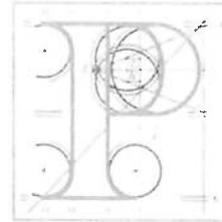


Our Case Number: ACP-323873-25
Planning Authority Reference Number:



An
Coimisiún
Pleanála

Development Applications Unit
c/o The Manager
Newtown Road
Wexford
Y35 AP90

Date: 13 January 2026

Re: Kingston Park and Millers Lane - Public Park Urban Realm Project
Kingston Park & Millers Lane, County Galway

Dear Sir / Madam,

An Coimisiún Pleanála has received your recent submission in relation to the above mentioned proposed development and will take it into consideration in its determination of the matter.

Please note that the proposed development shall not be carried out unless the Commission has approved it with or without modifications.

If you have any queries in relation to the matter please contact the undersigned officer of the Commission at laps@pleanala.ie

Please quote the above mentioned An Coimisiún Pleanála reference number in any correspondence or telephone contact with the Commission.

Yours faithfully,

Lauren Griffin
Executive Officer
Direct Line: 01-8737244

AA02

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Glaó Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
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64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902



Your Ref: JP61.323873
Our Ref: S177AE Kingston Park
(Please quote in all related correspondence)

12 January 2026

The Secretary
An Coimisiún Pleanála
64 Marlborough Street
Dublin 1
D01 V902

Via email to laps@pleanala.ie

Re: Notification under Section 177AE (4)) (a) of the Planning and Development Act 2000 as amended (as inserted by Section 57 of the Planning and Development (Amendment) Act 2010.

Re: Section 177AE application by Galway City Council for works to Millers Lane and the proposed Kingston Park in Galway City.

A Chara

I refer to correspondence received in connection with the above.

Outlined below are heritage-related observations/recommendations of the Department co-ordinated by the Development Applications Unit under the stated headings.

Archaeology

It is noted that the proposed development site (PDS) is large in scale, encompassing two land parcels with a total area of approximately 5.87 hectares. Given the scale and location of the PDS, it is possible that previously unrecorded sub-surface archaeological features/material may be disturbed during the course of groundworks for the development.

The Department has reviewed the 2 no. Desk-based Archaeological Screening Reports submitted in support of the Planning Application (prepared by Sherlock Archaeology, dated April 2025). These Reports were compiled at a pre-design stage and present an archaeological and historical background of the PDS together with a high level assessment of the potential impacts of the proposed development on the archaeological heritage. The Department acknowledges the findings of the Desk-based Screening Reports and broadly concurs with the recommended mitigation measures contained therein.



Therefore, in line with national and local policy – see *Framework and Principles for the Protection of the Archaeological Heritage* (Government of Ireland 1999) and the relevant objectives, policies and development management standards of the *Galway City Development Plan 2023-2029* – the Department recommends that the following mitigation measures be attached as a Condition of any grant of planning approval that the Board may issue.

Note the below Conditions align with Sample Conditions C.3 and C.4 as set out in *OPR Practice Note PN03: Planning Conditions* (October 2022), with appropriate site-specific additions/adaptations based on the particular characteristics of this development and the findings of the AHIA Report.

In this regard, the Department advises that the below wording be reproduced *verbatim* in any Schedule of Conditions that may issue in order to ensure appropriate mitigation of potential impacts on the archaeological heritage. For clarity, the below archaeological recommendations are presented under relevant locational headings (i.e. Kingston Park and Miller's Lane).

Archaeological Conditions - Kingston Park

Pre-development Archaeological Geophysical Survey & Test Excavation

1. In advance of commencement of development, the Developer shall engage a suitably qualified Project Archaeologist to oversee the implementation of a suite of advance archaeological works, to include Archaeological Geophysical Survey and Archaeological Test Excavation.
2. The Developer shall facilitate the Project Archaeologist in carrying out pre-development Archaeological Geophysical Survey and Archaeological Test Excavation in areas of proposed ground disturbance.
3. Archaeological test excavation shall be informed and supplemented by licensed Metal Detection Survey.
4. Upon completion of the archaeological works, the Developer shall submit an Archaeological Impact Assessment Report for the written agreement of the Planning Authority, following consultation with the National Monuments Service (NMS), Department of Housing, Local Government and Heritage, in advance of any site preparation works or groundworks, including but not limited to, site investigation works, topsoil stripping, site clearance and construction works. The Report shall include a comprehensive Archaeological Impact Statement and clear Mitigation Strategy.
5. Where archaeological material is shown to be present, avoidance, preservation *in situ*, preservation by record (archaeological excavation) and/or monitoring may be required. Any further archaeological mitigation requirements specified by the



Planning Authority, following consultation with the National Monuments Service, shall be complied with by the Developer.

6. No site preparation or construction works shall be carried out on site until the Archaeologist's Report has been submitted to and approval to proceed is agreed in writing with the Planning Authority.
7. The Planning Authority and the Department shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the Developer.

Archaeological Conditions - Miller's Lane

Construction Stage Monitoring

8. The Developer shall facilitate the Project Archaeologist in carrying out licensed Archaeological Monitoring of all groundworks required for construction of the development. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. No ground disturbance shall take place in the absence of the Archaeologist without his/her express consent.
9. Should archaeological remains be identified during the course of archaeological monitoring, all works shall be suspended in the area of archaeological interest pending a decision of the Planning Authority, in consultation with the National Monuments Service, regarding appropriate mitigation (preservation *in situ*/excavation).
10. The Developer shall facilitate the Archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the Planning Authority, following consultation with the National Monuments Service, shall be complied with by the Developer.
11. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the Planning Authority and the Department shall be furnished with a final Archaeological Report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the Developer.

Reason

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



Nature Conservation

The Department notes that the Ecological Impact Assessment identifies the presence of multiple protected species and ecological features within and adjacent to the project area, including bat species, birds of conservation concern, and semi-natural habitats within an urban green-space context. While the site is located in a built-up area, urban green spaces may function as important ecological stepping stones and contribute to wider ecological connectivity.

Bats and Lighting

The Department notes that several bat species were recorded commuting and foraging within the project area, including Nathusius' pipistrelle, Myotis species and Brown long-eared bat. All bat species are strictly protected under the Habitats Directive and the Wildlife Acts. The Kingston Park site is identified as providing moderate-quality commuting and foraging habitat associated with linear features and semi-natural vegetation.

The Department notes that the proposed development includes new permanent public lighting throughout paths, plazas and activity areas. Artificial lighting is a recognised impact pathway for bats and has the potential to disrupt commuting routes, fragment habitat and reduce foraging suitability, particularly for light-sensitive species. The Department notes the Lighting Plan provided in the Bat Report and emphasises the importance of ensuring all recommendations provided are fully implemented. Including luminaire type, lux levels, spectral composition, directional control, spatial extent of illumination and the timing of lights, particularly the sports floodlighting to fully maintain bat connectivity.

Birds

The Department notes that breeding and wintering Bird Surveys were undertaken and that the Environmental Impact Assessment Report (EIAR) concludes that impacts on birds will not be significant. While survey methodologies are generally appropriate, the Department highlights that open green spaces in urban environments can provide foraging habitat, resting areas, and movement corridors for birds, including species associated with nearby European Sites.

The Department notes that birds flying over or commuting across the Site are excluded from quantitative assessment. The cumulative effect of habitat modification, increased human activity, lighting and disturbance on the functional value of the Site for birds is not fully explored. In particular, increased lighting and year-round recreational use may reduce the suitability of the site for certain species over time.

The Department recommends that the Competent Authority considers whether the Assessment adequately captures indirect and functional impacts on birds, particularly in the context of cumulative urbanisation pressures.



Water, Drainage and Pollution Risk

The Department notes that the Appropriate Assessment (AA) Screening and Natura Impact Statement (NIS) identify potential pathways to European Sites via surface water and drainage connections. The EIAR and Construction Environmental Management Plan (CEMP) include standard measures to protect water quality during construction.

The Department notes that the conclusion of no adverse effects on European Sites relies on the effective implementation of these measures. However, many measures are generic and reliant on correct implementation by contractors. The Department reiterates that where water quality protection is relied upon to support AA conclusions, mitigation must be precise, enforceable and supported by clear monitoring and response mechanisms.

The Department recommends that the Competent Authority ensures that roles and responsibilities for environmental management, monitoring and incident response are clearly defined, and that sufficient ecological oversight is in place throughout construction.

Appropriate Assessment

The Department notes that the Appropriate Assessment Screening and Natura Impact Statement conclude that the proposed development will not adversely affect the integrity of the Galway Bay Complex Special Area of Conservation (SAC) or Inner Galway Bay Special Protection Area (SPA). These conclusions rely heavily on mitigation measures outlined in the CEMP and on assumptions regarding lighting control, pollution prevention and limited ecological use of the site.

The Department highlights that, in accordance with Article 6(3) of the Habitats Directive and relevant CJEU case law, conclusions of no adverse effects must be based on complete, precise and definitive findings capable of excluding all reasonable scientific doubt. Where mitigation measures are not fully defined at consent stage, such certainty cannot be achieved.

Conclusion

The Department considers that while the EIAR and NIS provide a substantial body of ecological information, a number of conclusions rely on mitigation measures that are not sufficiently detailed or secured at this stage. In particular, issues relating to lighting impacts on bats, functional use of urban green space by birds, Invasive Species management, and water quality protection require further clarification.

The Department takes this opportunity to remind the Competent Authority of its obligations under Article 6(3) of the Habitats Directive. Consent may only be granted where it has been ascertained, beyond reasonable scientific doubt, that the proposed project will not adversely affect the integrity of any European Site. The relevant CJEU case law should be consulted.

You are requested to send any further communications to this Department's Development Applications Unit (DAU) at manager.dau@npws.gov.ie, or to the following address:



The Manager
Development Applications Unit (DAU)
Government Offices
Newtown Road
Wexford
Y35 AP90

Is mise, le meas

Joanne Lyons
Higher Executive Officer
Development Applications Unit
Administration