

Planning and Development Acts 2000 to 2022

Planning Authority: Galway City Council

Planning Register Reference Number: 24/60021

Appeal by the Linn Bhuí residents care of Ger O'Donohoe of 23 Linn Bhuí, Bóthar Stiofáin, Galway against the decision made on the 20th day of March, 2024 by Galway City Council to grant permission, subject to conditions, to McDonagh Capital Investments Limited care of MKO of Tuam Road, Galway for the proposed development.

Proposed Development: The proposed development comprises three number offices blocks (GFA: 14,650 square metres) and all associated site development works as follows: Block 1: eight storey office building providing offices, stair and lift cores and plant rooms (GFA: 7,330 square metres). Block 2: six storey office building providing offices, stair and lift cores and plant rooms (GFA: 4,445 square metres). Block 3: four storey office building providing offices, stair and lift cores and plant rooms (GFA: 2,875 square metres). The development includes a surface car park which comprises of 167 number car parking spaces (including nine number accessible spaces and 33 number EV charging spaces), and 216 number bicycle parking spaces (including 22 number electric bicycle charging spaces) and nine motorbike spaces. Provision of new vehicular access to site. Provision of bin stores, ESB

substation, roof mounted solar PV, landscaping, boundary treatments, staff changing facilities, public lighting and all other site development works and services ancillary to the proposed development on lands at Galway Business Park, Knocknacarra, 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 I – ‘to provide for enterprise, industry and related uses’, the provisions of the Galway City Development Plan 2023-2029, and the nature, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic and pedestrian safety and visual amenity. Having regard to the lack of connectivity between the existing watercourse on site and the Knocknacarra stream (as set out on page 12 of the Construction and Environmental Management Plan submitted with the application), it is considered that the proposed development will not cause a deterioration on any water body or have a significant effect on any European site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment (AA) – Stage 1

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, the documents submitted with the application 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 could potentially have a significant effect on the 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 is, therefore, required.

Appropriate Assessment (AA) – Stage 2

The Board considered the Natura Impact Statement submitted by the applicant and all other relevant documentation on the case file and completed an Appropriate Assessment (Stage 2) of the implications of the project on the 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. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. The Board concluded that the project, individually or in combination with other plans or projects, would not 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) in view of the sites' conservation objectives and qualifying interests.

This conclusion is based on:

- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed including supervision and integration into Construction Environmental Management Plan ensuring smooth transition of obligations to eventual contractor.
- Application of planning conditions to ensure application of these measures.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the implications of the proposed development on the integrity of the aforementioned European sites, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development would not 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) European sites in view of the sites' conservation objectives and there is no reasonable scientific doubt as to the absence of such effects.

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

Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

3. All mitigation measures outlined in the plans and particulars, including the Ecological Impact Assessment and Construction and Environmental Management Plan (CEMP), shall be carried out in full, except where otherwise required by conditions attached to this permission.

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

4. (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 interests of amenity and of traffic and pedestrian safety.

5. The proposed uses for the offices shall be limited to the following:
 - (a) Data Processing,
 - (b) Software Development,
 - (c) Information Technology,
 - (d) Commercial Laboratories,
 - (e) Research and Development,
 - (f) Creative Media,
 - (g) Telemarketing and Publishing, and
 - (h) or other technology/IT related use.

Details of the use of each floor or entire buildings shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of each unit. Any use not generally provided for other than the uses listed above, shall require a prior grant of planning permission.

Reason: To ensure that the development is carried out in accordance with the permission and that effective control is maintained.

6. Prior to the commencement of development, a revised site layout plan shall be submitted in which future access via an appropriately sized pedestrian and bicycle access point to the lands to the north are provided, no buffer strip shall be located at the edges of the connection point. A temporary gate shall be permitted to be erected but shall be removed once the lands to the north are developed.

Reason: In the interests of the proper planning and sustainable development and the orderly development of the area.

7. Full details of the coffee kiosk shall be submitted for the written agreement of the planning authority prior to the commencement of development, and the details of the exact use and signage shall be agreed in writing with the planning authority prior to its occupation.

Reason: In the interest of clarity and to ensure the development caters for local retailing requirements in accordance with the proper planning and sustainable development of the area.

8. The pedestrian/cycle access points from the site onto Bóthar Stiofáin and their exact interface/materials to be used, with the roadway/footpath/improvements shall be agreed in writing with the planning authority within three months of the issuing of the final grant of permission.

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

9. (a) The developer shall submit all signage relating to the entire development on the office buildings and the office campus area within the site for written agreement with the planning authority.
- (b) Details of the bilingual naming of the development along with a wayfinding and road marking strategy, for the internal site layout and a co-ordinated signage strategy shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

Reason: In the interests of residential amenity and the proper planning and sustainable development of the area.

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. Details of the materials, colours and textures of all the external finishes to the proposed 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.

12. Prior to the commencement of development, a piece/s of artwork shall be provided within this development. The evolution of the design should include the creation of an aesthetic object/s, either reflecting the natural or built environment, or an abstract piece all of which should allow for the generation of experiences which can be shared with others within this new community. The artwork proposed for this development shall be sponsored by the developer. The details and timeframe for its erection shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of orderly development and the protection of visual amenities.

13. 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 office unit.

Reason: In the interests of amenity and public safety.

14. Prior to the commencement of development, a revised car parking layout shall be submitted for the written agreement of the planning authority, in which the proposed three parking spaces (numbers 90-92) in the north western corner of the site, the proposed bike shelter and bin storage compound at the southern end of the site and the cluster of proposed EV parking (numbers 136-167) are revised so that they provide a safe circulation route/corridor to the footpath network associated with the building footprints.

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

15. (a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
- (b) Prior to the commencement of development, the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.
- (c) Upon completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interests of public health and surface water management.

16. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann to provide for service connections to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

17. 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 interests of sustainable transport and safety.

18. 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.

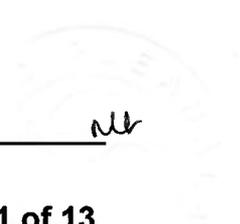
Reason: In order to safeguard the residential amenities of property in the vicinity.

19. The landscaping scheme submitted with the planning application 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 visual amenity.

20. 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 employee amenity.



21. A plan containing details for the management of waste 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. This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted. Thereafter, the 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.

22. Prior to the opening/occupation of the development, a Mobility Management Plan (MMP) that reasonably includes the recommendations as set out by the National Transportation Authority correspondence dated 21st February 2024, 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 and walking by occupants of the development, and shall include a traffic/parking control plan for the site. 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.

23. 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.

Mary Gurríe

Mary Gurríe

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *14* **day of** *May* **2025.**