



**Development**

PROTECTED STRUCTURE: le haghaidh láirionad Cathartha trí stór ina mbeidh leabharlann nua úrscothach agus halla éisteachta mar aon le spás taispeantais ilfheidhmeach a bheidh mar chroílár an spás phoiblí.

**Location**

An Spidéal Thiar, An Spidéal, Co. na Gaillimhe, H91 RCY6.

**Planning Authority**

Galway County Council.

**Planning Authority Reg. Ref.**

2461496.

**Applicant(s)**

Fiontar na Gréine Teoranta.

**Type of Application**

Permission.

**Planning Authority Decision**

Refuse Permission.

**Type of Appeal**

First Party v. Refusal.

**Appellant(s)**

Fiontar na Gréine Teoranta.

**Observer(s)**

An Taisce.

**Date of Site Inspection**

31<sup>st</sup> March 2025.

**Inspector**

Ciarán Daly

## 1.0 Site Location and Description

- 1.1. The subject site in An Gaeltacht is located on the site of the former Naomh Éinde Convent, a protected structure (RPS no. 3953), a two storey 1920s building of 7 bays in a north-south block formation which included an oratory (since removed) which is attached to a two to three storey 1990 addition which is an east-west block. The older building includes copper bargeboards with a Bangor natural slate roof and later pebbledash addition to the external walls. Immediately adjacent is the historic Hiberno Romanesque Séipéal An Spidéal (a protected structure (RPS no. 738)) on the west side with tower element up to three storeys in height and on the east side is the village library of An Spidéal, a protected structure (RPS no. 3794) and former school. There are garden areas to the rear of the library building.
- 1.2. To the south of the convent building, there is an open landscaped area that leads up to the boundary wall which is adjacent to the quay walk area where there are views out to Galway Bay. The site is adjacent to a harbour to the south with high walls separating it from the adjacent public walkway beside the fishing harbour.
- 1.3. The side eastern area of the site consists of landscaped grounds including mature trees and there is also landscaped aspect to the front of the building which faces the street and is setback from same. There is a curved driveway from the public roadway/street (R336) which curves up to the former convent building from the north-east access.
- 1.4. The subject site is located within An Spidéal Architectural Conservation Area (ACA) and mainly within the zone of influence (R127080) of three national monuments, Cill Éinde Church (SMR no. GA092-022), an abbey (SMR no. GA092-021) and a graveyard (SMR no. GA092-021001).
- 1.5. The village core of An Spidéal immediately to the west is characterised by mainly two and three storey buildings which directly front the street or are marginally setback from same. There is a modern style apartment and commercial block opposite the church on a corner site at the four-way road junction.

## 2.0 Proposed Development

- 2.1. The proposed development, in summary, consists of the following:

- A new three storey civic building (1,368sqm) to accommodate education and training including an auditorium and multi-purpose exhibition space. This relates to a private college primarily providing education in the area of film/digital production.
- Renovation, upgrade and extension (620sqm) of the Naomh Éinde Convent, and provision of canteen and student accommodation (27 ensuite bedrooms) within the protected structure.
- Demolition of 70sqm of building area of the convent including part of a 1990 two-storey extension to the rear and a shed.
- New pedestrian plaza to the front of the new campus, relocation of on-street parking within the new campus and improvements to the public footpath.
- 54 no. vehicular parking spaces along central access spine and to rear of site, 55 no. cycle spaces and 1 bus set-down space.
- Relocation of the existing vehicular access to the centre of the site with new pedestrian and cycle access point.

The design changes submitted at appeal stage can be summarised as follows:

- Amendments to the civic building design including: an additional set back of the building line, stepped building height at the north-east corner, fenestration amendments, wall mounted lighting on the eastern gable, community art wall on the eastern gable and way finding signage to link the civic building with the community garden.
- Site boundary design amendments facing the street.
- Car park layout changes to enhance permeability and to introduce a new traffic turning head.

## 3.0 Planning Authority Decision

### 3.1. Decision

Galway County Council decided to refuse permission for 4 no. reasons which related to the following:

(1) The development would seriously injure the visual amenities within the Architectural Conservation Area of An Spidéal due to the imposing nature, scale and massing of the new civic building and its failure to enhance the character of the ACA. Material contraventions of Policy Objectives AH 1 (Architectural Heritage), AH 2 (Protected Structures), AH 4 (Architectural Conservation Area), DM Standard 58 and DM Standard 60 of the Development Plan cited and precedent.

(2) The proposal would dominate the streetscape and would not be in keeping with the character of the area. It would be contrary to DM Standard 1, Policy Objective PVSR 1, Policy Objective PM 8 Character and Identity, Policy Objective PM10 Design Quality, and Policy Objective SGV 12 of the Development Plan. It would materially contravene the development objectives and standards of the plan.

(3) Issues in relation to shortfall in car parking, failure to demonstrate turning facilities, increased vehicular turning movements, the restricted site layout and the scale and multi-modal targets such that it would result in a traffic hazard or obstruction of road users.

(4) Failure to ensure sufficient and segregated site pedestrian linkages and internal pedestrian crossings between building facilities and the car parking and would endanger public safety.

## 3.2. **Planning Authority Reports**

### 3.2.1. Planning Reports

The Planner's Report noted significant issues in relation to further bat survey requirements and the failure to submit a granted derogation which relates to the existing building and trees on the site. It noted issues with the flood risk assessment including the absence of a justification test for the car parking area located in flood zones A and B. It noted that community facility/cultural/recreational building, library and education training are permitted in principle under the 'Community Facilities' site zoning. Café use and car park are open for consideration and media recording and general media associate uses were noted to be not normally permitted uses. The report questioned the compatibility of the media use with the zoning.

The report noted issues from internal reports in relation to parking and access, lack of a pre-connection agreement with Uisce Éireann, negative impacts on the

protected structures and the ACA, the absence of an Archaeological Impact Assessment report and landscaping concerns given lack of consideration to tree replanting.

The Planner's Report considered the renovation and extension works to the Naomh Éinde Convent to be positive. It noted significant design issues with the new three storey civic building in terms of excessive massing and scale and as it relates to the existing built context. It noted a significant negative visual impact along a scenic route and on the character of the ACA. It also noted a poor contextual relationship with the public library building. It noted consequent material contravention of policy objectives AH1 (Architectural Heritage), AH2 (Protected Structures), AH4 (Architectural Conservation Areas) and DM Standard 58 and 60. Significant issues were also noted in relation to internal movements within the site.

### 3.2.2. Other Technical Reports

- Carraroe Area Office: No report received.
- Conservation Office: Refusal recommended.
- Environment Section: No report received.
- Heritage Officer: No report received.
- Housing Section: No report received.
- Roads and Transportation Department: Refusal recommended.
- Water Section: No report received.

### 3.3. Prescribed Bodies

- An Taisce: Refusal of permission recommended.
- Department of Tourism, Culture, Arts and Gaeltacht: No report received.
- Fáilte Ireland: No report received.
- Inland Fisheries Ireland: No report received.
- Uisce Éireann: no report received.
- Department of Housing, Local Government and Heritage: Further information required in relation to an Archaeological Impact Assessment. Also

recommended that the required bat mitigation licence be in place before determining the application. In addition once licenced, all mitigation measures identified in the bat report to be included by condition.

- The Heritage Council: No report received.
- Transportation Infrastructure Ireland: No objection.
- Údarás na Gaeltachta: No objection subject to conditions.

### 3.4. Third Party Observations

18 no. third party submissions were received by the Planning Authority (P.A.) which can be summarised as follows:

- Issues in relation to impact on the character of An Spidéal given the visual impact.
- Negative impact on the streetscape.
- Excessive scale and massing.
- Out of keeping with the character of the area.
- Concerns regarding the loss of on-street parking.
- Traffic and parking impacts raised.
- Concerns in relation to long-term viability.
- Letters of support for the project including from TG4 and Greasán na Mean Skillnet, among others, in relation to benefits to the Irish language and culture, film and media sector including industry, collaboration opportunities, professional training spaces, accommodation for skills participants, state of the art technical resources, benefits for the areas of culture, the areas, tourism education, international business and international exchanges.

## 4.0 Relevant Planning History

### Subject Site

None relevant.

### Sites in the Vicinity

**2460904:** Permission granted by the P.A. currently on appeal (ABP-322452-25) for development sought at site c.300m to east on opposite side of road opposite Spiddal Beach for the demolition and removal of the two-storey building (above the basement) of the hotel and a one-storey barn and a new three storey mixed-use building, 10 apartments and rooms for short term letting.

**2460046:** Permission refused by the P.A. and currently on appeal (ABP-319498-24) at site to the north-east of the subject site north of the beach for amendments to the approved layout and provision of 6 no. residential units already permitted (Ref 17/1618; ABP-309753-21 – 81 bed hotel, two self-catering dwellings, innovation centre, 6 detached dwellings) and associated road upgrade works.

**212211:** Permission granted by the PA. to the north-east of the site for the construction of a two storey primary care centre and road upgrades.

**97/3717** (Site at north-east street corner of four way junction to north-west of subject site): Permission granted by the P.A. to demolish existing building at O'Flaherty's Supermarket, and to construct a two storey building with recessed roof accommodation with a 3 storey corner element.

## 5.0 Policy Context

### 5.1. Galway County Development Plan 2022-2028 (the CDP)

#### *Chapter 3 – Placemaking, Regeneration and Urban Living*

- Policy Objective PM 8 – Character and Identity

*Ensure the best quality of design is achieved for all new development and that design respects and enhances the specific characteristics unique features of the towns and villages throughout the County.*

- Policy Objective PM 10 – Design Quality

*To require that new buildings are of exceptional architectural quality, and are fit for their intended use or function, durable in terms of design and*

*construction, respectful of setting and the environment and to require that the overall development is of high quality, with a well-considered public realm.*

### *Chapter 8 – Tourism and Landscape*

- PVSR 1 – Protected Views and Scenic Routes

*Preserve the protected views and scenic routes as detailed in Maps 8.3 and 8.4 from development that in the view of the Planning Authority would negatively impact on said protected views and scenic routes. This shall be balanced against the need to develop key infrastructure to meet the strategic aims of the plan.*

### *Chapter 10 – Natural Heritage, Biodiversity and Green/Blue Infrastructure*

- NHB 9 – Protection of Bats and Bats Habitats

*Seek to protect bats and their roosts, their feeding areas, flight paths and commuting routes. Ensure that development proposals in areas which are potentially important for bats, including areas of woodland, linear features such as hedgerows, stonewalls, watercourses and associated riparian vegetation which may provide migratory/foraging uses shall be subject to suitable assessment for potential impacts on bats. This will include an assessment of the cumulative loss of habitat or the impact on bat populations and activity in the area and may include a specific bat survey. Assessments shall be carried out by a suitably qualified professional and where development is likely to result in significant adverse effects on bat populations or activity in the area, development will be prohibited or require mitigation and/or compensatory measures, as appropriate. The impact of lighting on bats and their roosts and the lighting up of objects of cultural heritage must be adequately assessed in relation to new developments and the upgrading of existing lighting systems.*

### *Chapter 12 – Architectural, Archaeological and Cultural Heritage*

- Policy Objective AH 1 – Architectural Heritage

*Ensure the protection of the architectural heritage of County Galway which is a unique and special resource, having regard to the policy guidance contained*

*in the Architectural Heritage Protection Guidelines 2011 (and any updated/superseding document).*

- Policy Objective AH 2 – Protected Structures
  - (a) *Ensure the protection and sympathetic enhancement of structures including their curtilage and attendant grounds included and proposed for inclusion in the Record of Protected Structures (RPS) that are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, together with the integrity of their character and setting.*
  - (b) *Review the Record of Protected Structures in order to provide a comprehensive schedule for the protection of structures of special importance in the County during the lifetime of the plan.*
  - (c) *Ensure that development proposals are appropriate in terms of architectural treatment, character, scale and form to the existing protected structure and not detrimental to the special character and integrity of the protected structure and its setting.*
  - (d) *Ensure high quality architectural design of all new developments relating to or which may impact on structures (and their settings) included in the Record of Protected Structures.*
  - (e) *Promote and ensure best conservation practice through the use of specialist conservation professionals and craft persons.*
  - (f) *Prohibit development proposals, either in whole or in part, for the demolition of protected structures, save in exceptional circumstances.*
- Policy Objective AH 4 – Architectural Conservation Area

*Protect, conserve and enhance the special character of the Architectural Conservation Areas (ACA) included in this plan through the appropriate management and control of the design, location and layout of new development, modifications, alterations or extensions to existing structures, surviving historic plots and street patterns and/or modifications to the character or setting of the Architectural Conservation Area. Works within the ACA shall ensure the conservation of traditional features and building elements that contribute to the character of the area. The special character of*

*an area includes its traditional building stock and material finishes, spaces, streetscape, shop fronts, landscape and setting. New proposals shall have appropriate regard to scale, plot, form, mass, design, materials, colours and function...*

- ARC 4 – Protection of Archaeological Sites

*Protect archaeological sites and monuments their settings and visual amenity and archaeological objects and underwater archaeological sites that are listed in the Record of Monuments and Places, in the ownership/guardianship of the State, or that are subject of Preservation Orders or have been registered in the Register of Historic Monuments, or that are newly discovered and seek to protect important archaeological landscapes.*

- ARC 9 – Recorded Monuments

*Ensure that any development in the immediate vicinity of a Recorded Monument is sensitively designed and sited and does not detract from the monument or its visual amenity.*

#### *Chapter 14 – Climate Change, Energy and Renewable Resource*

- Policy Objective FL 2 – Flood Risk Management and Assessment

*Comply with the requirements of the DoEHLG/OPW The Planning System and Flood Risk Management Guidelines for Planning Authorities and its accompanying Technical Appendices Document 2009 (including any updated/superseding documents).*

- Policy Objective FL 3 – Principles of the Flood Risk Management Guidelines

*The Planning Authority shall implement the key principles of flood risk management set out in the Flood Risk Management Guidelines...*

#### *Chapter 15 – Development Management Standards*

- DM Standard 1 – Qualitative Assessment-Design Quality, Guidelines and Statements

*This section outlines criteria for assessing development in towns and villages.*

- DM Standard 22 – Walking and Cycling

*Cycle paths shall be designed in accordance with the Traffic Management Guidelines and the National Cycle Manual and shall be provided on all new arterial/distributor roads and link roads unless a suitable alternative route is available. Local roads shall be designed to reduce the speed, vehicles, and making the road safer for other road users including cyclists. This provides opportunities to create a shared space for cyclists and motor vehicles. Street lighting shall be provided along footpaths and cycle paths in accordance with the recommendations made in 'Site Development Works for Housing Areas' (DoEHLG) and any subsequent publication or successor to this document.*

- DM Standard 31 – Parking Standards

Table 15.5 Car Parking Standards includes 1 space per 3 seats for a theatre and the standards are maximums.

- DM Standard 58 – Protected or Proposed Protected Structures

*The inclusion of a structure in the Record of Protected Structures does not preclude appropriate use or development. However, no works which would affect the character of the structure, or any element of it, which contributes to its special architectural heritage interest may be carried out to a protected structure without planning permission.*

- DM Standard 60 – Architectural Conservation Areas

*Proposals for development in an ACA that involves a new building, reuse or change of use and extensions will be required to:*

- *Conserve and enhance the character and appearance of the ACA;*
- *Respect the scale, massing, proportions, design and materials of existing structures;*
- *Retain important exterior architectural features that contribute to the character and appearance of the ACA.*

- DM Standard 68 – Flooding

*...Where developments/land uses are proposed that are considered inappropriate to the Flood Zone, then a Development Management Justification Test and site-specific Flood Risk Assessment will be required in*

*accordance with The Planning System and Flood Risk Management Guidelines 2009 (and as updated)...*

## *Volume 2*

- Policy Objective SSSGV 5 Community Facilities

*Promote the development of community facilities on suitable lands/sites, in An Spidéal with a high level of access to the local community, including educational, community, civic, public, institutional, recreational, cultural and other complementary uses, as appropriate.*

- Policy Objective GCMA 19 – Constrained Land Use Objective

*This zoning applies to previously developed areas only and limits new development, while recognising that existing development uses within these zones may require small scale development, as outlined below, over the life of the County Development Plan, which would contribute towards the compact and sustainable urban development in the MASP.*

*The extent of the ‘Constrained Land Use’ zone is shown with a hatching corresponding to the extent of flood zones A and B which are overlain on the Land Use Zoning Objective underneath. Where such flood risk extents correspond with undeveloped lands, an appropriate land use zoning objective which would not facilitate the development of classes of development vulnerable to the effects of flooding has been identified such as ‘Open Space’ or ‘Agriculture’....*

*Development proposals within this zone shall be accompanied by a detailed Flood Risk Assessment, carried out in accordance with The Planning System and Flood Risk Assessment Guidelines and Circular PL 2/2014 (or as updated), which shall assess the risks of flooding associated with the proposed development.*

*Proposals shall only be considered where it is demonstrated to the satisfaction of the Planning Authority that they would not have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities, or increase the risk of flooding to other locations. The nature and design of structural and non-structural flood risk management*

*measures required for development in such areas will also be required to be demonstrated, to ensure that flood hazard and risk will not be increased.*

*Measures proposed shall follow best practice in the management of health and safety for users and residents of the development.*

- Policy Objective SSSGV 12 – Opportunity Sites

*To promote and encourage the appropriate re-development of the opportunity sites identified which will contribute to the vitality and character of An Spidéal.*

Protected Point of View no. 26 is located to the south-west of the site in the harbour area.

The site is located along the Galway Bay Scenic Route.

## 5.2. **Section 28 Guidelines**

- 5.2.1. Relevant Ministerial guidelines include the following:

- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Architectural Heritage Protection Guidelines (2011).

Other relevant national guidance includes:

- Framework and Principles for the Protection of Archaeological Heritage (Dept. of Arts, Heritage, Gaeltacht and the Islands, 1999).
- Design Manual for Urban Roads and Streets (DMURS) (2013).

## 5.3. **Natural Heritage Designations**

In relation to designated sites, the subject site is located:

- c.1.8km south of Connemara Bog Complex Special Area of Conservation (SAC) and Proposed Natural Heritage Area (PNHA) (site code 002034).
- c.1.95km south of Moycullen Bogs NHA (site code 002364).
- c. 3.6km south-west of Connemara Bog Special Protection Area (SPA) (site code 004181).
- c.5.1km west of Furbough Wood PNHA (site code 001267).
- c.11.7km west of Galway Bay Complex SAC (site code 000268).

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of the first party appeal by Fiontar na Gréine Teoranta can be summarised as follows:

- The setback of the north-east element of the Civic Centre reduces the physical scale of the building and facilitates open views towards the sea and the community garden.
- The revised design including reduced massing, setback and stepped building height and increase variation in the building design enhances the setting of the former school house while enhancing the public realm and setting.
- The fenestration amendments reduce the quantum of windows within the north and west facades to add further variety to the building.
- The design changes to the Civic Centre are in line with the modern structures present within the ACA. A Village Character Study has been submitted in support.
- A Building Height Study of the village is submitted which highlights the two to three storey height range within the village.
- There will be no overshadowing of protected structures as demonstrated by the submitted shadow diagrams.
- Updated photomontages including the design changes are included with the appeal.
- The applicant has engaged in local consultation with significant support noted and the creative campus will deliver a number of goals of the 5 year community strategy for Spiddal.
- The modern style of the civic building including white and coloured rendering and corten steel components will distinguish it from the convent.

- The design revisions on the eastern façade of the Civic Centre include a new dedicated zone for community artists and murals which will further activate the laneway, create a visual link to the new community garden and will reduce the visual impact of the blank façade.
- The revisions address the conservation concerns in relation to the laneway and library building and the design changes will enhance amenity.
- The use of community art and murals is a well-established part of the character of Spiddal.
- The area between the laneway has been redesigned to provide more passive surveillance and create a welcoming entrance.
- The north-south aspect of the pathway is such that it will not be overshadowed by the civic building.
- The public realm upgrades represent significant planning gain which will enhance village amenity.
- Enhanced landscaping measures have been introduced including increased native and pollinator friendly planting and trees and the new garden will be open to the public.
- Damage occurred to the convent and some trees from the storm in January and the appellant is keen to avoid the building becoming dilapidated.
- There will be no negative effect on the adjacent structures and all policies of the Development Plan are complied with.
- The design of the Civic Building is such as to allow the convent, church and former schoolhouse to remain the key historic features of the streetscape.
- The need for the development is supported by Screen Ireland's assessment of skills for the audiovisual sector.
- A greater quantum of front boundary wall will be retained, the vehicular gate piers relocated and the pedestrian access will be relocated and realigned and will lead into the main building entrance of the former convent.

- The impact on Spiddal village centre is positive as the Civic building will enhance the civic amenity and public realm.
- The Galway Bay Scenic Route will be enhanced with the new sea view of Galway Bay and the Burren from the village centre and by the Civic building enhancing the urban structure of the route.
- The building will provide a high level of functionality and will accommodate a diverse range of potential community uses within an efficient footprint.
- High quality, locally sensitive and robust materials will be used as part of the simple form and palette of the Civic building.
- The submitted Urban Form Assessment shows the consistency with the prevailing heights, building lines and urban grain of the village area.
- Nature-based SUD measures, bat boxes, swift boxes, beehives, solar panels and energy efficient heating systems have been integrated into the design.
- New wayfinding signage in corten steel is proposed for the community garden, the art zone and the coastal walkway.
- Wall mounted lighting is incorporated into the eastern façade of the Civic Centre to illuminate the adjacent pathway at night.
- The re-use of the existing boundary wall in front of Naomh Éinde is proposed on the lower section of the eastern wall that faces the laneway.
- The reduction of on-street car parking will provide an enhanced public realm and safety enhancements along the public road.
- Footpaths provide an enhanced width of 2m or greater except in limited circumstances. Pedestrian desire lines have been catered for and compliance with DMURS is achieved as well as universal access catered for.
- The car park will have a restricted speed limit of 10kph and will act similar to a homezone and dedicate line marking is introduced to enhance safety.
- While auto-tracking was demonstrated at application stage, revisions to provide a turning area as sought have been provided in compliance with DMURS.

- An assessment of the parking shortfall is included with the appeal with scope noted for the two main uses to share parking and a mobility management plan provided as well as cycle spaces.
- A full stage 1/2 Road Safety Audit considered pedestrian movements and its recommendations are incorporated into the design.
- In relation to archaeological impact, a preliminary Cultural Heritage Impact / Archaeological Impact Assessment (AHIA) has been submitted with the appeal and it includes appropriate mitigation measures.
- In relation to bats, a Bat Derogation has been applied for on 28/01/2025 and a bat survey team have been contracted to provide further surveys. (Note: there is no information on file to suggest that this licence has been granted).
- Responses to the concerns of 6 constructive submissions.

## 6.2. Planning Authority Response

The Planning Authority response can be summarised as follows:

- Acknowledges benefits from the proposal and reiterates grounds for four no. refusal reasons.
- The random coursed granite stone walls of the convent contribute to the scale and character of this ACA.
- The design response fails to respond to the ACA.
- A quality design solution that integrates with the ACA and protected structures is required.
- More comprehensive bat surveys are required on site.
- The new building will not sit well in the streetscape.
- Issues in relation to the compatibility of the media use with the zoning.
- No Archaeological Impact Assessment was submitted with the application.
- The Bat Survey recommended a further survey in summer 2025 to refine the mitigation strategy and a further survey of the two areas where there is roosting potential in trees is required.

- Reference to the DAU comments on the bat survey and need for a bat derogation prior to assessment of the application.

### 6.3. **Observations**

An Taisce has submitted an observation which can be summarised as follows:

- Supports the refusal decision for the 4 reasons given by the P.A..
- The proposal is over-scaled and unsustainable.
- The design changes give rise to no changes in impacts that justify the scale, height and massing or layout proposed.

## 7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development.
- Visual Amenity and Architectural Heritage.
- Transportation.
- Ecology.
- Archaeology.
- Other Issues.

### 7.2. **Principle of Development**

7.2.1. I note the site zoning is for ‘Community Facilities’ which is “*To provide for civic, community and educational facilities*” per Volume 2 of the CDP. The description of this zoning is “*To facilitate the development of necessary community, health, religious educational social and civic infrastructure*”.

7.2.2. Under the zoning the relevant permitted in principle uses include cultural/community facility/recreational building, education training and library while car park and café

use are open for consideration. Under the zoning, “*media recording and general media associated uses*” are noted to be not normally permitted. I consider that the zoning provides for educational facilities which would include the media elements as these elements relate to education for such purposes. I consider the uses applied for, including creative education, training, civic centre, student accommodation, institutional residential facility, artist spaces, ancillary café, library, film and music digital archive, research centre, to be uses that are permitted in principle and open for consideration under the zoning and to be acceptable in principle.

### **7.3. Visual Amenity and Architectural Heritage**

#### Convent Building

7.3.1. The proposed renovation, upgrade and extension (620sqm) of the Naomh Éinde Convent building, a protected structure, would provide for additional floor space to the rear side of the 1923 building element and to the rear of the 1990 building element and this would be phase 1 of the development. There would be significant demolition to the newer building element including the roof, with the front façade largely maintained. There would also be large scale internal demolition which would include some internal demolition in the older building. The new sub-divisions would provide 27 no. new bedroom spaces with ensuites and at ground floor level and there would be provision for a canteen type space to the rear of the building. The accommodation is stated to be student accommodation and institutional accommodation.

7.3.2. I note the Architectural Heritage Impact Assessment (AHIA) report submitted with the appeal which notes positive impacts, neutral impacts and some minor negative impacts to the building from the proposed works. It notes the retention of the majority of the historic fabric of the building such as the stained glass oratory windows and the application of best practice conservation principles including repair rather than replacement and preservation by record and I consider this approach to be reasonable noting the Conservation Report of the Council and having regard to the existing condition of the building.

7.3.3. There would be minimal changes to the external east facing front façade of the older building. I consider that the changes to the front façade of the new extension,

including two alternating three storey flat roof elements, would integrate with the character of the structure.

- 7.3.4. The newer three storey flat roof extension element to the rear would read as a modern design element given the large windows and flat roof form. I consider that it would be of appropriate scale and form, subservient to the protected structure, and away from the historic facades such that I am satisfied that it would integrate with the protected structure. The design changes to the front (north) would be of modest scale and of appropriate form with smaller windows and vertical emphasis such that they would integrate with the older structures and with the character of the ACA. I consider the removal of the 1990s extension to be overall positive in terms of its impact on the older structure and on the character of the ACA area.
- 7.3.5. The report of the Council's Conservation Officer noted the renovation of the convent to be a positive development with the proposed works to be carried out in accordance with best practice and by conservation specialists. I concur with this opinion given that no internal elements of significance to the character of the building would be lost, this approach would provide for the sustainable re-use of the building in the long-term, the works would be in keeping with the character of the protected structure and the ACA and this is justified in the submitted AHIA report. I also note that there would be a significant setback from the southern harbour walk area (16.822m at the closest point) such that I am satisfied that there would be no significant negative visual impact on the harbour area setting.
- 7.3.6. In terms of the landscape changes in the vicinity of the protected structure on the site, there would be significant changes to the front (east) of the historic 1920s element with a new road and surface parking area to be provided and the area to the front (north) of the 1990 element would have a formal soft landscaped layout. There would also be a road and car park area to the rear (south) of the refurbished and extended historic building. I note these changes to be significant changes to the setting of the protected structure in its immediate vicinity and I consider, including for the reasons noted below, that these changes would integrate with the structures creating a new setting in keeping with the character of the site, the area and the ACA and are acceptable.

7.3.7. To the front/north, when viewed from the adjacent street, I note that open views to and from the protected structure would be preserved to a sufficient degree noting the soft and hard open areas to the front/side (north/east) in the vicinity of the building. I note that the adjacent church in close proximity to the front side of the site encloses this space to an extent and the open landscaped area to the front of the site would provide an open setting, setback from the rear of the church which would protect its setting and character. To the rear and east side of the protected structure, I note that there would be a sufficient width of open hard landscaped area in order, albeit including parking areas, that an appropriate balance between maintaining open views to and from the protected structure would be maintained while providing for the compact and sustainable development of the site.

7.3.8. I note the submitted landscaping plan for the site which shows the removal of a significant number of trees, particularly along the east and south-east boundaries of the site. These would be mainly Sycamore trees of height 6m to 8m. This would also involve the removal of some Ash and Lime trees within the site as well as more ornamental trees to the front such as Cherry. A larger mature Sycamore tree to the front of the site would be preserved and this, as demonstrated by the verified views, would soften the impact of the development in the streetscape. I note the absence of a submitted Arboricultural Assessment Report in relation to the quality of the trees and an absence of a significant compensatory tree planting proposal.

7.3.9. Notwithstanding this, while there would be significant loss of trees on the site and areas of soft landscaping, I note the urban village centre location of the site, the zoning and the need to provide for its sustainable compact development, such that I consider the loss of soft landscaping, shrubs and trees to be justified on balance. Should permission be granted, I recommend that a condition be added requiring the submitted landscaping plan measures to be implemented to the satisfaction of the P.A..

7.3.10. I consider the previous concerns of the Conservation section in relation to loss of existing granite walls to have been addressed by the design revisions included in the appeal which provide for the retention of a greater length of the wall to the front of the existing building and in proximity to the church. This design treatment would aid in integrating the new development within the site and streetscape setting. Having regard to the above, I consider this aspect of the development would not conflict with

but would accord with Policy Objective AH 1 (Architectural Heritage), Policy AH 2 (Protected Structures), Policy AH 4 (Architectural Conservation Area) and DM Standard 58 (Protected or Proposed Protected Structures) and DM Standard 60 (Architectural Conservation Areas) of the Galway County Development Plan.

### New Building

- 7.3.11. The proposed new civic building of three storeys would be to the east of the site and would be forward of the existing convent building and would be broadly in line with the adjacent library building to the east. This would be phase 2 of the development and I note no significant planning impacts in relation to dividing the development into two phases.
- 7.3.12. The new three storey building would have a flat roof and the window arrangement above ground floor level would include strong vertical emphasis along the front and part of the west side façade. While the three storey height would generally be greater than the building height in the immediate vicinity, it would be of a similar scale to the height of the extension of the convent building, the church tower and the corner element of the apartments at the crossroads opposite the church. I have had regard to the submitted Verified Views addendum report, Building Height Study, Urban Form Assessment and Village Character Study in this regard. The streetscape height would step up on the approach to the village centre from the east but the visual impact, as demonstrated in the submitted Planning Report, would be limited to the area in the immediate vicinity of the site.
- 7.3.13. I note the design revisions at appeal stage which provide for a greater setback of the first and second floor levels from the north-east corner in the vicinity of the adjacent library building such that the building would gradually step up in height by reference to the library building. Having reviewed the submitted drawings and photomontages submitted at appeal stage, and noting the submitted AHIA, I consider that when viewed from the public road to the north, the new revised building design would not be excessively scaled for the streetscape.
- 7.3.14. The setback from the library building, a protected structure, combined with the height and quality public realm works, would in my view integrate with the character of the library building. The setback of the building from the convent and church together with the open space to its west side, would provide sufficient separation from the

convent and the church such that I am satisfied the scale of the new civic building would integrate with the site and the setting when viewed from the street. There would also be a sufficient setback from the rear harbour pathway.

7.3.15. I consider that there would be no significant negative visual impact on the character of these protected structures in the vicinity or on the ACA given the similar height of some existing buildings with the ACA and that the building would read as a modern addition with high quality external materials (provided that the upper west, north and south level are required to be finished in a high quality light colour stone finish) sufficiently broken up by the design of the façade, particularly in relation to the irregular vertical emphasis windows which would also add visual interest. I note that the public realm scheme would assist in integrating the new building and campus with the streetscape setting.

7.3.16. In relation to the proposed revisions to the eastern façade of the new civic building, to include high level lighting, corten steel way finding signage, art installations and stone clad plinth and wall elements, I note that these revisions would enliven the adjacent walkway which leads from the main street to the harbour walk and sea. There would also be some passive surveillance from the north-east end of the eastern façade. I consider that this would be an appropriate design treatment facing the pedestrian walkway and this would appropriately enclose and address the space while adding some visual interest at this location.

7.3.17. In terms of visual impact and related conservation issues and Refusal Reason no. 1, on the basis of the above assessment, I consider that the design of the proposed development accords with Policy Objective AH 1 Architectural Heritage which is general in nature and non-specific and I note the high quality design solution proposed which I consider would integrate with the site, the protected structures and ACA in the vicinity. I consider it accords with Policy Objective AH2 Protected Structures as there would be no undue negative impact on the character of the protected structure on the site and on the character of the protected structures in the vicinity.

7.3.18. I consider the proposal accords with Policy Objective AH 4 Architectural Conservation Area as it would integrate with the character of the street and the architecture of the village. I consider it would accord with DM Standard 58

(Protected or Proposed Protected Structures) as the works would not unduly affect the character of the structure, or any element of it, which contributes to its special architectural heritage interest.

7.3.19. In relation to DM Standard 60 (Architectural Conservation Areas) of the CDP, based on the above I consider that the proposal would conserve and enhance the character and appearance of the ACA while sufficiently respecting the local scale and other design characters of the existing structures and it would retain important exterior architectural features which contribute to the character and appearance of the ACA. On this basis I consider the proposed development would not materially contravene these policies and objectives of the CDP.

#### Coastal Route

7.3.20. In relation to the Galway Bay Scenic Route which, per the CDP, is characterised by smaller settlements with denser urban cores some of which are urbanised, I agree with the appeal submission that the value of this route is found in its views of the coast and Galway Bay with the role of settlements secondary to this and contributing to the character of the route. From my site visit, I noted no views of significance across the site towards the sea. Based on my above assessment, and in relation to Refusal Reason no. 2, I consider the proposed development to be in keeping with the prevailing character, heritage, environment and landscape of the area with no significant impacts noted on the character of the coastal route. In this regard and noting the submitted Architectural Design Statement, I do not consider the proposal to be contrary to DM Standard 1 (Qualitative Assessment-Design Quality, Guidelines and Statements), Policy Objective PVSR 1, Policy Objective PM 8 Character and Identity, Policy Objective PM10 Design Quality, and Policy Objective SSGV 12 High Quality, Contextually Sensitive Design of the CDP.

7.3.21. I also note the protected view (no. 26) referred to in the CDP is a view from the harbour area out towards the coast and it does not encompass the subject site or lands in the vicinity, so it would not be impacted by the proposed development.

7.3.22. In relation to the material contraventions cited in refusal reason no. 2, I note DM Standard 1 and the criteria for assessing development in towns and villages, I consider that the proposed development accords with this policy standard. In this regard, noting the submitted Architectural Design Statement, I consider that the

layout, form and design of the development would be of a high quality incorporating a master plan for the site which would integrate with the wider area and the sensitive receiving environment while providing a positive addition to the urban form of the village including by providing for passive surveillance of the street, partly enclosing and addressing the street, enhanced urban realm, landscaping features, accessibility in and around the site and by attracting visitors to the site it would vitality to the village. For these reasons and those above, I consider that the proposal would accord with Policy Objective PM 8 Character and Identity whereby a high quality of design would be achieved in a manner that respects and enhances the character and unique status of the village.

- 7.3.23. As noted above, in relation to Policy Objective PM10 Design Quality and the design of the new building and the extension, I note that the architectural quality would be respectful of the setting and the environment and be of a high quality for the street and village setting and this is an aspirational policy objective where the possibility of material contravention does not arise. In relation to Policy Objective PVSR 1 as it relates to the preservation of protected views and scenic routes, for the reasons outlined above, I consider that the proposal would not negatively impact on the coastal scenic route at this location.
- 7.3.24. In relation to Policy Objective SSGV 12 (High Quality, Contextually Sensitive Design), the site is not specifically identified as an opportunity site in Volume 2 of the CDP. As such, I note that there would be no material contravention of this policy of the CDP or of the policies objectives I refer to above in sections 7.3.22 and 7.3.24.

#### **7.4. Transportation**

- 7.4.1. The proposal provides for the relocation of the vehicular entrance to the site and the gate pillars would be relocated. The vehicular entrance and associated road into the site would be in a central position along the site frontage and would be between the buildings on the site. I note the design revisions at appeal stage provide for a turning area in the south-west corner of the site and for a bus set down area to the rear of the new building. Updated swept path analysis has been submitted for a bus, refuse vehicle, van and fire tender which demonstrate that safe vehicular access to/from and within the site, located within the village, is feasible.

7.4.2. The P.A. expressed concerns in relation to internal turning movements for larger vehicles, justification in relation to car parking shortfall, auto-tracking analysis in relation to the junction with the public road and the absence of satisfactory on site deflection methods to ensure sufficient and segregated pedestrian links and internal pedestrian crossings between buildings and the car parking arrangement.

7.4.3. The internal layout provided at F.I. stage also provides for footpaths adjacent to the buildings and outside of these areas. Footways are marked within the car parking area. I also note the submitted Traffic and Transport Assessment Report concluded that the proposal would not have a negative impact upon traffic within Spiddal Village or on the R336 based on a junction and capacity analysis. An Addendum to the Stage 1/2 Road Safety Audit is submitted with the appeal and its recommendations have been incorporated into the revised design.

7.4.4. Noting the dimensions of the site layout, which accord with DMURS standards for a self-regulating street environment, for example the 5.5m width carriageway, raised pedestrian crossing, tactile paving at pedestrian crossing and short stretches of straight carriageways, I am satisfied that a safe pedestrian, cycle and vehicular environment would be provided on the site. This is notwithstanding the absence of footpaths and cycle lanes noting the small size of the destination site. In terms of access to and from the site, there would be adequate sightlines in accordance with DMURS which would be enhanced by the removal of on-street parking to the front of the site and creation of enhanced pedestrian footpath and slightly widened public road in its place.

7.4.5. In relation to the proposed public realm improvements adjacent to the main street, I note that these would enhance the footpath by widening it and by linking directly to the site and the adjacent walkway to the harbour. The existing gate piers would be re-used for the new pedestrian entrance which would align with the main entrance to the historic 1920s building on the site which is welcomed and which aids in preserving a reasonable portion of the existing front boundary wall. The public realm upgrades would integrate with the proposed public realm within the site including with the landscaped area to the north-west area of the site in front of the convent building. I consider that this would be a significant enhancement of the site and its surrounds in urban design terms for the village centre.

7.4.6. In relation to car parking standards, DM Standard 31 of the CDP is relevant. This section of the CDP allows for dual use parking where peak times of users do not coincide. Per Table 15.5 (Car Parking Standards) the relevant standards (maximums) are as follows:

- Theatre/Cinema/Church/Stadium: 1 car space per 3 seats.
- Café: 1 space per 10m<sup>2</sup> dining area+.

7.4.7. The policy allows “*a flexible approach to these 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*”.

7.4.8. The proposal is for 54 on site parking spaces. The submitted documentation notes that in keeping with other student accommodation developments, no dedicated parking is proposed for this element and this is consistent with Table 15.5 of the CDP. The proposal includes a 202 seat auditorium which would give rise to a maximum requirement for 67 spaces. The classroom (3 classrooms) areas would total 98.35sqm with no noted standard for this type of classroom noted in the CDP. The teen library area would be 144.46sqm and the children and adult library area would be 139.97sqm this gives a total library area of 284.43sqm with no parking standard required for same.

7.4.9. Accordingly, the maximum car parking standard for the proposed development is 67 spaces and 54 spaces would be provided on site and there would be some loss of on-street parking spaces. I note the appeal submission puts forward the case that the standard is a maximum and not a minimum, that the purported shortfall of spaces would be compensated for by Go Car Spaces, Bus Set down space per the submitted Travel Plan, the hourly Bus Éireann route 424 which connects Spiddal with Galway city, the cycle spaces on the site and by noting that peak times for the various uses on the site are unlikely to coincide. I note the CDP allows for flexibility in this regard and provides that the standards are maximums.

7.4.10. In this context, I consider the case put forward by the appellant to be persuasive in relation to the alternative access arrangements other than the Go Car provision which has not been substantiated. In relation to the loss of some on-street car parking spaces, I note that there is ample such provision to the east with no issues in

relation to its availability on the day of my site visit and with other alternative village parking available including at the promenade. By having somewhat reduced the parking provision on the site below the maximum, it could also aid in encouraging trips by alternative means of transport to the car to this central location.

- 7.4.11. There would be 4 no. accessible parking/EV spaces provided which meets the CDP standard in relation to accessible spaces but not EV spaces. Should permission be granted, this matter can be dealt with by condition.
- 7.4.12. In relation to cycle parking, 55 no. spaces are proposed which would be located to the front of the site adjacent to the convent building which would be an accessible location in close proximity to the two buildings proposed for the site. Per the CDP, the relevant standard is 1 bicycle space per car parking space for other/theatre type development which is applicable in this instance. Per the car parking standard of 67, this gives a requirement for 67 cycle spaces. Should permission be granted, I recommend that a condition be added to ensure this level of provision is provided as 14 more spaces are required in addition to the current 53 proposed.
- 7.4.13. On the basis of the above assessment in relation to access, road safety and parking, I consider that the appellant has addressed the grounds outlined in refusal reasons 3 and 4 of the P.A. decision. On this basis, I am satisfied that the proposed development would be in accordance with DM Standard 22 (Walking and Cycling) and DM Standard 31 (Parking Standards) of the CDP.

## 7.5. **Ecology**

- 7.5.1. In relation to ecology, I note the Planner's Report did not recommend refusal of permission on this issue but noted the submission of the Bat Survey which recommended a further survey in Summer 2025 including of two areas where there is potential for bat roosting. It noted a lack of compliance with Policy Objective NHB 9 in this regard. It noted the comments of the Development Applications Unit which recommended that a bat derogation licence be required prior to the making of a decision and that if this is available, all mitigation measures recommended be required to be carried out by condition. The Planner's Report also note a 2023 CJEU judgement which effectively requires evidence of a bat derogation as part of an application.

## Bats – New Issue

7.5.2. I note the submitted Bat Survey report where a survey was conducted on 15<sup>th</sup> September 2024. This included inspection of the buildings on the site and the use of static bat detectors to record overnight. An assessment of the trees proposed for removal was also undertaken. In relation to the buildings, while no live bats were seen during the inspection, a roost location was determined. Bats were observed on the site at early evening time. The static bat detectors recorded Myotis species, Leisler's, Common Pipistrelle and Soprano Pipistrelle.

7.5.3. Two tree locations were identified as having some bat roost potential. These were in relation to a single Ash tree to the north of the building and the collection of Sycamore trees inside the vehicular entrance gate on the north-eastern boundary. On the basis of the survey, the report recommended a derogation be applied for in relation to the proposed works to the roof and attic of both buildings and recommended further surveys in relation to potential roosting in trees. A mitigation strategy in accordance with best practice was recommended.

7.5.4. I note the submitted AA Screening Report prepared by a qualified ecologist which notes the site to be predominantly composed of low ecological value buildings, artificial surfaces and amenity grassland. The report found a high proportion of non-native species on site such that the habitats were evaluated as being of low biodiversity value. The submitted (at appeal stage) 'Application for Derogation Under the European Communities (Birds and Natural Habitats) Regulations 2011 – 2021' form relates to the demolition elements of the 1990 building on the site and the Common Pipistrelle/Myotis bat. This form is dated 21/01/2025 with a proposed period of works between 01/05/2025 and 30/10/2025. I note that there is no evidence before me that this application has been granted.

7.5.5. On the basis of a requirement for further survey information, the lack of information in relation to roosting in trees on the site and in particular the absence of a derogation for the proposed works noting that Myotis bats were found to be roosting in the attic of the 1990s building, noting the protected status of bats per has Annex IV of the EU Habitats Directive, European Communities (Birds and Natural Habitats) Regulations 2011 (as amended), I consider that it has not been demonstrated that the bat species on the site would be protected in accordance with European law.

This would be contrary to Policy Objective NHB 9 of the CDP. On this basis, I recommend that permission be refused for this reason. Noting that I consider this to be a new issue, the Board may wish to consider requesting further information on this issue including confirmation that a Bat Derogation for the proposed works has been granted.

## 7.6. Archaeology

7.6.1. I note the 'Cultural Heritage Impact Assessment' report submitted at appeal stage. This outlines the national monuments in the vicinity of the site. I note that the site is located within the zone of influence (R127080) of three national monuments, Cill Éinde Church (SMR no. GA092-022), an abbey (SMR no. GA092-021) and a graveyard (SMR no. GA092-021001). The report recommends that standard mitigation measures be incorporated including test excavations, an archaeologist should advise the design team, a construction phase programme of archaeological monitoring of topsoil stripping/excavation works and archaeological monitoring, among other measures to be carried out.

7.6.2. I note the report from the Development Applications Unit. It noted that further information is required in relation to an Archaeological Impact Assessment and requirement for surveys. Should permission be granted, I recommend that a standard condition be included to cater for these recommendations and to ensure that any archaeological and cultural heritage of significance are not impacted which in any event is required by law.

## 7.7. Flood Risk

7.7.1. I note the submitted Flood Risk Assessment (FRA) report dated October 2024 and I note no significant changes in the interim such that it can be relied upon. All new building construction will be located within Flood Zone C while the car park, bus set down area and part of the storm drainage system to the south will be located within Flood Zone A and B. The Planner's Report noted the absence of a justification test for local infrastructure indicated to be less vulnerable to flooding and noted that this matter had not been adequately addressed. I concur that a justification test is required to be demonstrated given the location within Flood Zones A and B.

7.7.2. The FRA includes a list of the potential sources of flooding including coastal/tidal flooding and fluvial flooding with the design standards required for each type noted,

i.e. to deal with 100 year Fluvial flooding and 200-year tidal flooding probability. Climate change allowances in relation to fluvial and coastal flooding have been factored in. The report notes that the primary flooding risk for the site relates to coast flooding.

- 7.7.3. The report notes that the carparking area, bus set down and part of the storm drainage system located in Flood Zone A and B to be water compatible development per the Flood Risk Guidelines. The FRA adopts a precautionary approach and notes that the 200 year and 1000 year estimated coastal flood levels at the subject site would be 3.943m OD and 4.205m OD. In relation to wave climate impacts, the report notes that the existing masonry wall to the south with top height ranging from 5.4m OD to 5.6m OD would not be affected by the proposed development.
- 7.7.4. The FRA notes the following in relation to design levels for the buildings,  
*“Allowing for sea level rise at the mid range scenario provides for 500mm of freeboard which gives a future design flood level of 4.907m OD and at the high emission case, an additional 500mm of freeboard would be applied to provide for a design flood level of 5.407m OD . The Developer and the Design team have taken on board the recommendations of this report and the proposed minimum finish floor level for the new Civic building has been set at 5.7m OD, which is 1.3m above the minimum design tide flood level. The existing convent building has a finished floor level of 6.52m OD which is sufficiently elevated to minimise flood risk, as it provides for an additional free board of 2.113m above the minimum design flood level. The proposed extension to the former convent building, which is required to convert the building into Student Accommodation, will also have a finished floor level of 6.5m OD”.*
- 7.7.5. In relation to tidal and wave effects, the FRA includes the following,  
*“The building line of the proposed development is therefore well set back from any potential tidal or wave effects and the proposed carparking adjacent to this southern boundary wall is at a levels of 4.6 to 5m OD which are above the predicted 200year tidal flood level. The location of carparking in this area is considered to be acceptable under the Flood Risk Management Guidelines and the Justification Test. The southern masonry boundary wall at c. 5.4 to 5.6m OD is sufficiently elevated to*

*prevent any significant wave overtopping spill waters entering the site from a combined 200 year wave and tidal event”.*

- 7.7.6. I note provision is included for storm water drainage including the provision of a petrol interceptor inlet to the existing storm outfall pipeline. Section 5.5 of the FRA provides a Justification Test. The justification test process is outlined in Box 5.1 of the guidelines. The FRA notes the location of the buildings within Flood Zone C and notes the Community Use zoning and notes that the proposed uses are consistent with this. I concur with this noting its consistency with flood risk guidelines.
- 7.7.7. The report notes the finished floor levels of 6.5m OD and 5.7M OD for the buildings are considered to be sufficiently elevated with additional freeboard provided for above the design flood level which allows for climate change sea level rises. This, it considers to result in both buildings having a very low risk of flooding and I concur with this conclusion. The report notes the southern section of the site with ground levels of 4.5m OD to 5m OD would be above the 200 year tidal flood level and would be protected by the southern sea wall from wave overtopping. The report notes the uses in the is area, including surface car parking, are classed as generally water compatible development and these uses are provided for provided there is no residual impact. The FRA notes no increase in tidal flood levels or combined effects on the site or elsewhere in Spiddal and “*will not result in any increase in flood risk elsewhere*”.
- 7.7.8. The proposal includes provision for a chamber cover set above the design flood level with a non-return valve to protect the storm pipe from tidal storm surges and wave impacts. Noting the requirements of Box 5.1 (Justification Test) of the guidelines, while not in the exact format and layout of the guidelines, I consider that Section 5.5 of the FRA is consistent with the justification test with each of its requirements met in relation to the buildings. I also note that the southern car park area of the site would effectively constitute water compatible development. I am therefore satisfied that the proposed development would be appropriately designed from a flood risk perspective, would not increase flood risk on the site or in Spiddal and is consistent with DM Standard 68 (Flooding) of the CDP.

## 7.8. Other Issues

- 7.8.1. In relation to the 27 no. student double rooms with ensuites which would range in floor area from 16.00sqm to 32.29sqm, I note there is no Development Plan standard in relation to minimum floor areas for such accommodation and I note that these floor areas would exceed the standards set out in the Student Accommodation Scheme (Tax and Duty Manual, Revenue 2023).
- 7.8.2. I note that water and wastewater provision would be via the public network. There is an Uisce Éireann letter included with the appeal documentation that states that connection to the water and wastewater network is feasible without infrastructure upgrades. In this context, should permission be granted I recommend a standard condition to ensure SUDS drainage measures are incorporated and to require connection to the public water and wastewater network.
- 7.8.3. I note the submission of a Construction and Environmental Management Plan. This provides for construction management and environmental management as well as emergency response and mitigation measures during the demolition and construction phases of the development. Should permission be granted, I recommend a standard condition to deal with construction and related issues which provides for a requirement for agreement to be reached with the P.A. in relation to detailed measures and requirements to protect the local environment and amenities in the vicinity.

## 8.0 EIA Screening

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

## 9.0 AA Screening

- 9.1. I note the submission of a 'Screening for Appropriate Assessment for proposed development' report dated October 2024 and which was prepared by a qualified Ecologist. It notes no waterbodies and waterways in the vicinity of the site and that the site is 210m to the west of the River Owenboliska and that the site is downstream of European sites to the north with no direct pathways possible to same.
- 9.2. Please see Appendix 3 for detailed AA Screening. I have considered the proposed development in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. The subject site is located c.1.8km south of Connemara Bog Complex SAC (site code 002034) and c. 3.6km south-west of Connemara Bog SPA (site code 004181). The proposed development comprises the demolition of part of an existing convent building, a new three storey extension to same and a new three storey civic building and education campus and car parking area with no emissions.
- 9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:
  - The absence of any external impacts.
  - The distance to European sites.
  - Taking into account the screening determination by the P.A..
- 9.4. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## 10.0 Recommendation

- 10.1. I recommend that permission be refused for the reason below. Please note that this would constitute a new issue.

## 11.0 Reasons and Considerations

1. Having regard to Annex IV of the EU Habitats Directive, European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) and Policy Objective NHB 9 of the Galway County Development Plan 2022-2028, the applicant has failed to submit adequate information in relation to bats within the existing building and on site to demonstrate that the proposed development would not lead to disturbance or destruction of roosting sites for bats, which are subject to strict protection under the Directive.

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

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Ciarán Daly

Planning Inspector

14<sup>th</sup> May 2025

## Appendix 1 – Form 1

### EIA Pre-Screening

<b>An Bord Pleanála</b>		ABP-321819-25	
<b>Case Reference</b>			
<b>Proposed Development Summary</b>		Renovation, upgrade and extension the existing convent and construction of a three storey civic centre and education and training campus including a library and auditorium and multi-purpose exhibition space.	
<b>Development Address</b>		An Spidéal Thiar, An Spidéal, Co. na Gaillimhe, H91 RCY6.	
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	X	Part 2, Class 10(b)(ii) and (iv)	Proceed to Q3.
<b>No</b>			Tick if relevant. No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	X	Class 10(b)(iv) Urban development which would involve an area greater than 2 hectares in the case	Proceed to Q4

		of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.	
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
Yes	X	The site area is 0.39 ha which is significantly less than the 10ha threshold.	Preliminary examination required (Form 2)

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

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

## Appendix 2 – Form 2

### EIA Preliminary Examination

<b>Case Reference</b>	ABP-321819-25
<b>Proposed Development Summary</b>	Renovation, upgrade and extension the existing convent and construction of a three storey civic centre and education and training campus including a library and auditorium and multi-purpose exhibition space.
<b>Development Address</b>	An Spidéal Thiar, An Spidéal, Co. na Gaillimhe, H91 RCY6.
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<b>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</b>  The area of demolition is 70.1sqm including the roof of the newer building. Extension (620sqm) of the convent and construction of a three storey civic centre (1,368sqm) and education and training campus with car park for 54 cars and one bus space. It will not require the use of substantial natural resources, and would not rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, and is not vulnerable to climate change. It presents no risks to human health.
<b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<b>Briefly comment on the location of the development, having regard to the criteria listed</b>  The proposed development is located within a village setting and on a serviced site with a sizeable garden/landscaped area which includes trees ranging from 6m to 9m in height. The site is within the curtilage of a convent which is a protected structure and is adjacent to protected structures on both sides, a church and old school house. It is within the zone of influence of 3 national monuments. It is located at a significant remove from designated sites and is adjacent to the sea. The Bat Survey report noted the presence of bats in the attic of the 1990s building and noted the potential for bat roosts in some of the trees on site.
<b>Types and characteristics of potential impacts</b>	<b>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</b>

<p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>While there would be a number of trees lost, I do not consider this significant in the urban context and I note works are proposed in line with best practice. I note that Section 7 of the above report notes that the design respects the urban character and setting of the site and the ACA. There is potential for some harm to bats given that further information is required in relation to potential tree roosts and a derogation for the works although the scale of development is not at a threshold where the requirement for an EIA would be triggered.</p> <p>The development is removed from sensitive designated sites and landscapes of identified significance in the County Development Plan. The development would provide for the sustainable re-use of the convent building and would secure its preservation and future use. Having regard to the nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in-combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
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### Conclusion

Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector:

Date:

DP/ADP:

Date:

(only where Schedule 7A information or EIAR required)

## Appendix 3 – Form 3

Screening for Appropriate Assessment Test for likely significant effects				
<b>Step 1: Description of the project and local site characteristics</b>				
<b>Brief description of project</b>	Renovation, upgrade and extension the existing convent and construction of a three storey civic centre and education and training campus including a library and auditorium and multi-purpose exhibition space.			
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The area of demolition is 70.1sqm including the roof of the newer building. Extension (620sqm) of the convent and construction of a three storey civic centre (1,368sqm) and education and training campus with car park for 54 cars and one bus space. The design incorporates SUDS measures.</p> <p>The site of 0.39ha. is within the curtilage of a convent which is a protected structure and is adjacent to protected structures on both sides, a church and old school house. It is within the zone of influence of 3 national monuments. It is located at a significant remove and downstream from European sites with a hydrological link c.210m to the west of the site and the site is adjacent to a harbour which links to Galway Bay.</p>			
<b>Screening report</b>	Yes			
<b>Natura Impact Statement</b>	No			
<b>Relevant submissions</b>	None.			
<b>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</b>				
European Site (code)	Qualifying interests <sup>1</sup> Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections <sup>2</sup>	Consider further in screening <sup>3</sup> Y/N
Connemara Bog Complex SAC (site code <u>002034</u> )	Coastal lagoons [1150] Reefs [1170] Oligotrophic waters containing very few minerals of sandy	c.1.8km	No direct pathways – no direct link and located downhill of the sites with closest river 210m to the west.	Y

<p>plains (Littorelletalia uniflorae) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]</p> <p>Natural dystrophic lakes and ponds [3160]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Transition mires and quaking bogs [7140]</p> <p>Depressions on peat substrates of the Rhynchosporion [7150]</p> <p>Alkaline fens [7230]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p><i>Euphydryas aurinia</i> (Marsh Fritillary) [1065]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Najas flexilis</i> (Slender Naiad) [1833]</p>		<p>Potential pathways via pollution and abstraction.</p>	
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Connemara Bog Complex <u>site code</u> <a href="#">004181</a> .	A017 Cormorant Phalacrocorax carbo A098 Merlin Falco columbarius A140 Golden Plover Pluvialis apricaria A182 Common Gull Larus canus	c.3.6km	No direct pathways – no direct link and located downhill of the sites with closest river 210m to the west. Potential pathways via pollution and abstraction.	Y
Galway Bay Complex <u>site code</u> <a href="#">000268</a> .	Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] 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 maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Turloughs [3180] Juniperus communis formations on heaths or calcareous grasslands [5130] Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]	c.11.7km	No direct pathways, too distant and remote such that no further consideration is required.	N

	Alkaline fens [7230] Limestone pavements [8240] Lutra lutra (Otter) [1355] Phoca vitulina (Harbour Seal) [1365]			

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

**AA Screening matrix**

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<b>Site 1: Name (code)</b> Connemara Bog Complex SAC ( <a href="#">site code 002034</a> ) and Connemara Bog Complex SPA ( <a href="#">site code 004181</a> ).	<p>Direct: None.</p> <p>Indirect:</p> <p>(a) In relation to abstraction, the AA Screening Report submitted notes a potential pathway via water abstraction to Lough Boliska in the Connemara Bog SAC. It is noted that this is not listed as a water body being at risk from abstraction by the EPA. The report notes no evidence to suggest that abstraction is affecting any of the qualifying interests of the SAC or SPA. I concur with this finding.</p> <p>(b) In relation to pollution, a potential pathway is noted in the AA Screening Report from the development site via surface water and wastewater flows to Galway Bay with no Natura 2000 site noted along the pathway. I concur with this finding.</p>	<p>No impacts noted so no effects can arise.</p> <p>Indirect connection is so weak that no significant effect considered likely.</p>

	<b>Likelihood of significant effects from proposed development (alone): N</b>
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No.</b>
	<b>Possibility of significant effects (alone) in view of the conservation objectives of the site*</b>
<b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b>	
<p>I conclude that the proposed development (alone) would not result in likely significant effects on Connemara Bog Complex SAC (site code 002034) and Connemara Bog SPA (site code 004181). The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.</p>	