



An  
Bord  
Pleanála

# Inspector's Addendum Report

## ABP-321819-25

### 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**

C. Daly

## 1.0 Introduction

- 1.1. This report is an addendum to the Inspector's Report in respect of ABP-321819-25 (dated 14<sup>th</sup> May 2025) and should be read in addition to the previous assessment contained therein.
- 1.2. On the 5<sup>th</sup> August 2025, the Commission decided to defer consideration of this case and to issue a notice under Section 132 of the 2000 Act as amended. This was because it considered the applicant had failed to submit adequate information in relation to bats within the existing building and on site to demonstrate the proposal would not lead to disturbance or destruction of roosting sites for bats, which are subject to strict protection under the EU Habitats Directive (Annex IV).
- 1.3. It further noted that any response would be cross-circulated to all parties and following the file would go back to the Inspector for an addendum report. A response was received from MKO on behalf of the applicant within the required timeframe.
- 1.4. On the 16<sup>th</sup> September 2025 the Commission issued letters to Galway County Council and to An Taisce requesting them to make submissions or observations in relation to the enclosed MKO submission. No response was received from these parties within the relevant timeframe.

## 2.0 Response to the Commission's Request

- 2.1. The response to the Section 132 request of the Commission can be summarised as follows:
  - A bat derogation licence was applied for in January 2025 and during summer 2025 additional ongoing bat surveys were commissioned for appropriate site monitoring.
  - In June 2025 188 no. common pipistrelles were observed emerging from the convent as part of a dusk emergence survey and the site was confirmed as a maternity roost and gained legal protection. A revised derogation licence application informed by this was submitted on 27<sup>th</sup> August 2025.

- The additional surveys confirm the findings of the original bat survey of September 2024 and confirmed that the mitigation measures in the original report remain valid and appropriate.
- No impacts on bats are anticipated provided that the proposed works are carried out in accordance with the measures outlined within the report.
- Their understanding is that current processing times for licences are around 8 weeks. Accordingly, a request for an extension of the Commission's deadline is requested given that no derogation licence had issued at the time of the MKO response.
- Section 137 allows for multiple submissions by the Commission and they would strongly welcome a second request for submissions under Section 137 in November so a bat derogation licence should be granted at that stage.
- The MKO submission attaches a copy of its derogation application.
- Should the Commission not be willing or able to make another request under Section 137 it is highlighted that the Applicant has taken robust and thorough measures to ensure compliance with the Habitats Directive.
- A grant of permission does not negate the need for a bat derogation licence and any works can only be undertaken following the grant of a licence.
- A condition can ensure the obligation to secure a derogation licence prior to commencement of development and the Applicant is willing to accept such a condition.

### 3.0 Policy Context

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

*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.*

## 4.0 Assessment

- 4.1. Having examined the application details and all other documentation on file, in particular the response of the Applicant to the Commission's Section 132 notice and Section 131 notice to the parties, 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 for this addendum report to be as follows:
  - Bat Derogation Licence.

### 4.2. Ecology

- 4.2.1. The original Bat Survey recommended a further survey in Summer 2025. The P.A. 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.
- 4.2.2. My previous report noted my assessment of the planning issues related to the Bat Survey report and the option to request further information on this issue including

confirmation that a Bat Derogation for the proposed works has been granted. While the applicant's response to the Commission's request in relation to this issue included a request for more time to obtain a bat derogation licence, I note that such a derogation has been issued by the National Parks and Wildlife Service dated 8<sup>th</sup> October 2025 (See Appendix 1). The derogation states that it was issued in the "interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment" and "*as there is no satisfactory alternative, and the action authorised by this derogation will not be detrimental to the maintenance of the population of bats referred to below at a favourable conservation status in their natural range*".

- 4.2.3. The derogation applies to Common Pipistrelle and Pipistrellus Pipistrellus and authorises roost disturbance and other actions authorised within the derogation. It is subject to 11 no. terms and conditions. This includes, *inter alia*, that the authorised actions be completed between 8<sup>th</sup> October and 31<sup>st</sup> December 2025 and such works be supervised by named bat ecologist(s).
- 4.2.4. I note the Bat Derogation Application included in the MKO response notes the presence of a common pipistrelle maternity roost within the convent building noting an emergence count of 188 individuals which confirmed the use of the roost during breeding season and that the 2024 roost surveys indicated the potential presence of a small number of Myotis species also roosting within the attic. The licence application notes that the proposed works will not involve the destruction of the roost and that the existing roosting location and access points will be retained and maintained throughout the works "*ensuring continued availability of the site to bats*". It notes that disturbance will be avoided or minimised through the implementation of best practice measures. The licence issued concludes by stating that the proposed mitigation measures should be implemented in full.
- 4.2.5. Based on the measures outlined and the granting of the bat derogation licence by NPWS I am satisfied that provided the terms and conditions of the licence are adhered to that the proposal would be consistent with Annex IV of the EU Habitats Directive, European Communities (Birds and Natural Habitats) Regulations 2011 (as amended). I consider therefore that it has been demonstrated that the bat species

on the site would be protected in accordance with European law. This would accord with Policy Objective NHB 9 of the CDP such that a refusal of permission on this basis is not recommended. On this basis and on the basis of my previous report, I recommend that permission can be granted should the Commission agree with the above assessment.

## **5.0 Recommendation**

- 5.1. Referring to my previous report and the above assessment, I recommend that permission be granted subject to the below conditions.

## **6.0 Reasons and Considerations**

- 6.1. Having regard to the zoning objective of the subject site, the provisions of the Galway County Development Plan 2022 – 2028, the design and relationship with the existing protected structure on the site and protected structures in the vicinity as well as the location within An Spidéal Architectural Conservation Area, the national monuments in the vicinity, the need to protect the Irish language in An Gaeltacht, the location within an existing village centre area, the presence of a bat roost and bats on the site and the issuing of a Bat Derogation Licence in relation to same, to the nature and scale of the proposed development and its relationship with adjacent development and the village centre and the facilities proposed and in terms of its impacts on residential amenities, it is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the residential or visual amenities of the area or of property in the vicinity, architectural heritage, ecology including Annex IV species and would be acceptable in terms of traffic safety, flood risk and archaeology, convenience and sustainable transportation. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 7.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the plans and particulars received by the An Coimisiún Pleanála on the 6th day of February 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The measures contained in the bat derogation licence application dated 27<sup>th</sup> August 2025 for the Bat Derogation Licence issued by the National Parks and Wildlife Service dated 8<sup>th</sup> October 2025 shall be carried out in full and in accordance with the terms and conditions of said licence in the timeframe required, i.e. between 8<sup>th</sup> October 2025 and 31<sup>st</sup> December 2025 inclusive.

Reason: To protect the integrity of Annex IV bat species on the site.

3. In addition to the external materials shown on the submitted elevations, the west, north and south levels above ground floor level shall be finished in a high quality light colour stone finish. Prior to commencement of development details of all external finishes shall be submitted to, and agreed in writing with, the Planning Authority.

Reason: In the interests of visual amenity.

4. The student accommodation apartments/rooms hereby permitted shall only be occupied as student accommodation, in accordance with the definition of student accommodation provided under section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) and shall not be used for any other purpose without a prior grant of planning permission for change of use.

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

5. (a) All signage shall be written in the Irish language and priority shall be given to the Irish language at all times. All building and street signs shall be provided in accordance with an agreed scheme.  
(b) No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001 (as amended), shall be displayed or erected on the building exterior/within the curtilage of the site without a prior grant of planning permission.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

6. The proposed development shall be amended as follows:
  - (a) An additional 14 no. cycle parking spaces shall be provided adjacent to or within 10 metres of one of the proposed sets of cycle parking spaces such that a minimum no. of 67 spaces are provided.
  - (b) Additional EV parking spaces to comply with DM Standard 31 of the Development Plan shall be provided and otherwise the road and parking layout provided for on drawing no. 3117ABP (DMURS Compliance Roads and Parking Dimensions) as submitted to An Coimisiún Pleanála on the 6<sup>th</sup> day of February, 2025, shall be implemented in full.
  - (c) The recommendations contained in the 'Travel Plan' as submitted to the Planning Authority on the 7th day of November, 2024, shall be implemented in full.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of sustainable transportation.

7. The landscaping scheme shown on drawing numbers FIO-SPI/LMP/001a and FIO-SPI/LMP/002, as submitted to An Coimisiún Pleanála on the 6<sup>th</sup> day of February, 2025 shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

8. The recommendations of the 'Addendum to Stage 1 / 2 Road Safety Audit' report as submitted to An Coimisiún Pleanála on the 6<sup>th</sup> day of February, 2025, shall be implemented in full.

Reason: In the interests of traffic safety.

9. The mitigation measures recommended in the 'Architectural Heritage Impact Assessment Report' as submitted to An Coimisiún Pleanála on the 6<sup>th</sup> day of February, 2025, shall be implemented in full.

Reason: In the interests of conservation.

10. All mitigation measures in relation to archaeology and cultural heritage as set out in the 'Cultural Heritage Impact Assessment' as submitted to An Coimisiún Pleanála on the 6th day of February, 2025, shall be implemented in full. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any archaeological investigative work/ excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

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

11. All design measures in relation to flooding and drainage as set out in the 'Flood Risk Assessment of an Spidéal Campas Cruthaitheach (Spiddal Creative Campus)' as submitted to the Planning Authority on the 7th day of November, 2024, shall be implemented in full.

Reason: To prevent significant flooding.

12. Drainage arrangements including for the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services. Prior to the commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

13. Prior to the commencement of development the developer shall enter into a Connection Agreement(s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

14. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual amenity.

15. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400

hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

16. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

17. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection, residential amenities, public health and safety and environmental protection.

18. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of traffic safety and convenience.

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

Reason: To ensure the satisfactory completion of the development.

20. 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 Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

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.

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

29<sup>th</sup> October 2025