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## **Planning and Development Acts 2000 to 2019**

### **Planning Authority: Galway City Council**

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 20<sup>th</sup> day of December 2019 by Trean Meadow Limited care of MKO, Tuam Road, Galway.

#### **Proposed Development**

A planning permission for a strategic housing development at Ballybane More Road, Ballybrit, Doughiska, Co. Galway

The proposed development will consist of:

1. Construction of 102 number residential units comprising:
  - Eight number House Type A.1 (two-bed)
  - Two number House Type A.2 (one-bed)
  - Three number House Type B.1 (three-bed)
  - One number House Type B.2 (three-bed)
  - Two number House Type C.1 (four-bed)
  - One number House Type C.2 (four-bed)
  - 17 number Apartment Type D.1 (two-bed)
  - 16 number Apartment Type D.2 (two-bed)
  - One number Apartment Type D.2A (two-bed)
  - 16 number Apartment Type D.3 (two-bed)

- One number Apartment Type D.3A (two-bed)
  - Two number Apartment Type E.1 (one-bed)
  - One number Apartment Type E.1A (one-bed)
  - Three number Apartment Type E.2 (one-bed)
  - Two number Apartment Type E.3 (three-bed)
  - One number Apartment Type E.3A (two-bed)
  - Three number Duplex Apartment Type E.4 (two-bed)
  - Three number Duplex Apartment Type E.5 (two-bed)
  - Four number Duplex Apartment Type F.1 (three-bed)
  - Four number Duplex Apartment Type F.2 (two-bed)
  - Two number Apartment Type G.1 (one-bed)
  - Two number Apartment Type G.2 (one-bed)
  - Seven number House Type H.1 (two-bed)
2. Development of a Childcare facility (230.9 square metre)
  3. New vehicular and pedestrian accesses from the Ballybane More Road
  4. Provision of a footpath connectivity link along Ballybane More Road
  5. Provision of shared communal and private open space, site landscaping, car parking, electrical vehicle charging points, cycle parking, services and all associated site development works.

## **Decision**

**Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board 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.

## **Reasons and Considerations**

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

- (a) the site's location on lands with zoning objective 'R' for 'Residential Use' with the objective 'to provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods', as per the statutory Galway City Development Plan 2017-2023,
- (b) the sites setting designated as 'Outer Suburbs' within circa. five kilometres of Galway City Centre, the proximity of the site to good quality public transport links, and the cycling and walking distances to economic and social amenities,
- (c) the provisions of the Galway City Development Plan 2017-2023,
- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland 2016),
- (e) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013,
- (f) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009,
- (g) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments 2018,

- (h) Urban Development and Building Heights, Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in 2018,
- (i) to Section 37(2)(b) of the Planning and Development Act 2000, as amended,
- (j) the Planning System and Flood Risk Management for Planning Authorities (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009,
- (k) the nature, scale and design of the proposed development,
- (l) the pattern of existing and permitted development in the area,
- (m) to the submissions and observations received, and
- (n) the report of the Inspector.

### **Appropriate Assessment Screening**

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for the nearby European sites including: Galway Bay Complex Special Area of Conservation (Site Code: 000268), Inner Galway Bay Special Protection Area (Site Code: 004031), Rahasane Turlough Special Protection Area (Site Code: 004089), Lough Corrib Special Protection Area (Site Code: 004042), Cregganna Marsh Special Protection Area (Site Code: 004142), Rahasane Turlough Special Area of Conservation (Site Code: 000322), Lough Fingall Complex Special Area of Conservation (Site Code: 000606) and Lough Corrib Special Area of Conservation Site Code: 000297), 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.

## **Appropriate Assessment**

In completing the appropriate assessment, the Board considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the conservation objectives for the European sites.

In completing the Appropriate Assessment, the Board 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 site, having regard to the site's 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 European sites in view of the sites' conservation objectives.

## **Environmental Impact Assessment Screening**

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development on an urban site served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,
- (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

The Board considered that the proposed development would constitute an acceptable residential density in this zoned 'outer suburbs' location, which would, subject to conditions set out below, not seriously injure the visual amenity of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. 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, 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows:
  - (a) Unit 89 shall be omitted, and the area added to the open space and landscaped accordingly. The gable end of unit 90 shall be redesigned to provide passive surveillance over the resultant open space.
  - (b) The western gable end of Block D shall be redesigned to incorporate a projecting bay in a similar manner to the eastern gable end of Block E.

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 the interest of residential and visual amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

4. The final landscape plan and specification shall be agreed in writing with the planning authority prior to the commencement of works on site.
  - (a) The landscaping and earth works scheme shown on Drawing Number PDFI-01 Landscape Masterplan, as submitted to An Bord Pleanála as part of this application shall be carried out within the first planting season following substantial completion of external construction works. In addition to the proposals in the submitted scheme, the following shall be carried out:
    - i. The site shall be landscaped, using only indigenous deciduous trees and hedging species.
    - ii. The plan shall take cognisance of the national biodiversity strategy and the national pollinator plan and shall be proofed against any underground service plans and overhead structures including public lighting.
    - iii. Details of all tree/root protection measures shall be submitted for written agreement of the planning authority prior to the commencement of any development on site.
    - iv. The exact details of the design and specification of the multi-use games area and the playground shall be agreed in writing with the Parks and Recreation Section of the planning authority prior to the commencement of development.
  - (b) 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 five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interests of residential and visual amenity.



5. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.

**Reason:** In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

6. (a) 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 and for the ongoing operation of these facilities, for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

7. 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 Waste Management Plans for Construction and Demolition Projects”, published by the Department

of the Environment, Heritage and Local Government in July 2006. 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 Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

8. The construction of the development shall be managed in accordance with a Construction 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) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
  - (b) Location of areas for construction site offices and staff facilities;
  - (c) Details of site security fencing and hoardings;
  - (d) Details of on-site car parking facilities for site workers during the course of construction;
  - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
  - (f) Measures to obviate queuing of construction traffic on the adjoining road network;
  - (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
  - (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of

site development works;

- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interests of amenities, public health and safety.

9. 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.

10. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. 105 number clearly identified car parking space shall be assigned permanently for the residential development and shall be reserved solely for that purpose.

- (b) Prior to the occupation of the development, a Parking Management Plan

shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car parking shall be continually managed.

**Reason:** To ensure that adequate parking facilities are permanently available to serve the proposed residential units.

11. 150 number bicycle parking spaces shall be provided within the site. Details of the layout, marking demarcation and security provisions for these spaces shall be agreed in writing with the planning authority, prior to commencement of development.

**Reason:** To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

12. Prior to the opening/occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

**Reason:** In the interest of encouraging the use of sustainable modes of transport.

13. A minimum of 10% of all communal car parking spaces shall be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the

installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the making available by the developer for occupation of any of the residential units in the proposed development.

**Reason:** To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

14. The following requirements in terms of traffic, transportation and mobility shall be incorporated and where required, revised drawings/reports showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:
  - (a) Traffic calming measures.
  - (b) All signage and road markings shall be provided in accordance with the Traffic Signs Manual August 2019 and the Guidelines for Setting and Managing Speed Limits in Ireland, March 2015 edition or later, published by the Department of Transport, Tourism and Sport.
  - (c) The recommendations of the Road Safety Audit shall be implemented to the satisfaction of the Transportation Planning Section.
  - (d) The developer shall obtain a road opening licence from the Transportation Section of Galway City Council prior to undertaking any works to the public road.
  - (e) Dropped kerbs shall be provided to the footpaths at all junctions and crossing points. The height between edge of kerb and carriageway surface at the pedestrian crossings shall not be greater than 6mm to facilitate the mobility impaired, and tactile paving shall be installed to warn the visually impaired of the change in surface.
  - (f) All works shall be carried out at the expense of the developer to the

written satisfaction of the planning authority.

**Reason:** In the interest of traffic and public safety.

15. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development/installation of the lighting. The agreed lighting system shall be fully implemented and operational, before the proposed development are made available for occupation.

**Reason:** In the interests of visual amenity and public safety.

16. 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 over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual and residential amenity.

17. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

18. Proposals for an estate/street 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. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the

planning authority. 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 place names for new residential areas

19. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

**Reason:** To ensure the satisfactory completion and maintenance of this development.

20. 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 interests of public health and surface water management.

21. The glazing to the bathroom and ensuite windows shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

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

22. The development shall be carried out on a phased basis, in accordance with a phasing scheme submitted with the planning application, (unless otherwise agreed in writing with the planning authority prior to commencement of any development.)

**Reason:** To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

23. (a) Prior to the commencement of development on site, the developer shall agree in writing with the planning authority, details of all screen walls within the development, for example, walls that adjoin and are visible from public areas and which screen from view the rear gardens of dwellings. Screen walls shall be constructed of local natural stone.
- (b) All retaining walls should be re-designed to incorporate features that allows for animation, which shall include a variety of external materials and be so designed to ensure maximum levels of safety. These details shall be submitted for written agreement with the planning authority, prior to any works occurring on site.
- (c) All rear garden walls shall be 1.8 metres in height above ground level and shall be concrete block or concrete post and panel, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

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

24. Prior to 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 housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) 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 from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority, or any other prospective party to the agreement, to An Bord Pleanála for 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 of the area.

25. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge.

26. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority, that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to

commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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**Michelle Fagan**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this          day of                                  2020**