



### Development

is é a bheidh i gceist leis an bhforbraíocht: 1. Áras dhá stór (os cionn an íoslaigh) an Óstáin agus scioból aon stór amháin a scartáil agus a thabhairt chun bealaigh maille le hoibreacha gaolmhara ar an suíomh, 2. Foirgneamh (3 Stór) maidir le húsáid mheasctha a thógáil, lena mbainfidh; a. Spás urláir tráchtála chun tosaigh (sa chuid ó dheas den fhoirgneamh) ar urlár na talún, le hoifig fáiltithe maidir le Ligean go Gearrthéarmach agus spás stórála iata do ghabhdáin dramhaíola, b. 10 gcinn d'árasáin cónaithe chun cúil (sa chuid ó thuaidh den fhoirgneamh, lena n-áirítear 5 cinn d'árasáin aon seomra codlata amháin ar urlár na talún (Cineál A) agus 5 cinn d'árasáin dhá stór dhá sheomra codlata (Cineál B) ar an gcéad stór agus an dara stór. c. 8 gcinn d'aonaid tráchtála le ligean go gearrthéarmach ar an gcéad agus an dara stór chun tosaigh (sa chuid ó dheas den fhoirgneamh), lena n-

áirítear 6 cinn d'árasáin dhá stór dhá sheomra codlata (Cineál C) agus dhá árasán dhá stór trí sheomra codlata (Cineál D). 3. Limistéar comhphobail spás oscailte a chur ar fáil le hionad spraoi, spás oscailte príobháideach, soilse poiblí, cóiriú garraíodóireacht crua agus bog agus athchóiriú ar ghnéithe leis na teorainneacha. 4. Spásanna páirceála do charranna, spásanna faoi leith maidir le Feithiclí Leictreacha a luchtú san áireamh, agus córas duchtála a chur chuig na spásanna uilig d'ionaid luchtaithe eile san am atá romhainn. 5. Bealach isteach leasaithe a chur ar fáil d'fheithiclí agus bealach do choisithe amach ar Bhóthar an R336 le Cósta. 6. Foirgneamh aon stór amháin a chur ar fáil maidir le rothair a stóráil chomh maith le spásanna faoin aer do rothair chuairteoirí. 7. Ceangal leis an gcóras séarachais poiblí, leis an bpríomhphíobán uisce, leis an séarach stoirme poiblí agus leis an gcóras draenála uisce dromchla, maille le hoibreacha gaolmhara ar an suíomh agus seirbhísí gaolmhara. Beidh Ráiteas Tionchair Natura á chur faoi bhráid an údaráis pleanála in éineacht leis an iarratas seo.

**Location**

An Spidéal Thiar, Ceol Na Mara Hotel,  
Co. na Gaillimhe, H91 R773

<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	2460904
<b>Applicant(s)</b>	Solus Holdings Ulc
<b>Type of Application</b>	Planning Permission
<b>Planning Authority Decision</b>	Grant permission with conditions
<b>Type of Appeal</b>	First and Third Party
<b>Appellant(s)</b>	Solus Holdings Ulc Fóram Chois Fharraige um Pleanáil Teanga CTR
<b>Observer(s)</b>	Conradh na Gaeilge Bánú
<b>Date of Site Inspection</b>	25 <sup>th</sup> July 2025
<b>Inspector</b>	Sarah O'Mahony

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Appendix 1 – Environmental Impact Assessment Screening

Appendix 2 – Appropriate Assessment

Appendix 3 – Water Framework Directive Screening

## **1.0 Site Location and Description**

- 1.1. The 0.459ha site is situated at the eastern edge of An Spidéal and comprises a former detached hotel structure which is vacant and unoccupied. The windows and doors of the two-storey over basement building are boarded up while a previous layer of thatch roofing has been removed and replaced with corrugated metal sheeting.
- 1.2. Vehicular access is provided from the R336 regional road at the south of the site. The foreshore of the Atlantic Ocean/Galway Bay is situated immediately south of the R336 and includes a sandy beach amenity area 70m southeast of the existing vehicular entrance.
- 1.3. Boundaries comprise low stone walls on all sides. There is a large carpark surfaced with tarmac at the south and east of the building while the west and north of the hotel comprises an overgrown area of scrubland. The landform within the site raises gently from the roadside at the south up towards the business and residential properties at the north with a differential of approximately 4m in height across the site.
- 1.4. Adjacent land comprises a filling station to the west, residences to the northwest a business/commercial building to the north and a craft village to the east.

## **2.0 Proposed Development**

- 2.1. Planning permission is sought for development which comprises the following
  - Demolition and removal of existing 2 Storey (over basement) Hotel Building, single storey shed and associated site works,
  - Construction of a mixed use building (3 Storey), to include;
    - (a) Ground floor commercial floorspace to the front (southern section) of building, with Short-Term letting reception office and enclosed bin storage,
    - (b) 10 no. residential apartment units at rear (northern section) of building, comprising of 5 no. 1 bed apartments at ground floor level (Type A) and 5 no. 2 bed Duplex (Type B) at first and second floor level.

(c) 8 no. commercial short-term letting units at first and second floor level to the front (southern section) of building, comprising of 6 no. 2 bed Duplex (Type C) and 2 no. 3 bed Duplex (Type D).

- Provision of communal open space area with play area, private open space, public lighting, soft and hard landscaping and revised boundary treatments.
- Car parking including dedicated EV charge spaces, ducting to all spaces for future electric charging points.
- Provision of revised vehicular entrance with pedestrian connection onto R336 Coast Road.
- Provision of single storey bike storage building and outdoor visitor bike spaces.
- Connection to public sewer, public watermain, public storm sewer and surface water drainage, together with all associated site works and services including landscaping with natural play equipment.

2.2. The following documentation was submitted with the application together with all standard drawings and application forms etc:

- Flood Risk Assessment
- Appropriate Assessment Screening Report
- Natura Impact Statement
- Linguistic Impact Statement
- Traffic and Transport Assessment
- Stage 1 Road Safety Audit
- Preliminary Construction Demolition Waste Environmental Management Plan
- Planning Statement
- Architectural Design Statement
- Outdoor Lighting Report
- Bat Roost Inspection Report

- Letter from Estate Agents outlining modest demand for new commercial and retail units in the village centre of An Spidéal as well as strong demand for residential developments and short-term letting tourism development.
- Building Condition Report
- Letter from GCC Housing Section advising that the Part V obligation associated with the development shall result in GCC achieving the equivalent of 20% of the net monetary value of the land which shall be offset against the cost of provision of the units to be transferred.
- Water Services Report
- Letter of support from local business owner looking for a commercial unit in the area.

### **3.0 Planning Authority Decision**

#### **3.1. Further Information**

3.1.1. The following further information was requested from the applicant:

- Submit a redesigned proposal significantly reducing the height, scale and massing including a range of materials to break up the mass and bulk.
- Photomontages and visual aids.
- Contiguous elevations.
- Daylight and shadow projection.
- Address concerns that siting the short-term letting units at the south and front of the site would undermine and militate against physical consolidation of the village core.
- 10no. standard residential units exceeds the 9no. units set out for the area in the core strategy.
- Submit a revised site layout plan indicating pedestrian priority crossings and routes within the site, detailed design of the existing entrance to be closed, demonstrate junction radii for the new entrance to be clarified in accordance with



DMURS and consider provision of a new ramp profile at the vehicular entrance to address pedestrian crossing quality across the vehicular entrance given the slightly elevated nature of the site above the regional road.

- 3.1.2. With regard to the overall design concept, scale and massing etc, the applicant's response considered the design to be high quality but carried out minor alterations to the mixed use building to reduce its height, scale and massing while still providing a bookend at the eastern entrance to the settlement. The redesign comprised a staggered roof profile with box dormer windows in lieu of a previous continuous pitched roof with breakfront sawtooth/monopitch element.
- 3.1.3. The request to relocate the short term letting units to the rear of the site was not adopted in the applicants response. The applicant submitted that provision of the 3no. commercial/retail units on the ground floor of this building provides active street frontage contributing to year round vitality, vibrancy and attractiveness. It also highlighted how the principle upper floor use in the former hotel was tourism accommodation.
- 3.1.4. In response to the core strategy matter, one long term residential unit was swapped for short term accommodation in order to comply with the 9no. unit limit. The applicant also provided a rationale and justification demonstrating flexibility in the core strategy.

### 3.2. **Decision**

- 3.2.1. A notification to grant planning permission was issued by Galway County Council on 08<sup>th</sup> April 2025 subject to 37 no. conditions including nos. 20, 29, 32 and 36 as follows:

No. 20: Full details of all proposed external signage shall be agreed in writing with the Planning Authority prior to commencement of any business therein. All proposed signage/advertisements/nameplates shall be lit, where required, by static internal illumination only and intermittent illumination shall not be installed. Further signs, symbols, emblems, nameplates or other advertising devices shall not be erected or displayed on or adjacent to the premises save with the prior agreement of the Planning Authority.

**Reason:** In the interest of visual amenity.

No. 29: Prior to the commencement of development, the developer shall enter into an agreement with the Planning Authority (under Section 47 of the Planning and Development Act, 2000, as amended) providing 80% of the residential units hereby permitted for the use of occupants who have an appropriate competency/fluency in Irish to preserve and protect the language and culture of the Gaeltacht for a period of 15 years.

Details of the standard of Irish to be achieved and method of evaluating same shall be agreed in writing with the Planning Authority.

**Reason:** To ensure that development in the area is appropriately restricted and to protect the cultural heritage of the Gaeltacht in the interest of the proper planning and sustainable development of the area.

No. 32: Proposals for an estate name, house numbering scheme and associated signage shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme unless the Planning Authority agrees in writing to an alternative scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the Planning Authority's written agreement to the proposed name(s).

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

No. 36: The developer shall pay a financial contribution, the amount to be agreed in writing with the Planning Authority as a Special Contribution under Section 48 of the Planning and Development Act 2000, as amended, in respect of:

- Facilitation of a 1 no. new signalised prioritised pedestrian crossing the R-336.

- Facilitation of 4no. gullies as required including any ancillary tie in drainage infrastructure.
- Facilitation of 2no. public lighting columns to light the intended pedestrian crossing path.
- Facilitation of build out of existing roadside kerbs and footpaths on each margin to standardise the crossing route.
- Facilitation of new pigmented coloured pavement surfacing to be provided directly to the at grade pedestrian crossing widths.
- Facilitation of new road marking and signage in accordance to Standards outlined herein:

Of which should adhere to TII Publications Standard Construction Details

- CC-SCD-05115 – Double Build Out Detail
- CC-SCD-05135 – Puffin Crossing Tactile Paving and Traffic Signal Detail or similar type to be specified.
- CC-SCD-05137 – Tactile Paving Detail and Recommended Gradients – Controlled Pedestrian Crossing.
- CC-SCD-05145 – Raised Table Detail
- Advanced Warning Road Verge signage and associated road marking alerting road users of pedestrian crossing in accordance with the Traffic Signs Manual.
- Street Lighting design parameters at pedestrian crossing should adhere to Section 5.8.2 & Section 5.8.3 of TII publication DN-LHT-03038.

The contribution which benefits further connectivity links from promenade movements to the proposed development. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the Planning Authority and the developer.

**Reason:** A requirement under the Planning and Development Act 2000, as amended, the Development Contribution Scheme made under Section 48 of the Act shall be applied to the permission.

### 3.3. Planning Authority Reports

#### 3.3.1. Planning Reports

- There are two Case Planner's reports, one recommending further information and the latter assessing it.
- The Planner's report recommendation to grant permission is consistent with the notification of decision which issued.
- Environmental Impact Assessment (EIA) and Appropriate Assessment (AA) issues are screened out and issues were screened out.

#### 3.3.2. Other Technical Reports

- Roads and Transportation Department: Two reports issued, one recommending further information and the latter setting out conditions.
- Architectural Conservation Officer: Further information recommended.
- The Case Planners report notes that the application was also referred to the following however no responses were received:
  - Carraroe Area Office
  - Environment Section
  - Housing Section
  - Water Section GCC

### 3.4. Prescribed Bodies

- Department of Housing Local Government & Heritage: Advices made regarding the proximity of the site to a number of designated habitats. It recommended the provision of 2no. conditions requiring adherence to all mitigation measures and recommendations outlined in the NIS and Bat Report.

- TII: Observation submitted requesting the Local Authority to have regard to TII policy including that for development affecting national roads and codes of engineering for works on, near or adjacent the Luas light rail system.
- Údarás na Gaeltachta: Recommendations made to uphold primacy of the Irish Language in the Gaeltacht area including ensuring that all signage is in Irish and that a language condition under Section 47 of the Planning and Development Act 2000 (as amended) is applied.
- The Case Planners report notes that the application was also referred to the following however no responses were received:
  - An Taisce
  - Department of Tourism Culture Arts Gaeltacht
  - Fáilte Ireland
  - Inland Fisheries Ireland
  - Irish Water
  - The Heritage Council

### **3.5. Third Party Observations**

3.5.1. 3 no. submissions were received from the following parties:

1. Bánú
2. Fóram Chois Fharraige um Pleanáil Teanga CTR
3. Conradh na Gaeilge

3.5.2. The submissions raised the following matters:

- Support for policy to ensure 80% of units are provided for Irish speakers and recommendations made as to how to apply this enurement.
- Ensure all homes are made available for sale or long term renting.
- Request that the only dwellings where the enurement does not apply are 1-bed units.

- Concerns regarding evidence base of statements outlined in the Language Impact Statement.
- All signage should be in Irish.
- There is a housing shortage for Irish speakers in the area.

## 4.0 Planning History

- 06/5306 (PL 07.222888) – Planning permission refused to Seamus MacFhlannacha for: e úsáid an fhoirgnimh na seirbhísí turasoireachta a sholathar, i.e. eolas a thabhairt agus ticéid a dhíol do na reimsí turasoireachta seo a leanas; rothair ar cíos, turais fharantóireachta, turais busanna, seoltóireacht, íascaireacht, siúlóidí, bádóireacht, chomh maith le hiosas a sholáthar i ceangailte leis an iarratas. (20m<sup>2</sup> building providing a tourist hub for ticket sales to the Aran Islands, walking tours, bike hire, fishing and diving trips etc. Public and staff welfare facilities were proposed together with signage, landscaping and general site development works). A notification to grant permission was issued by the Local Authority which was overturned following a third party appeal. Permission was refused as it would represent substandard development due to a lack of basic ancillary facilities and the Board was not satisfied for the need for the development.
- 04/5509 (PI 07.212489) – Planning permission refused to Seamus MacFhlannacha chun Óstan Chlann na Mara a leagadh agus Ar-Óstan(Aparthotel) le 89 seomraí, bialann, bear, seomrai cruinnithe, linn snámha, agus carrclós faoi talún a thógáil. (Demolition of Óstan Chlann na Mara and construction of aparthotel on the site, to include 89 rooms, restaurant, bar, meeting rooms, swimming pool and underground car park, at An Spidéal, County Galway). Planning permission was refused by the Local Authority. This decision was appealed and An Bord Pleanála subsequently refused permission for 3no. reasons relating to overdevelopment and associated lack of car parking, inappropriate design, scale, mass, height and elevational treatments and Irish language impacts due to uncertainty over the long term use of proposed residential units.
- 95/2051 – permission granted to Neville McGann to construct a new kitchen and store to the rear of the premises at Ceol na Mara in the townland of Spiddle West.

- 65840 (Historical) – permission granted to Hollycrest Development Ltd for extension to premises and change of use of shops to residents’ lounge in the townland of Spiddle West (1991).
- 60158 (Historical) – permission granted to Mr. Joseph O’Toole for change of use of dwellinghouse for use for commercial development consisting of shops, offices, cafeteria and restaurant and health centre, & music house in the townland of Spiddle West (1989).
- 30284 (Historical) – permission granted to Mr. Martin Devaney for outline permission for erection of one dwellinghouse and two chalets in the townland of Spiddle West (1978).

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1. The site is governed by the policies and provisions contained in the Galway County Development Plan 2022-2028 (referred to hereafter as the CDP). Volume 2 of the Plan sets out settlement plans for smaller settlements including An Spidéal in Section 12.1.

5.1.2. The site is zoned village centre which has the following zoning objective:

*Policy Objective:*

*To provide for the development and improvement of appropriate village centre uses including retail, commercial, office and civic/community uses and to provide for a “Living over the shop” scheme Residential accommodation, or other ancillary residential accommodation.*

*Description:*

*To develop and consolidate the existing village centre to improve its vibrancy and vitality with the densification of appropriate commercial and residential developments ensuring a mix of commercial, recreation and civic uses.*

5.1.3. The site is also identified as OPT-SP1: ‘Opportunity Site 1 in An Spidéal Thatch Building on approach into An Spidéal.’ The following text is provided under the heading of ‘Opportunity’:

*To provide for a mix of uses capable of accommodating retail and or commercial development. The development of the Southern half of the site should reflect its prominent location on the approach into An Spidéal. The overall development proposal for the site shall include a detailed landscaping plan and take into account the prominent location of the subject site at the edge of the village. Innovative, high quality building design and appropriate layouts taking into account the location and setting of the subject lands.*

5.1.4. The following land use zoning policy objectives also apply:

SSGV 4: A Language Enurement Clause will be applied on a portion of residential units in development of two or more units in An Spidéal. The proportion of homes to which a language enurement clause will be a minimum of 80% or to the proportion of persons using the Irish Language on a daily basis, in accordance with the latest published Census, whichever is greater.

SSGV7: Promote An Spidéal as a premier tourist destination in its own right and as a tourism hub for the Gaeltacht, offering a high quality, rich and diverse experience to all visitors.

SSGV8: To encourage the provision of commercial and employment development within the village and in particular the provision of opportunities for small scale start up enterprises.

SSGV12: To promote and encourage the appropriate re-development of the opportunity sites identified which will contribute to the vitality and character of An Spidéal.

5.1.5. Chapter 13 of the CDP refers to the Galway Gaeltacht and Islands. It divides the Gaeltacht into 6no. districts and section 13.5.4 identifies An Spidéal as being situated within District D which is referred to as Cois Fharraige.

5.1.6. Policy Objective GA 4 requires a language enurement clause to be applied to a minimum 80% of residential units in schemes of 2units or more in the District D Cois Fharraige Gaeltacht area.

5.1.7. Policy Objective GA6 requires all signs in Gaeltachta to be in Irish.



## **5.2. Natural Heritage Designations**

- 5.2.1. Connemara Bog Complex Special Area of Conservation (SAC) and proposed Natural Heritage Area (pNHA) are situated 1.6km north of the site. Moycullen Bogs Natural Heritage Area is situated 1.6km northeast of the site.
- 5.2.2. Furbough Wood pNHA is situated 5km east of the site.
- 5.2.3. Galway Bay Complex SAC and pNHA as well as Inner Galway Bay Special Protection Area are all situated 11.5km east of the site.

## **5.3. EIA Screening**

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

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. The first party appeal centres around condition no. 36 only which is a condition requiring a Special Financial Contribution for a pedestrian crossing on the R336 regional road outside the site. The basis of appealing this condition is as follows:
  - A de novo assessment is not required as the appeal relates only to one condition.
  - A need for increased connectivity at this location was not raised during pre-planning discussions or in third party submissions nor is it outlined in the development plan.
  - Neither of the text associated with the general village centre zoning objective nor the opportunity site designation outline a requirement for additional pedestrian

crossings in the area. The Spiddal Action Plan 2024-2028 also does not identify any requirement for the crossing.

- A Stage 1 Road Safety Audit (RSA) was prepared and submitted with the planning application which did not identify any connectivity issues at this location. Similarly, the Traffic and Transport Assessment (TTA) prepared and submitted with the planning application did not raise any need for connectivity.
- The further information request did not raise any concerns with respect to pedestrian connectivity and did not request any such works.
- The first reference to a requirement for the condition and crossing in question was in a Transport Department report dated the same day that the decision was due. Imposing such a requirement at the very end of the assessment process is most unfair, unreasonable and onerous.
- The Local Authority has clarified that the fee would be €42,500 and applied on a pro rata basis with the remainder of the cost borne by the Council. This un-anticipated cost acts as a significant burden adversely affecting the feasibility of the development.
- The site already has the benefit of continuous pedestrian connectivity west towards the village as well as a pedestrian crossing on the R336 260m west of the site. The proposed development is therefore not reliant on the delivery of new pedestrian infrastructure and also would not significantly benefit from the crossing and therefore the condition is not warranted.
- The general financial contribution required under Condition no. 37 is not contested by the Applicant however the appeal highlights how this already requires the payment of €4,672.50 towards 'Roads, Footpaths and Transportation'. The appeal suggests this includes pedestrian links under the provisions of Section 48(2)(c) of the Planning and Development Act 2000 (as amended) and a separate additional financial contribution is not required.
- References made to other permitted developments in the area where neither the Local Authority nor An Coimisiún Pleanála imposed such a condition or identified the need for pedestrian links. It also submits an understanding that a proposed discount food store nearby (ref. 25/60144 which was under consideration at the time of

making the appeal) would not be subject to such a condition. For the information of the Coimisiún, I note that a notification to grant permission for this development was issued on 30<sup>th</sup> July 2025 with no special contribution attached, however a further information request specifically sought the provision of a pedestrian crossing on the R336. A revised site layout plan was submitted with the response which indicates a proposed pedestrian crossing situated 70m east of the subject site in this case. The decision has been appealed and is therefore a live case.

- If the need for a crossing was identified, it would benefit a much wider urban area outside the subject site and therefore it is unreasonable to only charge the applicant an additional fee towards delivery of the crossing. In this regard the contribution sought is disproportionate to the development's impact.
- The Planning Authority failed to outline the expenditure involved, the basis for the calculation and how it is apportioned to the proposed development in accordance with Section 7.12 of the Development Management Guidelines.
- The condition would contravene condition no. 8 which requires the applicant to submit a revised site layout drawing amended to reflect detail and measures of the road layout drawing submitted with the further information response.
- A proposal for a signalised pedestrian crossing was not assessed as part of the reports submitted with the application including the RSA, TTA, Site-Specific Flood Risk Assessment. As the location of the crossing is within a coastal flood zone, a Natura Impact Statement would be required as the road is hydrologically linked to Galway Bay SAC and SPA and therefore would not be exempt development. As a separate assessment and planning application would be required for the works, it is unreasonable and premature to require the applicant to pay a contribution towards the works.

6.1.2. A third-party appeal was received from Fóram Chois Fharraige un Pleanáil Teanga CTR which raised the following matters:

- The County Council is obliged to recognise and take account of the Irish language in the planning process.
- An Fóram welcomes housing for fluent Irish speakers in the area as there is a housing crisis for such people which affects the language. Socioeconomic statistics

are submitted which indicates that the population of the area increased between the last two census periods however the number of Irish speakers decreased.

- The appeal strongly supports condition no. 29 requiring the imposition of a language condition for 9no. dwellings but also requests that the 10<sup>th</sup> dwelling is made available for a native of the area.
- Request made to alter condition no. 29 to provide clarity on the level of Irish required and how it is assessed, that it applies to all occupants of the dwelling except young children and that it applies for a period of 20no. years rather than 15. It recommends a standard of B2 or higher as set out in the Common European Framework of References for Languages is applied.
- The appeal also references condition no. 32 regarding a name and numbering scheme for the residential units and requests that all signage and advertising for the entire site is either Irish only or bilingual with Irish in the most prominent position. It also requests that the name be agreed with the Fóram. It highlights Section 13.6 of the Galway County Development Plan 2022-2028 and Policy Objective GA 6 which requires all signage in the Gaeltacht areas to be in Irish.

## **6.2. Applicant Response**

- A de novo assessment is not required as the third party appeal does not relate to the principle of development but rather to 2no. conditions only.
- The applicant is not aware of any negative impact on the Irish language caused by the standard wording of a Section 47 agreement required by the Local Authority, however, the applicant does not object either to wording applied by An Coimisiún Pleanála in a similar case in Maigh Cuilleann (ref ABP-320712-24) which addresses requests made by the third party appeal such as clarifying the standard of fluency required.
- The appellant requested a 10<sup>th</sup> unit is made available only to natives of the area however the response highlights how the 10<sup>th</sup> long term residential unit was removed during the further information process in order to comply with the Core Strategy for the area. It clarifies that the required 80% of permitted long term units equates to

7no. units however this is a minimum and the applicant has discretion to dedicate all 9no. units to Irish speakers.

- The applicant accepts and understands that placenames and signage in the area must be in Irish. It is also understood that suggestions for names and signage etc must be agreed prior to the commencement of development by C  iste Logainmneacha Chontae na Gaillimhe (Galway County Council Placename Committee). The applicant has no objection to a ‘suitably worded condition requiring an Irish placename and the addition of Irish signage on the building’.

### 6.3. Planning Authority Response

6.3.1. An Coimisi  n Plean  la contacted the Local Authority requesting a breakdown of the Section 48 Special Contribution calculations. The response referred to the project as ‘Provision of a Controlled Pedestrian Crossing near National School’ and it provided a breakdown of costs, estimated at  85,000. Co-ordinates are provided which refer to a location southwest of the site, between the adjacent Texaco petrol station and public amenity area to the south.

6.3.2. The response states:

*“We have also submitted an application to the Department of Rural and Community Development seeking funding for pedestrian crossing within Spiddal under the community recognition fund 2024 scheme and whilst the outcome and uncertainty that pertains with seeking this funding stream. We would therefore recommend based on the above cost estimate and on a pre-rata’d basis, a cost of  42,500 by the applicants development would be recommended by way of a special contribution in this case”.*

### 6.4. Observations

6.4.1. 2no. observations were received from Conradh na Gaeilge and B  n   which raised the following matters:

- Local Authorities have a statutory obligation to protect linguistic and cultural heritage. Galway County Council recognises this through policy objectives GA1 to

GA7 while a number of articles from European Union treaties also protect and support languages and their diversity.

- Planning legislation provides that permission may be refused or conditions imposed in order to protect the linguistic and cultural heritage of a Gaeltacht.
- Development Plan guidelines set out recommendations regarding the future planning and development in Gaeltacht areas.
- The 20year Strategy for the Irish Language 2010-2030 aims to increase the number of daily Irish speakers. The Gaeltacht is divided into 26 Language Planning Areas (LPA) and Údarás na Gaeltachta is the body responsible for coordinating the language planning process.

- Measure 11.9 of the Cois Fharraige LPA Language Plan states:

*“This plan recognises that the implementation of policies in respect of housing developments in the Cois Fharraige Area has had, and will continue to have, a strong impact on the future of Irish as a community language.”*

- Requests made to amend condition no. 29 to require a minimum B2 standard of Irish fluency in accordance with the Common European Framework of Reference for Languages.
- Request made to amend condition no. 32 so the development’s name and all associated signage is in Irish, or if bilingual that Irish is the more prominent language.
- Request that all residential units should be homes available for sale and long term rental and Irish should be spoken in 90% of the units. No units should be provided for short-term rental as there is no shortage of availability for same.
- An independent language impact assessment should be required for each unit.
- The Language Impact Assessment submitted with the application fails to verify how the proposed short term letting units would have a neutral impact on the sociolinguistic composition of the area.
- Viability of the Irish language as a spoken community is already under threat in the area. Native speakers have to leave in order to find accommodation. Non-Irish speakers are buying the available housing at prices too high for locals.

- References made to a judicial review case (Ráth Chairn Cooperation Society v. An Bord Pleanála [221] IEHC 703, where a case was dismissed due to a lack of, or insufficient language conditions.
- Request made to restrict re-sale of units to Irish speakers only for 15 years and restricting long-term lets to Irish speakers only.
- Language conditions should not be imposed for prospective occupants from the local area.
- Irish-medium care should be provided in the proposed nursery.
- It is odd that only the 1-bed units to the rear of the site are proposed for long term residential uses rather than the 2 and 3-bed units.

## 6.5. Further Responses

- 6.5.1. The applicant contends that the Planning Authority's response does not offer any explanation or justification for the special contribution or any substantive evidence that the crossing would specifically benefit the proposed development over others in the area. It states:

*'Given that the proposed development will effectively replace a long established Hotel (tourist development) with a mixed use development, there is no clear justification as to why my client is expected to pay towards a Special Development Contribution in this case. The Councils correspondence also fails to demonstrate why my client was solely targeted with this financial burden, whilst all other permitted developments in the area have not.'*

- 6.5.2. A notification to grant permission was recently issued to construct a pedestrian crossing as part of a proposed grocery store situated nearby. The proposed crossing would be situated 70m east of the site, and together with the existing crossing situated 260m to the west, there is no requirement for an additional crossing.
- 6.5.3. The Planning Authority proposes to fund the crossing by charging the applicant 50% and receiving the other 50% from the Community Recognition Fund 2024 which seeks to support immigrants by enhancing community infrastructure. In this context, the funding has no relation to the proposed mixed use development and questions

arise over the source of the funding given the lack of an immigration facility in this location.

- 6.5.4. It is inconsistent and inequitable that the applicant alone is expected to pay 100% of the developer related charge/cost of the infrastructure. The response notes a significant degree of private development permitted in the area in recent years which were not subject to such charges.
- 6.5.5. There is no local policy or capital works programme in place supporting a requirement for the crossing or that it is required due to the proposed development.
- 6.5.6. The applicant notes the figure to be paid as required by condition no. 37 is €48,778.50 while the Planning Authority's response reduces this to €45,500 however the applicant ultimately considers Condition no. 36 should be deleted entirely and no charge applied. For the information of the Coimisiún, Condition no. 37 and the €48,778.50 referenced by the applicant in this response is a standard Section 48 financial contribution. Condition no. 36 which is under appeal does not state the amount to be paid.

## **7.0 Assessment**

### **7.1. Introduction**

- 7.1.1. The site is zoned village centre which permits a range of uses including those proposed. The site is also identified as an opportunity site seeking to provide a mix of uses with an innovative, high quality building design and appropriate layout. Further, the core strategy table set out in Chapter 2 of the CDP provides for a total of 9no. units to be provided on infill/brownfield sites in An Spidéal during the plan period.
- 7.1.2. I have assessed the documentation received and consider the principle of development, design and layout all to be acceptable. For clarity, I have also reviewed the online planning enquiry system for planning decisions which may affect the core strategy allocation of residential units on brownfield/infill sites and note no residential units have been granted permission on infill/brownfield sites in An Spidéal in the time since the appeal was made.



- 7.1.3. I note requests made in the third-party appeal and both observations to increase the number of residential units available for full-term occupation and accordingly reduce or eliminate entirely any short-term residential units. I consider however that this matter is addressed appropriately in the Case Planners report and further information request regarding adherence to the Core Strategy for the area.
- 7.1.4. One observation states an opinion that it is odd that only 1-bed units are proposed for full time residential use while 2 and 3beds are proposed for short term tourism use. This is however incorrect as 2-bed units are also proposed for full time residential use as outlined in the public notices. The total unit breakdown as originally proposed is as follows:

Unit Type	No. bedrooms	No. units	End use
A	1-bed	5no.	Full term residential
B	2-bed	5no.	Full term residential
C	2-bed	6no.	Short term tourism
D	3-bed	2no.	Short term tourism

- 7.1.5. This was however altered at the further information stage which swapped one 1-bed type A unit from residential to tourism use in order to comply with the core strategy. The resulting layout proposes more 2-bed than 1-bed units for residential use.
- 7.1.6. I note the Housing Department or Case Planner did not comment on the unit mix. I also note the following under the heading of Dwelling Mix in Chapter 15 of the CDP:

*“All residential schemes should ensure an appropriate mix of housing typologies and unit sizes to support the provision of a variety of household types and tenures that accord with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas.*

*The changing nature of the age profile of the County requires greater consideration of the housing needs of an ageing population. For those who wish to continue to live independently in their community but wish to downsize, it is imperative to offer a range of attractive and appropriately located accommodation choices which will in turn will enable the*

*underutilisation of larger houses, particularly in more established areas, to be addressed.”*

- 7.1.7. I note the referenced guidelines have since been replaced by the ‘Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities’. The appendix of these guidelines makes one reference to housing mix and recommends that the Local Authority’s Housing Need Demands Assessment (HNDA) is addressed.
- 7.1.8. Galway County Council’s HNDA is set out in Appendix 2 of the CDP. Section 6.3 of the HNDA projects that over the lifetime of the plan approximately half of all households will comprise 1 or 2-persons while another 15-17% each will be 3 or 4-person households. The proposed 1 and 2-bed units are designed to accommodate 1-4no. persons which, in my opinion, addresses the projected needs. This narrative and assessment is also set out in Section 2.3.2 of the CDP and it concludes by stating *“This analysis demonstrates a trend towards smaller size households, including single to two persons households. However, within the county area there is still a relative demand for large households”*. The projections suggest that only 30% of households will comprise 4 persons or 5+ persons and in this regard, I consider that the proposed mix is sufficient and appropriate for the semi-urban location of the site.
- 7.1.9. Therefore, having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:
- Special Financial Contribution
  - Irish Language Enurement
  - Irish Signage
- 7.1.10. It should be noted at this stage that each of these matters relate to specific conditions attached to the notification to grant permission and the full text of each one is set out previously in this report. Condition nos. 20, 29, 32 and 36 apply. Their wording and application are queried variously by the applicant, appellant and

observer and in this regard the remainder of this assessment relates solely to these conditions. A recommendation will be made to amend, attach or remove the conditions accordingly.

## **7.2. Special Financial Contribution**

- 7.2.1. Section 48 (2) (c) of the Planning and Development Act, 2000 sets out special requirements to justify the imposition of special financial contribution conditions as follows:

“A planning authority may, in addition to the terms of a scheme, require the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by a scheme are incurred by any local authority in respect of public infrastructure and facilities which benefit the proposed development”.

- 7.2.2. Accordingly, three essential requirements or characteristics are necessary to justify attachment of a “special contribution” condition. Under this subsection of the Act, the payment must be required

- a) in respect of a development,
- b) specific exceptional costs must be incurred as a result of or in order to facilitate it and,
- c) such costs cannot be covered by a Development Contribution Scheme made under Section 48 or 49 of the Act.

- 7.2.3. The wording of condition no. 36 does clearly describe the pedestrian crossing development however it does not specify where the pedestrian crossing should be located beyond a reference to the R-336. It states: *‘The contribution which benefits further connectivity links from promenade movements to the proposed development’*. In my opinion this does not demonstrate that the crossing is required in respect of the proposed development. A requirement for the crossing is not identified in the An Spidéal plan and is not mapped as part of the SSGV10 ‘Transport Infrastructure’ zoning objective which identifies other transport improvements. Further, as noted previously the site is designated as an opportunity site with specific references made

to requirements for a detailed landscaping plan and innovative high-quality design however no reference is made to the requirement for a crossing.

- 7.2.4. The Planning Authority's response refers to the proposed development as '*Provision of a Controlled Pedestrian Crossing near National School*' while provided co-ordinates refer to a location southwest of the site, between the adjacent Texaco petrol station and public amenity area to the south. There is a primary school situated 60m west of the site and I consider the information provided by the Planning Authority indicates that the crossing is required in order to serve the needs of the school rather than the proposed development. As the school and proposed development are situated on the same side of the road with full footpath connectivity, a crossing is not required to connect both. In this regard I do not agree that a special financial contribution is specifically required to facilitate the proposed development and therefore condition no. 36 does not comply with criterion (a).
- 7.2.5. The Planning Authority was requested to submit a detailed breakdown of the financial costings and the response demonstrates that 50% of the costs are attributed to the proposed development. It has not been demonstrated however how specific exceptional costs must be incurred as a result of the proposed development or in order to facilitate it and therefore the condition does not comply with criterion (b). In a similar manner it has not been demonstrated that the standard Section 48 financial contribution, which has costs targeted towards transportation matters, cannot cover such costs on a more pro-rata basis spread across all permitted developments in the area. I therefore consider that the condition does not comply with criterion (c).
- 7.2.6. I have had regard to the applicant's response and do not agree with the argument that the existing pedestrian crossing 260m west of the site is sufficient to facilitate connectivity in this location. However, I do agree with the point that there is continuous pedestrian connectivity from the site to the village centre via an existing footpath and therefore the proposed development is not reliant on the delivery of new pedestrian infrastructure. I also note the applicant's point regarding a proposed crossing to be situated 70m east of the site as part of a grocery store development which was granted permission by the Local Authority but is currently under appeal. As a final decision has not been made, I consider this matter is somewhat irrelevant to considerations.

- 7.2.7. The Galway County Council Development Contribution Scheme 2016, revised in 2019, provides different rates for groups of commercial developments and states that '*The various Industrial/Commercial uses have been grouped according to their likely impact on the amenities and roads infrastructure requirements of the communities in which they are located.*' It does not specify a breakdown for what the rate provides in terms of allocations to water, roads, community and recreation uses etc. This breakdown is however provided for residential units as different rates are required for the different criteria. I note in this regard that there is a charge for residential developments which is attributed for 'roads, footpaths and transportation'.
- 7.2.8. Further, in Part 3 of the scheme it states the following regarding Special Development Contributions:

*A special development contribution may be imposed under Section 48 of the Act, where the council in the provision of a specific public infrastructure or facility incurs exceptional costs not covered by the general contribution scheme. Only developments that will benefit from the public infrastructure or facility in question will be liable to pay the special development contribution. Conditions imposing special contributions may be appealed to An Bord Pleanála.*

- 7.2.9. I note once again that the Local Authority has not clarified what the exceptional costs are in this case. Additionally, while the development would benefit to some degree by the crossing where it facilitates pedestrian movements between the site and public amenity area to the south, in my view when consideration is given to the fact that the development will have the benefit of its own car park I do not consider there is sufficient grounds to demonstrate that any benefits incurred justify the charge.
- 7.2.10. On balance, I consider the requirement for the condition has not been sufficiently demonstrate and that the condition should be removed.

### **7.3. Irish Language Enurement**

- 7.3.1. Policy Objective GA 4 of the CDP and SSGV 4 of the An Spidéal village plan requires the application of a language enurement clause to 80% of units in the Cois Fharraige area. Condition no. 29 provides for this at a high level however the

appeals request a more stringent standard and test for fluency as well as standards for its assessment.

- 7.3.2. The applicant's response to the appeal provides a suggested wording to amend condition no. 29. The wording in question is extracted from a decision to grant permission issued by An Bord Pleanála relating to a housing development elsewhere in another Gaeltacht area in County Galway. I have no objection to this wording as it appears to be reasonable and enforceable while also addressing the concerns raised. I therefore recommend that condition no. 29 be amended in this regard.

#### **7.4. Irish Signage**

- 7.4.1. Policy Objective GA 6 is set out as follows:

*"All signs in An Ghaeltacht including finger post signs, shop-fronts and roadside signs, business/community signage shall be in Irish. In all instances where new signage on shopfronts in An Ghaeltacht are proposed, the profession/type of business shall be in Irish."*

- 7.4.2. I note condition nos. 20 and 32 already require all signage and naming of the scheme to be agreed in advance with the Planning Authority. I recommend these conditions be amended to include the Irish language requirement in order to comply with Policy Objective GA 6.

### **8.0 Appropriate Assessment**

- 8.1.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Galway Bay Complex SAC, Inner Galway Bay SPA and Black Head-Poulsallagh Complex SAC in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.
- 8.1.2. Following an examination, analysis and evaluation of the NIS all associated material submitted including the further information response and taking into account observations of the Department of Housing, Local Government and Heritage, I consider that adverse effects on site integrity of Galway Bay Complex SAC, Inner Galway Bay SPA and Black Head-Poulsallagh Complex SAC 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.

8.1.3. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives for Galway Bay Complex SAC, Inner Galway Bay SPA and Black Head-Poulsallagh Complex SAC or prevent or delay the restoration of favourable conservation condition for Galway Bay Complex SAC.
- Effectiveness of mitigation measures proposed and adoption of CEMP.
- Application of planning conditions to ensure outlined mitigation measures are implemented.

## **9.0 WFD Screening**

- 9.1. The purpose of the EU Water Framework Directive is an initiative aimed at improving water quality throughout the European Union. The Directive was adopted in 2000 and requires governments to take a new approach to managing all their waters; rivers, canals, lakes, reservoirs, groundwater, protected areas (including wetlands and other water dependent ecosystems), estuaries (transitional) and coastal waters. An Coimisiún Pleanála and other statutory authorities cannot grant development consent where a proposed development would give rise to a reduction in water quality.
- 9.2. The site is separated from the Atlantic Ocean and Galway Bay by the R336 regional road to the south. The coastal water body is referred to as Aran Islands, Galway Bay, Connemara (HAs 29;31) (IE\_WE\_010\_0000). The site overlies the Spiddal (IE\_WE\_G\_0004) groundwater body which is a large aquifer underlying much of south and west Connemara.
- 9.3. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

9.4. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:

- The mitigation set out in documents submitted with the application including the preliminary CEMP and Site-Specific Flood Risk Assessment which propose site specific mitigation to eliminate pollutants entering the surface or ground water bodies.
- The proposed connection to the Uisce Éireann wastewater network and noted available capacity in the nearby treatment plant.

## 10.0 Recommendation

I recommend that:

- Condition nos. 20, 29 and 32 be amended, and
- Condition no. 36 is removed.

## 11.0 Reasons and Considerations

- 11.1.1. Having regard to the location and character of the site and surrounding area in the Cois Fharraige Gaeltacht together with the provisions of the Galway County Development Plan 2022-2028 and An Spidéal village plan including the village centre zoning and opportunity site designation as well as Policy Objectives GA 4, GA6 and SSGV 4, it is considered that, subject to compliance with the conditions set out below, condition nos. 20, 29 and 32 are AMENDED in order to comply with local policy.
- 11.1.2. Further, having regard to Section 48 of the Planning and Development Act, 2000, as amended, the Galway County Council Development Contribution Scheme 2016, as revised in 2019, and the lack of supporting evidence to justify the special contribution, it is considered that the Development Contribution Scheme for the area had not been properly applied in respect of condition no. 36 and this condition is REMOVED accordingly.



## 12.0 Conditions

### 12.1. Amend condition no. 20 as follows:

No. 20: Full details of all proposed external signage shall be agreed in writing with the Planning Authority prior to commencement of any business therein.

(a) All language on proposed signage/advertisements/nameplates shall be in Irish, or bilingual with the Irish language being dominant.

(b) All proposed signage/advertisements/nameplates shall be lit, where required, by static internal illumination only and intermittent illumination shall not be installed.

(c) Further signs, symbols, emblems, nameplates or other advertising devices shall not be erected or displayed on or adjacent to the premises save with the prior agreement of the Planning Authority.

**Reason:** In the interest of visual amenity and to comply with policy Objective GA6 of the Galway County Development Plan 2022-2028.

### 12.2. Amend condition no. 29 as follows:

No. 29: (a) A minimum of 80 % of the residential units hereby permitted shall be restricted to use by those who can demonstrate the ability to preserve and protect the language and culture of the Gaeltacht, for a period of 15 years.

(b) Prior to occupation of the development, the developer shall enter into a Section 47 agreement with the planning authority, to restrict the sale of units of the agreed portion of the residential elements of the development hereby permitted for the use of occupants who have an appropriate competence/fluency in Irish, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the written satisfaction of the planning authority that it has not been possible to transact each specified housing unit for use by occupants with the required competence/fluency in Irish.

(c) The determination of the planning authority as required in (b) shall be subject to

receipt by the planning authority of satisfactory documentary evidence from the developer regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

The appropriate competence / fluency in Irish required to demonstrate compliance with this occupancy clause shall be akin to that required to at a minimum pass level B2 Meánleibhéal 2 in the Teastas Eorpach na Gaeilge examinations and a future occupier of each residential unit subject of this occupancy clause shall provide proof to the developer and planning authority, by way of a compliance submission, that a nominated adult residing in the respective household has completed such an examination, or similar level of examination in the Irish language, within a reasonable timeframe of purchasing / occupying the respective residential unit.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed housing unit(s) is/are used to meet the requirements of policy objectives GA4 and SSGV 4 of the Galway County Development Plan 2022-2028 and that development in this area is appropriately restricted to preserve and protect the language and culture of the Gaeltacht in the interest of the proper planning and sustainable development of the area.

12.3. Amend condition no. 32 as follows:

No. 32:

- (a) Proposals for an estate name, house numbering scheme and associated signage shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development. The proposed names shall be in Irish.

(b) Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme unless the Planning Authority agrees in writing to an alternative scheme.

(c) No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the Planning Authority's written agreement to the proposed name(s).

**Reason:** In order to comply with policy objective GA 6 of the Galway County Development Plan 2022-2028, to ensure the use of locally appropriate placenames for new residential areas and in the interest of urban legibility.

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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Sarah O'Mahony  
Planning Inspector

20<sup>th</sup> August 2025

## Appendix 1: Environmental Impact Assessment Screening

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	322452-25
<b>Proposed Development Summary</b>	Demolish derelict former hotel, construct mixed use two and three storey structures incorporating 3no. retail units, 10no. apartments and 9no. short term letting apartments.
<b>Development Address</b>	An Spidéal Thiar, Ceol Na Mara Hotel, Co. na Gaillimhe, H91 R773
	<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,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.  <input type="checkbox"/> No, No further action required.
<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.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here
<input checked="" 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>	<b>State the Class and state the relevant threshold</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>Class 10 (iv): Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p> <p>Class 12 (c): Holiday villages which would consist of more than 100 holiday homes outside built-up areas; hotel complexes outside built-up areas which would have an area of 20 hectares or more or an accommodation capacity exceeding 300 bedrooms.</p> <p>Class 14: Works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.</p>

<b>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>	
<b>Yes</b> <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
<b>No</b> <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

## Form 2 - EIA Preliminary Examination

<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<p><b>Characteristics of proposed development</b></p> <p>(In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The urban site is serviced and its size is not exceptional in the context of the prevailing plot size in the area.</p> <p>A short-term construction phase would be required and the development would not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance due to its scale. The development, by virtue of its type and nature, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. Its operation presents no significant risks to human health.</p> <p>The size and scale of the proposed development is not significantly or exceptionally different to the existing village centre.</p>
<p><b>Location of development</b></p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The subject site is not located in or immediately adjacent to ecologically sensitive sites. It is considered that, having regard to the limited nature and scale of the development, there is no real likelihood of significant effect on other significant environmental sensitivities in the area.</p> <p>The proposal is not likely to have any cumulative impacts or significant cumulative impacts with other existing or permitted projects.</p>
<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>The size of the proposed development is notably below the mandatory thresholds in respect of a Classes 10, 12 and 14 of the Planning and Development Regulations 2001 as amended.</p> <p>Localised construction impacts will be temporary. The proposed development would not give rise to waste, pollution or nuisances beyond what would normally be deemed acceptable.</p> <p>Having regard to the nature of the proposed development and works constituting development within an existing built up area and brownfield site, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>

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

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

## Appendix 2: Appropriate Assessment

### Stage 1: Screening

Screening for Appropriate Assessment Test for likely significant effects	
<b>Step 1: Description of the project and local site characteristics</b>  The brownfield site is situated at the western outskirts of An Spidéal and comprises a derelict former hotel building surrounded by car parking and hardstanding with a strip of greenfield land along the western boundary.	
<b>Brief description of project</b>	Demolish existing derelict hotel structure and construct three storey mixed use structure with retail/commercial ground floor uses and 8no. apartments on the first and 2 <sup>nd</sup> floors. A second two storey structure is also proposed with 10no. apartments. All associated site development works including revised vehicular entrance, landscaping, car park, bicycle parking and connections to public utilities etc.
<b>Brief description of development characteristics and potential impact mechanisms</b>	The 0.459ha site is situated immediately north of the Galway Bay coastline which has hydrological connectivity to Galway Bay Complex SAC as well as Inner Galway Bay Special Protection Area are all situated 11.5km east of the site.  Connemara Bog Complex Special Area of Conservation (SAC) is situated 1.6km north of the site.
<b>Screening report</b>	Y
<b>Natura Impact Statement</b>	Y
<b>Relevant submissions</b>	Submission made by DoHLGH advising of the location of the site in proximity to the above European sites. It advises that information regarding those sites is available on the npws website and also notes the documentation submitted with the planning application.  Recommendation made to advising the Planning Authority to be satisfied of no impacts on qualifying habitats, species and water quality as well as downstream wetland and coastal habitats. It



	also recommended that all mitigation measures outlined in the NIS and bat report are included as a condition in the event of a grant of permission.			
The planning application included the following documentation: <ul style="list-style-type: none"><li>- Bat Roost Inspection Report</li><li>- Preliminary Construction and Environmental Management Plan</li><li>- Flood Risk Assessment</li></ul>				
<b>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</b>				
The AA Screening report received with the application decided to use the 15km buffer approach to identifying sites. Having regard to the hydrological connectivity afforded by the coastal waterbody in such close proximity to the site, I consider this is an acceptable determination of the zone of influence in this case.				
European Site (code)	Qualifying interests <sup>1</sup> Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections <sup>2</sup>	Consider further in screening <sup>3</sup> Y/N
Connemara Bog Complex SAC (Site Code: 002034)	14 habitats and 4 species ( <a href="#">link to QIs</a> )	1.6km	None	No
Connemara Bog Complex SPA (Site Code: 004181)	4 bird species ( <a href="#">link to QIs</a> )	3.64km	None	No
Ross Lake and Woods SAC (Site Code: 001312)	1 habitat and 1 species ( <a href="#">link to QIs</a> )	14.7km	None	No
Lough Corrib SAC (Site Code: 000297)	15 habitats and 9 species ( <a href="#">link to QIs</a> )	13.11km	None	No
Lough Corrib SPA (Site Code: 004042)	13 bird species ( <a href="#">link to QIs</a> )	15km	None	No
Black Head-Poulsallagh Complex SAC (Site Code: 000020)	11 habitats and 1 species ( <a href="#">link to QIs</a> )	9.7km	Indirect hydrological connectivity from surface water system proposed to discharge to sea as well as location of site within the coastal flood zone.	Yes
Galway Bay Complex SAC	15 habitats and 2 species	11.5km	Indirect hydrological	Yes

(Site Code: 000268)	<a href="#">(link to QIs)</a>		connectivity from surface water system proposed to discharge to sea as well as location of site within the coastal flood zone.	
Inner Galway Bay SPA (Site Code: 004031)	20 bird species <a href="#">(link to QIs)</a>	11.5km	Indirect hydrological connectivity from surface water system proposed to discharge to sea as well as location of site within the coastal flood zone.	Yes

I note the Screening Report submitted with the application screened out impacts to Black Head-Poulsallagh Complex SAC saying 'No pathway to species and habitats associated with this Natura site.' Having regard to its qualifying interests which include marine habitats including reefs and submerged or partially submerged sea caves, together with the location of these habitats in the same water body (Atlantic Ocean/Galway Bay) into which the proposed development will discharge surface water, I consider that the SAC should be screened in. This same approach has been taken with Galway Bay Complex SAC and Inner Galway Bay SPA.

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

#### AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<b>Site 1:</b> Black Head-Poulsallagh Complex SAC (Site Code: 000020)  Reefs [1170] Perennial vegetation of stony banks [1220] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260] Alpine and Boreal heaths [4060]	Direct: None  Indirect: Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution particularly during potential flood events.  Negative impacts on surface water/water quality from operational stage pollutants due to discharge of surface	Disturbance/displacement. Changes to habitat quality/function.  Undermine conservation objectives related to water quality.

<p>Juniperus communis formations on heaths or calcareous grasslands [5130] Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis) [6510] Petrifying springs with tufa formation (Cratoneurion) [7220] Limestone pavements [8240] Submerged or partially submerged sea caves [8330] Petalophyllum ralfsii (Petalwort) [1395]</p>	<p>water to the sea as well as location of site within the coastal flood zone.</p>	
	<p><b>Likelihood of significant effects from proposed development (alone):</b> No, however the precautionary is applied due to connectivity.</p>	
	<p><b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b> No</p>	
	<p><b>Possibility of significant effects (alone) in view of the conservation objectives of the site*</b> No</p>	
	<b>Impacts</b>	<b>Effects</b>
<p><b>Site 2:</b> Galway Bay Complex SAC (Site Code: 000268)</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Turloughs [3180]</p>	<p>Direct: None</p> <p>Indirect: Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution particularly during potential flood events.</p> <p>Negative impacts on surface water/water quality from operational stage pollutants due to discharge of surface water to the sea as well as location of site within the coastal flood zone.</p>	<p>Disturbance/displacement. Changes to habitat quality/function, impact to prey species.</p> <p>Undermine conservation objectives related to water quality.</p>

<p>Juniperus communis formations on heaths or calcareous grasslands [5130]  Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]  Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]  Alkaline fens [7230]  Limestone pavements [8240]  Lutra lutra (Otter) [1355]  Phoca vitulina (Harbour Seal) [1365]</p>		
	<b>Likelihood of significant effects from proposed development (alone):</b> No, however the precautionary is applied due to connectivity.	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b> No	
	<b>Possibility of significant effects (alone) in view of the conservation objectives of the site*</b> No	
	<b>Impacts</b>	<b>Effects</b>
<p><b>Site 3:</b> Inner Galway Bay SPA (Site Code: 004031)</p> <p>Black-throated Diver (Gavia arctica) [A002]  Great Northern Diver (Gavia immer) [A003]  Cormorant (Phalacrocorax carbo) [A017]  Grey Heron (Ardea cinerea) [A028]  Light-bellied Brent Goose (Branta bernicla hrota) [A046]  Teal (Anas crecca) [A052]  Red-breasted Merganser (Mergus serrator) [A069]  Ringed Plover (Charadrius hiaticula) [A137]  Golden Plover (Pluvialis apricaria) [A140]  Lapwing (Vanellus vanellus) [A142]  Dunlin (Calidris alpina) [A149]  Bar-tailed Godwit (Limosa lapponica) [A157]</p>	<p>Direct: None</p> <p>Indirect: Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution particularly during potential flood events.</p> <p>Negative impacts on surface water/water quality from operational stage pollutants due to discharge of surface water to the sea as well as location of site within the coastal flood zone.</p>	<p>Disturbance/displacement. Changes to habitat quality/function.</p> <p>Undermine conservation objectives related to water quality.</p>

Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162] Turnstone (Arenaria interpres) [A169] Black-headed Gull (Chroicocephalus ridibundus) [A179] Common Gull (Larus canus) [A182] Common Tern (Sterna hirundo) [A193] Wigeon (Mareca penelope) [A855] Sandwich Tern (Thalasseus sandvicensis) [A863] Wetland and Waterbirds [A999]	No impacts are predicted in regard to noise and disturbance to the qualifying species, given the significant distance from the SPA.	
	<b>Likelihood of significant effects from proposed development (alone):</b> No, however the precautionary is applied due to connectivity.	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b> No	
	<b>Possibility of significant effects (alone) in view of the conservation objectives of the site*</b> No	
<b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b>		
I conclude that the proposed development (alone) would not result in likely significant effects on the European site(s) however, the precautionary principle is applied due to hydraulic connectivity between the site and adjacent coastal waterbody which in turn provides hydraulic connectivity to the 3no. above named European sites. An appropriate assessment is required on the basis of these combined effects.		

## Stage 2: AA Determination

### Appropriate Assessment

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of the proposed mixed use development in view of the relevant conservation objectives of Galway Bay Complex SAC, Inner Galway Bay SPA and Black Head-Poulsallagh Complex SAC based on scientific information provided by the applicant. The information relied upon includes the following:

- Appropriate Assessment Screening Report and Natura Impact Statement prepared by Enviroplan Consulting Limited
- Flood Risk Assessment prepared by Hydro Environmental Limited
- Preliminary Construction Demolition Waste Environmental Management Plan prepared by Enviroplan Consulting Limited
- Bat Roost Inspection Report prepared by Enviroplan Consulting Limited
- Condition Report prepared by O'Neill O'Malley Architecture
- Report on the proposed Surface Water and Foul Water Drainage prepared by Coyle Kennedy Consulting Engineers

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am not satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS, for example the direct discharge of surface water from the development to the marine environment is not identified as a potential impact during the operational stage. This assessment however has examined the mitigation measures outlined in the NIS as well as the embedded design and layout proposal as outlined in the other documents submitted with the application such as the SSFRA, surface water design and CEMP all of which are designed to avoid or reduce any adverse effects on water quality in the receiving coastal water body. The m

<b>Submissions/observations</b> See above in screening exercise				
<b>NAME OF SAC/ SPA (SITE CODE):</b> Galway Bay Complex SAC (Site Code:000268)				
<b>Summary of Key issues that could give rise to adverse effects (from screening stage):</b> <b>(i) Water quality degradation (construction and operation)</b> <b>(ii) Habitat loss</b> <b>(iii) Loss of prey</b> <b>(iv) Disturbance of mobile species</b>				
<b>Qualifying features likely to be affected</b>	<b>Interest to be</b>	<b>Conservation Objectives</b>	<b>Potential adverse effects</b>	<b>Mitigation measures (summary)</b>
Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410]		Maintain / restore favourable conservation condition	Release of sediment laden waters, wastes, or other pollutants during construction and operational phases of the proposed development impacting water quality, resulting in water quality degradation, habitat loss, availability of prey and disturbance of mobile species, thereby undermining the conservation objectives of same.	Best practice pollution control measures and application of industry standard controls as outlined in the CEMP.  Surface water management is designed to ensure full retention of hydrocarbons within the interceptor during flood events. All manholes are to be situated outside of the flood zone.

Lutra lutra (Otter) [1355] Phoca vitulina (Harbour Seal) [1365]			
Other QIs			
Juniperus communis formations on heaths or calcareous grasslands [5130] Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210] Alkaline fens [7230] Limestone pavements [8240] Turloughs [3180]	Maintain / restore favourable conservation condition	Rationale for exclusion:  There is no potential pathway for impacts as these habitats are terrestrial with/or have no connection to the site of the proposed development.	
The above table is based on the documentation and information provided on the file.			
<b>Assessment of issues that could give rise to adverse effects view of conservation objectives</b>			
<b>Water quality degradation</b>			
Water quality degradation could lead to disturbance of mobile species and impede availability of prey as well as affecting habitat loss and degradation.			
There is no real likelihood of significant effects arising during the operational phase of the proposed development as a result of increased loading of foul waters on An Spidéal WwTP as there is spare capacity identified. A potential hydrological pathway exists			



between the proposed development site and the SAC via the flood zone and via the surface water network. There is potential, in the absence of mitigation, for surface waters run off containing pollutants such as hydrocarbons and silt to enter the coastal water body and the European sites therein during both the construction and operational phases.

During the operational phase surface water discharges will comprise clean roof water in addition to run off from the access roads, paths and car parking area, which could potentially include hydrocarbons as a result of a car leak or suspended sediment. A car leak would not be anticipated to be a regular occurrence and may not occur at all. Given the low volume of any surface water run off relative to the volume of receiving freshwater/ estuarine/ marine environment and the potential for mixing, dilution and dispersion of any surface water run-off/ discharges in the receiving freshwater/ estuarine/ marine environment, effects on the water quality indicator due to the operational phase of the surface water discharges would not be significant

#### Mitigation measures and conditions

The surface water mitigation measures are intended to treat the source (for example, by blocking/ protection of surface water drains, refuelling of plant to be carried out off site) or remove the pathway (for example no release of wastewater generated on-site into nearby drains during the Construction Phase).

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at key threats to protected habitats and aquatic species and that by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented.

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

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

#### **Findings and conclusions**

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

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the appropriate Assessment. [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 as well as entry of pollutants such as hydrocarbons to the coastal waterbody. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

#### **Reasonable scientific doubt**

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

#### **Site Integrity**

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

**NAME OF SAC/ SPA (SITE CODE):** Inner Galway Bay SPA (Site Code: 004031)

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

**(i) Water quality degradation (construction and operation)**

**(ii) Habitat loss**

**(iii) Disturbance of mobile species**

<b>Qualifying features likely to be affected</b>	<b>Interest to be</b>	<b>Conservation Objectives</b>	<b>Potential adverse effects</b>	<b>Mitigation measures (summary)</b>
Black-throated Diver (Gavia arctica) [A002] Great Northern Diver (Gavia immer) [A003] Cormorant (Phalacrocorax carbo) [A017] Grey Heron (Ardea cinerea) [A028]		Maintain favourable conservation condition	Release of sediment laden waters, wastes, or other pollutants during construction and operational phases of the proposed development impacting water quality, resulting in	Best practice pollution control measures and application of industry standard controls as outlined in the CEMP.  Surface water management is

<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Wigeon (<i>Mareca penelope</i>) [A855]</p>		<p>water quality degradation, habitat loss and disturbance of mobile species, thereby undermining the conservation objectives of same.</p>	<p>designed to ensure full retention of hydrocarbons within the interceptor during flood events. All manholes are to be situated outside of the flood zone.</p>
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Sandwich Tern (Thalasseus sandvicensis) [A863] Wetland and Waterbirds [A999]			
<b>Other QIs</b>			
N/A	N/A	N/A	

The above table is based on the documentation and information provided on the file.

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

### **Water quality degradation**

Water quality degradation could lead to habitat loss and degradation.

There is no real likelihood of significant effects arising during the operational phase of the proposed development as a result of increased loading of foul waters on An Spidéal WwTP as there is spare capacity identified. It is also not expected that noise, vibration and visual presence from either the construction or operational stages is likely to impact the specified birds in terms of disturbance of mobile species.

A potential hydrological pathway exists between the proposed development site and the SPA via the flood zone and via the surface water network. There is potential, in the absence of mitigation, for surface waters run off containing pollutants such as hydrocarbons and silt to enter the coastal water body and the European sites therein during both the construction and operational phases.

During the operational phase surface water discharges will comprise clean roof water in addition to run off from the access roads, paths and car parking area, which could potentially include hydrocarbons as a result of a car leak or suspended sediment. A car leak would not be anticipated to be a regular occurrence and may not occur at all. Given the low volume of any surface water run off relative to the volume of receiving freshwater/ estuarine/ marine environment and the potential for mixing, dilution and dispersion of any surface water run-off/ discharges in the receiving freshwater/ estuarine/ marine environment, effects on the water quality indicator due to the operational phase of the surface water discharges would not be significant

**Mitigation measures and conditions**

The surface water mitigation measures are intended to treat the source (for example, by blocking/ protection of surface water drains, refuelling of plant to be carried out off site) or remove the pathway (for example no release of wastewater generated on-site into nearby drains during the Construction Phase).

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at key threats to protected habitats and aquatic species and that by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented.

**In-combination effects**

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

**Findings and conclusions**

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

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the appropriate Assessment. 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 as well as entry of pollutants such as hydrocarbons to the coastal waterbody. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

**Reasonable scientific doubt**

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

**Site Integrity**

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

**NAME OF SAC/ SPA (SITE CODE):** Black Head-Poulsallagh Complex SAC (Site Code: 000020)

**Summary of Key issues that could give rise to adverse effects (from screening stage):**  
**(i) Water quality degradation (construction and operation)**  
**(ii) Habitat loss**

Qualifying features likely to be affected	Interest to be	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)
Reefs [1170] Perennial vegetation of stony banks [1220] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Water courses of plain to montane levels with the Ranunculus fluitans and Callitriche-Batrachium vegetation [3260] Submerged or partially submerged sea caves [8330]		Maintain favourable conservation condition	Release of sediment laden waters, wastes, or other pollutants during construction and operational phases of the proposed development impacting water quality, resulting in water quality degradation and habitat loss, thereby undermining the conservation objectives of same.	Best practice pollution control measures and application of industry standard controls as outlined in the CEMP. Surface water management is designed to ensure full retention of hydrocarbons within the interceptor during flood events. All manholes are to be situated

			outside of the flood zone.
<b>Other QIs</b>			
Alpine and Boreal heaths [4060] Juniperus communis formations on heaths or calcareous grasslands [5130] Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis) [6510] Petrifying springs with tufa formation (Cratoneurion) [7220] Limestone pavements [8240] Petalophyllum ralfsii (Petalwort) [1395]	Maintain / restore favourable conservation condition	Rationale for exclusion: There is no potential pathway for impacts as these habitats are terrestrial with/or have no connection to the site of the proposed development.	
The above table is based on the documentation and information provided on the file.			
<b>Assessment of issues that could give rise to adverse effects view of conservation objectives</b> <b>Water quality degradation</b> <p>Water quality degradation could lead to habitat loss and degradation.</p> <p>There is no real likelihood of significant effects arising during the operational phase of the proposed development as a result of increased loading of foul waters on An Spidéal WwTP as there is spare capacity identified. A potential hydrological pathway exists between the proposed development site and the SAC via the flood zone and via the surface water network. There is potential, in the absence of mitigation, for surface waters run off containing pollutants such as hydrocarbons and silt to enter the coastal water body and the European sites therein during both the construction and operational phases.</p> <p>During the operational phase surface water discharges will comprise clean roof water in addition to run off from the access roads, paths and car parking area, which could potentially include hydrocarbons as a result of a car leak or suspended sediment. A car</p>			

leak would not be anticipated to be a regular occurrence and may not occur at all. Given the low volume of any surface water run off relative to the volume of receiving freshwater/ estuarine/ marine environment and the potential for mixing, dilution and dispersion of any surface water run-off/ discharges in the receiving freshwater/ estuarine/ marine environment, effects on the water quality indicator due to the operational phase of the surface water discharges would not be significant

#### **Mitigation measures and conditions**

The surface water mitigation measures are intended to treat the source (for example, by blocking/ protection of surface water drains, refuelling of plant to be carried out off site) or remove the pathway (for example no release of wastewater generated on-site into nearby drains during the Construction Phase).

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at key threats to protected habitats and aquatic species and that by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented.

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

I note again that the NIS did not assess impacts to this SAC however having regard to the principle of in-combination effects across the same waterbody which applies to this SAC as well as Galway Bay Complex SAC and Inner Galway Bay SPA, and to the tidal patterns and distance between the site and all three European sites, I am satisfied that in-combination effects has been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

#### **Findings and conclusions**

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

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the Appropriate Assessment. 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 as well as entry of pollutants such as hydrocarbons to the coastal waterbody. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

#### **Reasonable scientific doubt**

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

#### **Site Integrity**

The proposed development will not affect the attainment of the Conservation objectives of Black Head-Poulsallagh SAC. 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 Galway Bay Complex SAC, Inner Galway Bay SPA and Black Head-Poulsallagh Complex SAC 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 including the further information response and taking into account observations of the Department of Housing, Local Government and Heritage, I consider that adverse effects on site integrity of Galway Bay Complex SAC, Inner Galway Bay SPA and Black Head-Poulsallagh Complex SAC 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:

- Detailed assessment of construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives for Galway Bay Complex SAC, Inner Galway Bay SPA and Black Head-Poulsallagh Complex SAC or prevent or delay the restoration of favourable conservation condition for Galway Bay Complex SAC.
- Effectiveness of mitigation measures proposed and adoption of CEMP.

- Application of planning conditions to ensure outlined mitigation measures are implemented.

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



### Appendix 3: Water Framework Directive Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	322452	Townland, address	An Spidéal Thiar, Ceol Na Mara Hotel, Co. na Gaillimhe, H91 R773
Description of project		Demolish existing derelict hotel structure and construct three storey mixed use structure with retail/commercial ground floor uses and 8no. apartments on the first and 2 <sup>nd</sup> floors. A second two storey structure is also proposed with 10no. apartments. All associated site development works including revised vehicular entrance, landscaping, car park, bicycle parking and connections to public utilities etc.	
Brief site description, relevant to WFD Screening,		<p>The site is separated from the Atlantic Ocean and Galway Bay by the R336 regional road to the south. The coastal water body is referred to as Aran Islands, Galway Bay, Connemara (HAs 29;31) (IE_WE_010_0000). It is not classified as a transitional water body. The foreshore directly south and to the southwest is rocky with some bedrock outcrops as well as deposited material while there is a sandy beach situated closeby at the southeast.</p> <p>The site overlies the Spiddal (IE_WE_G_0004) groundwater body which is a large aquifer underlying much of south and west Connemara.</p> <p>There are river water bodies situated 315m east and 415m west of the site referred to as Sheeaunroe_010 (IE_WE_31S240870) and Owenboliska_010 (IE_WE_31O010200 respectively).</p> <p>There is a monitoring station situated on the Owenboliska upstream of the site.</p>	

Proposed surface water details			SUDs system proposed with hydrocarbon interceptor			
Proposed water supply source & available capacity			Uisce Eireann mains water connection.			
Proposed wastewater treatment system & available capacity, other issues			Uisce Eireann Wastewater connection. The capacity register indicates there is spare capacity available, and the application was accompanied by a Confirmation of Feasibility letter indicating that a connection is feasible without a need to upgrade infrastructure.			
Others			The site is partially situated within the coastal flood risk 200 year and 1000 year flood zones. The site has been designed with finished floor levels outside of the future flood levels while surface water manholes and the hydrocarbon interceptor are also similarly situated outside of the flood zone.			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	315m east and 415m west	Sheeaunroe_010 (IE_WE_31S240870) and Owenboliska_010 (IE_WE_31O010200)	Good and Moderate	Not at risk and At risk	No pressures	No – The contours and slope of the site direct surface water downhill and south towards the coastal body.

Groundwater Waterbody		Underlying site	Spiddal (IE_WE_G_0004)	Good	Not at risk	No pressures	Yes – Well drained sandy granite till soils with rocky outcrops and direct discharge to groundwater on the greenfield western area of the site provides a pathway to the groundwater body.
Coastal Waterbody		0-2m	Aran Islands, Galway Bay, Connemara (HAs 29;31) (IE_WE_010_0000)	High	Under review	No pressures	Yes – proposed discharge of surface water to this waterbody
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if ‘screened’ in or ‘uncertain’ proceed to Stage 2.

1.	Surface - river	Sheeaunroe_010 (IE_WE_31S240870) and Owenboliska_010 (IE_WE_31O010200)	No pathway exists	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice, CEMP,	No	Screened out
2.	Ground	Spiddal (IE_WE_G_0004)	Pathway exists via direct discharge to ground on greenfield western area of site.	As above	As above	Yes	Screened in
3.	Surface - coastal	Aran Islands, Galway Bay, Connemara (HAs 29;31) (IE_WE_010_0000)	Pathway exists via existing drainage network and contours of site sloping down to coast.	As above	As above	Yes	Screened in
OPERATIONAL PHASE							
4.	Surface - river	IE_WE_31S240870	No pathway	Hydrocarbon spillage	SUDs features with	No	Screened out

		IE_WE_3100 10200			hydrocarbon interceptors		
5.	Ground	IE_WE_G_000 4	Pathway exists	Hydrocarbon spillage	SUDs features with hydrocarbon interceptors	Yes	Screened in
6.	Surface - coastal	IE_WE_010_0 000	Pathway exists	Hydrocarbon spillage	SUDs features with hydrocarbon interceptors	Yes	Screened in
DECOMMISSIONING PHASE							
7.	NA						
STAGE 2: ASSESSMENT							
Details of Mitigation Required to Comply with WFD Objectives – Template							
Surface Water							
Development/Activity e.g. culvert, bridge, other crossing, diversion, outfall, etc	<u>Objective 1: Surface Water</u> Prevent deterioration of the status of all bodies of surface water	<u>Objective 2: Surface Water</u> Protect, enhance and restore all bodies of surface water with aim of achieving good status	<u>Objective 3: Surface Water</u> Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological	<u>Objective 4: Surface Water</u> Progressively reduce pollution from priority substances and cease or phase out emission,	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot		



			potential and good surface water chemical status	discharges and losses of priority substances	proceed without a derogation under art. 4.7)
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	Describe mitigation required to meet objective 4:	
<b>Construction works</b>	Site specific construction mitigation methods described in the CEMP e.g. silt fences and siting the construction compound outside of the flood zone. Re-fuelling to occur off-site.	Site specific construction mitigation methods described in the CEMP e.g. silt fences and siting the construction compound outside of the flood zone. Re- fuelling to occur off-site.	NA	NA	YES
<b>Stormwater drainage</b>	Adequately designed SUDs features, site-specific flood risk assessment with integrated design measures, site specific SUDs with sealed hydrocarbon interceptor.	Adequately designed SUDs features, site- specific flood risk assessment with integrated design measures, site specific SUDs with sealed hydrocarbon interceptor.	NA	NA	YES

Details of Mitigation Required to Comply with WFD Objectives – Template				
Groundwater				
Development/Activity e.g. abstraction, outfall, etc.	<u>Objective 1: Groundwater</u>  Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater	<u>Objective 2: Groundwater</u>  Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status*	<u>Objective 3: Groundwater</u>  Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	
Construction works	Site specific construction mitigation methods described in the CEMP e.g. silt fences and siting the construction compound outside of the flood zone. Re-fuelling to occur off-site.	N/A	N/A	Yes
Stormwater drainage	Adequately designed SUDs features, site-specific flood risk assessment with	N/A	N/A	Yes

	integrated design measures, site specific SUDs with sealed hydrocarbon interceptor.			
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**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_