme of improvements across the whole city pedestrian network and at street crossings.

7. Improve bicycle parking at key destinations and near bus stops /interchanges.

8. Promote, facilitate and maintain maximum connectivity and permeability for pedestrians and cyclists in the design and management of new public and private projects and in upgrading and retrofitting existing developments in accordance with the Design Manual for Urban Roads and Streets (2019) and Permeability a Best Practice Guide, NTA (2015).

11. Promote and facilitate the development of Public Bike/other share schemes across the city.

#### Policy 5.1 Green Network and Biodiversity

3. Support the retention and enrichment of biodiversity throughout the city in recognition of the need to protect and restore biodiversity to increase the resilience of natural and human systems to climate change.

12. Improve accessibility to the City Parks, recreation and amenity areas and facilities and include for sustainable modes of transport, where appropriate.

13. Retain, extend and enhance opportunities for recreation within the green network for all members of the community including people with disabilities.

18. Promote public art, cultural events and exhibitions as an important part in the design of facilities, open space and amenities.

19. Ensure that all passive and active recreational proposals are considered in the context of potential impact on the environment, sites of ecological and biodiversity importance and general amenity.

#### Policy 5.2 Protected Spaces: Sites of European, National and Local Ecological Importance

12. Achieve a sustainable balance between meeting future recreational needs (both passive and active) and the protection of the city's ecological heritage.

#### Policy 5.5 Community Spaces: Greenways, Boreens and Public Rights of Way

1. Continue to develop and improve the greenway network in the city, providing alternative accessible circulation routes for pedestrians and cyclists, for the enjoyment of the entire community.

#### Policy 5.9 Open Spaces: Public Realm

1. Implement the Public Realm Strategy for the public domain which contributes to the creation and maintenance of high quality and successful open spaces

#### Policy 6.8 Tourism Sector

3. Protect the distinctive built and natural heritage of the city and seek to maintain and implement improvements in the public realm that will sustain the attraction of the urban environment for visitors and citizens alike and will increase opportunities for the use of outdoor space and support events and gatherings.

#### Policy 8.8 Public Realm

1. Progress implementation of the Public Realm Strategy (2019) and accompanying manuals including the delivery of enhancement projects and a typology of streets and public spaces that positively contributes to the city's environment and heritage.

5. Promote nature-based SUDS solutions in the public realm where possible to enhance biodiversity and resilience to climate change.

6. Promote the important role that public space plays in providing for informal social interaction and maximise opportunities for outdoor gathering places, play areas, outdoor dining and living and outdoor public seating, where appropriate and in accordance with the Public Realm Strategy and accompanying manuals.

#### Specific Objectives: Public Realm

8. Support public realm enhancement projects contained in the Public Realm Strategy and accompanying manuals and their integration with Galway Transport Strategy projects, environmental improvements and initiatives relating to climate adaption, biodiversity, public art and activities in the public realm.

10. Progress the delivery of Urban Regeneration and Development Fund (URDF) projects which comprise of new public spaces at Woodquay and the Galway Cathedral, rejuvenated space at Fishmarket, Eyre Square (North) and increased City Centre pedestrianisation.

#### Policy 10.1 City Centre

6. Maintain and enhance the environmental quality of the city centre to support city centre living and to ensure a safe and attractive legible environment.

7. Maintain and enhance the quality of the city centre public realm and enhance accessibility and connectivity to and within the city centre through improvements to the network of streets, footpaths and public spaces and through implementation of the Public Realm Strategy.

10. Improve the public realm and residential amenities of existing city centre communities at Woodquay and Bowling Green by the implementation of improvement schemes.

5.11.2. Overall, there is overriding support throughout the City Development Plan with respect to open space and recreational activities:

Of note:

Chapter 1. Introduction, Strategic Context & Core Strategy - Policy 1.4 Core Strategy.

Chapter 2. Climate Action - Policy 2.2 (8) Climate Action.

Chapter 3. Housing and Sustainable Neighbourhoods - Policy 3.3 (1) (9) Sustainable Neighbourhood Concept.

Chapter 4 Sustainable Mobility and Transportation - Policy 4.6 (8) Road and Street Network and Accessibility and 4.8 (11) Specific Objectives - Sustainable Mobility-Walk and Cycle.

Chapter 5 - Natural Heritage, Recreation and Amenity

Policy 5.1 (4) & (5) Green Network and Biodiversity.

Policy 5.2 Protected Spaces: Sites of European, National and Local Ecological Importance.

Policy 5.6 (2) (3) Community Spaces: Child Friendly City.

Policy 5.7 (1) (2) Community Spaces: Protected Views of Special Amenity Value and Interest.

Chapter 6 - Economy, Enterprise and Retail - Policy 6.11 (6) & (7) Retail Strategy.

Chapter 7 - Community and Culture - Policy 7.2 Creative City and Policy 7.5 Community Facilities.

Chapter 8 - Built Heritage, Placemaking and Urban Design - Policy 8.7 (1) (2) (3) (7) Urban Design and Placemaking, Policy 8.8 (2) (3) (4) (7) (10) Public Realm and Specific Objectives: Public Realm (9).

## **5.12. Other plans and documents:**

### **5.12.1. Galway Public Realm Strategy 2019**

The Galway Public Realm Strategy sets out a vision and strategy for improvements to guide future investment and development in the network of public and green spaces in the centre of the city. It seeks to build on Galway's existing strong and well-regarded character and support the liveability and prosperity of the city. It is noted that a number of Policy Objectives in the Galway City Development Plan 2023-2029 make reference to the strategy and require alignment with its goals and actions. In conjunction with the Galway Transport Strategy (GTS) it seeks to redress the balance in favour of pedestrians and cyclists over vehicular traffic and capitalise on this by creating a high-quality public realm, upgrading the quality of the physical fabric, enhancing biodiversity and exploring opportunities to create new spaces.

The Strategy sets out five key design principles for the City's public realm that the proposed development has sought to abide by in its design. They are:

1. Protect and enhance Galway's unique character
2. Rationalise and de-clutter
3. Make Galway accessible for all
4. Make Galway an exemplar of sustainability
5. Maintain the public realm to high standards

The Strategy identifies as a key project the Woodquay area across the Headford Road and its transformation into a public plaza. This includes an extension of the park towards the Headford Road.

### **5.12.2. Galway City Council Local Authority Climate Action Plan 2024-2029**

The Galway City Local Authority Climate Action Plan (LACAP) 2024-2029 sets out a strategy to mitigate and adapt to climate change within the Local Authority. It considers factors such as reducing emissions, creating a circular economy, adapting to more frequent severe weather, and creating more sustainable land use patterns. Action 27



of the LACAP commits GCC to working in partnership with key stakeholders across the city to support climate action initiatives, including water conservation and nature-based solutions.

## **6.0 Consultations**

6.1. The application was circulated to the following bodies:

- An Chomhairle Ealaíon
- An Taisce
- Fáilte Ireland
- Heritage Council
- Department of Housing, Local Government and Heritage
- National Transport Authority
- Inland Fisheries Ireland
- Coras Iompair Éireann
- Uisce Éireann

## **6.2. Response received from Consultees**

6.2.1. A response was received from Development Applications Unit, Department of Housing Local Government and Heritage outlining the following:

- Notes that the proposed development site is partially located within the established and defined historic core of Galway City, a Recorded Monument GA094-100----- (Historic Town).
- Given the scale and location of the proposed site, it is possible that previously unrecorded subsurface archaeological remains associated with the history and development of Galway City may be disturbed during the course of groundworks.
- The Department has reviewed the Archaeological Impact Assessment report submitted as part of the application. The Department broadly concurs with the archaeological impact statement and the recommended mitigations (Archaeological Monitoring) set out in Section 7 of the report.

- Recommends that licensed Archaeological Monitoring be included as a condition of any grant of permission (a worded archaeological condition included in the submission) and the Construction Environmental Management Plan (CEMP) to include all identified archaeological impacts and mitigation measures.

6.2.2. A response was received from National Transport Authority outlining the following:

- National Transport Authority supports the development in principle as it would improve the public realm at this location to the benefit of sustainable modes.
- The Headford road is an important radial route for buses in and out of Galway City. This will continue following the implementation of the new Bus Connects network redesign. The redline boundary of the proposed development stops at the boundary of the proposed Bus Connects Cross City Link Scheme. In the event of a grant of permission liaison with Cross City Link Scheme should continue at detailed design stage to ensure the proposal can fully integrate with the Cross City Link Scheme.
- The proposal includes for the existing TFI Bike Rental station to be reduced from 20 to 10 docks and relocated to the area east of Riverside. It is the view of the NTA that a TFI Bike Rental station should be maintained in this area with an appropriate level of docking stations provided relative to demand.
- The NTA notes that the proposed redesign of the park does not include for the provision of standard bicycle parking, and it recommends that well located and secure cycle parking be provided as part of the scheme.

6.2.3. A response was received from An Taisce outlining the following:

- It is An Taisce's view that the park should remain an 'Enclosed Garden Park' for the benefit of local residents, city residents and Galway's many visitors. It is essential to retain the railings which allow a degree of separation for the user to step out of the city and into a green oasis.
- The proposed design has too much hard landscaping. Their preference is to avoid an open 'Eyre Square' type development that is dominated by hard surfaces.

- The surrounding appropriate hedge height and protective railings and gates should be retained.
- Many European cities including Dublin have small local parks that are fenced and locked at night to avoid unsociable situations arising.
- They note benefits in the proposed scheme and the proposed greenway from the city centre through Woodquay and onto Moycullen being merged and built together as both schemes will have a beneficial impact on each other.
- Local schools use the park for summer classes particularly due to the railings and gates which make it safe for children.
- The ability to close the gates of the park allows the wider community a level of control and an ability to steward the park.
- An Taisce believe that at a minimum a revision of the plans with retention of the railings and gates should be put forward for consideration and any plan without the railings, gates and suitable hedging should be refused.

### 6.3. Public Submissions

- Alan Phelan
- Anne Marshall
- Anne Fox
- Angela Gallagher
- Bernadette Divilly
- Caitriona Flanagan
- Caimin Garry
- Catherine Egan
- Catherine Howley
- Clare Nally
- Diarmuid Croghan
- Donal & Mary MacErlean
- Eileen Naughton
- Finbar McHugh
- Frank Costello
- Frank Walsh

- Grace O' Connell
- Les Burke
- Mary Morgan
- Marianne Bryan
- Mark Green
- Mercy Primary School
- Mrs Nichola Dalrymple
- Nessa MacLean
- Paul Burke
- P. Farrell Garage
- Robert Grealish
- Robert Cantwell
- Sheila Gallagher
- St. Nicholas Parochial School
- The Nora Barnacle House Museum
- Victoria McCormack
- Woodquay Residents Association

6.3.1. The public submissions are strongly against the current proposal. They are generally of the view that the park is in need of refurbishment, but they are not in favour of the proposed open plaza design. Many of the submissions make reference to a proposal (Residents Plan) in 2017 which was designed by Mary Reynolds and centred around nature and community. The main thrust of the submission is that the proposed plaza like redevelopment diminishes the parks function as a safe, green sanctuary in the city and the removal of the railings, gates and hedgerow which are a unique part of the character of the area will open up this residential area to a whole new set of anti-social occurrences. The mains issues raised in the submission are:

- Open plaza design will invite anti-social behaviour.
- The railings around the park are part of the unique character of the area and provide an element of security. The railings are the features that make it special.

- The proposed removal of the railings and introduction of a variety of new paths will destroy the green. It is the enclosing element that defines and protects the space for all to enjoy safely.
- The Residents Plan designed by Mary Reynolds centred around nature and community. It retained the railings and had 2 openings, one at each end of the park. The Woodquay project was to be closely aligned to that of Mary Reynolds concept, but this has been ignored.
- New design lacks a sense of identity or reference to Galway's unique heritage and character.
- Proposed plaza like area diminishes the parks function as a safe, green sanctuary in the city.
- The proposal would destroy the peace and quiet of one of last remaining inner-city communities.
- The extensive paving creates an avenue or plaza with quick access to the waterfront, thus becoming more of a thoroughfare or street and less of a park.
- There are 7 pubs in the immediate area and this boundary free approach will increase anti-social behaviour in the area after pub closing times.
- Lack of meaningful consultation and lack of consideration for local users which include residents and school children. Greater collaboration with the community on this proposal is required.
- Two primary schools close by, the Mercy and St Nicholas make use of the park as it is safe with railings and gates.
- Woodquay park is a cherished amenity space for nearby schools. It is their 'green classroom.' The parks current layout allows the schools to monitor and control access, ensuring a secure environment to play and learn. The redesign, particularly the removal of the railings raises safety concerns with significant implications for the schools.
- The plan is generic and lazy and there was already a better plan 5 years ago by Mary Reynolds.
- The plan is driven by tourism with no regards for the fact Woodquay is a residential area.

- The plan would appear not to include residents and school children and instead aims to increase footfall from tourists bringing further congestion to this quiet residential area.
- The heritage report is very thin on detail and does not seem to have any understanding of the history of the area.
- Similar enclosed parks mentioned e.g Pearse Square and Merrion Square in Dublin and The Green in Sandymount.
- The hedgerow and trees are a source and protection for the flora and fauna in an inner-city area. In turn the railings protect and support them.
- Hedgerow, trees and railings provide a space for relaxation and calm, a sound barrier from surrounding traffic and city life, safety for children and can be locked at night which reduces possibility of anti-social behaviour. Trees are also essential to maintaining air quality.
- The parks historic hawthorn hedge, over a century old, holds significant heritage value and should be preserved.
- The removal of 155m of hedgerow and 4 no trees will impact on wild habitats.
- The removal of the existing mature trees is contrary to the Galway City Development Plan 2023-2029.
- The proposal will disturb the habitats in the Lough Corrib SAC.
- Proposed pedestrian crossing point from 'The Plots' to a new park entrance at the northeastern corner of the park will result a safety issue and will increase people loitering at the proposed new entrance, thereby impacting on the residential amenity for a neighbouring dwelling.
- Road Safety Audit has ignored aspect of children's safety.
- No mention in planning applications notice, documents or plans does it explicitly state that railings are going to be removed.
- The extension of the park to the Headford Road and the increase in the number of access points, traffic calming and other similar measures are welcome.
- Concerns raised in relation the width of the proposed access to No 8 Walsh Terrace and to the location of Cycle Station and Motorcycle spaces and their impact on the residential amenity of a nearby dwelling.

- It is not clear whether an EIS is required.
- The new proposal is a homogeneous plaza.
- The park is a beautiful, simple and pleasing old park.

#### **6.4. Response of Applicant to Submissions Received**

- 6.4.1. The applicant submitted a response to the submissions received on the 12<sup>th</sup> February 2025. The applicant's Response Document has sought to address the points raised by consultees in their submissions with responses grouped by topic and dedicated responses to the submissions received from prescribed bodies and organisations. The applicant's response also includes a number of appendices including comparison layout drawings and minutes of consultation meetings held with the Woodquay Residents Association in Nov 2020 and local schools in June 2023.
- 6.4.2. No change to the overall design is proposed by the applicant. The applicant does note that should the Board find it appropriate to apply a condition requiring further standard cycle parking as set out in the NTA submission, they would be pleased to work the NTA and Cross City Link team to deliver this. They also set out that they would accept and would deliver on the conditions requested by the Department of Housing, Local Government and Heritage.
- 6.4.3. A short summary of the applicant's response to the main points raised in the submissions received is set out below:
- Removal of Railings - The applicant has set out that the boundary of the park will instead be defined by native hedgerow planting. They submit that this provides a defined boundary that is more welcoming and less visually obtrusive than the existing metal railings. They also note that the proposed layout will ensure antisocial behaviour is easily identified, exposed and consequently addressed. The applicant also contends that the proposed design still provides a safe and welcoming environment for school children which is capable of being managed and monitored by teachers.
  - Landscaping, Nature and Design – The applicant sets out that while the proposed development does provide marginally less soft/green landscape areas than exists currently, the proposed green areas are of a higher quality,

providing enhanced amenity and additional habitats for local flora and fauna, along with sustainable urban drainage. They also highlight that the designing of the footpaths to be a universally accessible the park has resulted in the overall reduction in soft/green landscaping. They conclude that a comprehensive assessment of the potential significant effects on biodiversity has been undertaken within the submitted Ecological Impact Assessment Report (EclA) and following the implementation of best practice and mitigation, there will be no significant impacts on biodiversity.

- Tourism versus Residential Use – The applicants submission emphasises that the design was an iterative process that took on board and implemented many suggestions from local residents. Overall, the applicant makes the case that the proposed design of the park has sought to balance the needs of a range of stakeholders for the area including the residents of Woodquay, local schools, residents of the wider city, and tourists.
- Local Significance and Heritage – The applicant sets out that an Architectural Heritage Impact Assessment and Archaeological Impact Assessment were undertaken in recognition of the historic nature of the area. The applicant asserts that local significance is not tied to the given structure of the park but rather its existence and the use of the area as a green space. The proposed development seeks to preserve and enhance these characteristics, allowing the space to continue to be an important part of community life well into the future.
- Consultation Process - The applicant gives a general overview of the public consultation carried out throughout the design process. They set out that where a desire for changes to the design were expressed by the public, these were sought to be accommodated as far as was safely, technically, and spatially possible while complying with the requirements of the project funding and all other standards and guidance.
- Design around No 8 Walsh's Terrace - The applicant contends that the cycle stands, and motorcycle spaces are in a suitable and appropriate location that allows for high quality and integrated design with the wider plans for the Woodquay area. They also note that the access road width to no 8 Walsh's



Terrace is in line with a planning permission granted in 2011 and in line with DMURS.

- Pedestrian Link to the Plots - The applicant notes that a goal of the crossing is to meet an existing pedestrian desire line safely. They emphasise that the new entrance and crossing serves a meaningful function in improving connectivity and is in line with the standards set out in DMURS and the Cycle Design Manual. The applicant asserts that the claim of a "significant reduction in privacy" is subjective given the existing use and character of the area.

## **7.0 EIA Screening**

- 7.1. The proposal entailing upgrade works to an existing park and surrounding public realm is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

## **8.0 Assessment**

The assessment will be undertaken in three parts as per the requirements of Section 177AE as follows:

- The likely effects on the environment.
- The likely consequences for the proper planning and sustainable development of the area.
- The likely significant effects on a European site.

### **The likely effects on the environment**

- 8.1.1. I consider the main environmental effects (other than those which are considered under Appropriate Assessment) can be addressed under the following headings:
- Ecological Impact Assessment (EclA)
  - Water Quality

- Flooding
- Cultural Heritage - Architectural Heritage Impact Assessment and Archaeological Impact Assessment

### **Ecological Impact Assessment (EcIA)**

- 8.1.2. The application is accompanied by an Ecological Impact Assessment (EcIA). This describes the existing biodiversity and ecological characteristics of the development site.
- 8.1.3. The public submissions raise a number of broad ecology related concerns mainly in relation to the removal of the existing mature trees and hedgerow.
- 8.1.4. Section 3 of the EcIA sets out the Methodology followed to establish the baseline ecological condition of the site and surrounding area. It includes desktop studies, database searches, and field surveys.
- 8.1.5. Habitats identified were classified in accordance with the Heritage Council's Guide to Habitats in Ireland (Fossitt 2000) and assessed for their suitability for terrestrial mammal species. The walkover surveys were designed to detect the presence or suitable habitat for a range of protected faunal species that may occur in the vicinity of the proposed works. Surveying also included for invasive alien species.
- 8.1.6. Section 3.2.2 discusses the methodology employed for consideration of impact assessment. Criteria for Badger and Non-Volant Mammal Species followed CIEEM best practice competencies for surveys.
- 8.1.7. Section 5.3.3 notes that following a comprehensive search for all mammals undertaken during the ecological walkover surveys no species listed under the Annexes of the European Habitats Directive were recorded and no evidence of other species such as Badger (*Meles meles*), Irish hare (*Lepus timidus hibernicus*), Pygmy Shrew (*Sorex minutus*), and Irish Stoat (*Mustela erminea Hibernica*) were recorded during the site visit. No evidence of any other protected mammal species was recorded within the development site.
- 8.1.8. Criteria for Bat Habitat Appraisal are set out in Table 3-1 and derived from Bat Surveys for Professional Ecologists: Good Practice Guidelines (Collins 2023). The bats survey was carried out in June 2024 during weather conditions suitable for bat surveys.

- 8.1.9. Section 5.3.2 outlines that no trees within the site have the potential to support roosting bats. However, following a Manual Activity Survey in June 2024, 1326 bat passes were recorded. Activity was dominated by Soprano pipistrelle (*Pipistrellus pygmaeus*) n=1028, followed by Common pipistrelle (*Pipistrellus pipistrellus*) n=110 and then Leisler's bat (*Nyctalus leisleri*) n=27. No bats were observed emerging or re-entering any trees during the survey. Activity levels were concentrated to the Treeline habitats to the east and west of the site.
- 8.1.10. Section 6.3 notes it is likely that the Local Bat Species in the area are already accustomed to some levels of anthropogenic disturbance due to the urban nature of the site. The lighting plan for the operation phase has been designed to minimise light spillage, therefore reducing any potential lighting disturbance to bats and in accordance with Bat Conservation Ireland (Bats and Lighting: Guidance Notes for Planners, Engineers, Architects and Developers, BCI, 2010), the Bat Conservation Trust (Guidance Note 08/18 Bats and Artificial Lighting in the UK (BCT, 2018) and Dark Sky Ireland. The report concludes that following implementation of the above measures no significant impacts on bat populations are predicted.
- 8.1.11. Section 5.2 of the EclA outlines that no invasive species were recorded within the proposed works boundary. However, Montbretia (*Crocasmia X crocosmiflora*) a low-risk invasive species, not listed under Regulation 49 and 50 of the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations 2011 was recorded within the hedgerow habitat to the north, east and west of the park.
- 8.1.12. Section 3.3 sets out the methodology for assessment of impact and effects. It notes that ecological features identified within the study area were determined with reference to a defined geographical context in line with the 'Guidelines for Assessment of Ecological Impacts of National Roads Schemes' (NRA, 2009). These guidelines set out the context for the determination of value on a geographic basis with a hierarchy assigned in relation to the importance of any particular receptor ranging from Local Importance (Lower Value) to International Importance.
- 8.1.13. Section 4 of the EclA sets out the methodology used to establish which sites designated for nature conservation have the potential to be impacted by the proposed works. It outlines that the potential for effects on European sites is fully considered in the Natura Impact Statement (NIS) that accompanies the application. The potential for

effects on Natural Heritage Area's (NHA's) which are designated under the Wildlife (Amendment) Act 2000 is considered in the EclA. Table 4.1 provides details of all relevant Nationally Designated Sites and assesses which are within the zone of impact.

- 8.1.14. Section 4.2 of the EclA discusses flora identification with Table 4-2 displaying sensitive or rare species protected under the Flora Protection Order 2015 or the Irish Red Data Book for Vascular Plants recorded in the relevant 10km square in which the study site is situated. Figure 4.3 in the EclA details the distribution of relevant Article17 habitat records relative to the proposed sites.
- 8.1.15. Table 4.3 provides a record of rare and protected species within a 10km grid square of the study site obtained from the NPWS.
- 8.1.16. Section 4.5 of the EclA outlines information obtained from the National Biodiversity Ireland Data centre which is set out in Table 4.4 to 4.7. Table 4.4 list the protected faunal species (excluding birds) recorded within the hectad of the study area. Table 4.5 lists non-native invasive species recorded within the hectad. Table 4.6 lists all bird species and Tabe 4.7 lists all protected bat species recorded with the hectad of the study area respectively.
- 8.1.17. Section 5.3.1 outlines that the following bird species were recorded during the multidisciplinary walkover surveys carried out within Woodquay Park, and in the lands adjacent: Blackbird (*Turdus merula*), Magpie (*Pica pica*), Herring Gull (*Larus argentatus*), Starling (*Sturnus vulgaris*), Jackdaw (*Coloeus monedula*) and Mallard (*Anas platyrhynchos*). The section goes onto note that the main habitats recorded within Woodquay Park include Buildings and Artificial Surfaces, Amenity Grassland (Improved), Treeline and Hedgerow and as such, the proposed work site does not provide any significant supporting habitat and has no potential for disturbance to the SCI Species associated with Inner Galway Bay SPA.
- 8.1.18. The loss, degradation or fragmentation of Key Ecological Receptors resulting from the construction phase are described in Section 6.2 of the EclA. These are loss of trees and hedgerow and impact on birds, bats and water quality during construction.
- 8.1.19. In relation to treeline and hedgerow there are approx. 18 trees within the Park and it is proposed to remove 2 trees and 155m of hedgerow to facilitate the proposed development. The two trees to be removed are a grade B Grey Alder (*Alnus incana*)

located to the eastern parcel of site, and a grade C Swedish Whitebeam (*Sorbus intermedia*) to the southwest margin of the site. The hedgerow to be removed is located to the northern, eastern, and western margins of the park and is a mix of Bramble (*Rubus fruticosus*), Hawthorn (*Crataegus monogyna*), Montbretia (*Crocsmia x crocosmiiflora*), Nettle (*Urtica dioica*), Wild Teasel (*Dipsacus fullonum*), Bindweed (*Calystegia sepium*), Sycamore (*Acer pseudoplatanus*), Creeping Buttercup (*Ranunculus repens*), Narrow leaved Hawkweed (*Hieracium umbellatum*), Silverweed (*Potentilla anserina*), and Bittersweet (*Solanum dulcamara*).

- 8.1.20. The loss of 2 no trees and approx 155m of hedgerow is considered significant at a local geographical scale. In order to militate this loss, it is proposed to plant an additional 4 no Golden Alder (*Alnus incana* 'Aurea') trees in the northeast and southeast of the Park and approx 148m of mixed native Hedgerow to the eastern and western margins of Woodquay Park. The section concludes following implementation of the new planting there will be no significant residual effect on treeline or hedgerow habitat at any geographic scale as a result of the proposed works.
- 8.1.21. In terms of birds the loss of 2 trees and approx. 155m of hedgerow may result in the potential loss of nesting and foraging habitat for common species which would be considered significant at a local geographical scale. The proposed mitigations include the planting of additional 4 no Golden Alder and approx 148m of mixed native hedgerow as well as additional soft landscaping measures. Additionally, all tree cutting shall take place outside of the bird nesting season and the remaining 16 trees will be protected via protective fencing. The section concludes following implementation of mitigation measures there will be no significant habitat loss or disturbance.
- 8.1.22. In relation to bats no trees within the site had potential to support roosting bats and no bats were observed emerging or re-entering any trees during surveys. However, a high number of bat passes (1326) were recorded during the manual activity survey conducted June 2024 with activity levels concentrated to the Treeline habitat to the eastern and western margins of the Park.
- 8.1.23. Therefore, Woodquay park provides 'Moderate to High' foraging/commuting habitat for bat species in an urban environment. Following the precautionary principle, the construction phase has the potential to result in some habitat loss to local bat species via the removal of 2 no trees and approx 155m of hedgerow. The EclA concludes that

following implementation of mitigation measures which includes planting of 4 no Golden Alder trees, approx 148m of mixed native hedgerow, additional soft landscaping measures and protective fencing for the remaining 16 no trees no significant residual effects are predicted.

- 8.1.24. Section 6.3 deals with the operational phase and sets out that there will be no additional habitats loss associated with the operational phase of the proposed project.
- 8.1.25. Section 7 consider cumulative impacts with regard to recent planning history in the area and concludes the risk of significant effects in combination with other plans and projects is negligible.
- 8.1.26. Overall section 8 of the EclA concludes that subject to the application of mitigation and best practice measures there will be no significant impact on biodiversity. I have considered the matters raised in the public submissions. Having reviewed the information set out on file I am satisfied that the EclA provides a detailed, robust and thorough consideration and overall conclusion of all matters pertinent to an EclA. I see no reason why the proposed development subject to mitigation measures as set out in the EclA would significantly adversely impact on local ecology.

### **Water Quality**

- 8.1.27. The site is immediately adjacent to the River Corrib. This waterbody is classified as Good Ecological Status (Status 2016-2021) as illustrated on the EPA mapping (<https://gis.epa.ie/EPAMaps/Water>). The River Corrib flows into the Corrib Estuary Transitional Water body which is classified as Moderate Ecological Status in the 2016-2021 cycle. Such designated waterbodies must be improved to at least a Good Ecological Status in accordance with the requirements of the Water Framework Directive.
- 8.1.28. The construction phase of the development will involve earth moving and levelling operations. Mitigation measures during the construction phase are outlined in section 6.2.3 of the EclA and include measures to control sediments, restrict storage of fuels to designated areas and restrict the method of concrete use near to water bodies. These measures will ensure that accidental sediment and hydrocarbon release to waterbodies does not arise.

- 8.1.29. At operational phase mitigation measures include SUDs measures, permeable pavements, bio-retention areas and raingardens. The applicant sets out that the proposed works will result in the generation of additional surface water but due to the project design and the drainage features outlined in Section 2.2 of the EclA, there will be a reduction in stormwater runoff and no potential for deterioration of water quality during the operational phase of the proposed development.
- 8.1.30. The implications for the Lough Corrib SAC, Galway Bay Complex SAC and Inner Galway Bay SPA are addressed and set out in detail in the NIS. It is necessary for the board to conclude that the proposed development is in accordance with the proper planning and sustainable development of the area only if it also pass the rigorous tests under Appropriate Assessment.
- 8.1.31. Overall having regard to the project design and the mitigation measures to be put in place during construction the proposed scheme is expected to have an overall positive impact on water quality. I am therefore satisfied that the proposal is in compliance with the requirements of the Water Framework Directive in that it will not cause a deterioration in status in any waterbody or prevent any waterbody from achieving good status. In addition, no residual significant negative impacts are expected to arise.

## **Flooding**

- 8.1.32. The Strategic Flood Risk Assessment (SFRA) prepared as part of the Galway City Development Plan shows the majority of the development site not being at risk of flooding. Only a small portion of the site along the northern boundary is shown to be in Flood zone B. The applicant sets out that flood maps produced as part of the CFRAMS and the City Development Plan SFRA were consulted to establish the Flood Zone.
- 8.1.33. From an examination of the Office of Public Works (OPW) Flood Hazard Mapping website no instances of flooding have been indicated on the proposed site. The CFRAM mapping revealed that a small portion of the site along the northern boundary is in a fluvial flood risk area (flood risk is less than 1 in 1000) in any given year. Examination of CFRAMS coastal flood extent mapping and the National Coastal Flood Hazard Mapping (NCFHM) did not reveal any coastal flood risk to the site. A review of the Geological Survey of Ireland (GSI) database for groundwater flooding indicated

that there is no groundwater flooding in the area of the proposed works. Overall, the SSFRA determined that the proposed development site is partially located in Flood Zone B for Fluvial flooding and Flood Zone C for Coastal flooding.

- 8.1.34. The SSFRA concludes that when examined using the sequential approach as set out in The Planning System and Flood Risk Management Guidelines, the development is appropriate. The proposed development is water compatible in nature, at low risk of flooding and will not impact flood risk to the adjacent area. Overall, I am satisfied that the proposed development is compliant with Section 9.2 (Flood Risk Assessment) of the Galway City Development Plan and adheres to the Flood Risk Management Guidelines.

### **Cultural Heritage**

- 8.1.35. An Architectural Heritage Impact Assessment and an Archaeological Impact Assessment have been carried out as part of the application.
- 8.1.36. The Architectural Heritage Impact Assessment has been prepared by ACP Architects. The site does not lie within the curtilage of any protected structure or NIAH recorded building and is not located within an Architectural Conservation Area (ACA).
- 8.1.37. The Heritage Impact Assessment sets out the history of the site and structures in the vicinity. The area of Woodquay is described as one of the earliest inhabited parts of Galway. The area which encompasses Woodquay Park today was largely made up of two islands. The land between these islands was gradually filled in and reclaimed and today Woodquay Park is situated on reclaimed land. The Woodquay Residents Association submission outlines that the lower half of the infilled channel was turned into a garden park for the principal benefit of the local community of terraced houses who had no gardens or open space.
- 8.1.38. Section 5.2 of the Heritage Impact Assessment sets out the Predicted Impacts. It sets out that the proposed works will have a positive impact and will ensure that the park function better and develops into a more user friendly and safer environment for the public and the proposed enhancement works will promote the conservation of the Quay to the northwest of the park. It goes on to note that the proposed works will have no impact on any built heritage.



- 8.1.39. The report in section 5.4 notes that as there are no protected structures or other historic buildings within the site or nearby, an assessment under conservation principles would be inappropriate.
- 8.1.40. The report concludes that the proposed redevelopment would ensure Woodquay Park will be more functional and user friendly. The proposed development will have no impact on any protected structures or historic buildings and no mitigation measures are proposed.
- 8.1.41. I generally concur with the conclusion of the Heritage Impact Assessment. However, no reference has been made to the historic evolution of the park or the nature and history of railings enclosing the current park. The last edition 6 inch Ordnance Survey of Ireland Map, surveyed in 1938 and published in 1948 shows the outline of the park though no detail of boundaries, pathways or planting is recorded. The current railings appear of relatively modern construction and do not have the ornate, wrought and cast-iron features that are a common feature of some parks and churchyards across the country.
- 8.1.42. The Archaeological Impact Assessment was prepared by TOBAR Archaeological Services. No recorded monuments are located within the proposed development site. However, the proposed development site boundary does very partially fall within the Zone of Notification for the historic town of Galway (GA094-100059-) and its associated town defences (GA094-100001-). The town defences are located c. 170m to the south of the proposed site. The nearest recorded monument to the proposed development site comprises a Quay (GA 094-100059-) which is located c.30m to the northwest of the site.
- 8.1.43. The assessment methodology is set out in Section 4 of the Archaeological Impact Assessment and utilised a desktop assessment, GIS based assessment and site inspection to determine the potential for impacts on archaeological heritage within and adjacent to the proposed site.
- 8.1.44. The proposed site area largely comprises reclaimed ground and a culverted river channel. The site inspection involved the excavation of two trial pits to establish ground conditions and the presence of groundwater. All excavation works were monitored, and no archaeological finds, features or deposits were noted in either pit.

- 8.1.45. The report noted that given the scale of the proposed development and the urban environment within which it is located, no visual effects to the immediate setting of the historic town or its defences were identified. The report also sets out that visual effects on the setting of the nearby recorded monument (Quay) as a result of the proposed development are not anticipated.
- 8.1.46. In addition, I am satisfied that the proposed redevelopment will not impact on the protected views immediately to the north of the site at Waterside as identified in the development plan.
- 8.1.47. The report concluded that potential impacts during construction could include damage to previously unrecorded sub-surface archaeological finds, features or deposits which may exist within the proposed development. Appropriate mitigation in the form of archaeological monitoring of all site investigation and construction stage ground works have been recommended.
- 8.1.48. I note the submission from the DAU who broadly concur with the archaeological impact statement and recommend the mitigations set out in Section 7 of the AIA report be included in any grant of planning. The DAU also recommend a condition that the Construction Environmental Management Plan (CEMP) include all identified archaeological impacts and mitigation measures.
- 8.1.49. Overall, I am satisfied that that the proposed measures set out in the Archaeological Impact Assessment will protect the cultural heritage of the area and that there will be many positive consequences to the scheme.

**The likely consequences for the proper planning and sustainable development of the area:**

- 8.1.50. This matter has been addressed in the documentation received by the Board by way of a planning cover report and supporting reports. Thirty-six submissions were received by the Board which included a number of common issues related to the proper planning and sustainable development of the area. I will address the matters under the following headings:
- Principle of Development
  - Design and Layout

- Impact on Residential Amenity and Local Schools

### **Principle of Development**

- 8.1.51. The existing park is located in the Woodquay neighbourhood within the city centre of Galway. As per the Galway City Development Plan 2023 – 2029 the site is zoned ‘RA – Recreation and Amenity’ where it is an objective ‘To provide for and protect recreational uses, open space, amenity uses, natural heritage and biodiversity.’ The proposed works seek to enhance and improve the existing Woodquay Public Park and surrounding public realm. The proposal includes the renovation and extension of the existing park with new landscaping, seating area, natural play mound, lighting and public realm upgrades. The applicant’s documentation sets out that Galway City Council is delivering the project in conjunction with Failte Ireland who is providing funding under their Urban Animation Capital Investment Scheme. The applicant’s Response Document to the Submissions Received notes that Failte Ireland’s Urban Animation Fund seeks to support projects with the “potential to transform and re-imagine urban centres for visitors and communities.”
- 8.1.52. The applicant sets out in the Planning Cover Report that the design had to align the standards set out in the Galway Public Realm Strategy and complement the Bus Connects Cross City Link while also complying all other forms of relevant planning, design and ecology policy.
- 8.1.53. The Galway Public Realm Strategy 2019 sets out a vision and strategy for improvements to guide future investment and development in the network of public and green spaces in the centre of the city. In conjunction with the Galway Transport Strategy (GTS) it seeks to redress the balance in favour of pedestrians and cyclists over vehicular traffic and capitalise on this by creating a high-quality public realm, upgrading the quality of the physical fabric, enhancing biodiversity and exploring opportunities to create new spaces.
- 8.1.54. Section 8.9 in the Galway City Development Plan 2023-2029 notes that projects identified in the Public Realm Strategy have been prioritised for delivery by the Council to provide significant new and improved public realm on streets and spaces. The projects include new public spaces at Woodquay.

- 8.1.55. The Public Realm Strategy identifies a number of potential improvements for the Woodquay area which includes transforming the existing hard standing and car parking at the southern ends of the park into a microspace/extension of the park. The proposal results in the loss of 11 no metered car spaces, largely in the area where the park is to be extended. It is proposed to retain and relocate 2 no disabled car spaces to the triangular area south of Riverside and relocate 2 no electric vehicle charging points to Corrib Terrace. Overall, I am satisfied the current proposal aligns with the potential improvements for the area as set out in the Galway Public Realm Plan 2019. In addition, the proposed re-allocation of public space away from car parking is supported by the Galway Transport Strategy 2016 and the Galway City Council Local Authority Climate Action Plan 2024-2029.
- 8.1.1. The proposed enhancement works are also in direct proximity to the Bus Connects Cross City Link Scheme. The applicant sets out that the proposed redevelopment has been cognisant and fully integrates with the adjacent Bus Connects Galway Cross-City Link Scheme. This scheme seeks to reallocate space within the city centre and along key routes in and out of the city centre to sustainable and active modes of travel.
- 8.1.2. The National Transport Authority (NTA) in their submission made reference to the fact that the Headford road is an important radial route for buses in and out of Galway City and that it will continue following the implementation of the new Bus Connects network redesign. They noted that the redline boundary of the proposed development stops at the boundary of the proposed Bus Connects Cross City Link Scheme and are supportive of the development as it would improve the public realm at this location to the benefit of sustainable modes. The relocation of 10 no bike share stations closer to the existing bus stop will enable greater ease for multi-modal journeys.
- 8.1.3. Overall, I am satisfied that the works can be seen to comply with national, regional and local policy in terms of enhancing and upgrading an existing public park and surrounding public realm and are, therefore, acceptable in principle.

### **Design and Layout**

- 8.1.4. The main thrust of the public submission is that they are not in favour of the proposed open plaza design and are particularly aggrieved at the removal of the railings around the park. They are of the view that the proposed plaza like area diminishes the parks

function as a safe, green sanctuary in the city and will invite anti-social behaviour given its city centre location and proximity to a number of pubs.

- 8.1.5. In 2017 the Woodquay Residents Association commissioned Mary Reynold to design a plan for the park. In 2023 Galway City Council appointed a design team to review Mary Reynold's concept proposal and develop a brief and comprehensive proposal for the park that would align with other public realm and transport strategies for the area.
- 8.1.6. The Consultation Report submitted by the applicant outlines that it was necessary to modify the Mary Reynolds design to ensure the deliverability of the project. Changes to her design were necessary to support future maintenance regimes, ensure alignment with the relevant planning policy and standards, accommodate the All-Ireland Pollinators Plan, incorporate further SuDS measures, and to assess and manage the impact on existing trees and habitats.
- 8.1.7. The applicant is of the view that as the park is not to be gated, the provision of an overlapping fence and hedgerow was deemed excessive and the hedgerow on its own would strongly discourage access to the park other than at designated entrances.
- 8.1.8. I consider the proposed redevelopment of the park needs to be firstly examined in the context of its local surroundings. I am of the view that the parks extension to the south is to be welcomed and aligns with the potential improvements set out in the Design, Activity and Delivery Manuals in the Public Realm Strategy. The open nature of the southern boundary onto the Headford Road will serve as an inviting entrance to the park and enhance the neighbourhood's position as a gateway to the city centre. This is also supported by Policy 5.1(12) in the development plan where it is the policy to improve accessibility to the city parks, recreation and amenity areas.
- 8.1.9. In addition, the permitted BusConnects scheme has provided for the development of a high-quality public square at southern side of the Headford Road replacing the current parking area. This redeveloped area as a new plaza and market square and a redesigned Headford Road will integrate with the proposed open southern boundary of the park. As well as providing an inviting entrance to the park the open nature of the southern boundary will provide for a greater view of the waterfront and River Corrib.
- 8.1.10. The rationale for the design concept is outlined in Chapter 4 of the Landscape Report. The park design known as 'Island Concept' uses a series of island forms to create

seating niches, raingardens and landmark forms with paving weaving either side of them.

- 8.1.11. I am of the opinion that the proposed layout of the park is acceptable and provides a variety of interesting spaces including a plaza area, public art, space for children to play and improved seating areas to maximise integration with the waterfront and the Headford Road. The meandering pathway will draw people through the park and again the open nature of the northern boundary will allow direct and inviting access to the waterfront. Seating incorporated to the edge of planters is provided along the northern boundary for people to enjoy the waterfront.
- 8.1.12. In addition, the redesign has retained the majority of the trees which is to be commended. Two trees are to be removed, and these are to be mitigated through the planting of four new trees. I agree that the central location of the single grey alder tree interrupts the views of the river, and its removal will enhance the view of the river.
- 8.1.13. The applicant has outlined that to facilitate the proposed works 155m of hedgerow along the northern, eastern and western park boundary will have to be removed. The removal of this hedgerow has been mentioned in a number of submissions from a heritage and biodiversity point of view.
- 8.1.14. The loss of the hedgerow and two no trees and its impact on birds, bats and water quality has been comprehensively assessed in the EcIA. It concluded that following implementation of mitigation measures, which include the planting of an additional 4 no Golden Alder and approx 148m of mixed native hedgerow as well as additional soft landscaping measures there will be no significant habitat loss or disturbance. I am satisfied that the proposed hedgerow removal is necessary to facilitate the redevelopment and agree with the conclusions of the EcIA that subject to the application of mitigation and best practice measures there will be no significant impact on biodiversity.
- 8.1.15. I also note that concerns have been raised in a number of submissions in relation to the level of hard landscaping. The Landscape Report sets out that the predominant hard landscape material for the pathways is a resin bound gravel while natural stone paving is provided at the riverside and a high-quality concrete paving provided in the triangular area south of Riverside. The applicant's Response Document to the Submission Received sets out in Appendix 1 a comparison layout of the soft

landscaping areas between the existing park, the proposed scheme and the residents plan designed by Mary Reynold. Overall, I do not deem the level of hard landscaping proposed to be excessive and note that the paved areas are located away from the mature trees to minimise root disturbance. The soft landscaping includes raingardens, molina meadows, mixed species native hedging, and bulb and ground cover planting.

- 8.1.16. The proposed development also includes a variety of SuDs measures including a number of raingardens, permeable paving, extensive planting and retention of the majority of the trees. The applicant in their submission outlines that the development as proposed reduces the area of sealed surface and offers a significantly enhanced biodiversity offering.
- 8.1.17. The NTA have also recommended that the proposed redesign include standard bicycle parking. I agree with those sentiments and recommend a condition to be attached to any grant of permission that secure standard cycle parking be provided as part of the scheme.
- 8.1.18. Overall, I am generally satisfied with the proposed redevelopment and consider that the design and layout proposed will further supports the wider strategic objectives as they relate to the city centre.

### **Impact on Residential Amenity and Local Schools**

- 8.1.19. I note the concerns raised by the residents that the open plaza design will invite anti-social behaviour and that the park should remain an 'Enclosed Garden Park' where locals and visitors can get away from the noisy city.
- 8.1.20. Despite the park's proximity to the city centre, it lies in a relatively quiet residential neighbourhood with terraced houses looking onto it on two sides. The local residents have cared for the park over the years, and it was them who took it upon themselves to redevelop the park. They feel that in moving the project forward there was a lack of meaningful engagement by the council and any concerns raised by them were disregarded.
- 8.1.21. The fundamental issue here is trying to balance the rejuvenation of the park while at the same time ensuring the residential amenity of the local residents is protected and that the park continues to cater for their needs. The park is undoubtedly a key

landmark space in the city centre. Therefore, it is important that the park contributes to the wider economic, social and cultural objectives as they relate to the city centre while at the same time being a safe space for local residents to enjoy.

- 8.1.22. The applicant outlines that a fundamental principle of the design for the park was to create an open and inviting amenity space which is fully accessible and integrated with the River Corrib to the north and Woodquay Square to the south. They note that the inclusion of the railings and gates would be incompatible with this design objective.
- 8.1.23. The applicant affirms in their Response Document to the Submissions Received that the existing railings visually close the park off from the wider community and make the space uninviting, drawing in anti-social behaviour. They also make the point that the provision of an overlapping fence and hedgerow was deemed excessive and the hedgerow on its own would strongly discourage access to the park other than at designated entrances.
- 8.1.24. The park is not located in an Architectural Conservation Area (ACA) and is not within the curtilage of any protected structure or NIAH recorded building. The railings around the park appear to be of no great architectural significance and none have been noted in the application or the submissions received. However, I do agree with the submissions that the railings are part of the unique character of the area. The metal railings do define and enclose the space and offer an element of security to the houses facing the park. I also note that the Residents Plan designed by Mary Reynolds retained the railings and had 2 openings, one at each end of the park.
- 8.1.25. In this regard it may be appropriate to consider retaining a section/element of railing particularly on the boundaries facing the houses. This may be viewed by some as tokenism, but it is my opinion that it would give a level of comfort and security to the residents while also retaining a feature of the park that is part of its unique character.
- 8.1.26. I recommend to the board that a condition be attached to any grant of permission that a metal railing of similar height and colour to that existing, be provided along the length of the proposed mixed native hedgerow on the eastern and western park boundaries. The number and location of the access points to the park on the eastern and western boundaries shall be as per the details shown on the site layout plan.
- 8.1.27. The northern boundary and southern boundary details shall remain as per the site layout plan submitted. The open nature of the southern boundary will ensure that the



ambitions for the park to create an inviting access point from the Headford Road is established and this also aligns with the new expansive crossing point proposed as part of the forthcoming bus connects project. The northern boundary detail as set out in the site layout plan will improve both access and visibility to the waterside and River Corrib. Overall, the accessible nature of the redeveloped park will promote social inclusion and enhance accessibility which are key commitments in the development plan.

- 8.1.28. The importance of the park as a green space for the local schools especially in the good weather has been noted in several of the submissions. Submissions have also been received from the Mercy Primary School and St Nicholas' Parochial School who outlined that the proposed changes particularly the removal of the railings and gates raise significant safety concerns in their use of this space as a 'green classroom'. It is my opinion that the retention of railings along the eastern and western boundaries will ensure a safe environment is maintained for children to learn and play.
- 8.1.29. I also consider the need to gate the access points is not warranted as the inclusion of a significant expanse of railing along the eastern and western park boundaries will provide considerable safe areas for play and learning. In addition, the redeveloped park will provide improved biodiversity features by way of species rich grasses, spring bulbs, pollinator species and raingardens which will enhance interest and learning for children.
- 8.1.30. The owner of No 8 Walsh's Terrace raised concerns in relation to the width of the new access road to his property and the proposed location of 10 no cycle stands and 4 no motorcycle spaces. The current access arrangement to No 8 Walsh's Terrace is haphazard with 3 no car spaces and 4 no motorcycle spaces located in the vicinity of the entrance. The proposed layout which provides for a separate delineated access road to the property and will generally replace the existing motorcycle and car parking spaces with 10 no cycle stands and 4 no motorcycle spaces is acceptable. They are sensitivity incorporated into the public realm, located close to a bus stop and are a good use of the space provided. The NTA are generally supportive of the scheme and note that it will improve the public realm at this location to the benefit of sustainable modes. The overall access road width which is greater than 3m in width in an urban environment is acceptable. No concern in relation to the access road width have been raised in the submitted Road Safety Audit.

- 8.1.31. I note the concerns raised by the owner of No 1 Walshe's Terrace in relation to the location of the proposed pedestrian crossing point to 'The Plots' and the proposed new entrance to the park at the northeastern corner of the park. He has raised concerns that the new entrance and pedestrian crossing will result in a safety issue and will result in overlooking of their property and increase people loitering in the area, thereby impacting on their residential amenity.
- 8.1.32. The location of the new entrance and pedestrian crossing point is directly opposite a pedestrian laneway that leads to an area known locally as 'The Plots' and includes a playing pitch. Section 5.7.1 Greenways, Boreens and Public Rights of Way in the development plan notes that opportunities to improve permeability between and within neighbourhoods and local services should be considered. I agree with the applicants in their Response Document to the Submission Received that this linkage is already functioning as an active travel route and the proposed crossing will provide a safer crossing and overall road layout. In addition, I am of the view the proposed entrance and crossing point will increase permeability thereby improving pedestrian convenience in the area.
- 8.1.33. Furthermore, in the wider context the delivery of the Galway Transport Strategy focuses on providing infrastructure to support walking, cycling and public transport to meet the current needs of the city. This access and crossing point represent a key linkage onto the proposed Clifden Railway and Pedestrian Bridge and Connemara greenway. The application includes a Road Safety Audit which is satisfied with the location of the entrance and pedestrian crossing subject to the hedgerow planting being routinely maintained. The Quality Audit carried out by Punch Consulting notes that hedge planting has been omitted from this corner of the park. In relation to the impact on the residential amenity of the property I am of the view that the entrance and crossing will have a negligible impact.
- 8.1.34. Overall, I am satisfied that proposed redevelopment including the retention of the railings along the eastern and western boundaries will create a high-quality recreational area and provide an enhanced amenity for the local residents, schools and visitors alike.

### **The likely significant effects on a European site:**

#### **8.1.35. Consideration of the Likely Significant Effects on a European Site**

##### **Article 6(3) of the Habitats Directive**

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

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

##### **The Natura Impact Statement and Supplemental Information**

- 8.2. The application is accompanied by an AA Screening report and an NIS (2024) which describes the proposed development, the project area and the surrounding area. The Construction Environmental Management Plan is also a key document in terms of the implementation of mitigation measures.
- 8.3. All Ecology and Appropriate Assessment related documents have been compiled by MKO Planning and Environmental Consultants and informed by desk study including reference material from the NPWS website and database and by field surveys.
- 8.4. A description of all baseline surveys is outlined within section 3.1 of the NIS.
- 8.5. Multi-disciplinary ecological walkover surveys were undertaken on the 25/06/2023 and 19/06/2024.
- 8.6. No drainage features were identified within the proposed works boundary. No habitats listed under Annex I of the EU Habitats Directive were identified within the proposed works boundary. Further, no QI/SCI Species associated with nearby European Designated Sites were recorded within the proposed works site.
- 8.7. There will be no direct discharge of stormwater to the River Corrib (designated as part of the Lough Corrib SAC) or to the existing Uisce Eireann combined sewer as a result of the proposed works.

- 8.8. The surface water run-off from the surrounding roads which are outside of the red line site boundary are currently drained with road gullies and these are to be retained and continue to discharge stormwater into the combined sewer. Figure 2.1 on page 3 of the Engineering Planning Report completed by Punch Consulting Engineers shows the combined sewer running in a southerly direction through the site and connecting with a 375mm uPVC pipe at Vincents Avenue/Headford Road.
- 8.9. The storm water within the park itself will continue to infiltrate into the ground as a means of disposal. Additional road gullies at pedestrian crossing locations and at the triangular area to the south of Riverside will discharge directly to biofiltration areas within the site for treatment prior to discharging to ground. These are detailed in the Proposed Drainage Layout - Revision C01.
- 8.10. Due to the small nature and scale of the of the proposed works site, there is no potential for the proposed works to result in groundwater pollution. The applicant has outlined in Section 2 of the EclA that groundwater infiltration tests carried out in May 2024 determined that the existing soil has good soakage and that infiltration to ground as means of stormwater disposal would be possible.
- 8.11. Section 4 set out the AA Screening and the methodology used to establish any European Sites upon which there is a potential for a likely significant effect to occur either individually or in combination with other plans and projects as a result of the proposed works.
- 8.12. The proposed works site is located immediately adjacent to the River Corrib which is designated as part of the Lough Corrib SAC (Site Code 000297). No direct effects on this SAC were identified as the proposed works are located entirely outside the boundary of this designated site.
- 8.13. However, construction activities associated with the proposed works may result in excess sediment/ surface water run off entering the River Corrib, which is designated as part of Lough Corrib SAC. This would adversely impact the aquatic influenced QI habitats and species, via the deterioration of water and habitat quality, in the absence of mitigation.
- 8.14. Furthermore, the River Corrib flows in a southerly direction into the Corrib Estuary which is designated as part of the Galway Bay Complex SAC (Site code: 000268) and Inner Galway Bay SPA (Site code: 004031).

- 8.15. The identified pathways for effects include the deterioration of water quality/ habitat quality and supporting habitats for aquatic fauna resulting from pollution to surface waters during the construction phase, adversely impacting the aquatic influenced QI habitats and species within the Galway Bay Complex SAC.
- 8.16. An appraisal of QI species within Inner Galway Bay SPA was carried out. The proposed works boundary does not provide significant supporting habitat for any of the SCI Species associated with this SPA. As such the loss of small areas of these habitats to facilitate the proposed works will not result in significant impact to the SCI species in the form of ex-situ habitat loss or disturbance/displacement. However, a potential pathway for indirect effects on the SCI waterbirds and supporting wetland habitat in the Inner Galway Bay SPA was identified in the form of deterioration of water quality during the construction phase.
- 8.17. During survey works, no signs of Otters were recorded along the section of the River Corrib, located directly adjacent to the northern margin of Woodquay Park or within Woodquay Park. Otter is a qualifying interest of both the Lough Corrib SAC and Galway Bay Complex SAC.
- 8.18. However, taking an extremely precautionary approach, the River Corrib may provide ex-situ supporting foraging, commuting and breeding habitat for Otters. As such, a potential pathway for effect to this aquatic QI Species was identified in the form of ex-situ disturbance and displacement during the construction phase of the proposed works, in the absence of mitigation.
- 8.19. The proposed works site does not provide any suitable roosting habitat for Lesser Horseshoe Bat [1303] (*Rhinolophus hipposideros*) a species listed as a Qualifying Feature (QI) for Lough Corrib SAC. Further no Lesser Horseshoe Bat were recorded utilizing the proposed works site to commute or forage during the manual activity survey. The nearest mapped Lesser Horseshoe Bat roost is approx. 14km southeast of the proposed works site.
- 8.20. The River Corrib is registered as a Salmonid Water and is an important river for Sea Lamprey and Brook Lamprey. Sea Lamprey traditionally congregate and build spawning nests in the River Corrib in Galway City but there further upstream passage is impeded by the Galway Regulating Weir.

- 8.21. The scientific assessment to inform AA is presented in section 5.1 of the NIS and in the documentation submitted to the Board as part of the application. The conservation objectives of the various qualifying interest features and special conservation interest species are listed. Impact pathways are identified and the assessment of likely significant effects which could give rise to adverse effects on site integrity is presented in Table 5.1.
- 8.22. Mitigation measures are presented within section 6.2 of the NIS and are also detailed in full in the Construction Environmental Management Plan (CEMP). An assessment of potential in-combination effects is presented in Section 8 of the NIS.
- 8.23. The NIS together with supplemental information concludes that, following an examination, analysis and evaluation of the relevant information, including the nature of the predicted effects from the proposed development, and mitigation measures to avoid such effects, that the proposed development will not adversely affect the integrity of any European site, either alone or in combination with other plans and projects.

**Adequacy of information submitted by the applicant.**

- 8.24. Having reviewed the NIS and supplemental information that accompanies the application, I am satisfied that there is adequate information to undertake Screening and Appropriate Assessment of the proposed development. I am satisfied that all possible European Sites that could in anyway be affected have been considered by the Applicant.
- 8.25. I am satisfied that all ecological survey work and reporting has been undertaken and prepared by a competent expert in line with best practice and scientific methods. Information on the competencies and professional memberships of the Ecologist are provided in the NIS. I am also satisfied that all potential impact mechanisms have been considered and appropriately assessed within the NIS document.

**Screening for Appropriate Assessment**

- 8.26. The first test of Article 6(3) is to establish if the proposed development could result in likely significant effects to a European site, in which case the development is 'screened in' for further detailed assessment - Appropriate Assessment (stage 2).
- 8.27. The screening assessment undertaken on behalf of the applicant referred to within the NIS document submitted concluded that the potential for significant effects could not

be ruled out for **3 no. European Sites** within the Galway Bay and city area in view of the conservation objectives of those sites and thus the proposed development must proceed to (stage 2) Appropriate Assessment, and an NIS prepared to inform this stage.

8.28. Potential impacts and effects considered are presented in Table 1 below.

**Table 1. Summary of European Sites for which the likelihood of significant effects cannot be ruled out (Applicant).**

Potential impacts and zone of influence of effects	European sites within Zone of Influence
<b>Habitat loss and Fragmentation</b> No European sites are at risk of direct habitat loss impacts.	<b>No,</b> There are no European sites at risk of habitat loss impacts associated with the Proposed Scheme
<b>Habitat degradation/ effects on QI/SCI species as a result of hydrological impacts:</b> Habitats and species downstream of the proposed works site.	<b>Yes,</b> There are European sites at risk of hydrological effects associated with the proposed works site: <ul style="list-style-type: none"> <li>• Lough Corrib SAC</li> <li>• Galway Bay Complex SAC</li> <li>• Inner Galway Bay SPA</li> </ul>
<b>Habitat degradation as a result of hydrogeological impacts:</b> Groundwater-dependant habitats, and the species those habitats support, in the local area that lie downgradient of the proposed works site.	<b>No,</b> There are no European sites at risk of hydrogeological effects associated with the proposed works site.
<b>Habitat degradation as a result of introducing/spreading non-native invasive species:</b> Habitat areas within, adjacent to and potentially downstream of the proposed works site.	<b>No,</b> There are no invasive species within or directly adjacent to the proposed works site.

<p><b>Air quality impacts Potentially up to 200m from the Proposed Scheme boundary:</b></p>	<p><b>No</b></p> <p>There are no European sites at risk of air quality effects associated with the Proposed Scheme.</p>
<p><b>Disturbance and displacement impacts:</b></p> <p>Potentially up to several hundred metres from the Proposed Scheme, dependent upon the predicted levels of noise, vibration and visual disturbance associated with the proposed scheme, taking into account the sensitivity of the qualifying interest species to disturbance effects</p>	<p><b>Yes</b></p> <p>The Lough Corrib SAC is directly adjacent the works site. The Galway Complex SAC and Inner Galway Bay SPA are located in proximity to the proposed works site. There is potential for disturbance to occur in relation to noise arising from construction works.</p>

### **Screening Determination (recommendation)**

8.29. Having regard to the information presented in the AA Screening Report, NIS, submissions, the nature, size and location of the proposed development and its likely direct, indirect and cumulative effects, the source pathway receptor principle and sensitivities of the ecological receptors, I concur with the applicant's screening determination that there is potential for significant effects on the

- Lough Corrib SAC,
- Galway Bay Complex SAC,
- Inner Galway Bay SPA.

8.30. Given the hydrological connections and the potential relationship with all European sites within the zone of influence, and their conservation objectives, it is reasonable to conclude that there is a potential for impacts to arise in relation to habitat degradation and disturbance and displacement.

8.31. As screening is considered at pre-assessment stage, further analysis is required to determine the significance of such impacts and if appropriate, where any potential impacts are identified on the qualifying interests associated with Natura 2000 sites, to apply any mitigation measures to exclude adverse effects. Therefore, the Lough Corrib



SAC, Galway Bay Complex SAC and Inner Galway Bay SPA are brought forward for inclusion in the Stage 2 AA.

**Appropriate Assessment (recommendation)**

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

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

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

**Relevant European sites:**

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

- Lough Corrib SAC,
- Galway Bay Complex SAC,
- Inner Galway Bay SPA

- 8.35. A description of the sites and their Conservation Objectives and Qualifying Interests/Special Conservation Interests, including relevant attributes and targets for these sites, are set out in the NIS in Section 5.1.
- 8.36. I have also examined the Conservation Objectives Supporting Documents for these sites, available through the NPWS website ([www.npws.ie](http://www.npws.ie)).
- 8.37. Tables 2-4 below summarise the information considered for the Appropriate Assessment and site integrity test. I have taken this information from that provided by the applicant within the NIS. I expand on certain issues further in my report.

**Table 2: AA summary matrix for Lough Corrib SAC**

<b>Lough Corrib SAC 000297</b> <b>Detailed Conservation Objectives available: <a href="http://www.npws.ie">Conservation Objectives (npws.ie)</a></b>			
<b>Summary of Appropriate Assessment</b>			
<b>Special Conservation Interest (SCI)</b>	<b>Conservation Objectives Targets and attributes (summary- inserted)</b>	<b>Potential adverse effects</b>	<b>Mitigation measures</b>
<p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]</p> <p>Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]</p>	<p>Habitat area &amp; Distribution – no decline.</p> <p>Typical Species – present in good condition.</p> <p>Vegetation composition &amp; distribution – present and in good condition.</p> <p>Hydrological regime – appropriate</p> <p>Lake substratum quality – restore appropriate substratum type.</p> <p>Water quality: transparency, nutrients, phytoplankton, algal biomass – Restore</p> <p>Acidification status, turbidity, DOC, Water colour-restore/maintain</p> <p>Fringing habitat – maintain.</p>	<p>There is the potential for indirect effects on water quality/habitat quality resulting from pollution to surface waters during the construction phase. This could affect the availability of prey species and impact the restoration and/or maintenance of the condition of habitats within the site.</p> <p>Direct effects arising from disturbance may also occur in relation to Otter.</p> <p>Potential for impacts to arise in relation to dust emissions at the River Corrib, which could impact prey availability in the area and degrade water quality.</p>	<p>Detailed Preventative Measures to avoid impact on water quality during construction phase are outlined within section 6.2 and include but are not limited to:</p> <p>Implementation of measures in CEMP, silt fencing to be erected around north site works boundary, provision of buffers and exclusions zones, tool talks, emergency response plan, dust control, avoidance of disturbance through timing of works and selection of plant and</p>
<p>Water courses of plain to montane levels with the Ranunculion fluitantis and</p>	<p>As Above</p> <p>Including : Flooplain connectivity – active area to be maintained.</p>		

Callitricho-Batrachion vegetation [3260]	Riparian habitat - Maintain the area and condition of fringing habitats necessary to support the habitat and its sub-types.		machinery with low potential for noise and/or vibration.
Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]	<p>Habitat area &amp; Distribution – stable or increasing</p> <p>Vegetation composition –</p> <p>7 positive indicator species &amp; 2 high quality, not more than 20% cover or 10% of individual species. Cover - non-native species not more than 1%, &lt;5% bracken, broad leaf – 40-90%, 30% sward 5-40cm tall, &gt;25% litter cover and &gt;10% bare soil, grazing &amp; disturbance &gt;20m<sup>2</sup>.</p>		
Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]	<p>To maintain the favourable conservation condition of Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae)</p> <p>Habitat – stable/increasing.</p> <p>Distribution – No decline</p> <p>Similar to above including: vegetation structure – of at least 30% of sward between 10cm and 80cm tall.</p>		
Active raised bogs [7110]	<p>To restore the favourable conservation condition of Active raised bogs.</p> <p>Water quality, hydrological regime, vegetation – to restore.</p> <p>Local distinctiveness – maintain.</p> <p>Air quality – nitrogen &gt;5kg</p>		

Degraded raised bogs still capable of natural regeneration [7120]	Inherently linked to that of Active raised bogs (7110) and a separate conservation objective has not been set.		
Depressions on peat substrates of the Rhynchosporion [7150]	As Above		
Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]	<p>Maintain condition.</p> <p>Habitat Area and distribution – stable increasing, no decline.</p> <p>Ecosystem function – appropriate hydrological regimes</p> <p>Vegetation – non-native &gt;1%, native - &gt;10%, bare ground &gt;10%, area of drainage/trampling &gt;10%.</p>		
Petrifying springs with tufa formation ( <i>Cratoneurion</i> ) [7220]	<p>Maintain condition.</p> <p>Habitat Area and distribution – stable increasing, no decline.</p> <p>Hydrological regime – maintain, nitrate &amp; phosphate &gt;10mg/l &amp; 15mg/l.</p> <p>Vegetation – 3 high indicators, height 10-50cm, no dominant cover.</p>		
Alkaline fens [7230]	<p>Maintain condition.</p> <p>Habitat Area and distribution – stable increasing, no decline.</p> <p>Ecosystem function – appropriate hydrological regimes.</p> <p>Vegetation non-native &gt;1%, scatter &gt;10%, soft rush cover &gt;10%, Proportion of live leaves and/or flowering shoots of vascular plants that</p>		

	are more than 5cm >50%, drainage >10%, disturbed >1%		
Limestone pavements [8240]	<p>Maintain Condition</p> <p>Habitat - Stable or increasing. Distribution – no decline</p> <p>Vegetation - At least seven positive indicator species present, Bryophyte cover at least 50%, negative indicator species &gt;1%, non-native &gt;1%, scrub &gt;25%, canopy &gt;30%, bracken &gt;10%, sufficient dead wood.</p>		
Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]	<p>Maintain Condition</p> <p>Habitat - Stable or increasing. Distribution – no decline</p> <p>Woodland structure – No decline, diverse structure, non-native to be kept under control.</p>		
Bog woodland [91D0]	As above		
Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]	<p>Distribution - Maintain at 9.1km</p> <p>Population size - Restore Owenriff population to at least one million adult mussels.</p> <p>Population structure: 20% &gt;65mm in length, no decline</p> <p>Suitable habitat, water quality, substratum, hydrological regime – restore.</p> <p>Host fish, fringing habitat – maintain.</p>		
Austropotamobius pallipes (White-clawed Crayfish) [1092]	<p>Distribution – no reduction</p> <p>Population structure – eggs in all tributaries.</p> <p>No disease, water quality Q3/4, habitat quality – no decline.</p>		

<p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p>	<p>Distribution - Greater than 75% of main stem length of rivers.</p> <p>Population structure of juveniles - At least three age/size groups present, density 1.m<sup>3</sup></p> <p>Extent and distribution of spawning habitat – no decline, More than 50% of sample sites positive, with a minimum of four positive sites in a catchment</p>		
<p>Salmo salar (Salmon) [1106]</p>	<p>Distribution - 100% of river channels down to second order accessible from estuary</p> <p>Adult spawning fish - Conservation limit (CL) for each system consistently exceeded.</p> <p>Salmon fry abundance - Maintain or exceed 0+ fry mean catchment-wide abundance threshold value.</p> <p>Out-migrating smolt abundance- No significant decline.</p>		
<p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p>	<p>Restore the favourable conservation condition.</p> <p>Population per roost - Minimum number of 100 bats for summer roost.</p> <p>Summer roosts, auxillary roosts, Extent of potential foraging habitat – No decline.</p> <p>Linear features - No significant loss, within 2.5km of qualifying roosts.</p> <p>Light pollution - No significant increase in artificial light intensity adjacent to named roost or along commuting routes within 2.5km of the roost.</p>		
<p>Lutra lutra (Otter) [1355]</p>	<p>Distribution and habitat – no significant decline</p>		

	<p>Couching, biomass – no decline</p> <p>Barriers – no significant increase.</p>		
<p><i>Najas flexilis</i> (Slender Naiad) [1833]</p>	<p>Restore the favourable conservation condition.</p> <p>Population extent, depth, viability, abundance, distribution, habitat extent, lake substratum, water quality, water colour, associated species – restore and maintain.</p> <p>Fringe habitat – maintain.</p>		
<p><i>Hamatocaulis vernicosus</i> (Slender Green Feather-moss) [6216]</p>	<p>Maintain the favourable conservation condition.</p> <p>Distribution, population size, cover, area of suitable habitat – no decline.</p> <p>Hydrological conditions – maintain.</p> <p>Vegetation – trees &gt;15%, shrub &gt;20%, grass &gt;25%, bryophyte&lt;50%, <i>Calliergonella cuspidata</i> &gt;15%, vegetation height &gt;40cm.</p>		
<p><b>Overall conclusion: Integrity test</b></p> <p>The applicant determined that following the implementation of mitigation, the construction of the proposed development alone or in combination with other plans and projects will not adversely affect the integrity of this European site.</p> <p>Based on the information provided, I am satisfied that adverse effects can be excluded for Lough Corrib SAC. Adverse effects from water contamination and sediment release can be effectively prevented by mitigation measures ensuring the protection of surface waters during the construction phase which drain directly into the River Corrib. No increase in existing runoff rates will occur and appropriate treatment will ensure runoff quality.</p> <p>Impacts arising from dust will be mitigated through the regular cleaning of roads around the site, water misting on site and tarpaulin-covering of material that has potential to generate dust.</p> <p>Disturbance to otters will be mitigated by the selection of plant/machinery with low inherent potential for noise/vibration, offsite queuing of HGV's prohibited and working hours to be confined to normal working hours.</p> <p>Based on the information submitted, surveys carried out and analysis provided, I am satisfied that no uncertainty remains.</p> <p><b>The proposed development would not delay or prevent the attainment of the Conservation objectives of the Lough Corrib SAC.</b></p>			

Table 3: AA summary matrix for Galway Bay Complex SAC

<b>Galway Bay Complex SAC 000268</b> Detailed Conservation Objectives available: <a href="http://www.npws.ie/ConservationObjectives">ConservationObjectives (npws.ie)</a>			
Summary of Appropriate Assessment			
Special Conservation Interest (SCI)	Conservation Objectives Targets and attributes (summary- inserted)	Potential adverse effects	Mitigation measures
Mudflats and sandflats not covered by seawater at low tide [1140]	<p>To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in Galway Bay Complex SAC: The permanent habitat area is stable or increasing,</p> <p>Conserve the following community types in a natural condition: Intertidal sandy mud community complex; and Intertidal sand community complex.</p>	<p>There is the potential for indirect effects on water quality/habitat quality resulting from pollution to surface waters during the construction phase. This could affect the availability of prey species and impact the restoration and/or maintenance of the condition of habitats within the site.</p>	<p>Detailed Preventative Measures to avoid impact on water quality during construction area are outlined within section 6.2 and include but are not limited to:</p> <p>Implementation of measures in CEMP, silt fencing to be erected around north site works boundary, provision of buffers and exclusions zones, tool talks, emergency response plan, Avoidance of disturbance through timing of works and selection of plant and machinery with low potential for noise and/or vibration.</p>
Coastal lagoons [1150]	<p>To restore the favourable conservation condition of Coastal lagoons in Galway Bay Complex SAC –</p> <p>Habitat - Area stable, subject to slight natural variation,</p> <p>Habitat distribution – no decline,</p> <p>Salinity regime - Median annual salinity and temporal variation within natural ranges,</p> <p>Hydrological regime - Annual water level fluctuations and minima within natural ranges,</p> <p>Barrier: connectivity between lagoon and sea - Appropriate hydrological connections between lagoons and sea,</p> <p>Water quality – annual mean ranges for Chlorophyll, Molybdate Reactive Phosphorus, Dissolved Inorganic Nitrogen,</p>	<p>Direct effects arising from disturbance may also occur in relation to Otter.</p>	



	<p>Depth of macrophyte colonisation - Macrophyte colonisation to at least 2m depth,</p> <p>Typical plant species - Maintain number and extent of listed lagoonal specialists, subject to natural variation,</p> <p>Typical animal species - Maintain listed lagoon specialists, subject to natural variation,</p> <p>Negative indicator species - Negative indicator species absent or under control</p>		
Large shallow inlets and bays [1160]	<p>To maintain the favourable conservation condition of Large shallow inlets and bays,</p> <p>Habitat Area - The permanent habitat area is stable or increasing, subject to natural processes.</p> <p>Community extent - Maintain the extent of the Zostera-dominated community complex and the maërl-dominated community, subject to natural processes.</p> <p>Community structure: Zostera density - Conserve the high quality of Zostera-dominated communities</p> <p>Community structure - Conserve the high quality of the maërl-dominated community</p> <p>Community distribution – conserve community types</p>		

Reefs [1170]	<p>To maintain the favourable conservation condition of Reefs,</p> <p>Distribution, habitat area and community extent – stable or increasing and Maintain the extent of the Mytilus-dominated reef community.</p> <p>Community structure - Conserve the high quality of the Mytilus-dominated reef community</p> <p>Community structure - Conserve the following community types in a natural condition: Furoid dominated community complex; Laminaria dominated community complex; and Shallow sponge-dominated community complex</p>		
Perennial vegetation of stony banks [1220]	<p>To maintain the favourable conservation condition of Perennial vegetation of stony banks –</p> <p>Habitat Area and Distribution – stable or increasing.</p> <p>Physical structure: functionality and sediment supply - Maintain the natural circulation of sediment and organic matter, without any physical obstructions,</p> <p>Vegetation structure: zonation - Maintain range of coastal habitats including transitional zones, subject to natural processes including erosion and succession,</p> <p>Vegetation composition - Maintain the typical vegetated shingle flora including the range of sub-communities within the different zones,</p> <p>Vegetation composition: negative indicator species – less than 5% cover.</p>		

Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]	Maintain favourable condition		
Salicornia and other annuals colonising mud and sand [1310]	<p>To maintain the favourable conservation condition of Salicornia and other annuals colonizing mud and sand</p> <p>Habitat &amp; distribution – no decline- stable or increasing.</p> <p>Structure – sediment, creeks and pans, flood regime, vegetation – maintain and restore and maintain more than 90% of area outside of creeks vegetated.</p> <p>Prevent establishment of Cordgrass</p>		
Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]	<p>To restore the favourable conservation condition of Atlantic salt meadows (Glauco-Puccinellietalia maritimae).</p> <p>Habitat, structure – increasing, maintaining, no decline, etc, as above</p>		
Mediterranean salt meadows (Juncetalia maritimi) [1410]	As above		
Turloughs [3180]	<p>To maintain the favourable conservation condition of Turloughs –</p> <p>Habitat &amp; Distribution – stable no decline</p> <p>Hydrological regime – maintain</p> <p>Appropriate soil type, nutrients&amp; physical structure.</p> <p>Appropriate water quality, peat formation and vegetation</p>		

Juniperus communis formations on heaths or calcareous grasslands [5130]	<p>To restore the favourable conservation condition of Juniperus communis formations on heaths or calcareous grasslands.</p> <p>Habitat area &amp; Distribution – no decline.</p> <p>Juniper population size - At least 50 plants</p> <p>Formation &amp; structure – exceeding 0.5 in height, 10% cone bearing, not more than 10% dead plants</p> <p>Composition – min of 10 species</p>	
Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]	<p>To maintain the favourable conservation condition of Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco Brometalia)</p> <p>Habitat &amp; Distribution – stable no decline</p> <p>Vegetation – over 10% present, 30-70% of sward 5-40cm high, bracken not more than 5%, not more than 10% bare ground.</p>	
Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]	<p>To maintain the favourable conservation condition of Calcareous fens with Cladium mariscus and species of the Caricion davallianae.</p> <p>Habitat &amp; Distribution – stable no decline</p> <p>Hydrological regime – maintain</p> <p>Appropriate soil type, nutrients&amp; physical structure.</p> <p>Appropriate water quality, peat formation and vegetation composition, structure and species.</p>	

Alkaline fens [7230]	<p>To maintain the favourable conservation condition of Alkaline fens</p> <p>As Above including:</p> <p>Vegetation composition – Maintain vegetation cover of typical species including brown mosses and vascular plants.</p> <p>Less than 10% native trees and shrubs.</p> <p>Drainage and bare ground less than 10%.</p>	
Limestone pavements [8240]	To maintain the favourable conservation condition	
Lutra lutra (Otter) [1355]	<p>To restore the favourable conservation condition of Otter.</p> <p>Habitat area, Distribution, couching sites, prey availability – no decline.</p> <p>Barriers to connectivity – no increase</p>	
Phoca vitulina (Harbour Seal) [1365]	<p>Habitat – not restricted</p> <p>Breeding, Moulting behaviour, Resting, – conserve sites</p> <p>Human behaviour should not disturb sites.</p>	

**Overall conclusion: Integrity test**

The applicant determined that following the implementation of mitigation, the construction 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 can be excluded for Galway Bay Complex SAC. Adverse effects from water contamination and sediment release can be effectively prevented by mitigation measures ensuring the protection of surface water during the construction phase, which drain directly into the River Corrib. No increase in existing runoff rates will occur and appropriate treatment will ensure runoff quality.

Disturbance to otters will be mitigated by the selection of plant/machinery with low inherent potential for noise/vibration, offsite queuing of HGV's prohibited and working hours to be confined to normal working hours.

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

**The proposed development would not delay or prevent the attainment of the Conservation objectives of the Galway Bay Complex SAC.**

**Table 4: AA summary matrix for Inner Galway Bay SPA**

<b>Inner Galway Bay SPA (004031)</b>			
Detailed Conservation Objectives available: <a href="http://npws.ie/ConservationObjectives">ConservationObjectives (npws.ie)</a>			
<b>Summary of Appropriate Assessment</b>			
<b>Special Conservation Interest (SCI)</b>	<b>Conservation Objectives Targets and attributes (summary- inserted)</b>	<b>Potential adverse effects</b>	<b>Mitigation measures</b>
Black-throated Diver ( <i>Gavia arctica</i> ) [A002]  Great Northern Diver ( <i>Gavia immer</i> ) [A003]	To maintain the favourable conservation condition in relation to population and distribution – Long term population stable or increasing, no significant decrease in the range, timing or intensity of use of areas.	There is the potential for indirect effects on water quality which could affect the availability of prey species.	Detailed Preventative Measures to avoid impact on water quality during construction area are outlined within section 6.2 and include but are not limited to:  Implementation of measures in CEMP, silt fencing to be erected around north site works boundary, provision of buffers and exclusions zones, tool talks,
Cormorant ( <i>Phalacrocorax carbo</i> ) [A017]	No significant decline, human activities should not disturb, no significant decrease in the range, timing or intensity of use of areas.		
Grey Heron ( <i>Ardea cinerea</i> ) [A028]	Long term population stable or increasing, no significant decrease in the range, timing or intensity of use of areas.		
Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046]  Wigeon ( <i>Anas penelope</i> ) [A050]	As above		

<p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p>			emergency response plan.
<p>Sandwich Tern (<i>Sterna sandvicensis</i>) [A191]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p>	<p>No significant decline, in breeding abundance, productivity rate, distribution, Prey biomass,</p> <p>Human activity should not create disturbance at breeding site</p>		
<p>Wetland and Waterbirds [A999]</p>	<p>The permanent area occupied by the wetland habitat should be stable and not significantly less than the area of 13,267ha, other than that occurring from natural patterns of variation</p>		

**Overall conclusion: Integrity test**

The applicant determined that following the implementation of mitigation, the construction of proposed development alone or in combination with other plans and projects will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects can be excluded for Inner Galway SPA. No wetland habitat loss will occur. Adverse effects from water contamination and sediment release can be effectively prevented by mitigation measures ensuring the protection of surface waters during the construction phase which drain directly into the River Corrib. No increase in existing runoff rates will occur and appropriate treatment will ensure runoff quality.

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

**The proposed development would not delay or prevent the attainment of the Conservation objectives of the Inner Galway Bay SPA.**

**Potential for Adverse effects**

- 8.38. As outlined above the potential for adverse effects relates to the changes to water quality resulting from pollution and silt laden water runoff during the construction phase entering the SAC, deposition of dust during construction works which are located immediately adjacent to the Lough Corrib SAC and disturbance through noise and vibration during construction works.
- 8.39. I will examine the foregoing impacts here-under, the Board should note that designated sites will be considered and grouped under each relevant heading in order to prevent repetition. Potential impacts to water quality relate to all sites listed above.
- 8.40. The Board should note that the northern site boundary is immediately adjacent to the Lough Corrib SAC (See Figure 3.1 in NIS). This is the only area where the proposed works site meets directly with a European site boundary.

Habitat loss and fragmentationHabitat degradation/effects on QI/SCI species as a result of hydrological impacts

- 8.41. The release of contaminated surface water runoff and / or an accidental spillage or pollution event into any surface water features during construction has the potential to affect water quality in the receiving aquatic environment. Such a pollution event may include: the release of sediment into receiving waters and the subsequent increase in mobilised suspended solids; and the accidental spillage and / or leaks of contaminants (into receiving waters). The associated effects of a reduction of surface water quality



could potentially extend for a considerable distance downstream of the location of the accidental pollution event or the discharge.

- 8.42. The proposed works site is hydrologically connected to the River Corrib SAC and the Galway Bay Complex SAC and Inner Galway Bay SPA by virtue of its location immediately adjacent to the River Corrib. It is stated by the applicant that construction activities associated with the proposed works site may result in excess sediment/surface water runoff entering the River Corrib resulting in the degradation of sensitive habitats present within the aforementioned sites. These potential impacts could occur to such a degree that they result in significant effects which could have implications for the conservation objectives of these sites.

#### In Combination Effects

- 8.43. In combination effects are examined within section 8 of the NIS submitted. The proposed works were considered in combination with all plans and/or projects with the potential to impact upon the European sites outlined above. Twenty-four projects were identified within the vicinity of the proposed works in the assessment of cumulative impacts and are listed in Appendix 1 of the NIS. These consisted mainly of small to medium scale domestic, residential and public developments and no connection that could result in additional or cumulative impacts were identified.
- 8.44. In addition, I have considered the recently permitted BusConnects Galway Cross-City Link Scheme (ABP-314597-22) and am satisfied that it will not act in combination with the proposed development to have an adverse effect on the integrity of any European sites. I have also reviewed the Planning Register in relation to the proposed development since the lodgement of the application and am satisfied that there are no new applications which would materially impact the proposed scheme in terms of cumulative impacts.
- 8.45. Considering the environmental protection policies included within the relevant land use plans, the range of mitigation measures included in the proposed development to avoid significant impacts and that alone the proposed development will not adversely affect the integrity of any European sites, I am satisfied that the above projects and plans will not act in combination with the proposed development to have an adverse effect on the integrity of any European sites.

- 8.46. The in-combination assessment within Section 8 of the NIS has concluded that there is no potential for the proposed development to contribute to any cumulative adverse effects on any European site when considered in-combination with other plans and projects.
- 8.47. Mitigation measures detailed in Section 6.2 of the NIS will ensure that no adverse effects on European sites integrity will arise from the implementation of the proposed development.
- 8.48. The implementation of, and adherence to, the policies and objectives of the relevant plans including the Galway City Development Plan 2023-2029 will ensure the protection of European sites across all identified potential impact pathways and will include the requirement for any future project to undergo Screening for Appropriate Assessment and/or Appropriate Assessment, as appropriate.
- 8.49. As the proposed development will not affect the integrity of European sites within the Zone of Influence of the proposed scheme, and given the protection afforded to European sites under the overarching land use plans, I am satisfied that there will be no adverse effects on the integrity of any European sites to arise as a consequence of the proposed development acting in-combination with any other plans or projects.
- 8.50. Overall, I am satisfied that the NIS and supplementary information provided as part of the application has examined the potential for all impact mechanisms in terms of the conservation objectives of the Lough Corrib SAC, Galway Bay Complex SAC and Inner Galway Bay SPA. The potential for adverse effects can be effectively ameliorated by both design-based and applied mitigation measures related to surface water quality, dust, and disturbance.

### **Mitigation Measures and Monitoring**

- 8.51. A summary of mitigation measures is presented below. This list is not exhaustive, and I refer the Board to the NIS and the Construction Environmental Management Plan for full details of the extensive list of mitigation measures proposed.

#### *Preventative measures to avoid impact on water quality during the construction phase.*

- Silt fencing will be erected around the northern boundary of the proposed development site, along the River Corrib.

- Stockpiling of soil during construction, should it be required, will take place in designated areas away from water bodies. It will be covered in polyethylene sheeting and if required, surrounded by a layer of silt fencing.
- All excavated material which is not required for future landscaping works or for backfill of excavations will be removed to an authorised waste recovery facility.
- Earthworks will not take place during periods of high heavy rainfall
- Should ground water be encountered during excavations, water will be pumped from the excavation and discharged through a pipe with a silt bag attached onto an area of overland vegetation within the site boundary.
- Good construction practices will be implemented at the site.
- No batching of wet-cement products will occur on site.
- Where possible, pre-cast elements for concrete works will be used.
- No washing out of any plant used in concrete transport or concreting operations will be allowed on-site.
- Storage/refuelling will be located in and carried out in a designated area of the construction site, located a suitable distance from excavation works.
- Spill Kits will be available on site.
- The designated public roads outside the site and along the main transport routes to the site will be regularly inspected and cleaned as necessary.
- Water-misting will be utilised on site as required to mitigate dust in dry weather conditions.
- The transport of soil and material which has potential to generate dust will be undertaken in tarpaulin-covered vehicles.

Measures to reduce disturbance to Otters during the construction phase.

- Maintenance of construction plant machinery and equipment.
- Exhaust and silencer systems on plant to be maintained and operated correctly.

- Plant and machinery with low inherent potential for noise/vibration to be selected.
- Appropriate positioning of plant on site to maximise separation distances to receptors.
- Offsite queuing of HGV's prohibited.
- Working hours to be confined to normal working hours.

8.52. I consider that all measures proposed are implementable and will be effective in their stated aims. Furthermore, I recommend, should the Board be minded to grant permission that an Ecologist is employed to ensure that measures are implemented as prescribed.

**Appropriate Assessment Conclusion: Integrity Test**

8.53. In screening the need for Appropriate Assessment, it was determined that the proposed development for the upgrade and enhancement of Woodquay Park and surrounding public realm had the potential to result in significant effects on Lough Corrib SAC, Galway Bay Complex SAC and Inner Galway Bay SPA and that Appropriate Assessment was required in view of the conservation objectives of those sites.

8.54. Following a detailed examination and evaluation of the NIS and all associated material submitted with the application as relevant to the Appropriate Assessment process and taking into account submissions of third parties, I am satisfied that based on the design of the proposed development, combined with the proposed mitigation measures, adverse effects on the integrity of Lough Corrib SAC, Galway Bay Complex SAC and Inner Galway Bay SPA can be excluded with confidence in view of the conservation objectives of those sites.

**My conclusion is based on the following:**

- A detailed assessment of all aspects of the proposed development that could result in significant effects or adverse effects on European Sites within a zone of influence of the development site.
- Consideration of the conservation objectives and conservation status of qualifying interest species and habitats.

- A full assessment of risks to special conservation interest bird species and qualifying interest habitats and species.
- Complete and precise survey data and analysis of wintering birds. The proposed development site has been scientifically verified as not being of significance to or an area favoured by SCI bird species at any stage of the wintering or summer seasons.
- Application of mitigation measures designed to avoid adverse effects on site integrity and likely effectiveness of same.

8.55. The proposed development would not undermine the favourable conservation condition of any qualifying interest feature or delay the attainment of favourable conservation condition for any species or habitat qualifying interest for these European sites.

## **9.0 Recommendation**

On the basis of the above assessment, I recommend that the Board approve the proposed development subject to the reasons and considerations below and subject to conditions including requiring compliance with the submitted details and with the mitigation measures as set out in the EclA and NIS.

### **Reasons and Considerations**

In coming to its decision, the Board had regard to the following:

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (c) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- (d) the conservation objectives, qualifying interests and special conservation interests for Lough Corrib SAC (Site code: 000297), Galway Bay Complex SAC (Site code: 000268) and Inner Galway Bay SPA (Site code: 004031),
- (e) the policies and objectives of the Galway City Development Plan 2023-2029,

- (f) the nature and extent of the proposed works as set out in the application for approval,
- (g) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (h) the submissions and observations received in relation to the proposed development,
- (i) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

### **Appropriate Assessment:**

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Lough Corrib SAC (Site code: 000297), Galway Bay Complex SAC (Site code: 000268) and Inner Galway Bay SPA (Site code: 004031) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the Lough Corrib SAC (Site code: 000297), Galway Bay Complex SAC (Site code: 000268) and Inner Galway Bay SPA (Site code: 004031), in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

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

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the site's conservation objectives.

### **Proper Planning and Sustainable Development/Likely effects on the environment:**

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area, would not interfere with the existing land uses in the area and would not interfere with traffic and pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **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 any mitigation measures set out in the Natura Impact Statement or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on file and retained as part of the public record.

**Reason:** In the interest of clarity and the proper planning and sustainability of the area and to ensure the protection of the environment.

2. The mitigation and monitoring measures identified in the Ecological Impact Assessment and Natura Impact Statement submitted with the application shall be implemented in full. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.

**Reason:** In the interest of protecting the environment, the protection of European Sites and in the interest of public health.

3. A suitably qualified ecologist shall be retained by the local authority to oversee the site set up and construction of the proposed development and implementation of mitigation measures relating to ecology set out in the NIS and EclA. The ecologist shall be present during site construction works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

**Reason:** In the interest of nature conservation and biodiversity.

4. All mitigation measures in relation to archaeology and cultural heritage as set out in the Archaeological Impact Assessment (AIA) report shall be implemented in full, except as may otherwise be required in order to comply with the requirements below. In this regard, the local authority and any agent acting on its behalf shall:
  - a. Retain/engage a suitably qualified Archaeologist to carry out Archaeological Monitoring (licensed under the National Monuments Acts) of all site investigations, site clearance works, 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 ground disturbance 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, in consultation with the Department of Housing, Local Government & Heritage regarding appropriate mitigation (preservation *in situ* / excavation). Any further archaeological mitigation requirements shall be complied with in full.

c. Following the completion of all archaeological works on site and any necessary post-excavation specialist analysis, a final report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required shall be furnished to the Department of Housing, Local Government & Heritage and retained on file by the planning authority. All resulting and associated archaeologist costs shall be borne by the local authority and any agent acting on its behalf.

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

5. The site layout shall be amended to include the following:

a. A metal railing of similar height and colour to that existing shall be provided along the length of the proposed mixed native hedge on the eastern and western park boundaries. The access points shall be as per the site layout plan submitted and shall not be gated.

b. Standard secure bicycle parking shall be provided on site.

Prior to the commencement of development revised plans and details in this regard shall be provided and kept on file as part of the public record.

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

6. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement (NIS), Ecological Impact Assessment (EclA) and Archaeological Impact Assessment (AIA) and demonstration of proposals to adhere to best practice and protocols. The CEMP shall include:

- a. all mitigation measures indicated in the Natura Impact Statement and Ecological Impact Assessment.
- b. location and extent of silt fencing to be installed on site.
- c. all mitigation measures to protect the archaeological and cultural heritage as set out in the Archaeological Impact Assessment.
- d. Specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness.

**Reason:** In the interest of the proper planning and sustainable development of the area and to ensure the protection of the environment.

- 7. The local authority and any agent acting on its behalf shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

**Reason:** In the interest of the proper planning and sustainable development of the area and to ensure the protection of the environment.

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.

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Donogh O' Donoghue  
Planning Inspector

25th February 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP - 320938-24		
<b>Proposed Development</b> <b>Summary</b>	Upgrade and Enhancement of Woodquay Park and surrounding public realm.		
<b>Development Address</b>	Woodquay Park, Galway City.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	✓
		<b>No</b>	Tick if relevant. No further action required
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	Tick/or leave blank	State the Class here.	Proceed to Q3.
<b>No</b>	✓		Tick if relevant. <b>No further action required</b>
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required

<b>No</b>	Tick/or leave blank		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	Tick/or leave blank	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	Tick/or leave blank	<b>Screening determination remains as above (Q1 to Q4)</b>
<b>Yes</b>	Tick/or leave blank	<b>Screening Determination required</b>

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