

An
Bord
Pleanála

Board Order
ABP-319201-24

Planning and Development Acts 2000 to 2022

Planning Authority: Galway City Council

Planning Register Reference Number: 2360059.

Appeal by Tom Richardson care of Enviroplan Consulting Limited of Suite Three, Third Floor, Ross House, Victoria Place, Eyre Square, Galway against the decision made on the 7th day of February 2024 by Galway City Council to refuse a permission for the proposed development.

Proposed Development: Permission for development which consists of the demolition of one number existing shed and one number existing garage and partial demolition of one number existing shed and one number existing garage, and the construction of a six-storey apartment building consisting of 24 apartments, including five by one-bed, 18 by two-bed, and one by three-bed units, new entrance and homezone access road, car parking, bin storage, bicycle parking with provision for two number covered bicycle shelters, ESB substation, connection to public sewer system, connection to public water mains, on site surface water drainage, communal open space (with dedicated play zone), private open space areas, landscaping, revised boundary treatments including removal of high rubble stone wall along the south-eastern roadside boundary, with reclaimed stone to be reused as part of the revised

boundary treatment, and all associated site works and services at Lough Atalia Road, Galway, at Lough Atalia Road, Galway City, County Galway.

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.

Reasons and Considerations

Having regard to the zoning objective R (Residential) and the provisions of the Galway City Development Plan 2023-2029, to the established pattern of the area which includes amongst other building styles, multi-storey apartment buildings, to the expanse of the adjoining public road corridor and the waterside area beyond, and to the scale and nature of the proposed development, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure visual amenity or the amenities of property in the vicinity, would not be prejudicial to public health, would be acceptable in terms of pedestrian and traffic safety and would constitute an appropriate form and scale of residential development at this zoned and serviced site close to the city centre. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the



Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development has the potential for a significant effect on Galway Bay Complex Special Area of Conservation (Site Code 000268) and the Inner Galway Bay Special Protection Area (Site Code 004031), in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) was, therefore, required.

Appropriate Assessment

The Board considered the Natura Impact Statement submitted in support of this application and, following an Appropriate Assessment, concluded that the proposed development, either individually or in combination with other plans or projects, would not be likely to adversely affect the integrity of the Galway Bay Complex Special Area of Conservation (Site Code 000268) and the Inner Galway Bay Special Protection Area (Site Code 004031).

This conclusion is based on:

- (a) a full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the conservation objectives of the Galway Bay Complex Special Area of Conservation (Site Code 000268) and the Inner Galway Bay Special Protection Area (Site Code 004031),
- (b) detailed assessment of in-combination effects with other plans and projects including current proposals and future plans,
- (c) no reasonable scientific doubt as to the absence of adverse effects on the integrity of the Galway Bay Complex Special Area of Conservation (Site Code 000268), and on the integrity of the Inner Galway Bay Special Protection Area (Site Code 004031).

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 received by the planning authority on the 12th day of January 2024, 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. All mitigation measures outlined in the plans and particulars, including the Natura Impact Statement, shall be implemented.

Reason: In the interest of protecting the environment and in the interest of public health.

3. (a) 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).
- (b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.



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

4. All parking areas serving the apartments shall be provided with ducting for electric vehicle charging points. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

5. 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 interest of visual and residential amenity

6. Details of the materials, colours and textures of all the external finishes to the proposed dwellings/buildings and boundaries shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

7. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the detailed requirements of the planning authority for such works and services.

Reason: In the interest of public health.



8. Prior to commencement of development, the developer shall enter into water and waste water connection agreements with Irish Water.

Reason: In the interest of public health.

9. If, during the course of site works, any archaeological material is discovered, the planning authority shall be notified immediately. The developer is further advised that in this event that under the National Monuments Act, the National Monuments Service, Department of Housing, Heritage and Local Government and the National Museum of Ireland require notification.

Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

10. Public lighting shall be provided in accordance with a scheme acceptable to the planning authority. The scheme shall include lighting along pedestrian routes through the site. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

11. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.



12. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays 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. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction and Environmental Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

14. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

15. The landscaping scheme shown on drawing 23-030-100, as submitted to the planning authority on the 7th day of September 2023, as amended by further information submitted on the 12th day of January 2024, shall be carried out in full. 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 or until the development is taken in charge by the local authority, whichever is the sooner, 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 interest of residential and visual amenity.

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

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



17. (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 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of 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: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

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 placenames for new residential areas.

19. Prior to commencement of development, the developer 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 for the area.

20. 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 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 and maintenance of the development until taken in charge.

21. 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.


Chris McGarry

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

Dated this 3rd day of December 2024.