

An
Bord
Pleanála

Board Direction
BD-012300-23
ABP-310568-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 31/05/2023.

The Board decided to grant permission generally in accordance with the Inspector's recommendation and refuse permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations (1)

The proposed residential towers, Pin 4 and Pin 5 of Block 9, by reason of their specific height, scale and massing would create a visually discordant element within the overall development failing to assimilate satisfactorily into the development envelope and failing to contribute positively to the existing and emerging townscape in Galway City, which would be inconsistent with the overall masterplan strategy for the site. Furthermore, Pin 4 and Pin 5, by reason of the proposed height, massing and volume in conjunction with their extreme proximity to Forthill Cemetery would create an overbearing impact on Forthill Cemetery, a key heritage asset of cultural importance. These elements of the proposed development would therefore be contrary to Policy 8.1 of the Galway City Development Plan 2023-2029 which seeks to ensure that new development enhances the character or setting of a protected structure and Policy 8.4 which seeks to ensure that proposed development within the designated city centre Zone of Archaeological Notification is not detrimental to the character of an archaeological site or its setting. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Reasons and Considerations (2)

In coming to its decision, the Board had regard to the following:

(a) EU legislation including in particular:

- EU Directive 2014/52/EU amending Directive 2011/92/EU (EIA Directive) on the assessment of the effects of certain public and private projects on the environment,
- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives) which set out the requirements for Conservation of Natural Habitats and of Fauna and Flora.

(b) National Legislation including in particular:

The Planning and Development Act 2000 (as amended),

The Affordable Housing Act 2021, and

The Climate Action and Low Carbon Development (Amendment) Act 2021

(c) National Policy and Guidance including in particular:

- National Planning Framework which cites the delivery of regeneration projects to extend and intensify the city centre as a key future growth enabler.
- Architectural Heritage Protection: Guidelines for Planning Authorities, 2011,
- Retail Planning Guidelines 2012
- Urban Development and Building Heights: Guidelines for Planning Authorities, December 2018 and Specific Planning Policy Requirement 1 to support increased building height in locations with good public transport accessibility, particularly town/city cores to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies.
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2020
- Climate Action Plans 2023

(d) The Northern & Western Regional Assembly – Regional Spatial and Economic Strategy 2020-2032 (incorporating the Galway Metropolitan Area Strategic Plan)

(e) Local Planning Policy including in particular

- The provisions of the Galway City Development Plan, 2023-2029 which incorporates the Galway Urban Density and Building Heights Study and the Galway Housing Strategy/Housing Needs and Demand Assessment.

(f) The following matters:

- the nature, scale and design of the proposed works as set out in the application for approval and the existing character and pattern of development in the area and the city centre location of the site,
- the documentation including the environmental impact assessment report, the natura impact statement and associated documentation submitted with the application and by way of further information and the range of mitigation and monitoring measures proposed,
- the submissions and observations made to An Bord Pleanála in connection with the application,
- the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European sites, and
- the report and recommendation of the inspector.

Appropriate Assessment: Stage 1:

The Board agreed with and adopted the screening assessment carried out and conclusions reached in the Inspectorate Ecologist's Report (as summarised in the Inspector's Report), that Galway Bay SPA (site code 004031), Galway Bay Complex SAC (site code 000268) and Lough Corrib SAC (site code 000297) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, the Inspectorate Ecologist's assessment, and the Inspector's assessment. The Board completed an Appropriate Assessment of the implications of the proposed development for the aforementioned European Sites in view of the sites' Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the Appropriate Assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspectorate Ecologist's report, (as summarised in the Inspector's report) in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' Conservation Objectives. In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' conservation objectives.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale and extent of the proposed development;
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application;
- (c) the submissions from the third party and first party appellants and from the prescribed bodies in the course of the application, and
- (d) the Inspector's report

The Board agreed with the summary of the results of the consultations and information gathered in the course of the Environmental Impact Assessment and the examination of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application, as set out in the Inspector's report. The Board was satisfied that the Inspector's report sets out how these various environmental issues were addressed in the examination and recommendation and are incorporated into the Board's decision.

Reasoned Conclusions on the Significant Effects:

The Board considered that the Environmental Impact Assessment Report, as revised, and supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment. The Board was satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU, amending Directive 2011/92/EU.

The Board considered that the main significant effects both positive and negative of the proposed development on the environment are:

- **Population and human health:** Potential positive impacts through the redevelopment of a brownfield and underutilised city centre site for employment, food and beverage, cultural and amenity spaces that will support compact sustainable growth and improve the townscape, visual setting, public realm and permeability of the city centre. Impacts arising from noise, dust, traffic, excavation and demolition impacts during construction will be mitigated by a Construction Management Plan including traffic management measures. There will be negative impacts on existing buildings in the vicinity of the site arising from the reduction in access to daylight and sunlight and increase in overshadowing which will not be mitigated or otherwise addressed by condition. Negative impact arising from changes to the wind microclimate will be mitigated by landscaping.
- **Landscape:** The proposed development entailing modern design interventions and the introduction of several tall buildings would have a significant impact on

the urban and visual character of the area. Pin 1 (Block 7) will introduce a major new landmark element in the townscape which will improve legibility and add to the visual attractiveness of the skyline. It will also be supplemented by a new public realm which will invigorate the area. These are positive impacts. However, negative impacts will also arise from the height, scale and massing of Pins 4 and 5 of Block 9 which would not be avoided, adequately mitigated or otherwise addressed by means of condition. Furthermore, mitigation will be required by a reduction in height and scale of Block 5 (Pin 6) and Block 8 (Pins 2 and 3), respectively, and an increase in the buffer zone between Block 9 and Forthill Cemetery. Otherwise, the landscape impact is considered acceptable (subject to these further amendments) given the policy provisions for the site as set out in the Galway City Development Plan 2023-2029 which identifies the site for redevelopment to a certain scale.

- **Cultural heritage:** Adverse impacts on cultural heritage assets such as Forthill Cemetery, Eyre Square ACA and Long Walk ACA, will arise from the height, scale and massing of some elements of the proposed development, which will need to be mitigated and addressed by means of conditions requiring a reduction in height and the redesign of some elements. However, the impacts in respect of Pins 4 and 5 of Block 9 cannot be avoided, mitigated or addressed by means of conditions. Potential negative impacts arising from demolition of some built fabric on the site and modern design interventions to protected structures including the redevelopment and extension of the former Goods Shed, Stables Building and No. 16 Eyre Square. Mitigation measures are detailed including building specific measures for the buildings to be retained and refurbished. There will be potential positive impacts on the cultural heritage of Galway City Centre arising from the restoration, extension and reuse of currently vacant or underutilised historic buildings including a number of protected structures.
- **Biodiversity:** There will be disturbance and loss of the common pipistrelle bat roost site at the Stables Building. Mitigation measures include the use of bat boxes, low intensity lighting and the creation of dark zones and dark corridors between high bat activity areas and potential roost sites, as well as the implementation of a Construction and Environmental Management Plan. There is potential for bird collision with the proposed tall buildings. Bird friendly glazing

will be used in mitigation for the tall buildings to repel birds above 20m grade and where glazing faces open water or green terraces.

- **Air quality and climate change:** The sustainable location of the proposed development adjacent to the city core and to the train and bus station, with high levels of access by means of public transport, walking and cycling to places of employment and study, retail, community, cultural and recreational amenity assets, would promote sustainable mobility with positive impacts on climate change adaptation. The greenhouse gas emissions that would be generated would not be so significant as to have long-term detrimental impact on the Government's ability to meet its 2030 and 2050 carbon targets. Potential air quality impacts would be avoided, managed and mitigated by measures that form part of the proposed scheme and through suitable conditions.

The Board completed an environmental impact assessment in relation to the proposed development. In light of the conclusions reached in respect of the inability to avoid, adequately mitigate or otherwise address by means of condition, the negative impacts arising from the scale, height and massing of Pins 4 and 5 of Block 9, the Board considered that the environmental effects would be such that refusal of planning permission for these elements of the proposed development would be justified, having regard to these residual impacts.

Notwithstanding the conclusions reached in respect of the inability of the proposed measures to fully mitigate the impact on existing buildings in the vicinity of the site arising from the reduction in access to daylight and sunlight and increase in overshadowing, the Board considered that these environmental effects would not justify a reason for refusal of planning permission having regard to the overall benefits of the proposed development.

The Board otherwise concluded that subject to the implementation of the mitigation measures referred to above, including proposed monitoring as appropriate and subject to compliance with the conditions set out below, by itself and in combination with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions set out in the Inspector's Report.

Proper Planning and Sustainable Development Reasons & Considerations (2)

It is considered that subject to compliance with the conditions set out below the proposed development would:

- secure the regeneration of strategic, underutilised urban land in a prime city centre location served by high quality public transport and assist in the redevelopment and rejuvenation of this part of Galway City in accordance with the policies and objectives of the current Galway City Development Plan 2023-2029, which in turn is supported by national and regional policy.
- create a high quality, liveable and vibrant urban quarter with a distinctive sense of place and attractive public realm which would facilitate the natural expansion of the city centre by linking the historic core with the sea and a new residential neighbourhood close to a range of amenities and facilities.
- would involve the retention and sensitive re-use of the bulk of the historic building fabric within the site thereby securing its future.
- would make a positive contribution to the architectural character of the area.
- would not seriously injure the amenities of development in the area and the character and appearance of protected structures in the vicinity.
- would not have a significant and detrimental impact on any heritage assets or important views and vistas within the city.

The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 19th day of March 2021 and by the further plans and particulars received by An Bord Pleanála on the 16th June 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority the developer shall agree such details in writing with the planning authority prior to commencement of development

and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The development shall be reduced in scale by the removal of the following floors in the respective buildings as shown on drawings submitted on 19/03/21.
 - i. Block 8, Pin No. 03, remove floor levels 04, 05, 06, 07 and 08.
 - ii. Block 8, Pin No. 02, remove floor levels 04 and 05.
 - iii. Block 5, Pin No. 06, remove floor level 04.
 - (b) The permitted portion of Block 9 shall be amended in layout and scale by the relocation of the southern building line a minimum of 4m to the north starting at Podium level shown as +10m in section drawings submitted on 19/03/21 (Drg. No. P2008544). The southern building line shall be taken to be that defined by the supporting structural colonnades. The reduction in floorspace shall be taken from the commercial (retail/café and restaurant) element of the scheme.
 - (c) The podium roof garden of Block 5 shall be screened by additional robust screen planting on the northern and western sides of the garden.
 - (d) Additional childcare facilities shall be provided with a minimum capacity to cater for 80 no. children in accordance with "Childcare Facilities: Guidelines for Planning Authorities" (2001) as updated.

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

Reason: In order to reduce the impact on the sensitive areas of cultural and architectural character within the city and in the interests of the protection of the visual and residential amenities of the area.

3. The period during which the proposed development hereby permitted may be carried out shall be ten years from the date of this order.

Reason: Having regard to the nature and extent of the proposed development, the Board considered it appropriate to specify a period of validity of this permission in excess of five years.

4. All mitigation and environmental commitments identified in Chapter 20 of Volume I of the Environmental Impact Assessment Report (2021), shall be implemented in full as part of the proposed development, except as may be otherwise required to comply with the following conditions.

All monitoring measures identified in Chapter 20 of Volume I of the Environmental Impact Assessment Report, shall be implemented in full as part of the proposed development, except as may be otherwise required to comply with the following conditions.

Reason: In the interests of development management public information and clarity.

5. All mitigation and environmental commitments identified in the Natura Impact Statement shall be implemented in full as part of the proposed development, except as may be otherwise required to comply with the following conditions.

In addition, bird friendly glazing/anti bird strike window treatment shall be applied to windows that face outwards of the site to either Lough Atalia or Forthill Cemetery from 4m of the ground up to 20m above ground level consisting of markings of 5mm dots spaced max 50mm x 50mm apart. Windows facing a green roof or terrace shall also be treated independent of height.

Reason: In the interest of development management, public information and clarity and to minimise the potential for bird strike on expanses of glass in line with the mitigation proposed and conditions of Galway City council grant of permission

6. A revised phasing plan which shall provide for amendments to the scheme required by this grant of planning permission and shall incorporate the following additional revisions:

- Inclusion of Block 4 in the first construction phase (Cluster 1)
- Inclusion of Block 3 (Train Shed) in Cluster 2
- Inclusion of works to facilitate access off Bothar na Long/Coalyard Walk and all associated landscaping and public realm enhancement in Cluster 2.

The development shall be carried out in accordance with the revised phasing plan which shall have regard to the requirements of Policy 10.5 of the Galway City Development Plan (2023) and shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of clarity and to ensure the timely provision of services

7. Prior to the making available by the developer for the occupation of Blocks 1, 4, 8 and 9, the associated community spaces/facilities shall be fully fitted out for the purpose so designed. The developer shall ensure that access to these areas, including the childcare facilities, shall be retained in perpetuity and made available to the local community on reasonable demand and shall not be converted to any other use without a prior grant of planning permission.

Reason: In the interests of social and cultural amenity.

8. The roofspace/amenity space over Block 6, including the green roof, recreational amenities and amphitheatre shall be completed in full as per the landscape masterplan prior to the making available by the developer for the occupation of any part of this block and the developer shall ensure that this area is available for public access and activities.

Reason: In the interest of social and cultural amenity.

9. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development, including the external fabric of the buildings, internal common areas (residential and commercial), open spaces, landscaping, roads, paths, parking areas, public lighting, waste storage facilities and sanitary services shall be submitted to and agreed in writing with the planning authority, before any of the residential or commercial units are made available for occupation.

Reason: To provide for the future maintenance of this development in the interest of visual amenity.

10. The landscaping scheme shown on the Public Realm and Landscape Master Plan and associated drawings submitted to the planning authority on the 19th March 2021 shall be carried out in its entirety and delivered in accordance with the phasing plan agreed with the planning authority as required by Condition 6.

Prior to commencement of development, the developer shall submit detailed specifications addressing the following matters :-

- (a) The areas of open space shown on the Public Realm and Landscaping Masterplan shall be reserved for such use and shall be levelled, contoured, soiled and seeded and landscaped in accordance with the requirements of the planning authority
- (b) A management strategy and public access arrangements which demonstrates that the public spaces are designed flexibly to both accommodate and invite a range of appropriate activities and uses for the general public and local residents.
- (c) A programme for all landscaping works setting out the proposed detailed design and maintenance of the landscaping including the accommodation of year round interest with high biodiversity and pollinator friendly species.

(d) Details of architectural treatment, street furniture, lighting and signage for each public space which shall reflect the character, function and use of each space with an objective of achieving good quality public realm and maximum social interaction.

(e) Details of public art installations at the locations indicated on the masterplan, apart from the route referred to as Coalyard Walk, which is to be revised.

On completion of the landscaping scheme, a certificate of completion from a qualified landscape designer confirming that the landscaping works have been satisfactorily carried out in accordance with the approved landscaping scheme shall be submitted to the planning authority for agreement.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development shall be replaced within the next planting season with others of a similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of achieving a high standard of public realm, to encourage activity and reflect the prime location and function of the site in and the interests of residential and visual amenity.

11. Public access to all streets, routes and access points within the development shall be made available at all times including areas identified as public open space on the submitted Schedule of Accommodation. This includes the covered street indicated on the submitted drawings as 'Meadle Street'. Details of the management of these routes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that permeable access is available throughout the development in the interests of creating a vibrant public realm.

12. (a) Between the hours of 11.00 and 19.00, the link between Eyre Square and the proposed development/Ceannt Station (south), and the link

between Bothar na Long and the proposed development, which are indicated on the submitted drawings as 'Eyre's Walk' and 'French's Garden', respectively, shall be restricted to pedestrians and cyclists (dismounted). Provision for service vehicles may be made between the hours of 19.00 and 11.00.

- (b) The route identified as 'Coalyard Walk' shall remain free from development. The proposed monumental sculptural piece along this route shall be omitted and replaced with a graded soft landscaped area banked onto Forthill Cemetery together with a smaller public art installation, public seating and an interpretive plaque relating to the adjoining historic cemetery.
- (c) No works associated with this development shall prejudice the functioning, operation of or future development of Ceannt Station. Exceptional access to the train station may be provided for through prior arrangement. Emergency access to the station will be maintained.

Details of the management of these restricted access points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to secure a priority for pedestrian movements and a high quality street environment.

13. Prior to the commencement of development details of the following pedestrian crossings shall be submitted to and agreed in writing with the planning authority:
- A Toucan crossing adjacent to the car park entrance
 - A signalised pedestrian crossing on Bothar na Long adjacent to the access point described as 'Coalyard Walk' on the submitted drawings.

These pedestrian crossings shall be provided at the developer's expense and shall be implemented in accordance with the agreed phasing plan.

Reason: To facilitate connectivity between the development and the established city centre and in the interest of pedestrian safety.

14. An artist's brief or tender for competition shall be prepared in order to secure 4 no. art work features/installations in the locations as indicated on the Landscape Masterplan submitted to the planning authority on the 19th day of March 2021. Details of the proposals shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interests of visual and cultural amenity.

15. (a) The extent of development hereby permitted for Build-to-Rent units and associated facilities shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing : Design Standards for New Apartments, Guidelines for Planning authorities (2020) as amended, and shall be used for long term rentals only. No portion of the Build-to-Rent development shall be used for short term lettings.
- (b) Prior to commencement of development of the Build-to-Rent element, the developer shall submit, for the written agreement of the planning authority, details of a proposed covenant or legal agreement which confirms that this element of the development shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period. The period of 15 years shall be from the date of occupation of the first residential units within the scheme.
- (c) Prior to the expiration of the 15 year period referred to in the covenant, the developer shall submit for the written agreement of the planning authority, ownership details and management structures proposed for the continued operation of the entire development as a Build-to-Rent scheme. Any proposed amendment or deviation from the Build-to-Rent model as authorised in this permission shall be subject to a separate planning application.

Reason: In the interests of orderly development and clarity

16. Prior to the commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks of the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for a determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

17. The layout and composition of the retail units shall have the flexibility for amalgamation of any 2 of the proposed 21 no. small shop units with a maximum capacity for amalgamations restricted to 4no. amalgamations in total (impacting 8 units). Any such amalgamations shall be agreed in writing with the planning authority in advance of the occupation of any such shop units.

Reason: In the interests of provision of a range of retail opportunities to support a vibrant city centre.

18. No additional development shall take place above roof parapet level on any building, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, other than that shown on drawings as submitted to the Planning Authority with the application unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

19. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity.

20. Details of the materials, colours and textures of all the external finishes to the proposed buildings and open spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of each phase of development. This shall include a revised brick type to block No. 5. Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of each phase of development.

Reason: In the interest of the visual amenities of the area.

21. Details of all external shopfronts and signage for the proposed commercial units shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of each phase of development. Thereafter, and notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no further advertisement signs (including any signs installed to be visible through windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on any of the proposed building or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: In the interests of visual amenity and orderly development and to permit the planning authority to assess any such development through the statutory planning process.

22. No external security shutters shall be erected on any of the commercial premises fronting onto public roads and public spaces, unless authorised by a further grant of planning permission. Details of all internal shutters

shall be submitted to, and agreed in writing with, the planning authority prior to commencement of each phase of development.

Reason: In the interest of visual amenity.

23. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Eireann.

Reason: In the interests of public health.

24. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

25. Prior to the commencement of development, the developer shall contact the Irish Aviation Authority to agree an aeronautical obstacle warning light scheme for the development and notify the Authority of intention to commence crane operations with a minimum of 30 days prior notification of the erection. As-constructed co-ordinates in WGS-84 format together with ground and tip height elevation should also be supplied to the Aviation Authority for information.

Reason: In the interest of aviation and public health safety.

26. Prior to commencement of the use of the car park, the following matters shall be submitted to and agreed in writing with the planning authority: -

(a) A copy of the agreed Car Park Management Strategy and operational strategy.

(b) Details of all directional and safety signage.

(c) A certified layout showing the built distribution of car parking spaces to include specifically designated residential spaces, commercial spaces, Irish Rail dedicated spaces for staff and customers (in accordance with rate of distribution submitted to the planning authority in March 2021), car sharing spaces, Electric Vehicle spaces and spaces dedicated for persons with disabilities.

- (d) Proposals for Variable Message Signage (VMS) at the car park entrance giving details regarding available space and demonstrate how this can be linked to the Galway City Information Systems.
- (e) Confirmation of the payment structure for the car park, confirming that commercial car parking is restricted to a regime of a short stay hourly rate benchmarked against prevailing commercial car parking price structures with no discount scheme provided. The exception will be for spaces dedicated to Irish Rail customers which provides for longer stays. Details of these rates shall be submitted for agreement in writing with the planning authority.
- (f) A minimum of 10% of the proposed car parking spaces in the multi-storey car park shall be provided with electrical connection points, to allow for functional electric vehicle charging. The remaining car parking spaces in the car park shall be fitted with ducting for electric connection points to allow for future fitout of charging points.

Reason: In the interest of sustainable transport.

27. The submitted Mobility Management Plan shall be implemented with specific regard to the following points and shall provide for a review with the planning authority prior to activation.
- (a) Information and incentives shall be provided to reduce usage of private cars and increase the use by residents, employees and patrons within the development of more sustainable modes of travel reviewed in conjunction with prevailing conditions on occupation.
 - (b) The plan shall be implemented by the management company within the development and shall provide for evaluation and monitoring of modal split targets as provided for in the plan.
 - (c) A Mobility Manager shall be appointed prior to occupancy of any of the elements of the development and the appointed person shall co-ordinate the implementation of the mobility strategy with all of the occupiers of the development and the planning authority.

Reason: In the interests of encouraging the use of sustainable modes of transport, traffic and pedestrian safety.

28. Bicycle storage and parking facilities, together with related facilities for cyclists, shall be provided as shown on submitted plans, including amendments in revised details submitted to the planning authority on the 19th day of March 2021. These facilities shall be provided in accordance with the National Transport Authority guidelines. The quantum of cycle parking shown in the plans shall be retained on site, with no reduction permitted, along with the associated dedicated space except for the following revision:-

30 cycle spaces currently designated to the cycle hub at the rear of Block 2 shall be redistributed throughout the site and shall include for some spaces dedicated to cargo type bicycles.

Details of the revised cycle parking layout shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In order to provide for a high standard and good distribution of cycle facilities within the development.

29. (a) A conservation expert shall be employed to manage, monitor and implement the works on the site, to supervise all works to the protected structures on site and within the curtilage of the protected structures and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained buildings and facades structure and/or fabric.
- (b) All repair works to the protected structures shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of environment, Heritage and Local Government in 2004. The repair works shall retain the maximum amount of surviving historic fabric in situ, including

structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structures and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

- (c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings), staircases including balusters, handrails and skirting boards, shall be protected during the course of refurbishment.

Reason: to ensure that the integrity of the retained structure is maintained and that the structures are protected from unnecessary damage or loss of fabric.

30. Prior to the commencement of development, the developer shall provide for the following:

- (a) Submit details and methodology of all conservation works, external materials and salvaging proposals for re-use of built heritage fabric, including walling to the rear of No. 16 Eyre Square and existing stone walling along Lough Atalia Road. These details shall be submitted and agreed in writing with the planning authority prior to any works commencing on these buildings/features.
- (b) Submit revised drawings for the southern elevation of the former Train Shed (Block 3) showing a maximum of 2 no. external openings and restoration of the balance. These revised drawings shall be submitted and agreed in writing with the planning authority prior to any works commencing on this building.
- (c) The chimney to the former Stables Building (Block 4) shall be restored and reinstated in the new roof of the building. Prior to works commencing on the building, the developer shall submit revised drawings, indicating the methodology for restoration and insertion of the chimney in the Stables Building to the planning authority for written agreement.

Reason: In the interest of preserving the architectural integrity and heritage value of the retained structures.

31. Prior to commencement of development, the developer shall employ, at his/her expense, a qualified archivist to provide a report recording the industrial heritage of the site. A copy of this report shall be forwarded to the planning authority and made available to the Archive Section of the Public Library. This information shall form part of the interpretative material to be exhibited in Block 4 – Gate Lodge, where prior to restoration, a design and content schedule of historic interpretative material shall be submitted for agreement in writing to the City Museum and Heritage Office.

Reason: To ensure that the quality of the development and works are commensurate with the protection afforded to the structure.

32. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and,
- (b) employ a suitably-qualified archaeologist prior to the demolition works and commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further

archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

33. Site development and construction works shall be confined to the hours of 0700 and 1800 on Mondays to Fridays excluding bank holidays and 0800 and 1400 hours on Saturdays and not at all on Sundays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of residential amenity and clarity.

34. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Resource & Waste Management Plans for Construction and Demolition Projects". The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the North-western Region.

Reason: In the interest of sustainable waste management

35. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan and a Construction Traffic Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development,

including a traffic management plan, hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

36. Prior to commencement of development, the developer shall submit to, and obtain the written agreement of the planning authority, a plan containing details for the management and safe disposal of all waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities.

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

37. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development or installation of lighting. Such lighting shall be provided prior to the making available for occupation of any apartment unit.

Reason: In the interest of amenity and public safety.

38. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing overground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

39. Proposals for naming of elements of the development, street names, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all elements of the development, street signs and unit numbers, shall be provided in

accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements or marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.

Reason: In the interests of legibility and to ensure the use of locally appropriate place names for new residential areas.

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

Reason: To ensure the satisfactory completion of the development.

41. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the

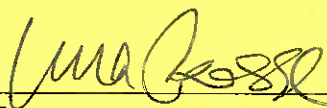
matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the scheme.

Reason: It is a requirement of the planning and Development Act 2000, as amended, that a condition requiring a contribution made under section 48 of the Act be applied to the permission.

Note

In coming to its decision the Board did not agree with the Inspector or the Planning Authority that the removal of two floors from each Pin (7 & 8) in Block 2 (Hotel) was warranted when considered in respect of the totality of the scheme permitted and in particular having regard to the mitigation which would arise from the combined reduction in the height of Blocks 8 and 9 which would reduce the potential visual impact of the development on Eyre Square. Similarly, it was decided that the removal of one floor from Block 5 would be sufficient to mitigate the concerns regarding visual impact. Furthermore, the Board did not agree that the vertical colonnades and horizontal band feature on the southern boundary of Block 9 would be unsympathetic in the context of the adjoining cemetery.

Board Member



Una Crosse

Date: 31/05/2023