

An
Coimisiún
Pleanála


Direction
CD-020868-25
ABP-322166-25

The submissions on this file and the Inspector's report were considered at a meeting held on 02/10/2025.

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

Planning

Commissioner:


Liam McGree

Date: 02/10/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

Matters Considered

In making its decision, the Commission had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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

- (a) the site's location close to Galway City Centre on lands within the Dyke Road Regeneration Site as designated for residential development in Galway City Development Plan;
- (b) the policies, zoning objectives and objectives of the Galway City Development Plan 2023-2029, The Regional Spatial and Economic Strategy for the Northern and Western Region 2020-2032 and the Metropolitan Area Strategic Plan (MASP) for the Galway Metropolitan Area and the Revised National Planning Framework – April 2025;
- (c) Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024);
- (d) the provisions of the Urban Development and Building Heights Guidelines for Planning Authorities (December 2018);
- (e) the provisions of the Sustainable Urban Housing: Design Standards for New Apartments (July 2023);
- (f) the Design Manual for Urban Roads and Streets (DMURS) (2013);
- (g) the Planning System and Flood Risk Management (including the associated Technical Appendices) (2009);
- (h) the nature, scale and design of the proposed development;
- (i) the availability in the area of a wide range of social, community, transport and water services infrastructure;
- (j) the pattern of existing and permitted development in the vicinity;
- (k) the submissions and observations received and
- (l) the report, assessment and recommendation of the Commission's Planning Inspector

it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development, would be acceptable in terms of pedestrian and traffic

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

Appropriate Assessment: Stage 1

The Commission considered the documents submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment in relation to the potential effects of the proposed development on designated European sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that Lough Corrib SAC, Galway Bay Complex SAC, Inner Galway Bay SPA and Lough Corrib SPA are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the sites and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment: Stage 2

The Commission considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an Appropriate Assessment of the implications of the proposed development on the aforementioned sites in view of these sites' Conservation Objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' Conservation Objectives using the best scientific knowledge in the field. In completing the assessment, the Commission considered, in particular, the following:

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

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's Report in respect of the potential effects of the proposed development on the aforementioned European

Sites. In overall conclusion, the Commission were satisfied that the proposed development would not adversely affect the integrity of the European Sites in view of the sites' Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

Environmental Impact Assessment (EIA):

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

- (a) the nature, scale, location and extent of the proposed development,
- (b) the environmental impact assessment report and associated documentation submitted with the application.
- (c) the submissions from the planning authority, the observers and the prescribed bodies in the course of the application, and,
- (d) the Inspector's report.

The Commission considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development, and adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Commission completed an environmental impact assessment in relation to the proposed development and, in doing so, agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report, associated documentation submitted by the applicant, and submissions made in the course of the planning application, and adopted the Inspector's assessment in this regard.

Reasoned Conclusions on the Significant Effects

The Commission considered and agreed with the Inspector's reasoned conclusions that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- Significant direct positive impacts for population and material assets, due to the substantive increase in housing stock during the operational phase.
- Potential direct negative effects on water and aquatic habitat during the construction phase would be mitigated by a suite of appropriate construction phase surface water management measures, including sediment and pollution control measures, resulting in no residual impacts on water and biodiversity.
- Potential direct negative effects due to flooding would be mitigated against by design and by operation management and evacuation plans.
- Potential direct negative effects on air quality during the construction phase would be mitigated by a suite of appropriate construction phase management measures, including a dust management plan.
- Potential direct effects arising for landscape / townscape during the operation of the proposed development would have slight to significant and positive effects for the appearance of the area, resulting in no residual impacts for landscape and visual amenities.
- Potential direct negative effects arising from loss of car parking will be balanced and mitigated by the provision of a new residential neighbourhood on an underutilised urban site.

Conclusions on Proper Planning and Sustainable Development:

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would deliver a considerable quantum of housing on this designated Regeneration and Opportunity Site, in accordance with the Core Strategy of the Galway City Development Plan 2023-2029, would constitute an acceptable density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development, would be acceptable in terms of pedestrian and traffic safety and flood risk. 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 submitted on 20th December 2024 and drawing submitted on the 29th July 2025, except as may otherwise be required in order to comply with the following conditions. Where any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report, and other plans and particulars submitted with the application shall be carried out in full except as may otherwise be required in order to comply with other conditions. Prior to the commencement of development, a schedule of mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report, and details of a time schedule for implementation of the mitigation

measures and associated monitoring, shall be prepared by the local authority and placed on file and retained as part of the public record.

Reason: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.

3. The mitigation and monitoring measures identified in the Natura Impact Statement submitted with the application shall be implemented in full. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.

Reason: In the interest of protecting the environment, the protection of European Sites and in the interest of public health.

4. The mitigation and monitoring measures identified in the Water Framework Directive Assessment submitted with the application shall be implemented in full. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.

Reason: To ensure the objectives of Article 4 of the Water Framework Directive are not compromised.

5. A revised access road layout and turning circle shall be redesigned to allow for an access route from the site through the adjoining lands which have the benefit of planning permission for student accommodation (P.A Ref: 22/259 & ABP. Ref:309673). This access route shall allow for general public accessibility and shall be provided from first occupation of the building. The exact extent of this area, any alterations required to activate this access, agreement with respect to the operation and the provision of a public right of way shall be

prepared by the local authority and placed on file and retained as part of the public record.

Reason: In order to ensure access, permeability and vibrance in accordance with The Galway City Development Plan 2023-2029.

6. Proposals for a development name and numbering scheme and associated signage shall be prepared by the local authority and placed on file and retained as part of the public record. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility

7. Details of the materials, colours and textures of all the external finishes to the proposed shall be prepared by the local authority and placed on file and retained as part of the public record.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

8. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

Reason: In the interest of amenity and of traffic and pedestrian safety.

9. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal open spaces, details of which be prepared by the local authority and placed on file and retained as part of the public record.

Reason: In the interests of amenity and public safety.

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

Reason: In the interests of visual and residential amenity.

11. All roads and footpaths and cycleways where applicable shown to adjoining lands shall be constructed up to the boundaries to provide access to adjoining lands with no obstruction including the erection of any structure which would otherwise constitute exempted development under the Planning and Development Regulations 2001, as amended. These areas shall be shown in a revised taking in charge drawing which shall be placed on file and retained as part of the public record.

Reason: In the interest of permeability and proper planning and sustainable development.

12. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

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

13. A Construction and Environmental Management Plan (CEMP) shall be prepared by the local authority and placed on file and retained as part of the public record. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities. The CEMP shall include all relevant construction mitigation measures from the AA, WFD and the EIA.

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

14. Prior to the commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols, shall be prepared and placed on file and retained as part of the public record. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record.

Reason: In the interest of proper planning and sustainable development.

15. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials for each apartment unit shall be prepared by the local authority and placed on file and retained as part of the public record. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan.

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

16. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be prepared by the local authority and placed on file and retained as part of the public record.

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

17. No advertisement or advertisement structure shall be erected or displayed on the building or within the curtilage of the site in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

18. The applicant shall enter into water and waste water connection agreements with Uisce Éireann prior to commencement of development.

Reason: In the interest of public health.

19. 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.

20. The applicant shall contact the Irish Aviation Authority and University Hospital at least 30 days prior to the erection of all cranes in accordance with S.I 215 of 2005 Irish Aviation Authority (Obstacles to Aircraft in Flight) Order. A suitable crane lighting scheme shall be agreed in writing with the Irish Aviation Authority.

Reason: In the interest of aircraft and public safety.

21. All mitigation measures in relation to archaeology and cultural heritage as set out in the Chapter 16 of the EIAR included in application documents shall be implemented in full. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any archaeological investigative work/ excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

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

22. The site shall be landscaped in accordance with the detailed scheme of landscaping which accompanied the application submitted, unless otherwise agreed in writing with the local authority prior to commencement of development. The landscape scheme shall be implemented fully in the first planting season following completion of each phase of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

Reason: In the interests of residential and visual amenity.