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**Planning and Development Act 2000, as amended**

**Planning Authority: Galway City Council**

**Planning Register Reference Number: 2460108**

**APPEAL** by Summix BNM Developments Limited against the decision made on the 6<sup>th</sup> day of June 2024 by Galway City Council to refuse permission for the proposed development.

**Proposed Development:** Demolition of structures and boundary walls and construction of hotel, together with all associated site works on site of circa 0.2217 hectares at the corner of Lough Atalia Road and Bóthar na Long, 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 policies and objectives of the Galway City Development Plan 2023-2029, to the zoning objective CC (City Centre) of the site 'to provide for city centre activities, particularly those which preserve the city centre as the dominant commercial area of the city', and to the scale and nature of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would contribute to the zoning objective of the site and to the vitality and vibrancy in the core of a regeneration area that is currently transitioning from a low rise industrial area to a new urban quarter for Galway City, would not seriously injure the amenities of property in the vicinity, would not compromise the function and conservation of Forthill Cemetery, would not be prejudicial to public health and would be acceptable in terms of traffic and pedestrian safety and visual amenity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission concurred that plot ratio of itself is a useful metric when used alongside other metrics and qualitative considerations. It was noted that there is flexibility provided for, within Section 11.4.2 of the Development Plan, in the application of the plot ratio on larger Regeneration Sites including 'in the CC zone on larger Regeneration Sites consideration will be given to development proposals in excess of the normally permissible plot ratio where such proposals would contribute to sustainability, architectural quality, urban design, public realm, delivery of housing and make a significant contribution to urban character'. The development site forms part of the Inner Harbour Regeneration Site immediately adjacent to the Ceannt Quarter Regeneration Site. Section 10.6 of the development plan states that the Inner Harbour Regeneration Site 'is already under transition with the current development of Bonham Quay contributing to the transformation of this part of the city centre and indicating a scale and density that could be achieved in the

wider Inner Harbour'. The Commission noted that the proposed plot ratio for the proposal at 3:39 is lower than the nearby Bonham Quay development (at 3:75).

With respect to the proposed building height, the Commission noted the emerging context of increasing heights already developed and approved within the immediate Regeneration Sites. As indicated by the Inspector, the proposed hotel will be experienced within a wider panorama of this emerging built form which includes tall buildings including Bonham Quay and the permitted Augustine Hill development. While the Galway Inner Harbour Masterplan has not been incorporated into the development plan, both of the 3D visualisations in particular submitted by the applicant sets the proposed development on this small infill site clearly into this wider strategic and regeneration context. The Commission agreed with the Inspector that, in this regard, the development would not be significantly impactful.

Having reviewed the criteria contained in Table 8.1 of the development plan in relation to the general design principles for urban design, the Inspector acknowledges that the development meets with a number of the criteria. The Commission noted that at the local / street level, the Inspector considered that the height and proximity of the development to Forthill Cemetery would dominate the character and setting of this protected structure, and that views currently available to the cemetery would be obstructed. However, the Commission noted as significant the fact that the Department of Heritage did not raise concerns regarding the impact on Forthill Cemetery and recommended the implementation of measures contained in the Applicant's Archaeological and Architectural Heritage Impact Assessment. In addition, the Commission considered that the views currently available from the cemetery – surrounded as it is by Regeneration Sites - will inevitably change. While overlooking of the cemetery will undoubtedly occur from the development, the Commission did not consider this to be particularly insensitive. The responsive design to maintain south-westerly views from the cemetery was also noted, and the Commission did not agree that the appreciation of the heritage value of the site would be compromised.

Similarly, the development was not regarded as being particularly intrusive in light of the intermittent nature and low number of ceremonies per annum. The Commission preferred the findings of the Applicant's analyses and concluded that the proposed development would have a moderate impact on the setting of Forthill Cemetery.

In summary, therefore, the Commission considered that the plot ratio together with the height of the development would not be excessive, would not represent overdevelopment, and would not injure the amenities 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 screening exercise 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 Galway Bay Complex Special Area of Conservation (Site Code 000268) and Inner Galway Bay Special Protection Area (Site Code 004031) 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 other relevant submissions including expert submissions received and carried out an Appropriate Assessment of the implications of the proposed development on Galway Bay Complex Special Area of Conservation (Site Code 000268) and Inner Galway Bay Special Protection Area (Site Code 004031), in view of the 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 conservation objectives of the sites using the best available scientific knowledge in the field.

In completing the assessment, the Commission 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 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, having regard to the sites' conservation objectives.

In overall conclusion, the Commission 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 their conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse 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 shall be implemented.

**Reason:** To protect the integrity of European Sites.

3. The recommendations set out in the:
  - (a) Archaeological and Architectural Heritage Impact Assessment submitted with the application,
  - (b) Ecological Impact Statement submitted with the application, and
  - (c) Bat Report submitted with the appeal,

shall be implemented in full. Details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To protect the environment, archaeology and built heritage.

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

5. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

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

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

7. 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) the location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
  - (b) the location of areas for construction site offices and staff facilities;

- (c) the details of site security fencing and hoardings;
- (d) the details of on-site car parking facilities for site workers during the course of construction;
- (e) the 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) the 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) the details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) the 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) the off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and
- (l) the 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 available for inspection by the planning authority;

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

8. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

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

9. 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.

10. 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.

11. 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. 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.

12. Prior to the opening/occupation of the development, a Mobility Management Plan (MMP) shall be submitted to, and agreed in writing with, the planning authority. This shall provide for incentives to encourage the use of public transport (where available), cycling and walking by employees/patrons of the development. The mobility strategy shall be prepared and implemented by the management company for the development.

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

13. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
  - (b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:
    - (i) the nature and location of archaeological material on the site, and
    - (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Coimisiún Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

14. The developer is required to submit a detailed management and operations plan which outlines how it is intended to manage and operate the hotel accommodation. This shall include details of staffing, on-site management/ security and servicing. This shall be submitted to, and agreed in writing with, the planning authority, prior to the occupation of the hotel building and such terms of management and operation shall be subsequently implemented in full.

**Reason:** In the interest of the protection of residential amenity and in the interest of the proper planning and sustainable development of the area.

15. Prior to the commencement of development, the developer shall submit to, and agree in writing with the planning authority, an assessment, to include mitigation proposals if applicable, of the potential impacts at ground level on pedestrians, cyclists and vulnerable road users arising from wind downdraught from the proposed development.

**Reason:** In the interest of pedestrian and cyclist comfort and safety.

16. (a) Details of the public lighting scheme within the development, including the specification of all lighting structures, shall be submitted to, and agreed in writing with the planning authority prior to the commencement of the development. The lighting shall be so designed so as to be low level lighting and to prevent overspill onto neighbouring properties.
- (b) Details of the public lighting scheme to serve the pedestrian/cycling route within the development, including the specification of all lighting structures, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of the development.

**Reason:** In the interests of traffic safety and the proper planning and sustainable development of the area.

17. (a) All plant machinery, chimneys, filters or extraction vents to be used in connection with the development shall be located within the buildings and shall not extend beyond roof level unless subject of a separate planning permission.
- (b) No telecommunications structures shall be erected on the building unless authorised by a necessary planning consent.

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

18. No security shutters, canopies, projecting signs/spotlights or other appliances shall be erected onto the development without a prior grant of planning permission.

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

19. Prior to the commencement of development, the developer shall submit details of the design and specification of all signage to the planning authority for written agreement. Use of the Irish language/bilingual signage shall be incorporated within the development, and the applicant shall liaise with Gaillimh le Gaeilge in this regard.

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

20. The nature and use of the hotel shall be restricted to use as a short-term tourist hotel as described in the application and defined under relevant tourist accommodation legislation and shall not be used for long term or permanent residential accommodation without a separate grant of planning permission.

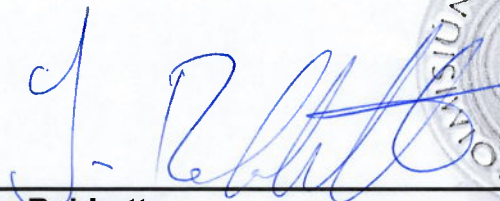
**Reason:** To clarify the nature and extent of development approved by this permission in the interests of residential amenity.

21. 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 Coimisiún Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

22. 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 Coimisiún 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.



**Tom Rabbette**

**Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.**

Dated this 15<sup>th</sup> day of April 2026