

An  
Bord  
Pleanála

## Board Order ABP-320047-24

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Galway City Council**

**Planning Register Reference Number: 23/141**

**Appeal** by Angela Lawless and Evan Molloy of 12 Dangan Court, Newcastle, Galway and by Michael and Catherine McDonnell of 2 Dangan Heights, Dangan, Galway against the decision made on the 5<sup>th</sup> day of June, 2024 by Galway City Council to grant subject to conditions a permission to St. Joseph's Patrician College Galway care of Moloney O'Beirne Architects of Oyster Point, Temple Road, Blackrock, County Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a 11,134-square-metre school comprising classrooms, specialist room accommodation, PE hall/multi-purpose Hall, a two-classroom Special Needs Unit, ancillary accommodation, five external ball courts, 79 car parking spaces, bicycle storage, hard and soft landscaping, water attenuation system and all necessary pathways. The building comprises a central part three-storey part four-storey central east-west block with P.V panels on the roof with two part three-storey part two-storey lateral peninsula blocks each with ball courts on the roof, ESB substation, creation of a centrally located tiered amphitheatre space, courtyard gardens with extensive hard and soft landscaping, an LPG gas store and attenuation area to the north-west of the site. A new signalised junction, access road and dedicated cycle lane providing entry from the N59 at the junction at Circular Road enclosing the development and terminating on Saint Anne's Road with a north-

south fire path enclosing the eastern boundary and with pedestrian access from the N59 all comprising new drainage and ancillary works, new boundary treatment to the N59, all at Dangan Lower, immediately to the north of the N59 Galway-Clifden Road, adjacent to the Galway University Regional Sports Centre and immediately east of the Aughnacurra Housing Estate, Galway.

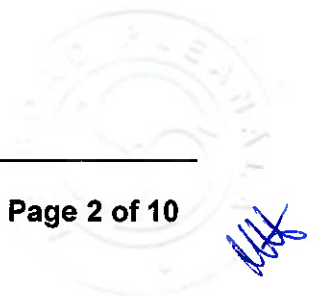
## **Decision**

**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**

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

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (c) 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,
- (d) the Conservation Objectives, qualifying interests and special conservation interests for the Lough Corrib Special Area of Conservation (Site Code: 000297) and the Galway Bay Complex Special Area of Conservation (Site Code: 000268),
- (e) the policies and objectives of the Galway City Development Plan 2023-2029,
- (f) the nature, scale and layout of the proposed works as set out in the application for permission,
- (g) the pattern of existing development in the area,



- (h) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (i) the submissions and observations received in relation to the proposed development, and
- (j) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

### **Appropriate Assessment Stage 1:**

The Board considered the screening exercise carried out by the Inspector, the planning authority and by the consultant on behalf of the applicant, noting the extremely precautionary approach adopted by the latter. The Board accepted the screening assessment and conclusion carried out by the consultant on behalf of the applicant, in respect of the identification of European Sites that could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European Sites in view of the sites' Conservation Objectives.

The Board is satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European Sites, in view of the sites' Conservation Objectives, other than the Lough Corrib Special Area of Conservation (Site Code: 000297) and the Galway Bay Complex Special Area of Conservation (Site Code: 000268) for which Appropriate Assessment is required.

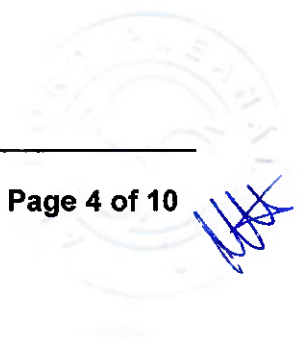
## **Appropriate Assessment Stage 2:**

The Board considered the Natura Impact Statement and associated documentation submitted with the application for permission, the mitigation measures contained therein, and the submissions and observations on file. The Board completed an Appropriate Assessment of the implications of the proposed development for the identified European Sites, namely the Lough Corrib Special Area of Conservation (Site Code: 000297) and the Galway Bay Complex Special Area of Conservation (Site Code: 000268), 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 by the consultant on behalf of the applicant in respect of the potential effects of the proposed development on the integrity of 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.



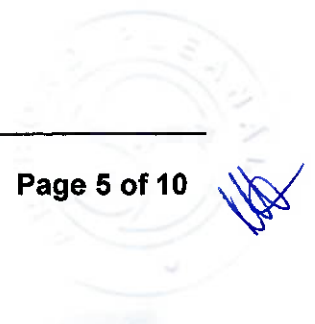
## **Proper Planning and Sustainable Development:**

Having regard to the nature and scale of the proposed development, the measures proposed in the School Traffic Control Management Plan and Mobility Management Plan, and the proposed use of adjacent playing fields at the Galway University Regional Sports Centre, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the RA zoning objective and specific development objective as set out in Section 11.2.2 of the Galway City Development Plan 2023-2029, which allows for the development of a secondary school on the subject site, and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The proposed 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 1<sup>st</sup> day of May, 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 proposed 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 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.

4. A Construction and Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. 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.

**Reason:** In the interest of environmental protection, residential amenities, public health and safety and environmental protection.

5. 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 traffic safety and convenience.

6. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

7. Prior to commencement of development, the developer shall enter into connection agreements with Uisce Éireann to provide for service connections to the public water supply and/or wastewater collection network.

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

8. Surface water from the proposed development shall be managed as set out in the submitted Engineering Services Report. Final design details of the proposed system shall be agreed in writing with the planning authority prior to commencement of development. The proposed development shall be completed in accordance with the agreed details.

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

9. (a) Prior to occupation of the school development, details of the external elevation and public realm signage shall be submitted to, and agreed in writing with, the planning authority.
- (b) All landscaping on site shall be completed as per the details submitted in the "Outline Landscape and Maintenance Specification Document and Landscape Plan (22/002- P-P01) prior to the occupation of the development.

**Reason:** In the interest of clarity, orderly and sustainable development.

10. The proposed development shall be carried out and operated in accordance with the provisions of the Mobility Management Plan (MMP) received by the planning authority on the 1<sup>st</sup> day of May, 2024. The specific measures detailed in Section 8 and Section 9 of the MMP to achieve the objectives and modal split targets for the proposed development shall be implemented in full upon first occupation of the development. The developer shall undertake an annual monitoring exercise to the satisfaction of the planning authority for the first six years following first occupation of the development and shall submit the results to the planning authority for consideration and placement on the public file.

**Reason:** To achieve a reasonable modal split in transport and travel patterns in the interest of sustainable development.

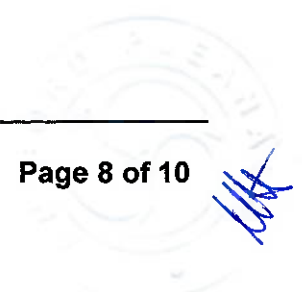
11. All of the 195 number bicycle parking stands on site shall be afforded sheltered covering and 10% of the overall provision shall be provided for non-standard cycles.

**Reason:** In the interest of sustainable development.

12. Arrangements for the closure of St. Anne's Road shall be agreed in writing with the planning authority prior to the first occupancy of the development.

Arrangements shall include the erection of signage, appropriate road markings and consultation with the relevant parties. The proposed development shall be completed in accordance with the agreed details.

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





13. (a) The proposed development shall proceed in accordance with the accepted Design Report (J177: St Jospeh's Patrician College, Dangal Lower Galway/ N59 Circular Road Junction Design Report).
- (b) Junction detailed design, including phasing and technical details of the signalised junction and pedestrian crossing, shall be subject to the approval of the Galway City Council Road Authority prior to commencement of any works on the public roadway. The proposed development shall be in accordance with the agreed details.
- (c) The recommendations of the Road Safety Audit of the proposed new entrance onto the N59 National Road shall be implemented in full and any additional works required because of the Road Safety Audit shall be carried out by the developer.
- (d) No works shall be carried out in areas marked as Area Reserved for N6 Ring Road as per Drawing 20042-MOB-A-9007.

**Reason:** In the interest of clarity, traffic and pedestrian safety and orderly development.

14. The developer shall engage a suitably qualified licensed eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance/dredging/underwater works and/or construction works. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record (archaeological excavation) and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority,

following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. 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.

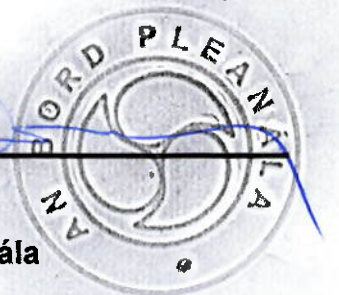


**Martina Hennessy**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board**



Dated this 10<sup>th</sup> day of December 2024.