



An  
Bord  
Pleanála

## Inspector's Report

### ABP-322029-25

Development	Construction of a part 4 to part 5 storey nursing home and all associated works. The site comprises part of a protected structure (RPS Ref. 9003). A Natura Impact Statement (NIS) was submitted with the application
Location	A 0.531 Ha site previously comprising: (a) the former O'Connor's Warwick Hotel at the corner of Upper Salthill Road and the entrance to Lenaboy Park; (b) 152 Upper Salthill Road (the former Oasis Nightclub); (c) 154 Upper Salthill Road (former commercial building) and (d) 156 & 158 Upper Salthill Road, Galway.
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	2460218
Applicant(s)	Bartra Property (Galway NH) Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission

Type of Appeal

Third Party

Appellant(s)

Stefanescu Andrei

Date of Site Inspection

19<sup>th</sup> May 2025

Inspector

Ian Boyle

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## 1.0 Site Location and Description

- 1.1. The appeal site is at Salthill Road Upper, Salthill, Galway. It comprises a large brownfield site near the centre of Salthill village. It is near the junction of Salthill Road Upper, Salthill Road Lower and Grattan Road, respectively.
- 1.2. The overall site comprises several properties, including the former Warwick Hotel. It is near the entrance to Lenaboy Park, an adjacent property which once accommodated the former Oasis nightclub (152 Salthill Road Upper) (also demolished), a previous commercial unit (154 Salthill Road Upper) and nos. 156 and 158 Salthill Road Upper. The site also includes part of a Protected Structure (RPS Ref. 9003) which is described as decorative cast-iron gates, railings and an adjoining wall. The gateway forms the entrance to a laneway leading to Lenaboy Park, a housing estate situated north of the appeal site.
- 1.3. The site boundaries mainly comprise a combination of a low concrete wall, perimeter fencing for security purposes, and the remains of the former Warick Hotel to the north and east, respectively. The hotel was demolished in c. 2019 with the site lying idle for some years before that. There is a gradual fall across the property moving from south (higher ground) to the northeast (lower ground).
- 1.4. The property is mostly vacant with loose rubble, weeds, scrub, and some dilapidated outbuildings positioned near the rear, western part of the site. There is an existing vehicular entrance leading off the Upper Salthill Road at the northeast end of the property. There are existing two-storey dwellings to the northwest and south, respectively, an apartment scheme (4 to 7 storeys) lies directly across the Salthill Road Upper to the east, and an existing service station is to the northeast.
- 1.5. The surrounding area is mainly characterised by residential, commercial, tourism, educational and recreational type land uses. Seapoint Promenade is approximately 200m away to the east and can be accessed directly via Grattan Road. There is a wide range of services and amenities available in the local area. The site is within a short walking distance of public parks, green spaces, and bus stops, the latter bus route nos. 401 and 410, which run roughly every 10-minutes at peak times.
- 1.6. The property has a stated area of roughly 0.53ha.

## 2.0 Proposed Development

### Proposed Nursing Home

- 2.1. The planning application was made on the 5<sup>th</sup> July 2024. It comprised the construction of a part 4 to part 5 storey nursing home comprising 154 bedrooms (157 bedspaces) and ancillary facilities (total GFA c. 8,217 sqm).
- 2.2. The proposed development also includes the widening of the existing vehicular entrance; 30 car parking spaces (including two accessible spaces); bicycle parking; set-down area; loading bay; bin store; an ESB substation, switch-room and standby generator; PV panels; lift overrun; green roofs; fixed roof access ladder; lighting; roof plant; signage; balconies; boundary treatments; hard and soft landscaping; and associated site works above and below ground.

### Further Information

- 2.3. The Planning Authority requested further information (FI) on 26<sup>th</sup> August 2024, including the following:
- Item 1: Provision of a Scheme Sustainability Statement.
  - Item 2: Provision of a glint and glare study having regard to Galway Solar Safeguarding Zone as per the Galway City Development Plan 2023 2029 ('CDP').
  - Item 3: The CDP (Table 11.4) the plot ratio for CI Zoned Lands should not normally exceed a ratio of 1.25:1. However, the site is zoned in part residential and not fully within the CI zone. Therefore, the plot ratio and floor area would need to be decreased.
  - Item 4: To assess overshadowing, provide (a) shadow profiles of the proposed development and (b) a full assessment of the development demonstrating compliance with the relevant guidance.
  - Item 5: The level of bicycle parking for staff and visitors is not adequate and there are no changing facilities for employees. Requested to amend the proposed development so that visitor bicycle parking facilities are provided close to the main entrance of the nursing home and provision of locker rooms, showers and changing areas.

Item 6: The site is within Solar Protection Area (Map 2022). Consultation with HSE Aero-Medical Special Operations Section is therefore required to demonstrate compliance with their requirements

- Item 7: Transportation details required including to address concerns regarding proximity of the nearby junction, provision of a Road Safety Audit, consultation with the Council's Transportation Department, and the preparation of a delivery management plan

- 2.4. The Applicant provided further information on 11<sup>th</sup> October 2024.
- 2.5. The revised (further information) version of the scheme resulted in a reduction in height (c. 18.1m to 14.6m to parapet), less bedrooms (154 to 131 bedrooms), and a decreased plot ratio (1.55:1 to 1.3:1).
- 2.6. The Planning Authority deemed this 'significant further information' and required revised public notices.

### **Clarification of Further Information**

- 2.7. The Planning Authority requested clarification of further information on 21<sup>st</sup> November 2024, including the following:
- Item 1: The Council's Transportation and Infrastructure Department has expressed concern with regards to the proposed development, and in particular its ability to create a sustainable traffic junction in this location. Any revised iterations should have regard to the requirements of the Galway City Centre Transport Management Plan (GCCTMP).
- 2.8. The Applicant provided clarification of further information on 16<sup>th</sup> January 2025.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. The Planning Authority issued a Notification of Decision (NoD) to Grant Permission on 10<sup>th</sup> February 2025, subject to 17 no. conditions.
- 3.1.2. Notable conditions include:

- Condition 3: Erect a protective barrier to protect the masonry section of the historic gateway during site development works, and remove it post works being completed. The cast-metal street name plate (for Lenaboy Park) should be carefully removed and stored for the duration of the site development works
- Condition 4: External finishes to be agreed in writing with the Planning Authority.
- Condition 5: Boundary wall finishes to be agreed in writing with the Planning Authority.
- Condition 9: Cables to be underground.
- Condition 10: Construction impacts on the public realm.
- Condition 11: Management of the construction phase.
- Condition 12: Lighting design to be approved by the Planning Authority.
- Condition 13: Disposal and management of waste.
- Condition 15: Landscape masterplan to be implemented in full.
- Conditions 16 and 17: Financial contributions.

3.1.3. Note: It is recommended that the above conditions, or a similarly worded version of same, should be included on any Decision by the Board which grants permission for the proposed development.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

- The site is a vacant brownfield site bounded by residential developments to the west and north. To the east, is an estate access road and small commercial block. Opposite the site are multi-level apartment blocks.
- The former Warick Hotel site has an extensive planning history. Permission was previously granted for a multi-level nursing home.
- The site has two zonings, CI – Commercial Industrial and R- Residential.



- The portion of the site zoned 'CI' Industrial has an objective 'to provide for enterprise, light industry and commercial uses other than those reserved to the CC zone'.
- The portion of the site zoned 'R' Residential has an objective 'to provide for residential development and for associated support development, which will ensure the protection of existing residential amenity'.
- A nursing home within the city is a welcome development as it allows existing residents of the city and surrounding neighbourhood who may require such facilities the option to remain within their community and close to relatives. The principle of such a development on CI zoned lands is in accordance with the Development Plan objectives.
- The applicant has submitted an Architectural Heritage Impact Assessment Report which makes recommendations in relation to the historic gateway that partially extends into the northeast corner of the site.
- The applicant has submitted an Archaeological Assessment which states that the site is devoid of archaeological potential.
- The site falls within the Solar Safeguarding Zone. The Applicant has addressed the potential for glint and glare impact on air traffic as part of further information. The HSE, Aero – Medical & Special Operations Section, University Galway Hospital and Irish Aviation Authority (IAA) have all responded stating no objection to the proposal.
- This site is zoned appropriately and identified as capable of catering for a higher density of development. Table 11.4 of the CDP states that a plot ratio should not exceed 1.25:1 on lands zoned CI. The revised version of the scheme has a plot ratio of 1.3 (down from 1.75:1 from the original application) which has been informed by Appendix 5 of the CDP and a recalculated GFA.
- In this case, exceeding the plot ratio limit by 0.5 is considered to be a minor increase only. It considered acceptable as the scale of a development in proximity to a core urban centre and public transport services should increase.
- The further information submitted includes shadow diagrams / site plans and a daylight and sunlight assessment. The fifth floor of the proposed development

has also been omitted which reduces the potential for overshadowing. The proposed development is appropriate for this location and the site configuration, and it would not adversely overshadow adjacent properties.

- The revised scheme includes 34 staff bicycle parking spaces, which are next to main staff entrance. The staff changing rooms are at first floor level and include storage for any cycling equipment. The proposed cycle parking and related facilities arrangements are acceptable.
- The Council's Transport and Infrastructure Department (TID) has raised concerns the potential for impacts on the Galway City Centre Transport Management Plan (GCCTMP) draft designs and that the proposed development would constitute a traffic hazard. However, while these comments are considered relevant, the site has a significant legacy of largescale uses, and recent planning permission for a similar size nursing home, which cannot be dismissed. [The Applicant subsequently addressed these concerns as part of CFI. The TID prepared a further report after this stating they were satisfied that the proposal would not impact on the ability of the Planning Authority to deliver a sustainable junction in the long term.]
- The Applicant has submitted an NIS. No AA issues of note arise.
- The Applicant has submitted an EIA Screening. No EIA issues of note arise.
- Recommends that a financial contribution should apply via condition(s).
- Recommends that permission be granted.

### 3.2.2. Other Technical Reports

Conservation Officer: No objection, subject to conditions.

Environmental Health Officer: No objection, observations only.

Environment Section: No objection, subject to conditions.

Active Travel Department: No objection, subject to conditions.

Transport and Infrastructure Department: No objection post receipt of further information, subject to conditions.

### 3.3. Prescribed Bodies

Department of Housing, Local Government and Heritage: No objection.

Uisce Éireann: No objection, subject to conditions.

Irish Aviation Authority (IAA): No objection post receipt of further information and confirmation of the Applicant consulting with the Galway University Hospital.

### 3.4. Third Party Observations

The main issues raised by third party observations are:

- Height, density and scale inappropriate.
- Overshadowing.
- Overlooking.
- Proposed development may impact existing underground services, including sewer lines.
- Excessive lightspill over adjacent residential properties due to new lighting fixtures.
- Inadequate car parking provision.
- The proposed development is a commercial operation, which may not be appropriate on a site that is part zoned for residential purposes.
- Letter of support received.

## 4.0 Planning History

### Subject Site

Reg. Ref. 21/413: The Planning Authority **granted permission** in February 2022 for the demolition of a dwelling in preparation for the redevelopment of the site.

ABP Ref. ABP-302183-18 (Reg. Ref. 17/277): The Board **granted permission** in March 2019 for the construction of a 4 storey (60-bedroom) nursing home, subject to 15 conditions. The development proposal is similar to the subject application, which is currently before the Board on appeal, albeit it was smaller in scale and on a

smaller site. The Planning Authority granted permission for the proposed development in July 2018.

Reg. Ref. 16/244: The Planning Authority **granted permission** in November 2016 for the demolition of the building formerly known as O'Connors Warwick Hotel, in preparation for redevelopment of the site.

### **Surrounding Area**

The surrounding area has been subject to several residential and commercial planning applications over the past few years. This includes, for example, the construction of a high density apartment scheme directly across from the appeal site on the eastern side of Salthill Road Lower (ABP Ref: ABP-304901-19; Reg. Ref. 18/343 refers).

## **5.0 Policy Context**

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

#### **Background**

- 5.1.1. The Galway City Development Plan 2023-2029 ('Development Plan' / 'CDP') sets out the policies and objectives for the development of Galway City over the plan period. The Elected Members of Galway City Council adopted the CDP at a Full Council Meeting held on the 24<sup>th</sup> November 2022.
- 5.1.2. The CDP came into effect on the 4<sup>th</sup> of January 2023.

#### **Zoning**

The majority of the appeal site is zoned 'CI - Enterprise, Industry and Related Uses'. The remaining area is zoned 'R – Residential'.

- The objective for lands zoned 'CI' is to provide for enterprise, light industry and commercial uses other than those reserved to the CC zone.
- The objective for lands zoned 'R' is to provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods.

The proposed development is for a nursing home (community and cultural facility). This use is compatible with the zoning objectives for the site and would allow for the proposed development to be considered in light of the above zoning objectives.

### **Bus Routes**

There is a map-based objective for 'bus routes' on the CDP zoning map. This runs in front of the site along Salthill Road Upper and is denoted by a dotted blue line.

### **Protected Structures**

There are two Protected Structures at the northeast of the appeal site near the entrance to Lenaboy Park. They include:

- Decorative cast-iron gates, railings and an adjoining wall (RPS Ref. 9003), and
- A post box (RPS Ref. 9006).

The adjoining wall and a partial section of the railings are within the application site. However, no works are proposed to these protected features.

See Appendix 3 of the CDP 'List of Protected Structures in the Record of Protected Structures'. The post box lies outside the site.

## **Chapter 3: Housing and Sustainable Neighbourhoods**

Section 3.6 is in relation to 'Sustainable Neighbourhoods: Established Suburbs'. It states that:

*'It is acknowledged that the established suburbs may require additional community and local services... Additional services can also be accommodated along main roads where these can support a local catchment need or add vitality to an existing hub. Such development will be required to assimilate into the neighbourhood fabric and respect and contribute to existing amenity and character. Potential exists in the established suburbs for smaller infill development opportunities which can enhance the diversity of house type and contribute to local character.'*

*Infill development will be required to have regard to the existing pattern of development, plots, blocks, streets and spaces and should not be of such a scale that represents a major addition to, or redevelopment of, the existing*

*urban fabric. The protection of existing residential amenity and character is a priority but must be balanced with opportunities for sustainable high quality regeneration and appropriately scaled infill...*

*Through a high standard of infill development improvements in environmental quality can be brought about. This infill development could be in the form of community facilities and/or residential development. [Emphasis added.]*

- Policy 3.1(9) Housing Strategy is 'to support the specific housing needs of older people including independent living options as well as semi-independent living options and nursing home accommodation. These facilities should be preferably accommodated within established neighbourhoods and at locations that have good access to community facilities and amenities'.

[Emphasis added.]

- Policy 3.5(2) is 'to encourage additional community and local services and residential infill development in the established suburbs at appropriate locations'.

## **Chapter 7 Community and Culture**

Section 7.5 is in relation to 'Community Facilities'. It states that healthcare facilities include a range of services from local GP surgeries to primary care centres, hospitals, nursing homes and social and community care facilities.

- Policy 7.8(1) 'Healthcare Facilities' is to promote the delivery and enhancement of health care facilities in the city having regard to the designated role of Galway as a Regional City under the NPF/RSES.

## **Chapter 10: Compact Growth and Regeneration**

Section 10.22 is in relation to Salthill. It states that Salthill has changed over time but it still retains its distinctive character and amenity value. In recent years it has re-established itself as an urban village with many of the former hotels and nightclubs replaced by apartments, cafes and restaurants.

This has led to an increase in the permanent residential population supporting a broader range of local services for the local community, visitors and an expanded catchment area.

- Policy 10.3 ‘Salthill’ is to:
  1. Enhance the role of Salthill as an urban village, recreation and coastal amenity area for the city and service centre for the surrounding residential neighbourhoods.
  2. Ensure high quality in the design of new developments and have regard to the distinctive character of Salthill.
  3. Enhance the public realm of Salthill including the implementation of an environmental improvement scheme carried out in consultation with local businesses, residents and key stakeholders, with particular focus on the main commercial street and in the vicinity of Seapoint and D’Arcy roundabout.
  4. Continue to improve the amenity recreational quality of the area through the preparation of a strategy for the long-term management enhancement and extension of the promenade and by the implementation of environmental and coastal improvement schemes. This shall include for appropriate flood risk assessment and management measures.

## **Chapter 11 Land Use Zoning Objectives and Development Standards and Guidelines**

**Section 11.3** is ‘Residential Development’.

- Sub-section 11.3.2 is in relation to the Established Suburbs.
- Figure 11.32 ‘Neighbourhood Areas’ shows that the site is within the Established Suburbs of the city (indicated by yellow shading).

**Section 11.9** is ‘Commercial and Industry’ and states that the Council shall take into account certain factors considering the design, layout and use mix of development in CI and I Zones in so far as they relate to a particular development proposal.

- Sub-section 11.9.2 is in relation to Site Coverage and Plot Ratios for CI and I land use zones.
- Sub-section 11.9.3 is in relation to Open Space Requirements.

**Section 11.11** is ‘Transportation’

- Sub-section 11.11.1 is in relation to parking space requirements.
- Sub-section 11.11.3 is in relation to travel plans.
- Sub-section 11.11.4 is in relation to cycle parking requirements.
- Table 11.6 is ‘Parking Space Requirement for Different Types of Development: Maximum Standards’.

**Section 11.31** is in relation to Climate - Scheme Sustainability Statements.

**Section 11.36** provides specific development standards for ‘Residential Care Homes, Retirement Homes, Nursing Homes, Retirement Villages and Assisted Living Accommodation’. It states that proposals should take into consideration the following:

- The location and accessibility to local services and the proximity to the pedestrian network and existing or planned public transport corridors.
- The potential impact on the character and amenities of the area.
- The Health Information and Quality Authority (HIQA) National Standards for Residential Care Settings for Older People in Ireland (July 2016), and any successor document.
- Standards set out in the Statutory Instrument No. 293 of 2016, Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) Regulations 2016.
- The provision of good quality, appropriately sized “and designed” open space and communal amenity facilities.
- The adequacy of off-street parking.

**Other Relevant Chapters**

Chapter 9: Environment and Infrastructure

Chapter 8: Built Heritage, Placemaking and Urban Design

Chapter 9: Environment and Infrastructure



## 5.2. Galway City Council – Urban Density and Building Heights Study, 2021

The Galway City Urban Density and Building Heights Study (2021) (Density & Heights Study) sets out density and building height ranges which are open for consideration in various parts of the city centre. The study states that the densities and heights are not absolute measures to be pursued or achieved and that each site should be considered on its merits.

- **Section 18.2** is in relation to the west part of the city and includes Dangan, Westside, Taylor's Hill and Salthill. It states that the prevailing height of the Salthill area is three to four storeys and around 2 storeys elsewhere.

The Study states in relation to Salthill that 'the centre is relatively domestic which is an important part of its character and helps underpin its success. This general analysis is supported by the suitability analysis which returns highlighted areas of Westside and Salthill as particularly suitable areas for higher density development. The sensitivity analysis does not highlight any particular issues although this does not pick up the more historic nature of the Salthill townscape area which is an important attribute to respect'. [Emphasis added.]

## 5.3. Natural Heritage Designations

- The subject site is not directly located within, or directly adjacent, any European Site.
- The nearest European Site is the Galway Bay Complex SAC (Site Code: 000268), which is roughly 160m to the southeast at its nearest point.
- The Lough Corrib SAC (Site Code: 000297) is roughly 1.3km to the northeast.
- The Inner Galway Bay SPA (Site Code: 004031) is roughly 160m to the southeast at its nearest point.
- The pNHA Galway Bay Complex (Site Code: Site Code: 000297) is roughly 160m to the southeast at its nearest point.

#### 5.4. **National and Regional Planning Policy**

- The National Planning Framework, 2025
- Design Manual for Urban Roads and Streets, 2019
- Urban Development and Building Height, Guidelines for Planning Authorities, 2018, (the 'Building Height Guidelines')
- The Health Information and Quality Authority (HIQA) – National Standards for Residential Care Settings for Older People in Ireland, 2016
- BRE Guide 'Site layout Planning for Sunlight and Daylight', 2011
- Architectural Heritage Protection Guidelines for Planning Authorities, 2011
- Regional Spatial and Economic Strategy (RSES) for the Northern and Western Region, 2020-2032
- The Planning System and Flood Risk Management, including the associated Technical Appendices, 2009 ('the Flood Risk Guidelines')

### 6.0 **EIA Screening**

#### 6.1. **Proposed Development**

- 6.1.1. The proposed development is for the construction of a nursing home comprising 154 bedrooms (157 bedspaces) and ancillary facilities (GFA c. 8,217 sqm).
- 6.1.2. It also comprises the widening of the existing vehicular entrance; 30 car parking spaces (including two accessible spaces); bicycle parking; set-down area; loading bay; bin store; an ESB substation, switch-room and standby generator; PV panels; lift overrun; green roofs; fixed roof access ladder; lighting; roof plant; signage; balconies; boundary treatments; hard and soft landscaping; and associated site works above and below ground.
- 6.1.3. Works are also proposed on the Upper Salthill Road and pavement to the east of the site. This includes a raised pedestrian route at the entrance to the site, associated signage, road markings, services and a proposed potable watermain pipe connection to the existing Uisce Éireann watermain pipe network.

## **6.2. EIA Screening**

- 6.2.1. The application is accompanied by an 'Environmental Impact Assessment Screening Report (dated 21<sup>st</sup> May 2023) ('EIA Screening'). I have had regard to this report in my screening assessment. I confirm that the information provided is in accordance with Schedule 7 and 7A of the Planning and Development Regulations 2001.
- 6.2.2. The Environmental Report, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on the receiving environment.
- 6.2.3. Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, provides that an Environmental Impact Assessment (EIA) is required for:
- Class 10(b)(iv) urban development which would involve an area greater than 2 hectares (business district) 10 hectares (built up area) or 20 hectares (elsewhere), and
  - Class 15 any sub-threshold project in Schedule 5 Part 2 which does not exceed a quantity, area or other limit specified, but would be likely to have a significant effect on the environment.
- 6.2.4. The proposed development is not in a business district and does not comprise an area which is greater than 10ha (built up area) or 20ha (elsewhere). Therefore, the Proposed Development is not subject to a mandatory EIA under Schedule 5, Part 2, Class 10(b)(iv). However, the proposed development is considered under the provisions of Class 15 for sub-threshold developments under Class 10(b)(iv).
- 6.2.5. I note that the Applicant submitted Schedule 7A information as part of their application. This comprises the following:
- A description of the proposed development
  - A description of the aspects of the environment likely to be significantly affected by the proposed development.
  - A description of any likely significant effects of the proposed development on the environment.

Schedule 7A information can include mitigation measures to avoid or prevent significant environmental effects.

- 6.2.6. Therefore, a Screening Determination has been completed as part of my report.  
[This is attached as Appendix 2 below].

### **6.3. EIA Screening Conclusion**

- 6.3.1. Having regard to the criteria set out in Schedule 7, the information provided in accordance with Schedule 7A of the Planning and Development Regulations 2000, as amended, and the following: -
- a) the limited size, scale and nature of the proposed development, which comprises the construction of a nursing home facility on an existing brownfield site in the urban centre of Salthill which is served by public transport infrastructure.
  - b) the absence of any significant environmental sensitivity in the vicinity,
  - c) the location of the site, and existing pattern of development, in the surrounding area,
  - d) the results and findings of relevant assessments of the effects of the environment submitted as part of the application, including an Appropriate Assessment Screening Report, Natura Impact Statement, Site-Specific Flood Risk Assessment, Construction Management Plan, Lighting Design Report, Engineering Services Report, Landscape and Visual Impact Assessment and Architectural Heritage Impact Assessment,
  - e) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended),
  - f) the provisions of the Galway City Development Plan 2023-2029, and the results of the Strategic Environmental Assessment of this Plan undertaken in accordance with the SEA Directive (2001/42/EC),
  - g) the features and measures proposed by the Applicant to avoid or prevent what might otherwise have been significant effects on the environment, including measures identified in the NIS, and

- h) the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development' (2022),

I have concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

The Board received a third party appeal on 6<sup>th</sup> March 2025, which raises the following main issues:

#### Car Parking

- The proposed nursing home will cater for residents much further away than Salthill, including the counties of Galway, Mayo, Roscommon and further afield.
- Proposed number of staff and visitor car parking spaces is inadequate.
- Parking for deliveries would also be deficient.
- The traffic study inaccurately states that the reliance on the private car as a primary means of transport in Salthill is only 25%, which is not correct.
- The site is far removed from Galway City and inconvenient to travel to by train.
- Public transport services in the area are not sufficient to accommodate the proposed development.
- There would be traffic congestion and illegally parked cars throughout the area if the nursing home goes ahead in its current form.
- The proposal should include a basement car park.

### Size, Scale and Density

- The proposed size, scale and density of the facility is excessive and would represent an overdevelopment of the site.
- The proposed 5<sup>th</sup> floor should be omitted or further scaled back.
- The plot ratio of 1.3:1 is inappropriate given the context of neighboring houses, buildings and an absence of car parking spaces.
- The Health Information and Quality Authority (HIQA) were not consulted as part of the application process and their policy recommends no more than 84 bedrooms in this context.

### Staff Amenities

- The proposed staff facilities are insufficient, including in relation to storage, offices, waste management and recycling facilities, and other ancillary space.

## **7.2. Applicant Response**

The Board received an Appeal Response from the Applicant on 2<sup>nd</sup> April 2025. The main issues raised are as follows:

### Amended (Further Information) Scheme

- The revised (further information) version of the scheme resulted in a reduction in height, less bedrooms, and a decreased plot ratio.
- This has resulted in the proposed development being reduced in size, scale and height; including the revised structure having an overall height of 4 storeys, as opposed to being a part 4 and part 5 storey building, as originally proposed.

### Oral Hearing

- Requests that the Board hold an Oral Hearing to allow the Appellant to set out their concerns in person and, if they do not attend, that it would be reasonable to assume that the appeal has been made with the sole intention of delaying the application.

- The Applicant also references an alleged disparity between signatures by the Appellant to support their argument (see images on Page 4 of the Response).

### Car Parking

- The site is zoned for a commercial use ('CI - Enterprise, Industry and Related Uses').
- The application is supported by a Traffic and Transportation Assessment (TTA), Mobility Management Plan (MMP) and the Development Plan provides for reduces car parking provision on sustainability and urban design grounds.
- The area is well-served by existing bus services and many of these are within a short walking / cycling distance.
- There would be limited visitors from counties outside of Galway as people mostly seek to locate family members near to where they live.
- Onstreet car parking controls would prevent overspill car parking.
- The provision of a basement carpark would be against planning policy for reducing private car trips and is not required as a reduced overall car parking standard is appropriate in this context.
- The Planning Authority is satisfied that the level of car parking proposed.

### Size, scale and height

- The Appellant requests that the proposed 5<sup>th</sup> Floor should be removed. However, this already happened as part of further information.
- The principle of height is well established in this part of Salthill, which is noted by the Planning Authority.
- The prevailing height is between two and seven storeys and can readily absorb the proposed development in terms of size, scale and height. [See Pages 12 & 13 of Response for supporting maps and images.]
- The recently constructed apartment scheme, directly across the street, comprises 2 no. blocks of between four and seven storeys.
- The proposed development is in accordance with national planning guidelines, including the NPF and the 'Building Height Guidelines', respectively. [See

Pages 15 to 22 of Response for supporting policies and objectives cited by the Applicant, including an assessment of the proposal against SPPR 3 and Section 3.2 of the Building Height Guidelines.]

- The Applicant has accepted the Planning Authority's position in relation to plot ratio and has put forward a revised scheme which has a plot ratio of 1.3:1.
- Although marginally above the 1.3:1 plot ratio for lands zoned CI, the revised plot ratio is appropriate having regard to Section 11.9.2 of the CDP which states that infill development may have a higher plot ratio for urban design reasons.
- The nursing home previously permitted by the Board had a plot ratio of 1.27:1.

#### Staff Amenities

- The scheme fully complies with all HIQA (Health Information and Quality Authority) standards, including ancillary facilities, storage, staff amenities and waste management provisions.
- The Applicant builds and runs several other nursing homes. They are aware of the required standards and policies for running such a facility.
- If the nursing home does not adhere to the required HIQA standards, the Applicant would not be able to register and operate it.

#### HIQA Standards

- The appeal incorrectly states that HIQA standards allow no more than 84 bedrooms in a nursing home.
- This figure comes from a public consultation report. However, the relevant HIQA standards come from the 'National Standards for Residential Care Settings for Older People in Ireland (2016)', and which do not place a restriction on the number of bedrooms in a nursing home.
- The Applicant will need to comply with all relevant HIQA requirements when constructing and operating the proposed development.



## 8.0 Assessment

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

- Size, Scale and Density
- Car Parking
- Other Issues

### 8.1. Size, Scale and Density

#### Size and Scale

- 8.1.1. The proposed development is for the construction of a nursing home and associated site works on a brownfield site in Salthill, Galway. The original version of the scheme was amended as part of further information to the Planning Authority to address concerns regarding the size and scale of the facility, as well as potential for overshadowing neighbouring properties.
- 8.1.2. The revised scheme – i.e., the version which is now before the Board for consideration – resulted in a reduction in building height from c. 18.1m to c. 14.6m (at parapet level), a reduced number of bedrooms (154 to 131 bedrooms), and a decreased plot ratio going from 1.55:1 to 1.3:1. The scheme now also has an overall height of 4 storeys, as opposed to being a part 4 and part 5 storey building, as was originally proposed.
- 8.1.3. The Appellant maintains in their grounds of appeal, however, that the proposal would be excessive terms of its size and scale, and that the height and density of the proposed structure would be excessive and, therefore, inappropriate for the site and its surrounding vicinity. Therefore, a key consideration in the assessment of this appeal case, is whether the size and scale of development sought is appropriate for the site and surrounding vicinity, or whether it would lead to unacceptable visual and residential amenity impacts arising due to excessive height, bulk and volume.

- 8.1.4. Firstly, I note that the site is subject to two zoning objectives. The majority of the property is zoned 'CI - Enterprise, Industry and Related Uses', which reflects the former use of the site as a hotel, whilst the remaining area is zoned 'R – Residential'. The residential zoning applies to the western part of the site which previously accommodated residential houses. It accounts for roughly 10% of the overall site area.
- 8.1.5. The CI zoning seeks to provide for enterprise, light industry and commercial uses other than those reserved to the CC zone ('City Centre'). I note that community and cultural facilities are listed as uses which are compatible with this zoning and whilst a 'nursing home' use is not explicitly referenced in the list of uses for this zone, I consider that it qualifies as a form of commercial use which has a social and community care focus.
- 8.1.6. Moreover, a nursing home is not a use that is reserved for the CC zone; and whilst the facility would accommodate future patrons on a permanent basis, it is not a *residential* use, in my opinion. This view is partly taken due to a nursing home being a licenced and regulated activity and that such facilities operate on a similar basis to a healthcare facility, often with medical professionals and related emergency support available on the premises 24/7. This is not the case for a typical residential use.
- 8.1.7. I would also highlight, for the Board's attention, the planning history associated with the site for a previous nursing home proposal. This application was granted permission under ABP Ref. 302183 in March 2019. Here, the Inspector adopted the view that a nursing home 'is compatible with and contributes to the zoning objective and is therefore acceptable in this zone'. The Planning Authority has taken a similar view in respect of the current proposal. In summary, I consider that the proposed use on this site is acceptable, in principle, and that it would positively contribute to the locality and community in general.
- 8.1.8. In relation to the Appellant's comments that the proposed 5<sup>th</sup> floor should be omitted or further scaled back, I note that this has already happened as part of further information. As noted above, the scheme was reduced in size and scale as part of the Applicant's submission to address concerns raised by the Planning Authority at FI stage. This has had the effect of reducing the overall building height from 5

storeys to 4 storeys, and an outcome the Appellant, presumably, would be glad to see.

- 8.1.9. In terms of the prevailing height and character of the area, I note that the principle of taller buildings in this part of Salthill is well-established, and that there are several examples of structures having multiple floors, particularly to the east of the site and closer to the seafront. These taller buildings are mixed in amongst the more traditional and conventional two to three storey buildings in Salthill. This provides a welcome transition in scale between the new and older building stock.
- 8.1.10. Some of these lower height buildings are directly to the north and northeast of the site, for example, at Lenaboy Park (residential estate). However, I consider that the Applicant has duly taken this more sensitive interface into account as part of the design process. It is my opinion that having reviewed the design statement, photomontages, drawings, and other information on the file, that the scheme has been designed to a good architectural standard, and that generous setbacks, a tapering down in building height, and high-spec elevational treatments along the more sensitive site boundaries have been provided for as part of the proposal.
- 8.1.11. Some notable examples of recently constructed higher buildings in the vicinity include the apartments schemes at Cova Da Iria (4 to 7 storeys) and Pointe Boise (6 storeys), respectively. These developments are situated directly across the street from the site (east) and are taller than the subject proposal. Further examples include the self-catering holiday accommodation at Arús Grattan (5 storeys), and the Galway Cultural Institute & Galway Business School and Radharc an Chlair towards the north.
- 8.1.12. These newer buildings to the area have exceeded the traditional lower building heights in the area. This has led to Salthill evolving into a more compact, dense urban village – a policy mandate that is clearly set out in the NPF, the RSES, and other national and regional planning policy documents; particularly where there is good access to existing amenities, facilities and public transport services.
- 8.1.13. In terms of the appeal site itself, it can be described as an urban infill site. As noted above, it once accommodated the former Warwick Hotel (now demolished) and can be considered as ‘brownfield’ for this reason. In this regard, I note that there are several local policies and objectives contained in Galway City Development Plan

2023-2029 (CDP) which seek to facilitate and support more compact forms of development in such circumstances. A key strategic goal of the CDP is to develop a more urban compact form in the city that provides for attractive, integrated, and easily accessible neighbourhoods that are supported by appropriate levels of services and amenities. In addition, Section 3.6 states that a high standard of infill development can bring about improvements in environmental quality, including through the provision of community facilities. This section of the CDP also states that infill development will be required to have regard to the existing pattern of development, plots, blocks, streets and spaces, and should not be of such a scale that represents a major redevelopment of the existing urban fabric. As noted above, it is my opinion that the existing residential amenity of the area would not be unduly negatively impacted, and that the proposed development would help to ensure a high-quality streetscape through appropriate design, massing, materials and finishes, landscaping and boundary treatments.

- 8.1.14. Section 18.2 of the Galway City Urban Density and Building Heights Study (2021) ('Density & Heights Study') is also relevant and states that the prevailing height for the Salthill area is three to four storeys and around 2 storeys elsewhere. It goes on to say that Salthill is a thriving and vibrant centre, providing a complementary visitor offer to the historic city centre, and that the varied townscape would be 'resilient to some high-density infill mixed use development' (emphasis added). The proposed development does not provide a mix of uses; however, it would complement the recent introduction of several apartment schemes to the area and help to diversify the mix of uses, generally, which exist in the wider locality. I note for the Board's attention that there are no other similar types uses, such as nursing home facilities, near the appeal site.
- 8.1.15. Both the CDP and Density & Heights Study are consistent with national and regional planning policy documents, including the National Planning Framework (2018) (NPF) and Regional Spatial and Economic Strategy (RSES) for the Northern and Western Region (2020-2032). The need to secure more compact forms of development in urban and serviced areas is, therefore, cited at national, regional and local policy level, and increased building height and density is recognised as a method by which to realise this. The Building Height Guidelines also advise that taller buildings can assist in contributing to a sense of place and indicate important street junctions. In

this regard, I note that the subject site is highly visible, near the centre of Salthill, and at the junction between of Salthill Road Upper, Salthill Road Lower and Grattan Road, respectively. As such, the property would benefit from the introduction of a high-quality and well-designed nursing home facility, and which is clearly the case here, in my opinion.

8.1.16. I note that the Applicant has provided an assessment in relation to SPPR 3 of the Building Height Guidelines (Pages 16 to 22 of their Response). However, as the CDP does not specify a particular height objective, or limit, for the site, it is not necessary to assess the proposed development against the development management criteria set out under this particular SPPR.

8.1.17. I would also reiterate that Section 18.2 of the Density & Heights Study identifies the prevailing height in the Salthill area as being three to four storeys, with around 2 storeys elsewhere. Therefore, as the proposal development is for four storeys, it would not exceed the 'established context' for height in the area and would be readily assimilated with its receiving environment.

#### Density (Plot Ratio)

8.1.18. Plot ratio is a tool to help control the bulk and massing of buildings and help prevent the potential adverse effects of overdevelopment. It expresses the amount of floorspace in relation to the area of a site. Typically, higher plot ratios are permitted in cases involving the comprehensive redevelopment of a site for the purposes of urban regeneration, on land situated next to existing frequent public transport service, to help create appropriate streetscape profiles, and in the interest of good urban design practice.

8.1.19. The Development Plan (Section 11.9.2) states that the appropriate upper plot ratio limit for land zoned 'CI - Enterprise, Industry and Related Uses' is 1.25:1. The plot ratio for the proposed development is marginally above this standing at 1.3:1. However, the Development Plan also states that in the case of infill development in an existing street, it may be acceptable to have a higher plot ratio in order to obtain greater height for important urban design reasons. In such circumstances, the Council may allow an increased plot ratio. In addition to this, I note that the site is within an existing urban core where there are a wide range of community services, social facilities, recreational amenities, and places of employment nearby. It is also

close to existing frequent public transport services, including bus routes 401 and 410, and which run roughly every 10-minutes during peak times.

- 8.1.20. Therefore, and in having regard to the above, I am of the view that exceeding the target plot ratio for the site, by a margin of 0.5, would be acceptable in this case. The increase would be small in scale and, in my opinion, would not lead to a situation whereby the overall character of the surrounding area would be altered, or result in a development that would be excessive in form and/or massing. Rather, the approach adopted by the Applicant represents a reasonable and proportionate design response to the site's urban context, and its capacity to accommodate an appropriate form of development.
- 8.1.21. In conclusion, I consider that the proposed development acceptable in terms of its height, size, scale and density, and that it is consistent with relevant local and national planning policies and objectives.

## **8.2. Car Parking**

- 8.2.1. The Development Plan (Table 11.6) sets out the standards for car parking for nursing homes. The requirement is for a single car parking space per bed. This would equate to a total of 131 car parking spaces, as per the further information scheme. The car parking standards are 'maximum standards' where a lower rate of parking is acceptable, subject to meeting certain criteria.
- 8.2.2. The Applicant is proposing to provide 30 onsite car parking spaces as part of the overall nursing home. However, the previous uses on the site generate a credit which can be partly relied upon in the overall car parking workings for the proposed development. The credit has been calculated out as 159 spaces and is set out under Page 12 of the Planner's Report. This credit is attributed to the former hotel, dwellings and nightclub, which were once accommodated on the property, but have been recently demolished to facilitate the proposed redevelopment of the site.
- 8.2.3. Furthermore, the appeal site is near the centre of the existing village core and which is characterised by residential, commercial, tourism, educational and recreational type land uses. There is also wide range of services and amenities available in the immediate locality. The site is within walking distance of several public parks, green spaces, and regular bus routes. I note also that the Seapoint Promenade is

approximately 200m away to the east and can be accessed directly by pedestrians via Grattan Road. This is a significant public amenity and would be available to future patrons and visitors of the nursing home facility.

- 8.2.4. I note that the Council's Transport and Infrastructure Department raised no objection to the proposed development post receipt of clarification of further information, subject to conditions (see interdepartmental report dated 26<sup>th</sup> January 2025). No concerns were raised in relation to car parking. It also states that the Applicant has made considerable efforts to address previous concerns regarding the provision of safe vehicular access to the site, which must be taken as a positive, in my opinion.
- 8.2.5. The report recommended that a special contribution, applied via condition, would be able to assist in the delivery of a sustainable junction at the point between Salthill Road Upper, Salthill Road Lower and Grattan Road, respectively. This would help contribute to improving pedestrian and cycle facilities in the area and assist in better traffic flows. I note that the Applicant has chosen to not appeal this condition.
- 8.2.6. In conclusion, I am satisfied that proposed quantum of car parking is appropriate in this case and in accordance with the provisions of the Galway City Development Plan 2023-2029.

### **8.3. Other Issues**

#### Standards for Nursing Homes & Staff Facilities

- 8.3.1. The Appellant raises concerns in relation to future compliance of the facility with the relevant HIQA standards for 'Residential Care Settings for Older People in Ireland'.
- 8.3.2. I note the Applicant's response, which is that they own and operate several similar nursing homes nationwide and are a recognised and reputable provider of such facilities. The response further confirms that the proposed development fully complies with the relevant health and safety and quality standards, including those relating to ancillary facilities, storage, staff amenities, and waste management. In this context, I also note the Applicant's argument that without adhering to the required industry standards, the facility would not be able to be registered and, therefore, operate legally, which I concur with.

- 8.3.3. Furthermore, I note the provisions of Section 34(13) of Planning and Development Act, 2000 (as amended) relating to 'Permission for Development'. Here, it states that 'a person shall not be entitled solely by reason of a permission under this section to carry out any development'. Therefore, in the event permission is granted, there may be other, applicable legal considerations and industry standards which the developer may need to address outside of the planning system, and the Applicant would be required to comply with the relevant standards for such facilities.
- 8.3.4. In terms of waste management, in particular, the Board may wish to insert a condition requiring a waste management plan to be prepared by the Applicant and submitted via compliance for approval by the Planning Authority, prior to commencement of development. This would help to ensure this particular issue has been comprehensively addressed and provide for the appropriate management of waste generated by the development, including recyclable and decomposable waste materials.
- 8.3.5. Having regard to this, I am satisfied that the application should not be refused on the basis of an assertion that the facility does not comply with the relevant industry standards.

#### Oral Hearing

- 8.3.6. I note that the Applicant, as part of their response, requested an Oral Hearing. The purpose of this, they state, would be to allow the Appellant to set out their concerns in person and for the Board / Inspector to ascertain if the appeal had been made with the sole intention of delaying the application – which they contend it was.
- 8.3.7. However, in this case, and in having regard to the documentation on file, and the submissions made by third parties, it was considered that an Oral Hearing would not be necessary in this case, and that the issues raised could be dealt with adequately through written procedures.
- 8.3.8. Furthermore, I note that the grounds of appeal set out relevant planning issues. Therefore, there is no basis to conclude that the sole intention of the appeal is to delay the development, as alleged by the Applicant, and that this should warrant an Oral Hearing to be held on this basis.



## 9.0 AA Screening

### 9.1. Screening Determination - Finding of likely significant effects

- 9.1.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the Galway Bay Complex SAC [000268] and the Inner Galway Bay SPA [004031] in view of the conservation objectives of certain qualifying interest features of those sites.
- 9.1.2. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.

### 9.2. Natura Impact Statement (NIS)

- 9.2.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Galway Bay Complex SAC [000268] and Inner Galway Bay SPA [004031] in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.
- 9.2.2. Following an examination, analysis and evaluation of the NIS, all associated material, including from submissions and observations, I consider that adverse effects on site integrity of the Galway Bay Complex SAC (Site Code: 000268) and the Inner Galway Bay SPA (Site Code: 004031) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.
- 9.2.3. My conclusion is based on the following:
- A detailed assessment of construction and operational impacts.
  - The effectiveness of mitigation measures proposed including supervision and monitoring and integration into CEMP ensuring smooth transition of obligations to the eventual contractor(s).

- The inclusion of planning conditions to ensure the application of these measures.
- The proposed development will not affect the attainment of conservation objectives for the Galway Bay Complex SAC [000268] and Inner Galway Bay SPA [004031].

## 10.0 Recommendation

10.1. I recommend that planning permission be granted for the reasons and considerations set out below.

## 11.0 Reasons and Considerations

11.1. Having regard to the provisions of the Galway City Development Plan 2023-2029, including the zoning objectives for the site ('CI - Enterprise, Industry and Related Uses' and 'R – Residential'); its urban location in proximity to a wide range of community services and social facilities; the pattern and character of existing development in the area; the planning history of the site and its surrounding area; and the scale, design and layout of the proposed development on what is a centrally-located, urban, brownfield site; it is considered that, subject to compliance with the conditions set out below, the proposed development would assist in delivering compact growth, regeneration, revitalisation and consolidation of an urban infill site, at an appropriate scale; would be acceptable in terms of pedestrian and traffic safety; and would not seriously injure the amenities of surrounding properties or seriously detract from the character or built heritage of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 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 further plans and particulars received by the planning authority on 26 <sup>th</sup> August 2024 and on 21 <sup>st</sup> November 2024, respectively, except as may otherwise be
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	<p>required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>a) The mitigation measures contained in the submitted Natura Impact Statement (NIS), Ecological Impact Assessment (EclA) and Construction Management Plan (CMP) shall be implemented in full.</p> <p>b) An Ecological Clerk of Works with suitable experience shall be appointed to ensure that all mitigation measures outlined in the Natura Impact Statement and the Construction Environmental Management Plan shall be carried out.</p> <p><b>Reason:</b> To protect the integrity of European Sites and biodiversity.</p>
3.	<p>a) Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>b) The stairwell windows for the permitted development shall be glazed in obscure glass.</p> <p><b>Reason:</b> In the interest of residential and visual amenity.</p>
4.	<p>Prior to the commencement of development, the applicant/developer shall submit, for written agreement of the planning authority, a specification and method statement covering all works to be carried out to the protected structure, to ensure the development is carried out in accordance with good conservation practice.</p> <p><b>Reason:</b> In the interest of the protection of architectural heritage in accordance with the provision of the Architectural Heritage Protection Guidelines for Planning Authorities.</p>

5.	<p>a) A Road Safety Audit (Stages 1 and 2) shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development, in order to demonstrate that appropriate consideration has been giving to all relevant aspects of the development including in accordance with the road design standards of Transport Infrastructure Ireland.</p> <p>b) The measures recommended by the Auditor shall be undertaken, unless the Planning Authority approves any departure in writing. A detailed drawing(s) showing all accepted proposals and a feedback report should also be submitted.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
6.	<p>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 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained, and waste shall be managed in accordance with the agreed plan.</p> <p><b>Reason:</b> To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment and the amenities of properties in the vicinity.</p>
7.	<p>A final comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.</p> <p>This scheme shall include the following: -</p> <p>a) details of all proposed hard surface and/or permeable surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development. [The car parking area(s) shall be constructed using permeable materials to allow for rainwater to soak into the ground.]</p>

	<p>b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings.</p> <p>c) details of proposed street furniture, including bollards, lighting fixtures and seating.</p> <p>d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.</p> <p>e) The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.</p> <p>f) The developer shall employ a suitably qualified Landscape Architect to oversee the implementation and certification of the Landscape Works. The appointed person shall submit a report of certification upon completion of the Landscaping of the site to the Planning Authority which shall be agreed in writing.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
8.	<p>The 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 details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p><b>Reason:</b> To prevent flooding and in the interests of sustainable drainage.</p>
9.	<p>Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreements with Uisce Éireann.</p> <p><b>Reason:</b> In the interest of public health.</p>
10.	<p>The construction of the development shall be managed in accordance with a final Construction Management Plan (CMP), which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p> <p>a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.</p>

	<ul style="list-style-type: none"> <li>b) Location of areas for construction site offices and staff facilities.</li> <li>c) Details of site security fencing and hoardings.</li> <li>d) Details of on-site car parking facilities for site workers during the course of construction.</li> <li>e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.</li> <li>f) Measures to obviate queuing of construction traffic on the adjoining road network.</li> <li>g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.</li> <li>h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.</li> <li>i) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.</li> <li>j) A detailed construction traffic management plan, including 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.</li> </ul> <p><b>Reason:</b> In the interest of amenities, public health and safety and environmental protection.</p>
11.	<p>The development shall be carried out and operated in accordance with the provisions of the Mobility Management Plan (MMP) submitted to the planning authority on 11<sup>th</sup> October 2024. The specific measures detailed in Section 7 of the MMP to achieve the objectives and modal split targets for the development shall be implemented in full upon first occupation. The developer shall undertake an annual monitoring exercise to the satisfaction of the planning authority for the first five years following first occupation of the</p>

	<p>development and shall submit the results to the planning authority for consideration and placement on the public file.</p> <p><b>Reason:</b> To achieve a reasonable modal split in transport and travel patterns in the interest of sustainable development.</p>
12.	<p>Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p><b>Reason:</b> In the interest of proper planning and sustainable development.</p>
13.	<p>a) Details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.</p> <p>b) The applicant shall arrange for the modification of lighting levels and beam direction in accordance with any requirement of the planning authority.</p> <p><b>Reason:</b> In the interest of residential amenity.</p>
14.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
15.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400</p>

	<p>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.</p> <p><b>Reason:</b> In order to safeguard the amenities of property in the vicinity.</p>
16.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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

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Ian Boyle

Senior Planning Inspector

26<sup>th</sup> May 2025



## Appendix 1: Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ABP-322029-25
<b>Proposed Development Summary</b>	<p>The proposed development is for the construction of a nursing home and ancillary facilities.</p> <p>The proposed development also comprises the widening of the existing vehicular entrance; 30 car parking spaces (including two accessible spaces); bicycle parking; set-down area; loading bay; bin store; an ESB substation, switch-room and standby generator; PV panels; lift overrun; green roofs; fixed roof access ladder; lighting; roof plant; signage; balconies; boundary treatments; hard and soft landscaping; and associated site works above and below ground.</p>
<b>Development Address</b>	<p>The appeal site is at Salthill Road Upper, Salthill, Galway. It comprises a large brownfield site near the centre of Salthill village. It is near the junction of Salthill Road Upper, Salthill Road Lower and Grattan Road, respectively.</p>
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,	<p><b>Yes, it is a 'Project'.</b></p> <p>Proceed to Q2.</p>

- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.	
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3 ✓	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	

<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	<p style="text-align: center;"><b>✓</b></p> <p>Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, provides that an Environmental Impact Assessment (EIA) is required for Class 10(b)(iv) urban development which would involve an area greater than 2 hectares (business district) 10 hectares (built up area) or 20 hectares (elsewhere),</p> <p>The Applicant has submitted Schedule 7A information.</p>
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4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
<b>Yes ✓</b>	<b>Screening Determination required (Complete Form 3)</b>  See Form 3 below.
<b>No</b>	

**Inspector: Ian Boyle**

**Date: 26<sup>th</sup> May 2025**

## Appendix 2: Form 3 - EIA Screening Determination

A. CASE DETAILS		
<b>An Bord Pleanála Case Reference</b>	ABP-322029-25	
<b>Development Summary</b>	<p>The proposed development is for the construction of a nursing home comprising 154 bedrooms (157 bedspaces) and ancillary facilities (total GFA c. 8,217 sqm).</p> <p>It also comprises the widening of the existing vehicular entrance; 30 car parking spaces (including two accessible spaces); bicycle parking; set-down area; loading bay; bin store; an ESB substation, switch-room and standby generator; PV panels; lift overrun; green roofs; fixed roof access ladder; lighting; roof plant; signage; balconies; boundary treatments; hard and soft landscaping; and associated site works above and below ground.</p>	
	<b>Yes / No / N/A</b>	<b>Comment (if relevant)</b>
<b>1. Was a Screening Determination carried out by the PA?</b>	Yes	The Planning Authority states they have adopted the EIA Screening Determination by the Applicant which is that the site location is not considered to be especially sensitive from an environmental perspective and any potential impacts on identified specific sensitive

		receptors have been mitigated appropriately. Therefore, an EIA is not required for the Proposed Development.
2. Has Schedule 7A information been submitted?	Yes	The Applicant submitted an EIAR Screening Report as part of the planning application to Galway City Council.
3. Has an AA screening report or NIS been submitted?	Yes	The Applicant submitted an AA Screening Report and NIS as part of the planning application to Galway City Council.
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	The need for an IED/ IPC or Waste Licence does not arise.
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	<ul style="list-style-type: none"> <li>- Appropriate Assessment Screening Report and NIS for the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC)</li> <li>- Directive 2001/42/EC, SEA Directive</li> <li>- The European Union Water Framework Directive 2000/60/EC (WFD).</li> </ul> <p>[The Applicant's EIAR Screening Report includes a full list of Directives considered within the wider application.]</p> <p>Furthermore, the proposed development has been assessed and designed for:</p>

		<ul style="list-style-type: none"> <li>• Minimising Traffic impacts (Mobility Management Plan, Traffic and Transport Assessment Report).</li> <li>• Energy saving measures (Sustainability Report)</li> <li>• Managing Drainage, Wastewater and Storm water (Engineering Services Report)</li> <li>• Environmental impacts and mitigation measures outlined in Natura Impact Statement (NIS) and CMP</li> <li>• Landscape (Landscape and Visual Assessment)</li> <li>• Ecological Impact Assessment (EcIA)</li> <li>• Site Specific Flood Risk Assessment Report (FRA)</li> </ul>	
<b>B. EXAMINATION</b>	<b>Yes/ No/ Uncertain</b>	<p><b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b></p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p><b>Mitigation measures</b> –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p><b>Is this likely to result in significant effects on the environment?</b></p> <p><b>Yes/ No/ Uncertain</b></p>

**This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith**

**1. Characteristics of proposed development** (including demolition, construction, operation, or decommissioning)

<b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?	<b>No</b>	In recent years, Salthill has re-established itself as an urban village, providing apartments, cafes, restaurants, pharmacies and connectivity to Galway city. There would be no significant difference in terms of the character or scale of the existing and surrounding environment on foot of the proposed development.	No
<b>1.2</b> Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	<b>Yes</b>	The subject site is roughly 0.53ha. There is no significant demolition or decommissioning works proposed. However, clearance of the site of loose rubble, weeds, scrub, and some dilapidated structures near the rear, western part of the site will occur. There would be minor changes to the topography of the land due to levelling and contouring of the land. The construction of the nursing home and related works will also cause physical changes to the locality.	No

<p><b>1.3</b> Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>No</p>	<p>The proposed construction materials are typical for this type of facility, which is a nursing home / community facility. The development would not result in any significant loss of natural resources or local biodiversity.</p> <p>I note that the proposed development due to its size and localised nature would not have any significant negative effect on natural resources. Salthill and this part of Galway City is not a location which has significant natural resources, such as wetlands, riparian areas, river mouths, mountain and forest areas or nature reserves. The development site is a brownfield site having accommodated a former hotel use on the property.</p>	<p>No</p>
<p><b>1.4</b> Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Harmful materials shall be stored onsite for use in connection with the construction phase. The removal of any discovered known hazardous material from the site and its transportation to an appropriate licenced facility shall be carried out in</p>	<p>No</p>



		accordance with current legislation, best practice, and guidelines.	
<b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Yes	<p>However, waste materials produced in the construction of the proposed development would be disposed of using licensed waste disposal facilities and contractors and would not be particularly hazardous / toxic / noxious.</p> <p>The scale of the waste production by the nursing home in conjunction with the use of licensed waste disposal facilities and contractors would not result in likely significant effects on the environment.</p> <p>The accompanying Resource Recovery Management Plan (RWMP) outlines the methods for the control, management, monitoring and disposal of waste from the site. Other than construction materials, the proposed development would not produce significant volumes of waste.</p>	No
<b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface	Yes	There is potential for construction related impacts due to increased sediment and runoff from excavation, soil handling, removal and compaction;	No

waters, groundwater, coastal waters or the sea?		contamination from accidental spills and leaks dewatering runoff and sediment loading; foul water during construction; and operational impacts due to stormwater discharges and flood related impacts. However, no significant impacts likely to occur due to the mitigation and best practice construction measures proposed.	
<b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	No	There is potential for construction works to give rise to localised noise and vibration. Such emissions will be small in scale, short term and their impacts mitigated by measures outlined in the Construction Management Plan.	No
<b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?	No	The potential impacts would be mainly increased air pollution (dust), noise, traffic, and visual impact of the construction phase. These potential short-term impacts during the construction will be mitigated in accordance with CMP and through restricting the hours of construction. The risk of major accident which could affect human health is discussed below under Section 1.9 of this screening matrix.	No

		<p>Surface waters and groundwaters may be impacted by the proposed construction works through run off of silt laden surface or pollution events associated with hydrocarbon spillages. Appropriate mitigation has been proposed to counter this and is outlined in the accompanying CMP.</p> <p>The construction phase will utilise mechanical excavators and plant. This equipment will potentially use fossil fuels, but the possible impact on air and climate associated with this is imperceptible and will be short-term in nature.</p>	
<p><b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?</p>	No	<p>The Seveso III Directive (2012/18/EU) aims at the prevention of major accidents involving dangerous substances. However, as accidents may nevertheless occur, it also aims at limiting the consequences of such accidents not only for human health but also for the environment.</p> <p>The Applicant's EIA Screening Report notes that there are three Seveso sites in County Galway. The closest such site is Topaz Energy Galway Terminal</p>	No

		<p>located in New Docks, Galway Harbour, and is approximately 7km east of the site.</p> <p>The development is not a type which triggers the requirement for SEVESO considerations.</p>	
<b>1.10</b> Will the project affect the social environment (population, employment)	Yes	The proposed development would provide a community facilities (nursing home) in the local area of Salthill which would support the specific housing needs of older people in terms of providing dedicated nursing home accommodation. It would also provide jobs and employment to the local area.	No
<b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	<p>This is a stand-alone development, comprising the construction of a new nursing home development and which would not be part of a wider largescale change. Other developments in the wider area are not considered to give rise to significant cumulative effects.</p> <p>Furthermore, the EclA states that potential residual impacts from the on ecological receptors would not be significant and there is no potential for the proposed development to contribute to any</p>	No

		<p>cumulative impacts on biodiversity when considered in-combination with other plans and projects.</p> <p>In summary, it is unlikely that there would be cumulative impacts with other existing and/or permitted developments associated with the construction and operation of the proposed development.</p>	
<b>2. Location of proposed development</b>			
<p><b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> <li>• European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>• NHA/ pNHA</li> <li>• Designated Nature Reserve</li> <li>• Designated refuge for flora or fauna</li> <li>• Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</li> </ul>	Yes	<p>The subject site comprises a large brownfield site near the centre of Salthill village, Galway.</p> <p>It comprises several properties, including the former Warwick Hotel premises near the entrance to Lenaboy Park, an adjacent property which once accommodated the former Oasis nightclub (152 Salthill Road Upper) (also demolished), a previous commercial unit (154 Salthill Road Upper) and nos. 156 and 158 Salthill Road Upper (which once accommodated residential dwellings).</p> <p>The subject site is not directly located within, or directly adjacent, any European Site. The nearest</p>	No

		<p>European Site is the Galway Bay Complex SAC (Site Code: 000268), which is roughly 160m to the southeast at its nearest point. The Lough Corrib SAC (Site Code: 000297) is roughly 1.3km to the northeast. The Inner Galway Bay SPA (Site Code: 004031) is roughly 160m to the southeast at its nearest point.</p> <p>There is no potential for direct effects as the proposed development footprint is outside any designated SAC or SPA. In the absence of mitigation measures, however, there is potential for indirect effects on the Qualifying Interests (QIs) of the designated sites identified in the relevant section of my report above.</p> <p>The closest Natural Heritage Area (NHA) is the Moycullen Bogs NHA which is roughly 3.2km to the northwest of the site. The nearest proposed Natural Heritage Area (pNHA) is the Galway Bay Complex pNHA which is roughly 120m south of the site.</p>	
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		<p>Where the potential for any adverse effect on any European Site has been identified, the pathway by which any such effect may occur has been impeded through the use of avoidance, appropriate design and mitigation measures as set out within the NIS and CMP.</p> <p>Therefore, in having regard to the information contained in the NIS in relation to mitigation, it is concluded that no reasonable scientific doubt remains as to the absence of any potential detrimental effects on the designated sites having regard to their conservation objectives. The NIS is considered to contain complete, precise and definitive findings.</p>	
<b>2.2</b> Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	No	Surveys were undertaken in accordance with NRA Guidelines on Ecological Surveying Techniques for Protected Flora and Fauna on National Road Schemes (NRA, 2009). This survey provided baseline data on the ecology of the study area and	No

		<p>assessed whether further, more detailed habitat or specific ecological surveys were required.</p> <p>Walkover surveys were undertaken of the site and designed to detect the presence, or suitable habitat for a range of protected faunal species that may occur in the vicinity of the proposed development.</p> <p>A survey for potential habitat and protected bird species was undertaken during the walkover surveys. No SCI species were identified foraging in or utilising any habitats within the Proposed Development site. Bird species recorded within the site boundaries during the site visit were an assemblage of common birds that are typical of the urban habitats in the wider area.</p> <p>A dedicated bat roost assessment was carried out on the remnants of a previous demolished building located in the northern corner of the project area.</p> <p>The existing mature trees in the western corner of the site were assessed for bat roost potential during the initial walkover survey. Trees were visually</p>	
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		<p>assessed from ground level for natural features of high value to roosting bats including knot holes, trunk hollows, splits/cracks in branches and areas of flaking bark and also for signs indicating possible bat use including droppings, staining and scratching of bark and any other potential roost features.</p> <p>The EclA notes that no significant habitat for protected species listed in the Birds Directive, Habitats Directive or Wildlife Act occurs within the site boundaries of the proposed development.</p> <p>The potential residual impacts on ecological receptors will not be significant and no potential for the proposed works to contribute to any cumulative impacts on biodiversity when considered in combination with other plans and projects was identified.</p> <p>In conclusion, provided that the proposed works are constructed in accordance with the design described within this application, there will be no</p>	
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		significant effects on biodiversity at any geographic scale.	
<b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	Yes	<p>There are two Protected Structures at the northeast of the appeal site near the entrance to Lenaboy Park. They include:</p> <ul style="list-style-type: none"> <li>- Decorative cast-iron gates, railings and an adjoining wall (RPS Ref. 9003), and</li> <li>- A post box (RPS Ref. 9006).</li> </ul> <p>The adjoining wall and a partial section of the railings are within the application site. However, no works are proposed to either of these protected features.</p> <p>See Appendix 3 of the CDP 'List of Protected Structures in the Record of Protected Structures'.</p> <p>There are no recorded archaeological monument sites located within the confines of the site. The closest national monument is approximately 80m away to the northwest (Burial ground: Monument Identifier Code: GA094-021).</p>	No

<p><b>2.4</b> Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No</p>	<p>There are no significant or important such resources in proximity to the appeal site which could be negatively affected by the project.</p>	<p>No</p>
<p><b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>No</p>	<p>Prior to the commencement of any construction activities, the necessary mitigation measures will be put in place to ensure the protection of surface water during the works.</p> <p>It is proposed to have separate surface water and wastewater drainage networks to serve the proposed development. Surface Water will flow by gravity via a petrol interceptor, attenuation tank, flow control valve and filtration bed before discharging into a combined sewer pipe exiting the site.</p> <p>Foul water generated at the site during the operational phase will flow to an existing 150mm diameter Uisce Éireann combined sewer adjacent the site.</p> <p>A Flood Risk Assessment (FRA) has been submitted with the application. The FRA confirms</p>	<p>No</p>

		<p>that the proposed development is type of development that would be classed as 'highly vulnerable.' However, the site is in Flood Zone C, which is appropriate for a nursing home and is not at risk of fluvial, pluvial, coastal/tidal or groundwater flooding.</p> <p>Furthermore, I note that the proposed development would have a new gravity surface water network which has been designed to ensure that no flooding during rainfall events up to, and including, the 1% AEP (including an additional 30% intensity to allow for climate change projections).</p>	
<b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?	No	No such risks identified.	No
<b>2.7</b> Are there any key transport routes (eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	<p>No such risks identified. There are also adequate sightlines in place at the existing site entrance.</p> <p>The proposed development would widen the existing vehicular access to meet current standards and ensure safe access and egress. I note also that a designated section along the site access road is</p>	No

		<p>proposed to accommodate a delivery bay adjacent the site.</p> <p>Access to and egress from the construction site will be by the existing R864 Upper Salthill Road which has connectivity to the Saint Mary's Road and Father Griffin Road. The site entrance will also be splayed back from roadside to allow for optimum sightlines when exiting the site. A banksman will be available for all delivery vehicles entering and exiting the site to ensure safety of pedestrians, cyclists, and motorists.</p> <p>The Traffic and Transport Assessment (TTA) summarises all committed developments within the vicinity of the site. In order to ensure that the proposed can accommodate the increase in traffic flows a traffic survey has been carried out. See TTA for further details.</p>	
<b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	The surrounding area is mainly characterised by residential, commercial, tourism, educational and	No

		recreational type land uses. Such uses are typical in an urban centre setting.	
<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
<b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	<p>it is unlikely that there would be cumulative impacts with other existing and/or permitted developments associated with the construction and operation of the proposed development.</p> <p>During a simultaneous construction phase of the proposed development and these other developments outlined, there would be potential for cumulative impacts in terms of noise, dust, biodiversity and traffic in the absence of mitigation. However, mitigation measures are included in the design of each development, and this would ensure there would be no significant cumulative impacts in this regard. A Construction Traffic Management Plan would also be expected to be prepared for larger scale projects.</p>	No
<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	No	No transboundary considerations arise.	No

3.3 Are there any other relevant considerations?	No	No other relevant considerations arise.	No
C. CONCLUSION			
No real likelihood of significant effects on the environment.	X	EIAR Not Required	
Real likelihood of significant effects on the environment.		EIAR Required	
D. MAIN REASONS AND CONSIDERATIONS			
Having regard to the criteria set out in Schedule 7, the information provided in accordance with Schedule 7A of the Planning and Development Regulations 2000, as amended, and the following: -			
<div>i) the limited size, scale and nature of the proposed development, which comprises the construction of a nursing home facility on an existing brownfield site, in the urban centre of Salthill, which is served by public transport infrastructure.</div> <div>j) the absence of any significant environmental sensitivity in the vicinity,</div> <div>k) the location of the site, and existing pattern of development, in the surrounding area,</div> <div>l) the results and findings of relevant assessments of the effects of the environment submitted as part of the application, including an Appropriate Assessment Screening Report, Natura Impact Statement, Site-Specific Flood Risk Assessment, Construction Management Plan, Lighting Design Report, Engineering Services Report, Landscape and Visual Impact Assessment and Architectural Heritage Impact Assessment,</div>			

- m) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended),
- n) the provisions of the Galway City Development Plan 2023-2029, and the results of the Strategic Environmental Assessment of this Plan undertaken in accordance with the SEA Directive (2001/42/EC),
- o) the features and measures proposed by the Applicant to avoid or prevent what might otherwise have been significant effects on the environment, including measures identified in the NIS, and
- p) the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development' (2022),

it is concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

**Inspector** \_\_\_\_\_

Ian Boyle

**Date** 26<sup>th</sup> May 2025

**Approved (DP/ADP)** \_\_\_\_\_

**Date** \_\_\_\_\_



## Appendix 3: AA Screening Determination

<b>Screening for Appropriate Assessment</b> <b>Test for likely significant effects</b>	
<b>Step 1: Description of the project and local site characteristics</b> <b>Case file: ABP-319508-24</b>	
<b>Brief description of project</b>	The proposed development is for the construction of a nursing home and ancillary facilities.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The appeal site is a brownfield site near the centre of Salthill village. It is near the junction of Salthill Road Upper, Salthill Road Lower and Grattan Road, respectively.</p> <p>The property previously accommodated the former Warwick Hotel. The hotel was demolished in c. 2019 with the site lying idle for some years before that. The property is now mostly vacant with loose rubble, weeds, scrub, and some small unoccupied outbuildings and storage units positioned near the rear, western part of the site.</p> <p>The proposed nursing home includes a surface car park and surface water treatment system comprising an oil / petrol interceptor before discharging to the local drainage system. Water and waste will be connected to local services. There are no watercourses or other ecological features of note on the site which would connect it directly to any European Sites in the wider vicinity.</p> <p>A more detailed description of the proposed development is provided in Section 2.0 of my report above and detailed specifications of the proposal are provided in the AA screening report/NIS and other documentation on the file.</p>
<b>Screening report</b>	Yes
<b>Natura Impact Statement</b>	Yes

<b>Relevant submissions</b>	None. The Appellant has not raised any concerns from an AA perspective.	
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## **Step 2. Identification of relevant European sites using the Source-pathway-receptor model**

Two European Sites were identified as lying within the potential zone of influence for the proposed development. The sites are detailed in Table 1 below.

I note that the Applicant's AA Screening Report and NIS includes a greater number of European sites in their initial screening consideration (see Table 4-1 'Identification of European Sites within the Likely Zone of Impact').

However, there is no ecological justification for such a wide consideration of sites, and I have only included those sites which have a possible ecological connection or pathway in my screening determination below.

<b>European Site (code)</b>	<b>Qualifying interests (summary) Link to conservation objectives (NPWS, date)</b>	<b>Distance from proposed development</b>	<b>Ecological connections</b>	<b>Consider further in screening Y/N</b>
Galway Bay Complex SAC [000268]	<ul style="list-style-type: none"> <li>- Mudflats and sandflats not covered by seawater at low tide [1140]</li> <li>- Coastal lagoons [1150]</li> <li>- Large shallow inlets and bays [1160]</li> <li>- Reefs [1170]</li> <li>- Perennial vegetation of stony banks [1220]</li> <li>- Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</li> <li>- Salicornia and other annuals colonising mud and sand [1310]</li> </ul>	160m (southeast) at its nearest point	<p>The subject site is outside of the SAC boundary.</p> <p>Therefore, there is no potential for direct effects.</p> <p>However, in taking a precautionary approach, a potential pathway for indirect effects exists due to a deterioration of water quality via a shared groundwater body and/or runoff</p>	Y

	<ul style="list-style-type: none"> <li>- Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</li> <li>- Mediterranean salt meadows (Juncetalia maritimi) [1410]</li> <li>- Turloughs [3180]</li> <li>- Juniperus communis formations on heaths or calcareous grasslands [5130]</li> <li>- Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</li> <li>- Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</li> <li>- Alkaline fens [7230]</li> <li>- Limestone pavements [8240]</li> <li>- Lutra lutra (Otter) [1355]</li> <li>- Phoca vitulina (Harbour Seal) [1365]</li> </ul> <p><a href="#">Galway Bay Complex SAC   National Parks &amp; Wildlife Service</a></p>		<p>containing pollutants during the construction and operational phases of the proposed development. This could occur via overland flow to the stormwater network.</p> <p>A complete source pathway receptor link was identified and in the absence of mitigation, there is potential for the proposed development to result in likely significant effects on this European Site. Therefore, the European Site falls within the Likely Zone of Impact and is considered further in this assessment.</p>	
Inner Galway Bay SPA	<ul style="list-style-type: none"> <li>- Black-throated Diver (Gavia arctica) [A002]</li> </ul>	160m (southeast) at	The subject site is outside of the SPA boundary.	Y

[004031]	<ul style="list-style-type: none"> <li>- Great Northern Diver (Gavia immer) [A003]</li> <li>- Cormorant (Phalacrocorax carbo) [A017]</li> <li>- Grey Heron (Ardea cinerea) [A028]</li> <li>- Light-bellied Brent Goose (Branta bernicla hrota) [A046]</li> <li>- Wigeon (Anas penelope) [A050]</li> <li>- Teal (Anas crecca) [A052]</li> <li>- Red-breasted Merganser (Mergus serrator) [A069]</li> <li>- Ringed Plover (Charadrius hiaticula) [A137]</li> <li>- Golden Plover (Pluvialis apricaria) [A140]</li> <li>- Lapwing (Vanellus vanellus) [A142]</li> <li>- Dunlin (Calidris alpina) [A149]</li> <li>- Bar-tailed Godwit (Limosa lapponica) [A157]</li> <li>- Curlew (Numenius arquata) [A160]</li> <li>- Redshank (Tringa totanus) [A162]</li> <li>- Turnstone (Arenaria interpres) [A169]</li> <li>- Black-headed Gull (Chroicocephalus ridibundus) [A179]</li> </ul>	its nearest point	<p>Therefore, there is no potential for direct effects.</p> <p>However, in taking a precautionary approach, a potential pathway for indirect effects exists due to a deterioration of water quality via a shared groundwater body and/or runoff containing pollutants during the construction and operational phases of the proposed development. This could occur via overland flow to the stormwater network.</p> <p>A complete source pathway receptor link was identified and in the absence of mitigation, there is potential for the</p>	
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	<ul style="list-style-type: none"> <li>- Common Gull (<i>Larus canus</i>) [A182]</li> <li>- Sandwich Tern (<i>Sterna sandvicensis</i>) [A191]</li> <li>- Common Tern (<i>Sterna hirundo</i>) [A193]</li> <li>- Wetland and Waterbirds [A999]</li> </ul> <a href="#">Inner Galway Bay SPA   National Parks &amp; Wildlife Service</a>		proposed development to result in likely significant effects on this European Site. Therefore, the European Site falls within the Likely Zone of Impact and is considered further in this assessment.	
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Due to the enclosed nature of the appeal site, which would be fully serviced, and the presence of a significant buffer area between the site and the coastline, I consider that the proposed development would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus, having a limited potential zone of influence on any ecological receptors.

I further note that ecological surveys were undertaken by the applicant at an appropriate season and frequency, using best practice survey methods. No significant effects are predicted.

Following a review of the residual effects, I consider that the proposed development would not result in any significant effects on the biodiversity, flora and fauna of the existing environment. This is provided that the proposed development is carried out in accordance with the best practice as described in the Ecological Impact Assessment (EclA) and Construction Management Plan (CMP) accompanying the application.

Significant effects on biodiversity are not anticipated at any geographical scale.

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

The proposed development will not result in any direct effects on either the SAC or SPA Sites. Sources of impact and likely significant effects are detailed in the Table below.

## Screening matrix

Site name	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Galway Bay Complex SAC [000268]	Indirect pathway to SAC:	<p>Taking a precautionary approach, a potential pathway for indirect effects on the SAC via deterioration of water quality via a shared groundwater body and resulting from run off of pollutants during the construction and operational phases of the proposed development via overland flow to the stormwater network was identified. The slope of the land from the subject site is downwards and towards the coastline and, therefore, the European Site.</p> <p>A source pathway receptor chain was identified and in the absence of mitigation, there is potential for the proposed development to result in likely significant effects on this European Site. Therefore, the European Site is located within the Likely Zone of Impact and is considered further in this assessment.</p>
	Likelihood of significant effects from proposed development (alone): <b>Yes</b>	

	Impacts	Effects
Inner Galway Bay SPA [004031	Indirect pathway to SPA:	<p>Taking a precautionary approach, a potential pathway for indirect effects on the SAC via deterioration of water quality via a shared groundwater body and resulting from run off of pollutants during the construction and operational phases of the proposed development via overland flow to the stormwater network was identified. The slope of the land from the subject site is downwards and towards the coastline and, therefore, the European Site in question. A complete source pathway receptor chain was identified and in the absence of mitigation, there is potential for the proposed development to result in likely significant effects on this European Site. Therefore, the European Site is located within the Likely Zone of Impact and is considered further in this assessment.</p>
	Likelihood of significant effects from proposed development (alone): <b>Yes</b>	

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

Based on the information provided in the Applicant's AA Screening report, my physical inspection of the site, a review of the conservation objectives for each site and supporting documentation, I consider that in the absence of mitigation measures beyond best practice construction methods,

the proposed development would have the potential to result in significant effects on the Galway Bay Complex SAC [000268] and the Inner Galway Bay SPA [004031].

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

As noted above, the Applicant included further European sites in their initial screening assessment (see Table 4-1 'Identification of European Sites within the Likely Zone of Impact'). However, I do not consider that there is any ecological justification for such a wide consideration of sites, and I have only included those sites which have a possible ecological connection or pathway in my screening determination below.

### **Screening Determination**

#### **Finding of likely significant effects**

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

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



## Appendix 4: Appropriate Assessment - AA Determination

### Template 3: Standard AA Template and AA Determination

Appropriate Assessment
<p>The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V [or S 177AE] of the Planning and Development Act 2000 (as amended) are considered fully in this section.</p>
<p>Taking account of the preceding screening determination in Appendix 3 above of my report, the following is an appropriate assessment of the implications of the proposed nursing home development in view of the relevant conservation objectives of the Galway Bay Complex SAC (Site Code: 000268) and Inner Galway Bay SPA (Site Code: 004031) based on scientific information provided by the Applicant.</p> <p>The information relied upon includes the following:</p> <ul style="list-style-type: none"><li>• Appropriate Assessment Screening Report and Natura Impact Statement (Salthill Nursing Home) prepared by MKO (Planning and Environmental Consultants)</li><li>• Construction Management Plan</li><li>• Mobility Management Plan</li><li>• Traffic and Transport Assessment Report)</li><li>• The Sustainability Report (energy saving measures)</li><li>• Engineering Services Report</li><li>• Landscape and Visual Impact Assessment</li><li>• Ecological Impact Assessment (EclA)</li><li>• Site Specific Flood Risk Assessment Report (FRA)</li></ul> <p>I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.</p>

**Submissions/observations**

None. The Appellant has not raised any concerns from an AA perspective.

**Galway Bay Complex SAC (Site Code: 000268)**

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

**Water quality degradation** due to the construction of the proposed development. This could potentially arise from the percolation of polluting materials to groundwater. [There is no potential for deterioration of groundwater quality during the operational phase of the proposed development as the foul and surface water design measures described in Section 2.3 of the NIS have been designed in accordance with the relevant standards and will ensure no impact on groundwater quality.]

<b>Qualifying Interest features likely to be affected</b>	<b>Conservation Objectives Targets and attributes</b>	<b>Potential adverse effects</b>	<b>Mitigation measures (summary)</b>
Mudflats and sandflats not covered by seawater at low tide [1140]	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in Galway Bay Complex SAC	Water quality degradation as described above.	The NIS outlines specific mitigation measures in relation to: <ul style="list-style-type: none"> <li>- surface water (Section 6.1.2.1)</li> <li>- refuelling, fuel and hazardous materials storage (Section 6.1.2.2),</li> <li>- spill control measures (Section 6.1.2.3),</li> <li>- dust control (Section 6.1.2.4,</li> <li>- earthworks (Section 6.1.2.5), and</li> <li>- environmental monitoring (Section 6.1.2.6).</li> </ul>

Coastal lagoons [1150]	To restore the favourable conservation condition of Coastal lagoons in Galway Bay Complex SAC	As above	As above
Large shallow inlets and bays [1160]	To maintain the favourable conservation condition of Large shallow inlets and bays in Galway Bay Complex SAC	As above	As above
Reefs [1170]	To maintain the favourable conservation condition of Reefs in Galway Bay Complex SAC	As above	As above
Perennial vegetation of stony banks [1220]	To maintain the favourable conservation condition of Perennial vegetation of stony banks in Galway Bay Complex SAC	As above	As above
Salicornia and other annuals colonising mud and sand [1310]	To maintain the favourable conservation condition of Salicornia and other annuals colonizing mud and	As above	As above

	sand in Galway Bay Complex SAC		
Turloughs [3180]	To maintain the favourable conservation condition of Turloughs in Galway Bay Complex SAC	As above	As above
Juniperus communis formations on heaths or calcareous grasslands [5130]	To restore the favourable conservation condition of Juniperus communis formations on heaths or calcareous grasslands in Galway Bay Complex SAC	As above	As above
Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]	To maintain the favourable conservation condition of Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco Brometalia) in Galway Bay Complex	As above	As above
Calcareous fens with Cladium mariscus and species of the	To maintain the favourable conservation condition of	As above	As above

Caricion davallianae [7210]	Calcareous fens with Cladium mariscus and species of the Caricion davallianae in Galway Bay Complex SAC		
Alkaline fens [7230]	To maintain the favourable conservation condition of Alkaline fens in Galway Bay Complex SAC	As above	As above
Lutra lutra (Otter) [1355]	To restore the favourable conservation condition of Otter in Galway Bay Complex SAC	As above	As above
Phoca vitulina (Harbour Seal) [1365]	To maintain the favourable conservation condition of Harbour Seal in Galway Bay Complex SAC	As above	As above
<b>Other Qualifying Interests (Not at risk)</b>		<b>Rationale for Exclusion</b>	
Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]		Outside the zone of influence / no pathway / the intervening distance between this QI and the subject site.	

Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]	As above.
Mediterranean salt meadows (Juncetalia maritimi) [1410]	As above.
Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]	As above.
Mediterranean salt meadows (Juncetalia maritimi) [1410]	As above.
Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]	As above.
Limestone pavements [8240]	As above.

**Note:** The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

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

**(i) Water quality degradation**

The water quality of SAC remains vulnerable. Good quality water is necessary to maintain the populations of the Annex II species listed. Water quality degradation is the main risk from unmanaged site works where silt laden surface water could potentially reach the SAC.

Decrease in water quality would compromise conservation objectives for Annex II species listed and increase sedimentation could alter habitat quality for flora and fauna, including Otter and Harbour Porpoise.

A potential pathway for indirect effects on the aquatic and groundwater reliant QIs was identified by the Applicant via a deterioration of water quality arising from the percolation of polluting materials to groundwater during the construction phase of the development

Mitigation measures and conditions

A deterioration of water quality could result in indirect effects on the above listed aquatic and groundwater reliant Qualifying Interests.

### Mitigation Measures and Conditions

The AA Screening Report and NIS outlines mitigation measures to be taken in relation to surface water (Section 6.1.2.1); refuelling, fuel and hazardous materials storage (Section 6.1.2.2); spill control measures (Section 6.1.2.3); dust control (Section 6.1.2.4); earthworks (Section 6.1.2.5), and through environmental monitoring (Section 6.1.2.6).

Mitigation measures related to water quality are included in the recommendation conditions of my report above (Section 12 'Conditions').

### Residual Effects

In view of best scientific knowledge, and on the basis of objective information, there is no potential for adverse effect on the identified QIs/SCIs and their associated targets and attributes, or on any European Site. Potential pathways have been blocked through measures to avoid impacts and through incorporation of best practice/mitigation measures as part of the Applicant's NIS and EclA.

#### **(ii) Spread of invasive species**

The EclA (Section 6.2.4) notes that several non-native invasive species were recorded on and around the site. Montbretia is classed as a low risk invasive species while wall cotoneaster, Buddeja and Himalayan Honeysuckle are classed as having a medium risk of invasiveness. The Three cornered Leek was recorded in the western corner of the site and along the northwestern wall of the project area. See Table 6-3 of the EclA (Assessment of the control of invasive species during the construction phase).

### Potential Effects (without mitigation)

The potential effect is the spread of non-native species during the construction phase of the proposed development which would have the potential to negatively impact native the flora in the surrounding area through competition. Species that are regulated under regulations 49 and 50 of the European Communities (Birds and Natural Habitats) Regulations 2011 [S.I.477/2011] are considered particularly damaging to native flora and fauna.

### Mitigation Measures and Conditions

The EclA outlines mitigation measures to be taken pre-construction, during the construction phase (onsite burial) and post construction. These are outlined on Pages 49 to 50 of the EclA.

I am satisfied that the measures proposed can be implemented, supervised effectively and will be effective in preventing the spread of invasive species.

Mitigation measures related to invasive species are covered by Condition 2 of my report above (Section 12 'Conditions').

#### Residual Effects

Following the implementation of mitigation, there is no potential for the proposed development to result in the significant spread of invasive species.

#### **In-combination effects**

I am satisfied that in-combination effects has been assessed adequately in the NIS. Section 8 of the AA Screening Report and NIS outlines the plans and projects that may have the potential to result in cumulative and/or in-combination impacts on European Sites. It states that all relevant projects were considered in relation to the potential for in-combination effects. All relevant data was reviewed (e.g. individual EISs/EIARs, layouts, drawings etc.) for all relevant projects where available. These consisted mainly of small scale domestic and business type developments. Past applications made within the proposed project area were also considered.

I note that Appendix 3 of the AA Screening Report and NIS includes a comprehensive list of plans and projects considered during the cumulative assessment. I have had regard to this table as part of my assessment and I am satisfied that the Applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures. Therefore, there is no potential for in-combination effects.

#### **Findings and conclusions**

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

Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for the Galway Bay Complex SAC [000268]. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants.



I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

#### **Reasonable scientific doubt**

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

#### **Site Integrity**

The proposed development will not affect the Conservation Objectives of the Galway Bay Complex SAC [000268]. Therefore, adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

#### **The Inner Galway Bay SPA (Site Code: 004031)**

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

**Water quality degradation** due to the construction of the proposed development. This could potentially arise from the percolation of polluting materials to groundwater. [There is no potential for deterioration of groundwater quality during the operational phase of the proposed development as the foul and surface water design measures described in Section 2.3 of the AA Screening Report and NIS have been designed in accordance with the relevant standards and will ensure no impact on groundwater quality.]

<b>Qualifying Interest features likely to be affected</b>	<b>Conservation Objectives Targets and attributes</b>	<b>Potential adverse effects</b>	<b>Mitigation measures (summary)</b>
Black-throated Diver ( <i>Gavia arctica</i> ) [A002]	To maintain the favourable conservation condition for this species in the Inner Galway Bay SPA.	Water quality degradation as described above.	The NIS outlines specific mitigation measures in relation to: <ul style="list-style-type: none"> <li>- surface water (Section 6.1.2.1)</li> <li>- refuelling, fuel and hazardous materials storage (Section 6.1.2.2),</li> </ul>

			<ul style="list-style-type: none"> <li>- spill control measures (Section 6.1.2.3),</li> <li>- dust control (Section 6.1.2.4,</li> <li>- earthworks (Section 6.1.2.5), and</li> <li>- environmental monitoring (Section 6.1.2.6).</li> </ul>
Great Northern Diver ( <i>Gavia immer</i> ) [A003]	As above	As above	As above
Cormorant ( <i>Phalacrocorax carbo</i> ) [A017]	As above	As above	As above
Grey Heron ( <i>Ardea cinerea</i> ) [A028]	As above	As above	As above
Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046]	As above	As above	As above
Wigeon ( <i>Anas penelope</i> ) [A050]	As above	As above	As above
Teal ( <i>Anas crecca</i> ) [A052]	As above	As above	As above
Red-breasted Merganser ( <i>Mergus serrator</i> ) [A069]	As above	As above	As above
Ringed Plover ( <i>Charadrius hiaticula</i> ) [A137]	As above	As above	As above

Golden Plover ( <i>Pluvialis apricaria</i> ) [A140]	As above	As above	As above
Lapwing ( <i>Vanellus vanellus</i> ) [A142]	As above	As above	As above
Dunlin ( <i>Calidris alpina</i> ) [A149]	As above	As above	As above
Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157]	As above	As above	As above
Curlew ( <i>Numenius arquata</i> ) [A160]	As above	As above	As above
Redshank ( <i>Tringa totanus</i> ) [A162]	As above	As above	As above
Turnstone ( <i>Arenaria interpres</i> ) [A169]	As above	As above	As above
Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179]	As above	As above	As above
Common Gull ( <i>Larus canus</i> ) [A182]	As above	As above	As above
Sandwich Tern ( <i>Sterna sandvicensis</i> ) [A191]	As above	As above	As above

Common Tern (Sterna hirundo) [A193]	As above	As above	As above
Wetland and Waterbirds [A999]	To maintain the favourable conservation condition of wetland habitat in Inner Galway Bay SPA as a resource for the regularly occurring migratory waterbirds that utilise it.	As above	As above

**Note:** The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

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

**(i) Water quality degradation**

A potential pathway for indirect effects on the aquatic and groundwater reliant QIs was identified by the Applicant via a deterioration of water quality arising from the percolation of polluting materials to groundwater during the construction phase of the development

Mitigation measures and conditions

A deterioration of water quality could result in indirect effects on the above listed aquatic and groundwater reliant Qualifying Interests.

Mitigation Measures and Conditions

The AA Screening Report and NIS outlines mitigation measures to be taken in relation to surface water (Section 6.1.2.1); refuelling, fuel and hazardous materials storage (Section

6.1.2.2); spill control measures (Section 6.1.2.3); dust control (Section 6.1.2.4); earthworks (Section 6.1.2.5), and through environmental monitoring (Section 6.1.2.6).

#### Residual Effects

In view of best scientific knowledge, and on the basis of objective information, there is no potential for adverse effect on the identified QIs/SCIs and their associated targets and attributes, or on any European Site. Potential pathways have been blocked through measures to avoid impacts and through incorporation of best practice/mitigation measures as part of the Applicant's NIS and EcIA.

#### **(ii) Spread of invasive species**

The EcIA (Section 6.2.4) notes that several non-native invasive species were recorded on and around the site. Montbretia is classed as a low risk invasive species while wall cotoneaster, Buddleja and Himalayan Honeysuckle are classed as having a medium risk of invasiveness. The Three cornered Leek was recorded in the western corner of the site and along the northwestern wall of the project area. See Table 6-3 of the EcIA (Assessment of the control of invasive species during the construction phase).

#### Potential Effects (without mitigation)

The potential effect is the spread of non-native species during the construction phase of the proposed development which would have the potential to negatively impact native the flora in the surrounding area through competition. Species that are regulated under regulations 49 and 50 of the European Communities (Birds and Natural Habitats) Regulations 2011 [S.I.477/2011] are considered particularly damaging to native flora and fauna.

#### Mitigation Measures and Conditions

The EcIA outlines mitigation measures to be taken pre-construction, during the construction phase (onsite burial) and post construction. These are outlined on Pages 49 to 50 of the EcIA.

#### Residual Effects

Following the implementation of mitigation, there is no potential for the proposed development to result in the significant spread of invasive species.

**In-combination effects**

I am satisfied that in-combination effects has been assessed adequately in the NIS. Section 8 of the AA Screening Report and NIS outlines the plans and projects that may have the potential to result in cumulative and/or in-combination impacts on European Sites. It states that all relevant projects were considered in relation to the potential for in-combination effects. All relevant data was reviewed (e.g. individual EISs/EIARs, layouts, drawings etc.) for all relevant projects where available. These consisted mainly of small scale domestic and business type developments. Past applications made within the proposed project area were also considered.

I note that Appendix 3 of the AA Screening Report and NIS includes a comprehensive list of plans and projects considered during the cumulative assessment. I have had regard to this table as part of my assessment and I am satisfied that the Applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures. Therefore, there is no potential for in-combination effects.

**Findings and conclusions**

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

Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for the Galway Bay Complex SAC [000268]. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants.

I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

**Reasonable scientific doubt**

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

**Site Integrity**

The proposed development will not affect the Conservation Objectives of the **Inner Galway Bay SPA (Site Code: 004031)**. Therefore, adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

### **Appropriate Assessment Conclusion: Integrity Test**

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

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

My conclusion is based on the following:

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