



An
Bord
Pleanála

Inspector's Report

ABP-321771-25

Development

Construction of a single-storey discount food store and all ancillary site works (a protected structure, RPS reference 330 on its attendant grounds). Natura Impact Statement submitted with application.

Location

Cosmona & Loughrea, Gallows Hill (R350), Loughrea, Co. Galway.

Planning Authority

Galway County Council.

Planning Authority Reg. Ref.

2460551.

Applicant(s)

Lidl Ireland GmbH.

Type of Application

Permission.

Planning Authority Decision

Grant Permission.

Type of Appeal

Third Party

Appellant(s)

Michael McInerney.

Gerard McInerney.

Eoghan Hanley.

RGDATA.

Observer(s)

None.

Date of Site Inspection

3rd April 2025.

Inspector

Kathy Tuck.

Contents

1.0 Site Location and Description	5
2.0 Proposed Development	5
3.0 Planning Authority Decision	6
3.1. Decision	6
3.2. Planning Authority Reports	7
3.3. Prescribed Bodies	9
3.4. Third Party Observations	9
4.0 Planning History	10
5.0 Policy Context	10
5.1. Regional Spatial and Economic Strategy (RSES) 2020 - 2032, Northern and Western Regional Assembly	10
5.2. Ministerial Guidelines	11
5.3. Galway County Development Plan 2022-2028	11
5.4. Loughrea Local Area Plan 2024-2030	13
5.5. Natural Heritage Designations	15
6.0 EIA Screening	15
7.0 The Appeal	16
7.1. Grounds of Appeal	16
7.1.1. Michela McNerney	16
7.1.2. Gerard McNerney	18
7.1.3. Eoghan Hanley	21
7.1.4. RGDATA	22
7.2. Applicant Response	24
7.3. Planning Authority Response	28

7.4. Observations	28
8.0 Assessment.....	28
8.1. Request to Dismiss appeal.	28
8.2. Principle of Development.	29
8.3. Retail Impact.....	30
8.4. Traffic Impacts	36
8.5. Other Matters.....	39
9.0 Appropriate Assessment	41
9.1. Stage 1 - Appropriate Assessment Screening.....	41
9.2. Stage 2 - Appropriate Assessment	42
10.0 Recommendation	43
11.0 Reasons and Considerations	43
12.0 Conditions	44
Appendix 1	51
Appendix 2.....	53
Appendix 3.....	56
Appendix 4.....	66

1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of c.1.27ha, is located at Gallows Hill, Cosmona, Loughrea, Co. Galway. Loughrea is situated approximately 41km to the east of Galway City Centre. The site is within the attendant grounds of Saint Joseph's Convent which is a protected structure (RPS) 330.
- 1.2. The subject site is rectangular in shape and relatively flat in nature rising slightly on the north-east and south-west axis, The site is currently undeveloped and shares its eastern boundary with the R350.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a single storey, discount food store with ancillary off-license sales area which has a gross floor area of c.2,326.5sq.m and a net retail area 1,499sq.m. Of the net retail sales area, 1,199sqm is assigned to convenience retail whilst the comparison element totals 300 sqm, which predominantly relates to 'Middle Aisle' comparison goods associated with Lidl stores.
- 2.2. Vehicular access and egress for the proposed food store is from the R350 which will require works to the existing stone wall on the west side of the R350 to provide for a new footpath and land reserved for a cycle path along the east side of the site.
- 2.3. Permission is also being sought for:
 - Construction of surface level car parking spaces, including electrical vehicle (EV) charging spaces and pre-wiring other spaces to accommodate future EV parking.
 - cycle stands.
 - trolley bay canopy.
 - hard and soft landscaping and boundary treatments including retaining structures.
 - ESB substation building.
 - site lighting.
 - mechanical plant area.

- roof mounted photovoltaic panels.
- all advertising signage including a “flagpole” sign at the entrance.
- on site drainage infrastructure including SUDS measures.
- connection to existing watermain; and
- construction of foul drain connection from the application site to an existing foul drain at Hazelwood to the north.

2.4. The design and layout of the proposed development remained unchanged during the assessment process.

3.0 Planning Authority Decision

3.1. Decision

Following a request for further information, the Planning Authority issued a decision to grant planning permission on the 8th January 2024 subject to 26 no. conditions.

Conditions to note are as follows:

Condition no. 6

Prior to commencement of the development, the applicant shall commission a road safety audit (stage 2), that will review the detailed design drawings and measures recommended by the earlier audit (stage 1) and accepted by the designer. Recommendations arising from the stage 2 audit, or alternative measures proposed therein by the developer and accepted by the auditor, shall be incorporated into the final design of the development at the expense of the developer. The audit shall be completed by an independent road safety auditor, at the developer's expense, and shall be submitted for the written approval of the planning authority. Reason: In the interests of road safety.

Condition no. 14:

- Delivery times shall be restricted to between 08.00 hours and 22.00 hours Monday to Saturday and between 10.00 hours and 22.00 hours on Sundays. No delivery activity of any kind shall take place outside these hours unless otherwise agreed in writing with the Planning Authority.

Reason: In the interest of residential amenity.

Condition no. 15:

- All of the mitigation measure cited in Section 3.5 of the Natura Impact Statement submitted to the Planning Authority on the 14th of May 2024 shall be implemented in full.

Reason: In the interest of the natural heritage of the area and protecting the environment.

Condition no. 26:

- Section 48 Development Contribution of €50,019.75.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The first report of the Planning Authority dated the 5th July 2024, sets out details of the site location, the planning history of the site, relevant local and national planning policy, details of all reports and submissions received, and EIA and AA Screening.

The assessment notes having regard to the Retail Planning Guidelines (2012) including the sequential approach, the policy objectives of the Galway County Development Plan 2022-2028 that the principle of development is acceptable on the subject site in Loughrea. However, concerns were raised with regard to transportation issues and water services and the following further information was sought:

1. Submit detailed design drawings to incorporate the measures recommended by the auditor of the Road Safety Audit submitted.
2. (i) The proposed development entrance layout shall be amended to a singular exit lane in accordance with the Road Safety Audit recommendations.
(ii) Design of internal layout shall be reconsider - permeability for pedestrians and cyclists taking precedence over permeability for vehicles.
(iii) Applicant shall liaise with the Housing Department of Galway County Council to ensure permeability measures are instilled and facilitated from neighbouring estates through hazelwood and adjacent lands to the proposed development.

- (iv) Applicant shall clarify and amend the height of Gully as required to ensure surface water flows to the Gully as denoted within applicants red line boundary.
- 3. (i) The existing boundary stone wall for the entirety length of the applicants red line boundary shall be set back 5m from roadside kerb. The existing stone fabric boundary wall shall be re-used to build a new boundary wall.

(ii) Applicant shall demonstrate clear and unobstructed sight distance triangles from proposed site entrance onto the local public road (DMURs).
- 4. (i) electric vehicle parking spaces be increased to 20% coverage.

(ii) Cycle parking and associated cycle shelter bay shall be demonstrated to comply with requirements set out in DM Standard 31(f) of the Galway County Development Plan 2022-2028.

(iii) Accessible Car Parking shall be increased to a minimum of 5 spaces
- 5. Submit a letter of Consent from GCC area Engineer, Loughrea MD in relation to development surface water proposals to connect into the public storm infrastructure.
- 6. Submit a Confirmation of feasibility from Uisce Eireann.

A response to the Further Information was received from the applicant on the 6th November 2024 which included for the following:

- 1. A detailed response prepared by Stephen Reid Consulting Ltd (SRC Ltd.) regarding the issues raised by the Roads Department GCC in relation to the Road Safety Audit.
- 2. A revised site layout plan addressing the issues raised in the FI request.
- 3. A revised landscaping scheme for the revised layout.
- 4. A revised Car parking layout plan addressing issues raised under item 4 of the FI Request.
- 5. A letter of consent from the Loughrea Area Engineer in relation to surface water proposals.

6. Confirmation of feasibility from Uisce Eireann stating that a connection to the existing water and wastewater facilities is feasible without infrastructure upgrades.

The response submitted was considered to be acceptable and the report recommended that permission be granted in line with the decision issued.

3.2.2. Other Technical Reports

Roads & Transportation Department:

- Report dated 5th July 2024 seeking further information as detailed above.
- Report dated 7th January 2025 recommends that permission be granted subject to condition.

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

The Planning Authority received 10 no. submissions relating to the proposed development and they can be summarised as follows:

- Traffic concerns when considered in combination with other planned developments.
- Alter the existing neighbouring landscape.
- Pedestrian safety.
- Contravening C2 Zoning as the proposal will compete with town centre (ie Loughrea).
- Rezoning from previous residential designation not good planning when the considering the housing crisis.
- The LAP was not adopted at the time the application was lodged so reference to the site zoning as C2 is incorrect.
- Under the Loughrea 2012-2022 Lap this site is zoned Agriculture where retail is not permitted – proposal is premature pending the adoption of new LAP.

- Proposal represents an overprovision, overconcentration and domination of local market.
- Promotes car dependency.
- Proposal in this location, whilst considered 'edge of town centre' is not an appropriate location for a development of this size and scale.
- Retail developments should be located in the town centre.
- Adjacent buildings forming part of the former Carmelite Monastery are hugely significant from an architectural heritage context - proposal development given its scale, nature and location would detract from the heritage building and its curtilage.

4.0 Planning History

PA Ref 032725 Permission GRANTED for construction of new sun room to south west elevation of the existing convent together with boundary wall to the existing car park area and all ancillary site works

PA Ref 075337 Permission GRANTED for the widening of the existing gate at the main entrance to St. Joseph's Monastery. The gate is within the curtilage of Protected Structure Ref. No. 330.

Adjoining Lands

LA08/24 Part 8 development to provide for 56 new houses, boundary treatments, and all associated site works. Adopted by Galway Council on the 10th February 2025.

5.0 Policy Context

5.1. Regional Spatial and Economic Strategy (RSES) 2020 - 2032, Northern and Western Regional Assembly.

- RPO 4.45 - Support retail in town and village centres through the sequential approach, as provided within the Retail Guidelines, and to encourage appropriate development formats within the town and village centres

- RPO 4.46 - Encourage new (and expanding) retail developments to locate close to public transport corridors, to enable sustainable travel to and from our Town and Village Centres, where applicable.

5.2. Ministerial Guidelines

5.2.1. Having regard to the nature of the proposed development and to the location of the appeal site, I consider the following Guidelines to be pertinent to the assessment of the proposal.

- Development Management Guidelines for Planning Authorities, 2007, (DoEHLG).
- The Planning System and Flood Risk Management, 2009, including the associated Technical Appendices (DoHLGH).
- Appropriate Assessment of Plans and Projects in Ireland, Guidelines for Planning Authorities, 2010, (DoEHLG).
- Retail Planning Guidelines for Planning Authorities, 2012, (DoECLG), and accompanying Retail Design Manual.
- Spatial Planning and National Roads, Guidelines for Planning Authorities, 2012 (DoHLGH).

Other National Guidance:

- Traffic and Transport Assessment Guidelines, May 2014 (Transport Infrastructure Ireland – TII).
- Road Safety Audit GE-STY-01024, December 2017 (Transport Infrastructure Ireland – TII).
- Design Manual for Urban Roads and Streets, 2019, (Department of Transport, Tourism, Sport and Department of Environment, Community and Local Government).

5.3. Galway County Development Plan 2022-2028

Loughrea is identified in the Settlement Strategy contained within the Galway County Development Plan 2022-2028 as a Self-Sustaining Town. The plan notes that Self-

Sustaining Towns are towns with high levels of population growth and a limited employment base which are reliant on other areas for employment and/or other services and which require targeted “catch-up” investment to become more sustaining.

Loughrea is identified as a Level 3 District/Sub County town within the Retail Hierarchy of the County Plan (Table 5.5).

Other relevant sections are considered as follows:

Volume 1:

- Chapter 2 – Core Strategy
 - Objective SS4 (Self Sustaining Towns - Level 4)
- Chapter 3 – Placemaking, Regeneration and Urban Living –
 - Objective PM4 – Sustainable Movement Within Towns
 - Objective PM8 – Character and Identity
 - Objective PM10 – Design Quality
 - Objective PM12 – Permeability
 - Objective CGR12 – Opportunity Sites
- Chapter 5 – Economic Development, Enterprise and Retail Development
 - Table 5.5. – Retail Hierarchy
 - Objective RET 1 – Retail Hierarchy

The Planning Authority will actively promote a hierarchy of retail functions in the County that complements the settlement hierarchy of this plan and there will be a general presumption against out of town retail development.

- Objective RET 2 – Retail Strategy

Support and promote the retail sector in the County and ensure compliance with the *Retail Planning Guidelines for Planning Authorities* DoECLG (2012), including the need for a sequential approach to retail development, the policies objectives of any future Retail Strategy for Galway and the guidance set out in the *Retail Design Manual* DoECLG (April 2012).

- Objective CSA 4 – Shopfronts and Design
- Objective CSA 12 – High Quality Retail Environment
- Chapter 6 – Transport and Movement
 - Objective NR3 - Traffic and Transport Assessment (TTA) and Road Safety Audit (RSA)
- Chapter 15 – Development Management Standards
 - Objective DM Standard 31 – Parking Standards
 - Objective DM Standard 33: Traffic Impact Assessment, Traffic & Transport Assessment, Road Safety Audit & Noise Assessment –
 - Objective DM Standard 34: Mobility Management Plans.

5.4. Loughrea Local Area Plan 2024-2030

The Loughrea LAP was adopted by the Members on the 15th July 2024 and came into effect on the 26th August 2024. I note that the application subject to this appeal was lodged with the Planning Authority on the 14th May 2024.

The Minister of State at the Department of Housing, Local Government and Heritage under section 31 of the Planning and Development Act 2000 (as amended) issued a Direction to Galway County Council on matters relating to the Loughrea Local Area Plan 2024-2030 on 9th December 2024. This did not relate to the lands subject to this appeal.

The subject site is zoned under Objective C2 – Commercial/mixed Use which seeks to facilitate the further development and improvement of existing employment areas and to facilitate opportunities for developing new high-quality commercial/mixed-use developments in a good-quality physical environment.

The policy objective of the C2 – Commercial/mixed Use land use zoning seeks to provide for the development of commercial and complementary mixed uses on suitable lands that can provide focal points for the provision of services to surrounding neighbourhoods/areas and opportunities for commercial enterprises, retail developments, residential developments and employment creation and which do not undermine the vitality and viability of the town centre.

Shop -Convenience is permissible under the Objective C2 – Commercial/mixed Use land use zoning. Shop – Large Scale Convenience is deemed to be ‘not normally permissible’.

Other relevant sections are as follows:

Section 2.4 Economic and Enterprise Development.

Section 4.0 Policy Objectives

- LSST 1 Consistency with Core Strategy
- LSST 4 Proliferation of Individual Uses

Protect and enhance the vitality and viability of the town centre by ensuring that it remains the primary retail, commercial and mixed-use centre in the town and prohibit the proliferation of any individual use that, in the opinion of the Planning Authority, does not contribute to the vitality and viability of the town centre.

- LSST 10 Town Centre

1. It is a policy objective of Galway County Council that Loughrea Town Centre will remain the primary focus for the location of new retail and commercial development. The Planning Authority will ensure that the location of future retail development is consistent with the key policy principles and order of priority as set out in the Guidelines for Planning Authorities: Retail Planning 2012 (and any updated/superseded document) and will require Retail Impact Assessments, including details of the sequential approach and Design Statements for retail developments in accordance with the Retail Planning Guidelines.
2. This plan will also promote the development of commercial and complementary mixed uses, on suitable land that can provide a focal point for the provision of services to the town and opportunities for commercial enterprises, retail developments and employment creation.
3. The plan will protect and enhance the vitality and viability of the town centre by ensuring that it remains the primary retail, commercial and mixed use centre of Loughrea and prohibit a proliferation of any individual use or other

uses, which in the opinion of the Planning Authority do not contribute to the vitality and viability of the town centre.

- LSST 33 Water Supply, Wastewater and Combined Drainage Infrastructure.
- LSST 34 Water Supply and Water Conservation.
- LSST 35 Connections to the Public Sewer and Public Water Mains.
- LSST 36 High Quality, Contextually Sensitive Design.
- LSST 38 Spatial Definition and Animation.
- LSST 42 Design Statement.
- LSST 56 Pedestrian and Cycle Network.
- LSST 59 Traffic and Transport Assessment (TTA) and Road Safety Audits (RSA).
- LSST 63 Climate Change.
- LSST 72 Surface Water Drainage and Sustainable Drainage Systems (SuDs).
- LSST 85 Development Management Standards, Guidelines and Other Provisions.

5.5. Natural Heritage Designations

The subject site is not located within or adjacent to any natura 2000 sites. The subject site is located c.602m to the north of the Lough Rea SAC (site code 000304) and the Lough Rea SPA (site code 004134) and c.12km to the east of the Rahasane Turlough SAC (site code 000322) and the Rahasane Turlough SAC (site code 004089). The subject site is also located c.15km to the east of the Galway Bay Complex SAC (site code 000268) and the Inner Galway Bay SPA (site code 004031).

6.0 EIA Screening

- 6.1. The scale of the proposed development is under the thresholds set out within Class 10 (b), Schedule 5 (Part 2) of the Planning and Development Regulations, 2001, as amended which deals with urban developments ((iii) Construction of a shopping centre with a gross floor space exceeding 10,000 square metres (iv) Urban development

which would involve an area greater than 2ha in the case of a business district, 10ha in the case of other parts of a built-up area³ and 20ha elsewhere.) and I do not consider that any characteristics or locational aspects (Schedule 7) apply.

- 6.2. I therefore conclude that the need for environmental impact assessment can be excluded at preliminary examination. Please refer to Appendix 1 and Appendix 2 of my report.

7.0 The Appeal

7.1. Grounds of Appeal

Four Third Party appeals have been received by An Bord Pleanála:

1. Michael McInerney.
2. Gerard McInerney.
3. Eoghan Hanley.
4. RGDATA.

Each appeal is summarised in turn below:

7.1.1. Michael McInerney

- Concerns raised within observation lodged were not considered by Planning Authority.
- Site is located within the attended grounds of St Josephs Convent (RPS 330).
- Proposal represents overdevelopment of the subject site which will have a material negative impact on surrounding properties.

Land Use Zoning

- Objective LSST 10 – Town Centre of the Loughrea LAP 2024-2030.
- Large scale convenience is not permitted under the C2 – Commercial Mixed Use Zoning Objective –development is not consistent with zoning objective.
- Proposal of a c.2,302sq.m LIDL development is considered to be large scale.

- No additional mixed uses being proposed - convenience retail is the only use proposed.

Retail Impact

- Loughrea is a Level 3 – District/sub county town – policy of Galway County Council to actively promote town and village renewal schemes and as such large scale retail developments should be located within city/town centres.
- Applicant has identified the site as edge of centre however this is incorrect and as such the submitted retail impact assessment is unsound.
- Proposal creates a counter attraction to the existing town centre services – would seriously impact the vitality and viability of Loughrea and constitute an unsustainable form of development which is car dependent.
- Proposed supermarket will result in overprovision, overconcentration and domination of the local market – Aldi already operating in town. Would create a further negative and economic effect on local business.
- Would contradict the aims of the Retail Strategy in ensuring efficient, equitable and sustainable manner in maintained for retail sector.
- Overarching aim of Retail Strategy for Galway Is to ensure that future retail development is accommodated in an efficient manner that is equitable and sustainable – proposal will have a negative impact on existing and future expansion/investment on the overall development of the town.
- Applicant Retail Impact Assessment conclusion is a gross underestimation and if permitted the development will lead to further vacancy in the town centre.
- Proposal is not in accordance with national, regional and local planning policies which seek to protect the vitality and viability of town centres.

Traffic

- Traffic has not been adequately assessed – proposal will exacerbate congestion on the R350.
- Local road network does not have the capacity to cater for increased traffic volumes that the development will generate.

- Proposal promotes car dependency due its out of town location – no permeability links to town centre.
- Proposal would cater to a wider population outside of Loughrea – attracting more traffic movements.
- Proposal fails to meet carparking standards – demonstrates the unsuitability of the subject site.
- Not in keeping with national policy which seeks to promote the use of cycle and pedestrian movements.

7.1.2. **Gerard McInerney**

Retail Impact Assessment (RIA)

- Incorrectly describes the subject site as a edge of centre site being only 325m from the point of entry – site is located c.482m from main street and access from Gallows Hill is substandard. Therefore, site is an out-of-town site.
- Assessment only partially considers the retail sector within the town – there is no qualitative assessment (town centre check methodology) and no overall quantitative assessment.

Traffic Impact Assessment (TIA)

- Does not assess the vehicular capability of Mount Carmel Crescent (a residential street) – forms part of the main vehicular access to the site from the south.
- Does not assess the junction of Mount Carmel Crescent and the R446 – unsatisfactory as this junction is regularly congested.

Policy and Guidance

- NPF; Loughrea LAP 2024; The Retail Planning Guidelines 2012; and The Town Centre First are noted as being the most relevant.
- Loughrea LAP 2024-2030
 - Reference made to Policy Objective LSST 10 – Town Centre.
 - Site not located beside or in the Town Centre Zoning of the LAP
 - Site was previously zoned agriculture.

- Site is currently zone under Objective C2 – Commercial/Mixed Use – emphasis placed on the wording of the zoning objective ... *which do not undermine the vitality and viability of the town centre.*

Planning History

- An Bord Pleanála has previously granted permission for 6 discount food stores outside of the major cities – 5 of the 6 cases were on lands zoned Town Centre or Neighbourhood centre.
- In 2 cases where the Board refused permission – 1 was deemed to be an unappropriated use of town centre zoned lands while the 2nd was zoned for general development and not in a town centre or designated district or neighbourhood centre.
- Provides clarity that compliance with zoning provisions of the relevant development plan and protection of the vitality and viability of existing and proposed centres are primary determinants of ABP Decisions.

Planning Authority Decision

- Planning Authority's report states that the decision was based:
 - On the edge of town location of the subject site (not out of centre).
 - That there were no alternative more suited sites.
 - The proposal accorded with the Retail Planning Guidelines.
 - Proposal would not adversely impact on the vitality and viability of the town centre.
- Strongly disagree with this determination – Planning Authorities report contains no assessment of the issues raised by 3rd parties and makes no reference to The Town Centre First – A policy approach.

Grounds of appeal:

1. Out of Centre Development – adverse impact on commercial life of Loughrea Town Centre
 - Proposal would:
 - a direct economic impact on existing convenience stores.

- a direct economic impact on stores selling durable goods.
 - Have an overall impact on town centre footfall and employment.
 - Not a level playing field for town centre business to compete with large out of town stores with car park facilities.
 - Loss of vitality and viability and creating a hostile environment and inefficient transport pattern.
2. Policy approach at National and Local Level – Protect Town Centres.
- Unambiguous support at national and local level to implement policies and safeguards for the role of town centres.
 - Role has been undermined in recent decades – no reference to Town First Approach in Planning Authority assessment.
3. Best Practice to restrict new build discount stores to Town Centre Locations and edge of town centre sites.
- Retail policy promotes plan led approach to retail development.
 - ABP decision on discount food stores shows a consistent implementation of planning policy supporting convenience stores in town centres.
4. Applicant has not provided an adequate sequential test that accords with the Retail Planning Guidelines – assessment has ignored the presence of the large area of underutilised zoned and serviced land to the eastern end of the town.
- The LAP contains 3 large commercial/mixed use zoned sites – one is already developed as the Loughrea Shopping centre. The second the subject site is out of town and the third is an edge of centre site which bounds undeveloped Town Centre Zoned land – more appropriate.
5. Traffic congestion would be exacerbated.
- Serious problems at the western end of the town – overspilled on Mount Carmel Crescent.
 - Eastern end of Athenry Road and Mount Carmel Crescent are the main vehicular access to the subject site.

- Increased traffic as a result of the proposal will only exacerbate congestion.

6. The Planning Authority has disregarded its own plan.

- Loughrea LAP 2024 has a clear objective (LSST 10) to ensure the Town Centre will remain the primary focus for the location of new retail and commercial development.

7.1.3. **Eoghan Hanley**

Traffic Disruption

- Proposal will generate substantial traffic which will lead to further congestion.
- Construction traffic will lead to bottle necks – further exacerbating traffic congestion.
- Planning documents acknowledge the need for various safety audits – but measures proposed do not adequately mitigate the disturbance to daily traffic flows.
- Current infrastructure not equipped to handle additional traffic pressure – especially during peak hours.

Impact on Local Business

- Vitality of town reliant on convenient access to town – construction works, and volume of traffic will threaten to deter potential shoppers going into town.
- Many establishments within town are struggling – proposal could lead to further significant financial loss.
- Delivery hours proposed will negatively impact the ability of people to transit at business opening hours.

Safety

- Notwithstanding Road Safety Audits submitted – effectiveness of these measures in preventing accidents remains uncertain.

- Potential for accidents or injuries are increased during construction phase – presence of construction traffic which can pose risks to pedestrians and cyclists especially along a school route.

7.1.4. **RGDATA**

- Proposal represents unsustainable retail development which offends against a range of public and planning policy and environmental objectives.
- Damaging to the vitality and viability of Loughrea leading to the generation of additional carbon through increased car journeys.
- Development represents a significant blight and potential hazard to residential amenity in the area.

Zoning

- Report of the Planning Authority makes no reference to the zoning of the site – extraordinary omission and renders the decision to be seriously flawed.
- Application should have been assessed against the actual zoning of the site and not the proposed zoning – LAP had not been adopted at the time of the assessment.
- Zoning for land was at time of assessment Agriculture and as such a question arises as to whether the proposed development is consistent with the land use objective.

Retail Planning

- Galway Development Plan is very clear – retail developments should be in town centre.
- Only permissible on edge or out of town locations when all other locations are exhausted.
- Applicant undertaken a classic self-justificatory sequential test and retail impact assessment which has discounted alternative suitable in town sites which simply do not suit their development proposal.
- No evidence that applicant has tried to amend development proposal to suit available town centre sites.

- Chosen format of development is too large a scale to fit in available town centre sites.
- It is not the role/function of planning system is to operate primarily to meet the specific operating convenience of developers when this is not consistent with local plans and policies.

Town Centre Impact

- Proposal will undermine the existing town centre services.
- Represents a counter attraction to the centre – damaging to the vitality and viability of Loughrea.
- Limited direct permeability.
- Significant vacancy in the town centre which this development will further exacerbate.
- Location of proposal is entirely inconsistent with an objective sequential assessment and the Town Centre First Policy.

Traffic

- Proposal is almost entirely car based dependent and will generate additional traffic within a residential area.
- Add congestion to the road network.
- Not as suitable location for a development of this scale and evident by the scale and extent of road safety audits required.

Design

- Final design of the development has not been approved.
- Planning authority has granted permission for the development while acknowledging that the final design permitted under the grant may differ from the consented development.
- Condition no. 6 changes post the grant of permission which will be agreed in writing – either a development is carried out in accordance with the plans lodged or it is not and there is no scope in the Planning Act for post grant variations or amendments.

- No opportunity for public to comment on such post grant proposals.

Heritage

- No reference made to the sensitive location of the development site to the adjacent Carmelite Monastery which is included in the National Inventory of Architectural Heritage and is a Protected Structure.
- Omission to condition measures to protect this Protected Structure is another significant omission by the Planning Authority.

Sustainability

- Does not represent a sustainable development option – if completed will place an excessive reliance on private car transport adding to the generation of additional carbon emissions.

7.2. Applicant Response

The applicant has submitted 2 no. responses to the 3rd party appeals received by An Bord Pleanála. The first, dated the 26th February 2025, relates to the issues raised by Michael McInerney and RGDATA and is accompanied by an article which featured within the Connaught Tribunal on the 5th November 2022. The second, dated the 3rd March 2025, relates to issues raised by Gerard McInerney and Eoghan Hanley and is accompanied by an extract and assessment of the Retail Planning Guidelines 2012.

The responses can be summarised as follows:

Request to dismiss appeal.

- One of the 3rd Party appellants is the owner of the SuperValu located in the Loughrea Shopping Centre – not a designated centre within the retail hierarchy.
- Loughrea Shopping Centre is an out of centre shopping centre.
- No concerns were expressed by the appellants for any other planning application relating to retail developments within the Loughrea Area.
- Retail Impact Statement is clear that the majority of retail impact will be on Loughrea Shopping Centre (SuperValu and Aldi) – most direct competitors.

- Retail Planning Guidelines make it clear that the Planning System must not be used to protect existing commercial interests – An Bord Pleanála can therefore not give any substantive weight to these appeals.

Context

- Application cannot be considered in isolation – location for new LIDL site was agreed in consultation with Planning Authority and the Housing department of the Local Authority with regard to the planned Part 8 Housing development to the immediate north of the site.
- Not a standalone food store – part of a wider development which is physically connected with the Part 8 housing development.
- Zoning objective allows for retail developments.

Galway County Development Plan 2022-2028

- Recognises Loughrea as a self-sustaining town which has a role to deliver new retail to serve the growing population.
- Proposed development aligns with County Plan.

Land Use Zoning

- While Planning Authority did not have regard to the Loughrea LAP 2024 - Planning Statement submitted did address the Draft LAP.
- Zoning objective of Draft LAP has now been adopted.
- Planning Authority confirmed at pre-application stage that the scale of development being proposed was considered as a “shop Convenience” in terms of the zoning matrix of the Draft LAP.
- Shops – large scale convenience/Comparison Centre – applies to centres with multi units like the Loughrea Shopping Centre.

Loughrea LAP 2024-2028

- Section 1.1.1 of LAP recognises that the town centre is strong and vibrant.
- No reference in LAP to vacancy rates.
- Objective LLST 10 Town Centre :

- Point 1 – does not suggest town centre is the exclusive location for retail but rather locations will be considered based on Retail Impact Assessments, sequential approaches and design statements – all of which were submitted.
 - Point 2 – provides clarity on suitable sites for the benefit of the Town generally.
 - Point 3 - is not considered relevant in this instance as it relates to over proliferation of a single use in the town centre which will not promote footfall.
- Proposal will not compete with town centre and will draw spending and footfall away from the Loughrea Shopping Centre according with the sequential approach.

Sequential Approach

- Argument presented in planning statement that site is edge of centre which was accepted by Planning Authority.
- Section 4.7 of Retail Planning Guidelines provides a definition for edge-of-town sites: subject site has no boundaries to people accessing town centre – footpath network is established & safe.
- Car park on Mount Carmel Road is used to access the town centre.
- The alternative site recognised by the appellants is also zoned C2 but is currently in a waterlogged state – site is not directly connected to the town centre for pedestrians and also not available to purchase.

Retail Impact

- 3rd party appellants have confirmed that assessment of capacity is correct as Supervalu and ALDI are overtrading.
- Main competitors ALDI and Supervalu are located out-of-centre and they do not benefit from policy insulation - both are well established, national retailers with robust business models, capable of absorbing impact and will compete to retain trade.

- Reference to vacancy – relates to businesses in operation that it is considered the proposal will impact.
- As of February 2025, only 8% vacancy rate on Main Street and 10% vacancy on Dunkellin Street – most of which are non-retail uses (mainly residential properties).

Traffic Issues

- Application was subject to a detail traffic analysis which was acceptable to the Planning Authority.
- Radial route serving the site and wider environs will progressively transform to an active travel links between the town and residential areas – this will reduce car dependency.
- Response to exacerbating congestion:
 - TTA identifies existing baseline.
 - Assessment demonstrated that 1 extra vehicle per minute each way will utilise the R350.
 - Serviced by a regional distribution centre – trucks will arrive via the N65/R350 roundabout. No measurable impact.
- Road Safety Issues
 - All addressed in the designer response submitted to the Planning Authority at further information stage.
- Inadequate Car Parking
 - Development is served with parking levels that are below the maximum standards – not below the minimum.

Appendices:

1. Connaught Tribunal on the 5th November 2022 – this article relates to changing consumer habits and features comments from one of the 3rd Party appellants.
2. Retail Planning Guidelines :
 - a. Sets out Section 4.7 of the guidelines which relate to Edge of Centre Sites.

- b. Table presented breaks down the text of section 4.7 and notes no precise definition of edge-of-town sites.

7.3. Planning Authority Response

None received.

7.4. Observations

None received.

8.0 Assessment

Having examined the application details and all other documentation on file, including the appeal, and having inspected the site and having regard to the relevant local policy guidance, I consider the main issues in relation to this appeal are as follows:

- Request to dismiss appeal.
- Principle of Development.
- Retail Impact Assessment.
- Traffic.
- Other Matters.

8.1. Request to Dismiss appeal.

- 8.1.1. I note that the applicant in their response to the 3rd Party Appeals received, dated the 26th February 2025, has requested that the Board dismiss all 3rd party appeals made in this instance as they consider the issues raised to be non-substantive.
- 8.1.2. Section 138 of the Planning and Development Act 2000 (as amended) provides a discretion to the Board to dismiss an appeal where, having considered the grounds of the appeal the Board consider them to be either vexatious, frivolous or without substance or foundation or consider that the appeal has been made with the sole intention of delaying the development or the intention of securing the payment of money, gifts, consideration or other inducement by any person.

- 8.1.3. Having reviewed the grounds of all the 3rd Party appeals submitted, I consider the grounds raised constitute substantive planning matters and are not vexatious or frivolous in nature. I therefore do not recommend the Board dismiss this appeal.

8.2. Principle of Development.

- 8.2.1. From the onset of my assessment, I note that the Loughrea LAP 2024-2050 was adopted by the Members on the 15th July 2024 and came into effect on the 26th August 2024 and as such I will consider this appeal against its policies and objectives.
- 8.2.2. The subject site is zoned under Objective C2 – Commercial/mixed Use under the Loughrea Local Area plan 2024-2030 which seeks to facilitate the further development and improvement of existing employment areas and to facilitate opportunities for developing new high-quality commercial/mixed-use developments in a good-quality physical environment.
- 8.2.3. This is an application for permission for the provision of a single storey food-store which has a stated gross area of c. 2,326.5sq.m (a net retail area 1,499sq.m). Table 1.6.1 of the Loughrea Local Area Plan 2024-2030 sets out the land use matrix under which 'Shop – Convenience' is classified as permitted in principle.
- 8.2.4. I note that the Local Authority have also adopted a Part 8 residential development on lands located to the immediate north of the subject site under LA08/24 which will provide for 56 no. residential units. The surrounding area is one which is undergoing redevelopment. The proposed development has been considered in part of this redevelopment and provides for active travel connections to the adopted Part 8 development.
- 8.2.5. Concerns have been raised within some 3rd party appeals received relating to the land use zoning of the subject site. In the first instance, the appellants have raised concerns over the assessment of the Planning Authority and that no reference has been made within their assessment to the Loughrea Local Area Plan or the zoning of the subject site.
- 8.2.6. The first report of the Planning Authority was dated the 5th July 2024 and notes that Local Area Plan for Loughrea had expired and as such the application was assessed in accordance with the provisions of the Galway County Development Plan 2022-2028. I note that the Galway County Development Plan 2022-2028 does not provide any

land use zoning designations for the Loughrea Area. As stated above the Loughrea LAP 2024-2030 was adopted on the 15th July 2024 which was after the planning report was published. I therefore consider that the Planning Authorities assessment was adequately undertaken.

- 8.2.7. A further concern was raised that the proposed development would constitute a large-scale convenience shop which is not permitted under the C2 – Commercial/mixed Use. The applicant is seeking permission for a food-store which has a stated gross area of c. 2,326.5sq.m and a net retail area of c.1,499sq.m. I consider that this would constitute a supermarket as defined under Section A1.3 – Types of Retailing of Annex 1 of the Retail Planning Guidelines for Planning Authorities, 2012. The Guidelines define a supermarket as a *“single level, self-service store selling mainly food, with a net retail floorspace of less than 2,500sq.m”*. I therefore conclude that the proposed development is not a large-scale convenience shop but rather a supermarket as defined by the Retail Planning Guidelines 2012.
- 8.2.8. It is further contended by the appellants that the zoning objective pertaining to the subject site at the time of assessment was Agriculture and therefore the proposed development would have not been in keeping with the zoning objective.
- 8.2.9. As previously stated, the previous LAP for Loughrea had expired at the time the Planning Authority undertook their assessment and as such an assessment of the application had to be undertaken against the relevant policies and objectives of the County Plan. As stated under Section 8.2.1 of my report above, my assessment of this appeal has been undertaken against the requirements of the Loughrea Local Area Plan 2024-2030. Therefore, in conclusion having regard to the scale of development and the land use zoning I consider the proposal to be acceptable in principle.

8.3. Retail Impact

- 8.3.1. A Retail Impact Assessment (RIA) was undertaken in respect of the proposal which notes the following:
- Loughrea has a limited larger convenience representation, consisting of Supervalu and Aldi which are both located within the shopping centre located to the west of the town. In addition, there is a Euro Spar located on Dunkellin Street in the town centre.

- The total turnover of the ALDI, Supervalu and Eurospar in 2026 is estimated at €49 million. That is against circa €71 million of Total Available Expenditure in 2026 of Loughrea.
- The proposed food-store's proximity to the town centre and its compact offer, does not have the diversity at Loughrea Shopping Centre. To that end, shoppers will need to visit other locations including the town centre for other retail and services. The town centre is most proximate to it for that purpose.

8.3.2. I accept that the RIA submitted follows the methodology set out in Annex 5 of the Retail Planning Guidelines, 2012, specifically the RIA identifies the catchment, available expenditure within the catchment, estimates the turnover of existing centres within the catchment, estimates the turnover of the new development, and estimates the quantum of consumer retail spending available within the catchment which will be diverted from existing centres to the new retail development.

8.3.3. The appellants have raised concern over the RIA as submitted with a specific reference to the sequential test and the justification of the site being a 'edge of centre' site, the impact on the viability and vitality of the town centres and issues surrounding unfair competition. I have considered each of these issues below:

Sequential Approach

8.3.4. The Retail Impact Assessment (RIA) considers the site to be "edge of centre" given its proximity to the town centre and presents the definitions of the different location designations as set out within the Retail Planning Guidelines. The justification put forward recognises that there are no barriers to people accessing the town centre as there is a footpath network linking the suite to the town centre which is established and safe. In addition, the Transport Plan for Loughrea identifies further improvements in the area for pedestrians and cyclist, which has been integrated into the proposed design and the wider Part 8 housing proposal by Galway County Council to the north of this application site.

8.3.5. The assumption by the applicant of the site being an "edge-of-centre" site, is the principal concern of all the 3rd party appellants. It is contended that the distance of the site from main street has been misrepresented by the applicant and that the site can only be considered as out-of-town.

- 8.3.6. The Retail Planning Guidelines consider edge-of-centre as a location within easy walking distance of the primary retail area of a city town centre or district centre while out-of-centre as a location that is clearly separate from a town centre but within the town development boundary, as indicated in a development plan or local area plan.
- 8.3.7. I have calculated, when measured on Google Maps, that the subject site is located c.400m to the Town Centre Zoned Lands, as identified on the zoning map associated with the LAP. This distance would equate to approximately a 7-minute walk, again according to Google Maps. The site is directly linked to the centre of town with a pedestrian footpath.
- 8.3.8. Therefore, I am of the opinion that the location of the subject site can be considered as edge-of-centre in line with the definition offered within the glossary of terms of the Retail Planning Guidelines.
- 8.3.9. However, I note that Section 4.4.2 of the Guidelines states that “where retail development on an edge-of-centre site is being proposed, only where the applicant can demonstrate and the Planning Authority is satisfied that there are no sites or potential sites including vacant units within a city or town centre or within a designated district centre that are (a) suitable (b) available and (c) viable, can that edge-of-centre site be considered.”
- 8.3.10. As such the applicant has undertaken a sequential assessment of Loughrea Town Centre considering all alternative sites which would be capable of meeting their requirements as set out on page 35 of the assessment submitted. The applicant considered 6 no. sites in total within the town centre setting out the planning history, size, suitability, availability and viability. The assessment concluded that the application site was the most favourable on the basis of its size/shape, location, zoning, and availability.
- 8.3.11. Further concerns are raised over the sequential assessment undertaken by the applicant by the 3rd Party Appellants. It is contended that the assessment should have included the large town centre and commercial/mixed use zoned lands to the east of the town centre and that the assessment submitted is a flawed sequential test which has discounted alternative suitable in town sites which simply do not suit their development proposal. It is further argued that there is no evidence that the applicant has tried to amend the development proposal to suit available town centre sites.

8.3.12. In response the applicant states that the alternative site recognised by the appellants was not considered as part of the assessment due to its lack of connectivity to the town centre in terms of pedestrian movements, its waterlogged state and also that it was not available for purchase.

8.3.13. Having undertaken a review of the sequential test submitted in addition to undertaking a site visit to Loughrea, I consider the subject site to be the most appropriate site for the proposed development as the assessment submitted has clearly demonstrated that there is no suitable, available or viable site within the town centre which could accommodate the proposed development. In addition, I further note that no evidence has been provide from the appellants in support of their criticisms of the RIA undertaken by the applicant. As such, I consider that the location of the appeal site to be in compliance with the requirements section 4.4.2 of the Retail Planning Guidelines 2012.

Impact on the vitality and viability

8.3.14. It is contended that the conclusion of the RIA submitted is a gross underestimation and if permitted the development will lead to further vacancy in the town centre and that the assessment has failed to undertake a quantitative assessment in the form of a town health check. It is considered by the appellants that there is already a significant vacancy rate within the town centre which this development will further exasperate.

8.3.15. Reference is made by all appellants to the national policy of Town Centre First: A Policy Approach for Irish Town and that to permit the proposed development would go against this national policy document.

8.3.16. The overarching aim of the Town First Approach is to “create town centres that function as viable, vibrant and attractive locations for people to live, work and visit, while also functioning as the service, social, cultural and recreational hub for the local community”. I consider that the concept of the Town First approach has been encapsulated within the Loughrea Local Area Plan under Policy Objective LLST 10 – Town Centre.

8.3.17. Objective LSST 10 sets out three points. The first seeks to retain the primary location for new retail and commercial development within Loughrea to be within the Town Centre. The objective further states that the Planning Authority shall also ensure the that the location of future retail development is consistent with the key policy principles

and order of priority as set out in the Guidelines for Planning Authorities: Retail Planning 2012 and require Retail Impact Assessments, including details of the sequential approach and Design Statements for retail developments in accordance with the Retail Planning Guidelines.

- 8.3.18. As set out within section 8.3.1 of my report above, the application has submitted an RIA which is compliant with Annex 5 of the Retail Planning Guidelines, 2012, and included for a sequential assessment. A design statement also accompanied the application. I therefore consider that the proposal accords with point 1 of Policy Objective LSST10.
- 8.3.19. The second point of the LSST 10 – Town Centre policy objective of the LAP seeks to promote the development of commercial and complementary mixed uses, on suitable land that can provide a focal point for the provision of services to the town and opportunities for commercial enterprises, retail developments and employment creation. The subject site is a ‘edge-of-centre’ site which is located between the town centre and an established residential area known as Hazelwood. Furthermore, a Part 8 residential development has just been approved by Galway County Council on lands located immediately to the north of the subject site. The proposed layout has considered this Part 8 scheme and has incorporated active travel connections from the subject site to the adjoining lands.
- 8.3.20. Having regard to the location of the subject site proximate to the established residential area of Hazelwood and the approved Part 8 scheme, I consider that the proposed will provide for a focal point for the provision of services to these residential areas and also provide an opportunity for employment and as such accords with part 2 of Policy Objective LSST10.
- 8.3.21. Point 3 of Objective LSST10 seeks to ensure the vitality and viability of the town centre by ensuring that primary retail, commercial and mixed use remain in the centre of Loughrea. It also seeks to prohibit proliferation of any individual use or other uses which do not contribute to the vitality and viability of the town centre. This is the main concern of all the 3rd party appellants with some stating that the applicant should have undertaken a town health check.
- 8.3.22. I have established above, under sections 8.3.6 to 8.3.9 of my report above, that the location of the subject site is considered in the context of the Retail Planning

Guidelines 2012 as a 'edge-of-centre' site. Annex 2 of the guidelines provides indicators for testing the vitality and viability of a town centre which includes for diversity of uses, competitiveness, retailer representation, rents, portion of vacancy, pedestrian flows and public realm to name a few. The guidelines do note that it may be difficult to obtain all the vitality and viability health check indicators, especially for local authorities.

- 8.3.23. I note that undertaking a Town Health Check is not listed within the methodology as set out under Annex 5 of the Retail Planning Guidelines, 2012 for undertaking a RIA and that in most circumstance they are undertaken by Local Authorities which use this process to inform their preparation of a city or town centre strategy.
- 8.3.24. The applicant in response to the concerns raised over the current vacancy rates with Loughrea has undertaken and submitted a survey of units on both Main Street and Dunkellin Street. The survey found a vacancy rate of 8% on Main Street and 10% on Dunkellin Street. I consider that the findings of the survey is an adequate representation of my observations of the Town Centre from undertaking a site visit.
- 8.3.25. Having regard to the current vacancy rate and retail offering within the Town Centre which comprises mainly of comparison goods sales (i.e. hair salons, restaurants, public house, clothing and foot ware and take-away), I do not consider that the proposed development would impact negatively upon the vitality and viability of the town centre.
- 8.3.26. Overall, I consider that the proposed development complies with the Town Centre First: A Policy Approach and Policy Objective LSST 10 – Town Centre of the Loughrea Local Area Plan 2024-2030 and that the proposal will not impede negatively on the vitality and viability of the town centre of the Loughrea.

Competition

- 8.3.27. The appellants have noted a further concern over the overprovision, overconcentration and domination of the local market of this type off development having regard to the location of the 2 no. large supermarkets (ALDI and Supervalu) both operating within the town already. It is considered that the addition of another similar development would be detrimental to the existing business operating and would be contradictory to the aims of the Retail Strategy in ensuring efficient, equitable and sustainable manner in maintained for retail sector.

- 8.3.28. Section 2.5.3 of the Retail Planning Guideline 2012 states that *“The planning system should not be used to inhibit competition, preserve existing commercial interests or prevent innovation. In interpreting and implementing these Guidelines, planning authorities and An Bord Pleanála should avoid taking actions which would adversely affect competition in the retail market. In particular, when the issue of trade diversion is being considered in the assessment of a proposed retail development, planning authorities and An Bord Pleanála should assess the likelihood of any adverse impacts on the vitality and viability of the city or town centre as a whole, and not on existing traders.”*
- 8.3.29. As such the Board are precluded from considering competition in their determination of this appeal.

Conclusion

- 8.3.30. I have reviewed the Galway County Development Plan 2022-2028 together with the Loughrea Local Area Plan 2024-2030 and I am satisfied that the proposal complies with policies and objectives of the Development Plan and Local Area Plan as they relate to retail development, including the retail hierarchy. The Retail Planning Guidelines, 2012 (paragraph 4.4) state that where the location of a proposed retail development complies with the policies and objectives of the Development Plan, and or relevant retail strategy, additional supporting studies such as RIA are not required. In this case the submission of an RIA is not mandatorily required in the context of the guidance set out in paragraph 4.4 of the Retail Planning Guidelines 2012. Notwithstanding this, having considered the RIA I am satisfied that the proposed development would not result in a significant adverse impact on Loughrea.

8.4. Traffic Impacts

- 8.4.1. A Traffic and Transportation Assessment (TTA) was submitted with the planning application. The TTA included a junction analysis using a TRICS Database or the base and generated traffic volumes for the expected year of opening (2025) and the design years 2030 (i.e. +5 years) and 2040(i.e. + 10 years). The analysis also took account of committed developments in the vicinity. Junction analysis was carried out for 3 no. junctions within the vicinity of the subject site for AM and PM peak hour scenarios.

These junctions are the Monearmore Roundabout, R350 at Topline/ Corrib Oil private road and R350 at Mount Carmel Crescent.

- 8.4.2. A number of concerns have been raised by the 3rd party appellants with regard to traffic issues. Primarily the main concern relates to the traffic generated by the proposed development exacerbating the current congestion within the Loughrea area. It is contended that the local road network does not have the capacity to cater for increased traffic volumes that the development will generate. In addition, it is stated that construction traffic will also give rise to bottle necks. The appellants further consider that the TTA submitted is flawed as it fails to assess the vehicular capability a number of additional junctions within the vicinity of the subject site which the proposed development will affect. This includes Mount Carmel Crescent and the R446. The R446 is also recognised as the Athenry Road and it forms a junction with Mount Carmel Crescent c.350m to the south-west of the subject site.

The results of the analysis found that increases in traffic would be relatively modest in terms of the traffic capacity of each link and there are no issues with junction capacity during this AM peak hours between 08.00 and 09.00, with only 26 right turners entering the site and a total of 34 vehicles exiting the site. During the PM peak hour, between 17.00-18.00 there is a higher demand with 109 vehicles exiting the car park, and 46 right turner vehicles entering from the southbound approach on Gallows Hill.

- 8.4.3. Having regard to the outcome of the TTA submitted I am of the opinion that the proposed development will not give rise to additional traffic issues within the vicinity of the site, Furthermore I note that the assessment did include for a consideration of Mount Carmel Crescent. The assessment of the Roads & Transportation Dept of the Planning Authority also considered the TTA submitted to be acceptable.
- 8.4.4. A Stage 1 Road Safety Audit (RSA) was carried out and submitted as part of the application documentation. The audit identified safety concerns in respect of the proposal under 3 no. headings. While reference has been made to the Road Safety Audit within section 4.6 of the TIA submitted, they were not addressed or incorporated into the overall design. This was raised as an issue by the Planning Authority and a request for further information was issued. The applicant was requested to submit detailed design drawings to incorporate the measures recommended by the auditor and accepted by the designer in each of the stage 1 RSA for the subject site.

- 8.4.5. The applicant overcame the concerns and submitted amended plans which incorporated the recommendations made by the Road Safety Audit.
- 8.4.6. Appellants note that the Road Safety Audits acknowledged that there is a need for various safety measures. It is contended that mitigation proposed measures do not adequately mitigate the disturbance to daily traffic flows.
- 8.4.7. The purpose of the Road Safety Audit process is one which is used to identify issues with proposed layout plans in terms of pedestrian and vehicular movements. The role of the auditor is to set out the issue and provide mitigation to overcome the issues highlighted. This process is undertaken by a qualified professional. While the concerns of the appellant are noted no evidence has been provided to the contrary that demonstrates mitigation proposed would not adequately overcome the issues identified.
- 8.4.8. I am of the opinion that the audit undertaken, and the mitigation proposed, which on receipt of further information have been incorporated into the design layout, are acceptable. In the event the Board are minded to grant permission I recommend a condition be included requiring that a stage 2 and stage 3 audit be undertaken and submitted for the written agreement of the Planning Authority.
- 8.4.9. The appellants further contend that the proposed development is not adequately provided with car parking spaces to serve the scale of development which along with the requirements of the development.
- 8.4.10. Table 15.5 of the Galway County Development Plan 2022-2028 set out the maximum car parking standards for new developments. It states that for large stores (>1000 sq.m gross) is 1 car space per 12sq.m of gross floor space. The proposed development has a sated area of c.2,326.5sq.m and as such would be required to provide for 194 car parking spaces. Following a request for further information from the Planning Authority the parking provision increased to 123 parking space. This would equate to a shortfall of 71 spaces (37% below maximum).
- 8.4.11. While the deviation from the required parking provision may be considered to constitute a Material Contravention of the Development Plan, I note that the Development Plan states that a flexible approach to car parking standards may be applied where such a case is substantiated, there is no traffic safety issue, and it is

clearly demonstrated to the Planning Authority in the interest of proper planning and development, that the standard should be adjusted to facilitate the site specific context.

8.4.12. In this context, I would draw the Board attention to the location the application site as being a part of a wider area of Loughrea which is currently undergoing a significant change in terms of development with the adoption of the Part 8 scheme on lands to the north. With this, the subject site will now become more accessible to the Town Centre in terms of permeability and active travel links. The proposed layout has included for a pedestrian link to the permitted residential (Part 8) development to the north and a pedestrian footpath linking the site to the existing residential area to the further north (Hazlewood). As such, I consider the quantum of parking provided to be acceptable to serve the proposed development have regard that the standards set out in the Galway County Development Plan 2022-2028 are set at a maximum and the provision of active travel measures which have been included in the overall layout plan.

8.4.13. The final concern of the appellants relates to car dependency. It is contended that the proposed development represents a car dependent development as there is no permeability in terms of pedestrian links to the Town Centre and will attract a wider population outside of Loughrea.

8.4.14. As stated in section 8.3.6 of my report above, the subject site is located c.304.8m to the north of the junction of Abbey Street and Main Street which I consider to be a central point of the Town of Loughrea. This distance would equate to approximately a 7 minute walk, again according to Google Maps. The site is directly link to the centre of town with a pedestrian footpath. Furthermore, the proposed layout plan together with landscape plan provides for pedestrian connection to the approved residential area to the north.

8.4.15. Therefore, I do not consider the assertions made with regard to the proposal being car dependent having regard to it its proximity to an established residential area to the north and the Town Centre to the south.

8.5. Other Matters

Amendment to overall Design

- 8.5.1. It is contended by one of the 3rd Party Appellants that the final design of the proposed development has not been approved on foot of the inclusion of condition no. 6 of the grant of permission. It is stated that there is no scope in the Planning Act 2000 (as amended) for post grant variations or amendments to a permitted scheme which would not afford the public any opportunity to comment.
- 8.5.2. I note that condition no. 6 of the grant of permission relates to the commissioning of a stage 2 road safety audit. While reference is made to recommendations of the audit being incorporated into the final design, this relates to the final road layout design, this does not relate to the design of the proposed building and no material alteration to the proposed development on foot of condition 6. From a review of all conditions attached to the grant of permission, I note that none relate to amendments to the overall design idiom of the building or the overall layout scheme.

Heritage

- 8.5.3. It is contended by the appellants that no reference has been made by the applicant or the Planning Authority to the location of the subject site being adjacent to the Carmelite Monastery which is included on the National Inventory of Architectural Heritage and is a Protected Structure. Furthermore, it is stated that the lack of a planning condition relating to the protection of the Protected Structure within the decision is a significant omission by the Planning Authority.
- 8.5.4. The application has been accompanied by both a Cultural Heritage Impact Assessment and a report on the Architectural/Historic Significance of the Curtilage and Attended Grounds of the Carmelite Monastery of St Josephs. The report concludes that the proposed development will have no physical impact on the protected structure, it is considered that the site is not part of the curtilage of the protected structure but lies within the attended grounds, due to its location and topography and its visual separation from the former convent the site could not be considered to contribute particularly to the setting and appreciation of the protected structure. Significant views of the protected structure are to the south and the proposed development will not be visible from these locations due to heights and existing boundary features and planting.
- 8.5.5. The rear boundary of the development site has been set in excess of c.58m from the burial ground associated with the Carmelite Monastery and c.36m from the Monastery

building itself. I consider that the applicant has provided expert evidence that the design of the proposed development has been considered in the context of the site relative to the Protected Structure.

- 8.5.6. The Planning Authority in their assessment has also made reference to the location of the subject site relative to the Protected Structure and provided for an assessment of the documents submitted accepting their findings.
- 8.5.7. While a condition relating to the protection the historic context of the site has not been included by the Planning Authority, I recommend that in the event that the board are minded to grant permission that a condition be included to ensure that the mitigation measures set out within Cultural Heritage Impact Assessment be undertaken.

9.0 Appropriate Assessment

9.1. Stage 1 - Appropriate Assessment Screening

- 9.1.1. I am satisfied that the information on file which I have referred to in my assessment allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites. I have reviewed the applicant's 'Screening for Appropriate Assessment' and I have carried out a full Screening Determination for the development and it is attached to this report in Appendix 3.
- 9.1.2. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects could to give rise to significant effects on the Rahasane Turlough SAC (site code 000322); the Rahasane Turlough SPA (site code 004089), the Galway Bay Complex SAC (site code 000268) and the Inner Galway Bay SPA (site code 004031), in view of the conservation objectives of these sites and is therefore require further consideration. Appropriate Assessment is required.

This determination is based on:

- Nature of works.
- Potential hydrological connection to the Kilcolgan/Dunkellin River via a surface water drain.

- 9.1.3. An appropriate assessment is required on the basis of the effects of the project 'alone'. It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000, is required on the basis of the effects of the project 'alone'.

9.2. Stage 2 - Appropriate Assessment

- 9.2.1. The following is an objective assessment of the implications of the proposal on the relevant Conservation Objectives (CO) of the Rahasane Turlough SAC (site code 000322); the Rahasane Turlough SPA (site code 004089), the Galway Bay Complex SAC (site code 000268) and the Inner Galway Bay SPA (site code 004031) based on the scientific information provided by the applicant and taking into account expert opinion. It is based on an examination of all relevant documentation, analysis and evaluation of potential impacts, findings and conclusions. A final determination will be made by the Board.
- 9.2.2. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects on site integrity are examined and evaluated for effectiveness. Possible in-combination effects were also considered. A full description of the proposed development is set out in section 1.7 of the Screening report submitted by the applicant and the potential impacts from the construction and operational phases are set out in Section 3.4 of the NIS submitted.
- 9.2.3. From undertaking a screening for the need of Appropriate Assessment, it was determined that the proposed development could result in significant effects on Rahasane Turlough SAC (site code 000322); the Rahasane Turlough SPA (site code 004089), the Galway Bay Complex SAC (site code 000268) and the Inner Galway Bay SPA (site code 004031) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U/ 177AE was required.
- 9.2.4. Following an examination, analysis and evaluation of the NIS, as set out within appendix 4 of my report, and all associated material submitted, I consider that in light of the mitigation measures proposed, that adverse effects on site integrity of the Rahasane Turlough SAC (site code 000322), the Rahasane Turlough SPA (site code 004089), the Galway Bay Complex SAC (site code 000268) and the Inner Galway Bay

SPA (site code 004031) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

9.2.5. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- the proposed development will not affect the attainment of conservation objectives or prevent or delay the restoration of favourable conservation condition of the Rahasane Turlough SAC (site code 000322), the Rahasane Turlough SPA (site code 004089), the Galway Bay Complex SAC (site code 000268) and the Inner Galway Bay SPA (site code 004031).
- Effectiveness of mitigation measures proposed and adoption of CEMP submeter.
- Application of planning conditions to ensure the mitigation measures proposed are undertaken.

10.0 Recommendation

Having regard to the above it is recommended that the decision of the Planning Authority be upheld, and permission is granted based on the following reasons and considerations and subject to the attached conditions.

11.0 Reasons and Considerations

Having regard to the land use zoning of the subject site, the provision of the Galway County Development Plan 2022-2028, and the design, scale and layout of the proposed development and pattern of existing and proposed development in the surrounding area, it is considered that subject to compliance with the conditions set out below, would provide for an appropriate form of development on this 'edge-of-centre' site and would not adversely impact upon the built heritage of the area or the amenities of the properties in the vicinity, would not undermine the Town Centre or retail future of Loughrea and would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1.	<p>The development shall be carried out and retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the Planning Authority on the 14th day of August 2024, and the 8th Day of November 2024 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Mitigation measures outlined in the Natura Impact Assessment lodged with the application on the 14th May 2025, shall be carried out in full, except where otherwise required by conditions attached to this permission.</p> <p>Reason: in the interest of protecting the.</p>
3.	<p>Mitigation measures outlined within the Cultural Heritage Impact Assessment lodged with the application on the 14th May 2025, shall be carried out in full, except where otherwise required by conditions attached to this permission.</p> <p>Reason: in the interest of the proper planning and sustainable development of the area.</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: in the interest of visual amenity</p>
5.	<p>Prior to the occupation of the supermarket, details of all advertising signage, including the proposed colour and finish and level of illumination (lux) of the signage shall be submitted to, and agreed in writing with, the planning authority.</p> <p>Reason: in the interest of visual amenity.</p>

6.	<p>Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, no advertisement signs including any signs installed to be visible through the windows, advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the retail units or within the curtilage of the site, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the visual amenities of the area.</p>
7.	<p>The development shall open only between 0800 and 2200 hours on Mondays to Saturdays and between 0900 hours and 2100 hours on Sundays and Public Holidays.</p> <p>Reason: in order to safeguard the residential amenities of the area.</p>
8.	<p>Appropriate times relating to deliveries to the development shall be agreed in writing with the planning authority prior to the commencement of operation of the store.</p> <p>Reason: in the interest of public amenity.</p>
9.	<p>The Landscape scheme to the planning authority on the 14th May 2024 shall be implemented fully in the first planting season following the substantial completion of the external construction works. All planting shall be adequately protected from damage until established. Any trees, plants or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter.</p> <p>Reason: in the interest of visual amenity.</p>
10.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas, or equipment, unless agreed in writing with the planning authority.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area</p>
11.	<p>Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Report, details in this</p>

	<p>regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of the development.</p> <p>Reason: in the interest of amenity and public safety.</p>
12.	<p>A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.</p> <p>Reason: To provide for and/or future proof the development such as would facilitate the use of electric vehicles.</p>
13.	<p>Prior to commencement of the development, the applicant shall :</p> <ul style="list-style-type: none"> a) commission a road safety audit (stage 2), that will review the detailed design drawings and measures recommended by the earlier audit (stage 1) and accepted by the designer. Recommendations arising from the stage 2 audit, or alternative measures proposed therein by the developer and accepted by the auditor, shall be incorporated into the final design of the development at the expense of the developer. The audit shall be completed by an independent road safety auditor, at the developer's expense, and shall be submitted for the written approval of the planning authority. b) On completion of Stage 2 Road Safety audit, and Prior to commencement of the development, the applicant shall submit for the written approval of the Planning Authority the detailed design of the elements of the development that will on completion form part of the public road and footpath. This shall include details of vertical and

	<p>horizontal alignment, road pavement tie-in details, cross-sectional details, footpath/ cycle path specifications and make up, tactile paving, build up details, kerbing details, Road line marking, signage, traffic calming measures, public lighting and surface water drainage</p> <p>c) On completion of the development, a stage 3 road safety audit shall be completed by an independent road safety auditor, at the developer's expense, and submitted for the written approval of the planning authority. Any safety issues highlighted in the audit shall be reviewed and addressed by the developer at their expense and shall be submitted for the written approval of the planning authority.</p> <p>Reason: In the interests of road safety</p>
14.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,</p> <p>(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and</p> <p>(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: in order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site</p>
15.	<p>All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground. Ducting shall be provided by the developer to facilitate the</p>

	<p>provision of broadband infrastructure within the proposed development.</p> <p>Reason: in the interest of visual and residential amenity.</p>
16.	<p>The developer shall enter into water and wastewater connection agreement with Uisce Eireann, prior to commencement of development.</p> <p>Reason: in the interest of public health.</p>
17.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority. Reason: in order to safeguard the residential amenities of property in the vicinity.</p>
18.	<p>Prior to commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times</p> <p>Reason: in the interest of sustainable waste management.</p>
19.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p>

	Reason: in order to safeguard the residential amenities of property in the vicinity.
20.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with , the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: in the interest of public safety</p>
21.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: it is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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.

. Kathy Tuck
Planning Inspector

7th May 2025

Appendix 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321771-25		
Proposed Development Summary	Construction of a single-storey discount food-store and all ancillary site works (a protected structure, RPS reference 330 on its attendant grounds).		
Development Address	Cosmona & Loughrea, Gallows Hill (R350), Loughrea, Co. Galway.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	Tick if relevant. No further action required
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Schedule 5 Part 2 Class 10 (B) – Infrastructure Projects: (iii) Construction of a shopping centre with a gross floor space exceeding 10,000 sqm threshold. (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.	Proceed to Q3.
No			Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank	Schedule 5 Part 2 State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No	X	Schedule 5 Part 2 Class 10 (B) – Infrastructure Projects: (iii) Construction of a shopping centre with a gross floor space exceeding 10,000 sqm threshold. (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.	Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	Schedule 5 Part 2 Class 10 (B) – Infrastructure Projects: (iii) Construction of a shopping centre with a gross floor space exceeding 10,000 sqm threshold. (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____

Date: _____

Appendix 2

EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP-321771-25
Proposed Development Summary	Construction of a single-storey discount food-store and all ancillary site works (a protected structure, RPS reference 330 on its attendant grounds).
Development Address	Cosmona & Loughrea, Gallows Hill (R350), Loughrea, Co. Galway.
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The subject development would comprise the construction of a of a single storey, discount food store with ancillary off-license sales area which has a gross floor area of 2,326.5sq.m. Vehicular access and egress for the proposed food store is from the R350 which will require works to the existing stone wall on the west side of the R350 including for a new footpath and land reserved for a cycle path along the east side of the site.</p> <p>During the construction phase, the proposed development would generate waste during excavation and construction. However, given the moderate size of the proposed building I do not consider that the level of waste generated would be significant in the local, regional or national context. No significant waste, emissions or pollutants would arise during the construction or operational phases due to the limited size of the site and the nature of the proposed use.</p>
<p>Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of</p>	<p>The subject Sirte is located within the attendant grounds of Saint Joseph's Convent which is a protected structure (RPS) 330. The structures associated with the convent are located to eh west of the site.</p>

natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<p>The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding. The site is served by a local urban road network.</p> <p>The development is situated on zoned serviced lands within the development envelop of Loughrea at a remove from sensitive natural habitats, designated sites and landscapes of significance identified in the Galway County Development Plan 2022-2028.</p>	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	<p>The subject site is located c.602m to the north of the Lough Rea SAC (site code 000304) and the Lough Rea SPA (site code 004134) and c.12km to the east of the Rahasane Turlough SAC (site code 000322) and the Rahasane Turlough SAC (site code 004089). The subject site is also located c.15km to the east of the Galway Bay Complex SAC (site code 000268) and the Inner Galway Bay SPA (site code 004031).</p> <p>There is a hydrological connection to the Kilcolgan/Dunkellin River via a surface water drain. An NIS has been submitted with the application documentation and has been consider ed within Appendix 3 of this assessment.</p> <p>I do not consider that there is potential for the proposed development to significantly affect other significant environmental sensitivities in the area.</p>	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	YES
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	NO

There is a real likelihood of significant effects on the environment.	EIAR required.	NO
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Inspector: _____ Date: _____

Appendix 3

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Case File: ABP-321771-25	
Brief description of project	<p>Normal Planning Appeal</p> <p>A single storey food-store and all ancillary site works (a protected structure, RPS reference 330 on its attendant grounds).</p>
Brief description of development characteristics and potential impact mechanisms	<p>The subject site is a greenfield site which is relatively flat in nature and is located to the south of an established residential area and to the north of the Town Centre of Loughrea. The site is located to the east of Saint Joseph's Convent which is a protected structure (RPS) 3.</p> <p>The development will comprise of the construction of a single storey, discount food store with ancillary off-license sales area which has a gross floor area of 2,326.5sq.m. Vehicular access and egress for the proposed food store is from the R350 which will require works to the existing stone wall on the west side of the R350 including for a new footpath and land reserved for a cycle path along the east side of the site.</p> <p>The development includes for a car park area and on site drainage infrastructure including SUDS measures with connections to the existing watermain and foul waste water services also being proposed.</p> <p>There is an existing surface water drain located at the north-eastern corner of the site. In addition, there is a drainage ditch on the opposing side of the R350 which connects to the Kilcolgan/Dunkellin River.</p>
Screening report	<p>Yes</p> <p>Accepted by Galway County Council.</p>
Natura Impact Statement	Yes
Relevant submissions	None

<p>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</p> <p>Four European sites were identified as being located within a potential zone of influence of the proposed development as detailed in Table 1 below. I note that the applicant included a greater number of European sites in their initial screening consideration with sites within 15km of the development site considered. There is no ecological justification for such a wide consideration of sites, and I have only included those sites with any possible ecological connection or pathway in this screening determination.</p>				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Lough Rea SAC (site code 000304)	Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140] Lough Rea SAC National Parks & Wildlife Service	c.602m	Yes	No
Lough Rea SPA (site code 004134)	Shoveler (Anas clypeata) [A056] Coot (Fulica atra) [A125] Wetland and Waterbirds [A999] Lough Rea SPA National Parks & Wildlife Service	c.602m	Yes	No
Rahasane Turlough SAC (site code 000322)	Turloughs [3180] Rahasane Turlough SAC National Parks & Wildlife Service	c.12km to the east		Yes
Rahasane Turlough SAC (site code 004089).	Whooper Swan (Cygnus cygnus) [A038] Wigeon (Anas Penelope) [A050] Golden Plover (Pluvialis apricaria) [A140] Black-tailed Godwit (Limosa limosa) [A156] Greenland White-fronted Goose (Anser albifrons flavirostris) [A395] Wetland and Waterbirds [A999] Rahasane Turlough SPA National Parks & Wildlife Service	c.12km to the east		Yes

<p>Galway Bay Complex SAC (site code 000268)</p>	<p><u>Habitats</u></p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Turloughs [3180]</p> <p>Juniperus communis formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</p> <p>Alkaline fens [7230]</p> <p><u>Animal and plant species</u></p> <p>Limestone pavements [8240]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Phoca vitulina (Harbour Seal) [1365]</p>	<p>c.15km to the east</p>		<p>Yes</p>
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	Galway Bay Complex SAC National Parks & Wildlife Service			
Inner Galway Bay SPA (site code 004031).	<p>Black-throated Diver (Gavia arctica) [A002]</p> <p>Great Northern Diver (Gavia immer) [A003]</p> <p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Grey Heron (Ardea cinerea) [A028]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Wigeon (Anas penelope) [A050]</p> <p>Teal (Anas crecca) [A052]</p> <p>Red-breasted Merganser (Mergus serrator) [A069]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Lapwing (Vanellus vanellus) [A142]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Curlew (Numenius arquata) [A160]</p> <p>Redshank (Tringa totanus) [A162]</p> <p>Turnstone (Arenaria interpres) [A169]</p> <p>Black-headed Gull (Chroicocephalus ridibundus) [A179]</p> <p>Common Gull (Larus canus) [A182]</p> <p>Sandwich Tern (Sterna sandvicensis) [A191]</p> <p>Common Tern (Sterna hirundo) [A193]</p>	c.15km to the east		Yes

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: Name (code) <u>Rahasane Turlough</u> <u>SAC (site code</u> <u>000322)</u> Turloughs [3180]	<u>Direct:</u> None <u>Indirect:</u> Indirect pathway via surface water to Rahasane Turlough downstream Release of silt and sediment during site works. Release of construction related compound including hydrocarbons to surface water and Increased human disturbance at this site, particularly during the construction phase.	Uncertain in the absence of construction management.
Y	Likelihood of significant effects from proposed development (alone): Y/N	
NA	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
	Impacts	Effects
Site 2: Name (code) <u>Rahasane Turlough SPA</u> <u>(site code 004089).</u> Whooper Swan (Cygnus cygnus) [A038] Wigeon (Anas Penelope) [A050] Golden Plover (Pluvialis apricaria) [A140] Black-tailed Godwit (Limosa limosa) [A156] Greenland White-fronted Goose (Anser albifrons flavirostris) [A395] Wetland and Waterbirds [A999]	<u>Direct:</u> None <u>Indirect:</u> Release of silt and sediment during site works. Release of construction related compound including hydrocarbons to surface water and Increased human disturbance at this site, particularly during the construction phase.	These Annex 1 bird species are located in Rahasane Turlough and considering potential effects on water quality and food availability, within the zone of influence of the proposed development. Uncertain in the absence of construction management.

Y	Likelihood of significant effects from proposed development (alone): Y/N	
N/A	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
Site 3: Name (code) Galway Bay Complex SAC (site code 000268) Mudflats and sandflats not covered by seawater at low tide [1140] Lutra lutra (Otter) [1355] Phoca vitulina (Harbour Seal) [1365] Large shallow inlets and bays [1160]	<u>Direct:</u> None <u>Indirect:</u> Release of silt and sediment during site works. Release of construction related compound including hydrocarbons to surface water and Increased human disturbance at this site, particularly during the construction phase. Indirect pathway via surface water to Galway Bay Downstream	C
Coastal lagoons [1150] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Turloughs [3180] Juniperus communis formations on heaths or calcareous grasslands [5130]	The remaining habitats/qualifying interests are located outside the zone of influence of the Proposed Development	

<p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p>		
Y	Likelihood of significant effects from proposed development (alone): Y/N	
N/A	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
<p>Site 4: Name (code)</p> <p><u>Inner Galway Bay SPA (site code 004031).</u></p> <p>Black-throated Diver (Gavia arctica) [A002]</p> <p>Great Northern Diver (Gavia immer) [A003]</p> <p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Grey Heron (Ardea cinerea) [A028]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Wigeon (Anas penelope) [A050]</p> <p>Teal (Anas crecca) [A052]</p> <p>Red-breasted Merganser (Mergus serrator) [A069]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p>	<p><u>Direct:</u> None</p> <p><u>Indirect:</u> Indirect pathway via surface water to Galway Bay Downstream .</p> <p>Release of silt and sediment during site works. Release of construction related compound including hydrocarbons to surface water and Increased human disturbance at this site, particularly during the construction phase.</p>	<p>. These Annex 1 bird species are located in Galway Bay and considering potential effects on water quality and food availability, within the zone of influence of the Proposed Development.</p>

Lapwing (Vanellus vanellus) [A142] Dunlin (Calidris alpina) [A149] Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162] Turnstone (Arenaria interpres) [A169] Black-headed Gull (Chroicocephalus ridibundus) [A179] Common Gull (Larus canus) [A182] Sandwich Tern (Sterna sandvicensis) [A191] Common Tern (Sterna hirundo) [A193] Wetland and Waterbirds [A999]		
Y	Likelihood of significant effects from proposed development (alone): Y/N	
NA	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
<p>Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result significant effects on the Rahasane Turlough SAC (site code 000322); the Rahasane Turlough SAC (site code 004089), the Galway Bay Complex SAC (site code 000268) and the Inner Galway Bay SPA (site code 004031).</p> <p>I concur with the applicants' findings that such impacts could be significant in terms of the stated conservation objectives of the SACs and SPAs when considered on their own and in combination</p>		

with other projects and plans in relation to pollution related pressures and disturbance on qualifying interest habitats and species. I recommend that proceed to AA.

Appendix 4

Appropriate Assessment				
<p>The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V [or S 177AE] of the Planning and Development Act 2000 (as amended) are considered fully in this section.</p>				
<p>Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of the provision of a single storey food-store and all associated works, in view of the relevant conservation objectives of the Rahasane Turlough SAC (site code 000322); the Rahasane Turlough SAC (site code 004089), the Galway Bay Complex SAC (site code 000268) and the Inner Galway Bay SPA (site code 004031) based on scientific information provided by the applicant.</p> <p>The information relied upon includes the following:</p> <ul style="list-style-type: none"> Natura Impact Statement submitted by the applicant. National Parks and Wildlife website. Ecological Impact Assessment submitted by the applicant. <p>I am satisfied that the information provided is adequate to allow for Appropriate Assessment. All aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.</p>				
<p>Submissions/observations</p> <p>No concern has been raised with regard to Appropriate Assessment in any submissions Received.</p>				
<p>NAME OF SAC/ SPA (SITE CODE): Rahasane Turlough SAC (site code 000322)</p> <p>Summary of Key issues that could give rise to adverse effects (from screening stage): [examples] (i) Water quality degradation (construction and operation)</p>				
Qualifying Interest features	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)	

likely to be affected			Section 3.5 of NIS
Turloughs	To maintain the favourable conservation condition of Turloughs in Rahasane Turlough SAC.	Indirect pathway via surface water to Rahasane Turlough downstream.	<ul style="list-style-type: none"> • Project Engineer made aware of potential hydrological pathways and construction management requirements. • suitable mitigation measures in place to handle surface water for the duration of the works. • Identify a suitable location install a temporary surface water settling lagoon/ holding pond that can be pumped from the excavation areas to retain and settle any excess surface water for a minimum period of 24 hours on this site - will allow all silts and solids to settle before being allowed to discharge to the adjacent water courses. • Remove all silt from any discharges from site during the construction stages. • Appropriate protection bunds will be provided if required for the storage of fuel and chemicals during the construction stage.

Assessment of issues that could give rise to adverse effects view of conservation objectives

(i) Water quality degradation

Water quality of the SAC is required to be of a good quality in order to maintain the turlough. Water quality degradation is the main risk from unmanaged site works where silt laden surface water reaches the surface water connection and opposing drainage ditch which is indirectly connected to the SAC via the Kilcolgan/Dunkellin River. Decreased water quality would compromise the conservation objectives and increased sediment could alter habitat qualities.

Rahasane Turlough is of high conservation importance for its mosaic of Annex I and other habitats, particularly the transitions and gradations between habitats, e.g. between turloughs and limestone grassland, scrub and woodland. No operational phase impacts are anticipated.

Mitigation measures and conditions

- Engineer made aware of potential hydrological pathways and construction management requirements.
- suitable mitigation measures in place to handle surface water for the duration of the works.
- contractors will carry spill kit materials in their site cabins.
- Identify a suitable location install a temporary surface water settling lagoon/ holding pond that can be pumped from the excavation areas to retain and settle any excess surface water for a minimum period of 24 hours on this site - will allow all silts and solids to settle before being allowed to discharge to the adjacent water courses.

Mitigation measures set out within the NIS submitted are captured under condition no. 2 on my recommendation.

In-combination effects

I am satisfied that in-combination effects has been assessed adequately in section 3.6 of the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions

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

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the appropriate Assessment. Indirect impacts would be temporary in nature and mitigation

measures are described to prevent ingress of silt laden surface water. Monitoring measures are also proposed to ensure compliance and effective management of measures. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

Reasonable scientific doubt

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

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the Rahasane Turlough SAC (site code 000322). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects

NAME OF SAC/ SPA (SITE CODE):

Rahasane Turlough SPA (site code 004089)

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

- **Water quality degradation**

Whooper Swan Cygnus cygnus	To restore the favourable conservation condition of whooper swan in Rahasane Turlough SPA.	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives	<ul style="list-style-type: none"> • Project Engineer made aware of potential hydrological pathways and construction management requirements. • suitable mitigation measures in place to handle surface water for the duration of the works. • Identify a suitable location install a temporary surface water settling lagoon/ holding pond that can be pumped from the excavation areas to retain and settle any excess surface water for a minimum period of 24 hours
Wigeon Anas penelope	To maintain the favourable conservation condition of wigeon in Rahasane Turlough SPA.	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives	
Golden Plover Pluvialis aracar	To restore the favourable conservation condition of golden plover in Rahasane Turlough SPA.	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives	

Black-tailed Godwit Limosa limos	To maintain the favourable conservation condition of black-tailed godwit in Rahasane Turlough SPA.	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives	<p>on this site - will allow all silts and solids to settle before being allowed to discharge to the adjacent water courses.</p> <ul style="list-style-type: none"> • Remove all silt from any discharges from site during the construction stages. • Appropriate protection bunds will be provided if required for the storage of fuel and chemicals during the construction stage.
Greenland White-fronted Goose Anser albifrons flavirostris	To restore the favourable conservation condition of Greenland White-fronted goose in Rahasane Turlough SPA.	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives	

Assessment of issues that could give rise to adverse effects view of conservation objectives

Examples:

(i) Water quality degradation

Water quality of the SAC is required to be of a good quality in order to maintain favourable conservation objectives of all species identities.

Mitigation measures and conditions

As above.

In-combination effects

I am satisfied that in-combination effects has been assessed adequately in section 3.6 of the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions

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

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the

appropriate Assessment. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water. Monitoring measures are also proposed to ensure compliance and effective management of measures. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

Reasonable scientific doubt

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

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the Rahasane Turlough SPA (site code 004089)

. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains the absence of such effects

NAME OF SAC/ SPA (SITE CODE):

Inner Galway Bay SPA (004031)

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

1. Water quality degradation (construction and operation)

<p>Black-throated Diver (<i>Gavia arctica</i>) [A002]</p> <p>Great Northern Diver (<i>Gavia immer</i>) [A003]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Grey Heron (<i>Ardea cinerea</i>) [A028]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p>	<p>To maintain the favourable conservation condition for all species listed.</p> <p>* NOTE: All of these Annex 1 bird species are located in Galway Bay and within the zone of influence of the Proposed Development. Considering potential effects on water quality and food availability mitigation is required.</p>	<p>Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives</p>	<ul style="list-style-type: none"> • Project Engineer made aware of potential hydrological pathways and construction management requirements. • suitable mitigation measures in place to handle surface water for the duration of the works. • Identify a suitable location install a temporary surface water settling lagoon/ holding pond that can be pumped from the excavation areas to retain and settle any excess surface
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<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> <p>Sandwich Tern (<i>Sterna sandvicensis</i>) [A191]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p>			<p>water for a minimum period of 24 hours on this site - will allow all silts and solids to settle before being allowed to discharge to the adjacent water courses.</p> <ul style="list-style-type: none"> • Remove all silt from any discharges from site during the construction stages. • Appropriate protection bunds will be provided if required for the storage of fuel and chemicals during the construction stage.
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<p>Assessment of issues that could give rise to adverse effects view of conservation objectives</p> <p>(i) Water quality degradation</p> <p>Maintenance of good water quality is an attribute required to maintain favourable conservation condition for species listed above.</p> <p>Mitigation measures and conditions</p> <ul style="list-style-type: none"> • Engineer made aware of potential hydrological pathways and construction management requirements. • suitable mitigation measures in place to handle surface water for the duration of the works. • contractors will carry spill kit materials in their site cabins. • Identify a suitable location install a temporary surface water settling lagoon/ holding pond that can be pumped from the excavation areas to retain and settle any excess surface water for a minimum period of 24 hours on this site - will allow all silts and solids to settle before being allowed to discharge to the adjacent water courses. • Mitigation measures set out within the NIS submitted are captured under condition no. 2 on my recommendation. 			
<p>In-combination effects</p> <p>I am satisfied that in-combination effects has been assessed adequately in section 3.6 of the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.</p> <p>Findings and conclusions</p> <p>The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.</p> <p>Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the appropriate Assessment. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water. Monitoring measures are also proposed to ensure compliance and effective management of measures. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.</p>			

Reasonable scientific doubt

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

Site Integrity

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

NAME OF SAC/ SPA (SITE CODE):

Galway Bay Complex SAC (site code 000268)

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

1. Water quality degradation (construction and operation)
2. Disturbance of mobile species

Mudflats and sandflats	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in Galway Bay Complex SAC	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives	<ul style="list-style-type: none"> • Project Engineer made aware of potential hydrological pathways and construction management requirements. • suitable mitigation measures in place to handle surface water for the duration of the works. • Identify a suitable location install a temporary surface water settling lagoon/ holding pond that can be pumped from the excavation areas to retain and settle any excess surface water for a minimum period of 24 hours on this site - will allow all silts and solids to settle
Large shallow inlets and bays.	To maintain the favourable conservation condition of Large shallow inlets and bays in Galway Bay Complex SAC.	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives	
Lutra lutra (Otter)	To restore the favourable conservation condition of Otter in Galway Bay Complex SAC.	potential for disturbance and a significant degradation of water quality may adversely affect foraging .	
Phoca vitulina (Harbour Seal)	To maintain the favourable	Water quality degradation and/ or	

	conservation condition of Harbour Seal in Galway Bay Complex SAC.	alteration of habitat quality would undermine conservation objectives.	<p>before being allowed to discharge to the adjacent water courses.</p> <ul style="list-style-type: none"> • Remove all silt from any discharges from site during the construction stages. • Appropriate protection bunds will be provided if required for the storage of fuel and chemicals during the construction stage.
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The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

Assessment of issues that could give rise to adverse effects view of conservation objectives

(i) Water quality degradation

Water quality of SAC remains vulnerable. Good quality water is necessary to maintain the populations of the Annex II animal species listed. Water quality degradation is the main risk from unmanaged site works where silt laden surface water reaches the drainage ditch and Kilcolgan/Dunkellin River. Decrease in water quality would compromise conservation objectives for Annex II species listed and increase sedimentation could alter habitat quality for spawning or nursery grounds.

Mitigation measures and conditions

The focus of mitigation measures proposed are at preventing ingress of pollutants and silt into surface water and receiving watercourses. This is to be achieved via design (avoidance), supervision by an Ecological Clerk of works, application of specific mitigation measures and monitoring effectiveness of measures. Detail is provided on sediment control, concrete and hydrocarbon control, an emergency response plan and general biosecurity measures. Measures include:

- Engineer made aware of potential hydrological pathways and construction management requirements.

- suitable mitigation measures in place to handle surface water for the duration of the works.
- contractors will carry spill kit materials in their site cabins.
- Identify a suitable location install a temporary surface water settling lagoon/ holding pond that can be pumped from the excavation areas to retain and settle any excess surface water for a minimum period of 24 hours on this site - will allow all silts and solids to settle before being allowed to discharge to the adjacent water courses.
- Mitigation measures set out within the NIS submitted are captured under condition no. 2 on my recommendation.

(ii) Disturbance of mobile species

Ecological surveys have demonstrated that there is no evidence of Ottersen site and as such the proposal will not cause any disturbance to mobile species identified as qualifying interests of the . Galway Bay Complex SAC.

Mitigation measures and conditions

- Engineer made aware of potential hydrological pathways and construction management requirements.
- suitable mitigation measures in place to handle surface water for the duration of the works.
- contractors will carry spill kit materials in their site cabins.
- Identify a suitable location install a temporary surface water settling lagoon/ holding pond that can be pumped from the excavation areas to retain and settle any excess surface water for a minimum period of 24 hours on this site - will allow all silts and solids to settle before being allowed to discharge to the adjacent water courses.
- Mitigation measures set out within the NIS submitted are captured under condition no. 2 on my recommendation.

In-combination effects

I am satisfied that in-combination effects has been assessed adequately in section 3.6 of the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions

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

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the appropriate Assessment. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water. Monitoring measures are also proposed to ensure compliance and effective management of measures. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

Reasonable scientific doubt

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

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the Galway Bay Complex SAC (site code 000268). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.