

Planning and Development Acts 2000 to 2022

Planning Authority: Galway City Council

Planning Register Reference Number: 2460270.

Appeal by Cairn Homes Limited care of MKO of Tuam Road, Galway against the decision made on the 29th day of January 2025, by Galway City Council, to refuse permission for the proposed development.

Proposed Development:

- (1) Demolition of two number existing dwellings including one number two-storey dwelling (199 square metres) and one number bungalow (234 square metres) and shed (13.64 square metres);
- (2) Construction of 156 number residential units comprising: (a) 113 number houses (16 number two-bed, 91 number three-bed, and six number four-bed); (b) 43 number apartment units (21 number one-bed, 22 number two-bed);
- (3) Provision of a creche (179 square metres);
- (4) Provision of all surface water, watermain and foul water services and connections to existing facilities on Ballymoneen Road (L5024);
- (5) Provision of a new vehicular and pedestrian access with the Ballymoneen Road (L5024) and the provision of a new pedestrian crossing on the Ballymoneen Road (L5024). Provision of a grass verge and cycle lane in accordance with the Galway Transportation Strategy;

- (6) Provision of a potential pedestrian and cyclist connection on the eastern site boundary to the existing Slí Gheal development and the provision of two number potential pedestrian connections from the proposed play area to the adjoining Slí Gheal development;
- (7) The provision of landscaping including play areas and SUDS features;
- (8) Provision of shared communal and private open space, resident and visitor car parking, electric vehicle charging points, bicycle parking, refuse storage, site landscaping and public lighting, and all associated site development works;
- (9) Erection of a retaining wall varying in height from 0.5 metres to 3.5 metres along parts of the western boundary of the site to be constructed in the event the subject site is developed prior to the proposed N6 Galway City Ring Road Strategic Infrastructure Development (ABP-318220-23),

all at Ballymoneen Road (L5024), Keeraun and Ballynahown East, Galway.

The proposed development was revised by further public notices received by the planning authority on the 7th day of January 2025.

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 performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, in an accordance with the provisions of the Climate Action Plan 2024 and Climate Action Plan 2025, and had regard to the following:

- (a) the location of the site in Galway City;
- (b) the policies, zoning objectives and objectives of the Galway City Development Plan 2023-2029, The Regional Spatial and Economic Strategy for the Northern and Western Region 2020-2032 and the Metropolitan Area Strategic Plan (MASP) for the Galway Metropolitan Area and the Revised National Planning Framework – April 2025;
- (c) Housing for All, A New Housing Plan for Ireland, 2021;
- (d) Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024);
- (e) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments (2018);
- (f) the National Biodiversity Plan 2022-2028;
- (g) the Design Manual for Urban Roads and Streets (DMURS) (2019);
- (h) the Planning System and Flood Risk Management (including the associated Technical Appendices) (2009);

- (i) the nature, scale and design of the proposed development;
- (j) the availability in the area of a wide range of social, community, transport and water services infrastructure,
- (k) the pattern of existing and permitted development;
- (l) the submissions and observations received; and
- (m) the report and recommendation of the Planning Inspector.

The Board considered that, subject to compliance with the conditions set out below, which include the omission of certain sites, the proposed development would be consistent with the applicable "R" Residential Use zoning objective and other policies and objectives of the Galway City Development Plan 2023-2029, would constitute an acceptable density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development, including separation distances between residential units, would be acceptable in terms of pedestrian and traffic safety and would not unduly impact on the delivery and construction of the proposed N6 Galway City Ring Road and would make a valuable contribution to the delivery of housing in Galway City. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The proposed development directly abuts the proposed N6 Galway City Ring Road (GCRR) project route. It is the Core Strategy, policy and priority of the Galway City Council Development Plan 2023 – 2029, and in particular Chapter 4: Sustainable Mobility and Transport and Section 11.2, Land use Zoning General, to protect and deliver this piece of strategic infrastructure for Galway City. In this case, the installation of any permanent works within the

section of the proposed development site adjacent to the route would have the potential of being damaged by future blasting, including but not limited to structures, drainage and services and could therefore, delay and impinge upon the delivery and construction of the future N6 GCRR, therefore, development on these lands would be premature pending the determination of the road layout and its construction, and would be contrary to the development plan policies and contrary to the proper planning and sustainable development

The Board agreed with the Inspector's recommendation to grant permission for the greater part of the proposed development. However, the Board shared the concerns of the planning authority that the potential requirement for rock blasting as part of the construction process for the proposed N6 Galway City Ring Road, would have the potential to impact on the proposed houses adjacent to the project route. The Board considered that the development of houses adjacent to the project route could impinge upon and potentially delay the delivery and construction of the proposed Ring Road which is a clear priority of the Galway City Council Development Plan 2023 – 2029. The Board was not satisfied that this matter was adequately addressed by the applicant in the documentation submitted with the application and/or appeal. Accordingly, the Board concluded, based on the totality of information on file, including engineering reports submitted, that the development of these houses would be premature at this juncture, however, also noting that this location would otherwise be suitable for housing, as referenced in condition 2 below. The Board granted permission for the remainder of the proposed development, being satisfied that there was a sufficient buffer available to the remainder of the proposed housing development so as not to unduly impact on the delivery of the proposed Galway City Ring Road.

Appropriate Assessment (AA):

The Board completed an Appropriate Assessment screening exercise (Stage 1) in relation to the potential effects of the proposed development on designated European sites, taking into account the nature and scale of the proposed development, the nature of the receiving environment, the distances to the nearest European sites and the absence of any direct hydrological connections, submissions and observations on file, the information and reports submitted as part of the application and appeal, and the Planning Inspector's report. In completing the screening exercise, the Board adopted the report of the Planning Inspector and concluded that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that an Appropriate Assessment (Stage 2) and the preparation of a Natura Impact Statement would not, therefore, be required.

Environmental Impact Assessment Screening:

The Board completed an Environmental Impact Assessment Preliminary Examination of the project and considered that the Environmental Impact Assessment Screening Report and other documents submitted by the applicant identify and describe adequately the direct, indirect, and cumulative effects of the project on the environment. In completing their assessment the Board had regard to:

- (a) The nature and scale of the project, which is below the thresholds in respect of Class 10(b)(i) and Class 10(b)(iv) of the Planning and Development Regulations 2001, as amended.



- (b) The location of the site on lands zoned lands (Residential), and other relevant policies and objectives in the Galway City Development Plan 2023- 2029, and the results of the strategic environmental assessment of this plan undertaken in accordance with the SEA Directive (2001/42/EC).
- (c) The greenfield nature of the site and its location in an urban area which is served by public services and infrastructure.
- (d) The pattern of existing and permitted development in the area.
- (e) The planning history at the site and within the area.
- (f) The location of the site outside of any sensitive location specified in article 109(4)(a) the Planning and Development Regulations 2001, as amended and the absence of any potential impacts on such locations.
- (g) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold development”, issued by the Department of the Environment, Heritage, and Local Government (2003).
- (h) The criteria set out in Schedule 7 and 7A of the Planning and development Regulations 2001, as amended.
- (i) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including those identified in the Ecological Impact Assessment and Noise Impact Assessment, Resource Waste Management Plan, Operational Waste & Recycling Management Plan,

Energy Statement and Climate Action Plan, Flood Risk Assessment, Civil Design Report, Construction and Environmental Management Plan, Invasive Species Report, Social Infrastructure Audit and Traffic and Transport Assessment.

In so doing, the Board concluded that by reason of the nature, scale and location of the proposed development, the development would not be likely to have significant effects on the environment and that an Environmental Impact Assessment and the preparation of an Environmental Impact Assessment Report would not, therefore, be required.

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 submitted to the planning authority on the 7th day of January 2024, and as received by An Bord Pleanála with the appeal on the 25th day of February 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented 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. Prior to the commencement of development, the developer shall, submit for the written agreement of the planning authority:
 - (a) revised plans omitting the residential units 10, 11, 12, 13, 57, 58, 59, 60, 61, 62, 63, 64, 65 and 66 as shown on Drawing PA-002 Proposed Site Plan;
 - (b) revised plans showing the area vacated by the omission of the sites, referenced in (a) above, as an area for potential future development and not as open space, but which in the interim shall, until developed, be soiled, seeded, and landscaped, in accordance with the detailed requirements of the planning authority; and,
 - (c) revised plans detailing the proposed retaining walls that interface with the proposed alignment of the proposed N6 Galway City Ring Road. The proposed retaining walls shall accord with the TII publication, Design for Durability (DN-STR-03012).

Reason: To ensure the development does not impinging on the proposed alignment of the N6 and in the interest of clarity.

3. The mitigation measures as detailed in the Bat Survey Report, the Ecological Impact Assessment and the Japanese Knotweed Management Plan shall be implemented in full as part of the development.

Reason: in the interest of wildlife protection.

4. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, an up-to-date Construction and Environmental Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, noise and dust management measures, off-site disposal of construction/demolition waste and details of proposed rock breaking or blasting to include the following:
 - (a) The mitigation measures as detailed in the Noise Impact Assessment and the CEMP shall be implemented in full as part of the development.
 - (b) Rock/Blasting operations shall take place only between 0800-1700, Monday to Friday, and shall not take place on Saturdays, Sundays or public holidays.
 - (c) Monitoring of the noise and vibration arising from blasting and the frequency of such blasting shall be carried out at the developer's expense by an independent contractor. All monitoring records shall be made publicly available.
 - (d) Prior to the firing of any blast, the developer shall give notice of his intention to the occupiers of all dwellings within 500 metres of the

site. An audible alarm for a minimum period of one minute shall be sounded. This alarm shall be of sufficient power to be heard at all such dwellings.

Reason: In order to protect the residential amenity of adjoining dwellings and future occupants.

5. Not more than 50% of residential units shall be made available for occupation before completion of the childcare facility, to an operational standard, unless otherwise agreed in writing with the planning authority.

Reason: To ensure that childcare facilities are provided in association with residential units, in the interest of residential amenity.

6. Proposals for an estate/street name, house/apartment 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/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be in the Irish Language 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.

7. Details of the materials, colours, and textures of all the external finishes to the proposed buildings and boundary treatments shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of visual amenity.

8. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, 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.

9. A minimum of 20% of all car parking spaces shall be provided with functioning electric vehicle charging stations/ points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/ stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/ points have 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 occupation of the development.

Reason: To provide for and/ or future proof the development such as would facilitate the use of electric vehicles.

10. (a) Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant houses permitted, to first occupation by individual purchasers, that is, those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

11. 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 transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall 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.

12. 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 interest of public health and surface water management.

13. (a) The developer shall enter into water and/ or wastewater connection agreement(s) with Uisce Eireann, prior to commencement of development.

(b) All development shall be carried out in compliance with Uisce Eireann codes and practices.

Reason: In the interest of public health.

14. 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.

15. The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

16. (a) The management and maintenance of the 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 so taken in charge.
- (b) The communal open spaces, hard and soft landscaping, car and cycle parking areas, access ways, refuse/ bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by the legally constituted management company.
- (c) Details of the management company contract, and drawings/ particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

Reason: In the interest of orderly development and to provide for the satisfactory future maintenance of this development.

17. The internal road network serving the proposed development, including carriageway widths, corner radii, turning bays, junctions, set down/ drop off area(s), parking areas, footpaths, kerbs, pedestrian crossings, raised tables, and cycle lanes shall be in accordance with the detailed construction standards of the planning authority for such works, and design standards outlined in the Design Manual for Urban Roads and Streets and the National Cycle Manual issued by the National Transport Authority. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of traffic and pedestrian safety.

18. Prior to commencement of development and/ or occupation of the residential units, as applicable, a final Road Safety Audit(s) and/ or Quality Audit(s) of the development, including the main entrance with the Ballymoneen Road, internal road and path layouts, shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of sustainable transportation, and traffic and pedestrian safety.

19. All roads and footpaths and cycleways where applicable shown to adjoining lands shall be constructed up to the boundaries to provide access to adjoining lands with no obstruction including the erection of any structure which would otherwise constitute exempted development under the Planning and Development Regulations 2001, as amended. These areas shall be shown in a which shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

20. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/ installation of lighting. The agreed lighting system shall be fully implemented and operational before the proposed development is made available for occupation.

Reason: In the interest of residential amenity and public safety.

21. The landscaping scheme shown on drawing number 22163-1-100, as submitted to the planning authority on the 7th day of January 2024 shall be carried out within the first planting season following substantial completion of external construction works.

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.

22. No additional development shall take place above roof parapet level of the apartment building, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area, and to allow the planning authority to assess the impact of any such development through the planning process.

23. (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 house/apartment unit 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: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

24. Prior to commencement of development, the developer shall prepare 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), including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. 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.

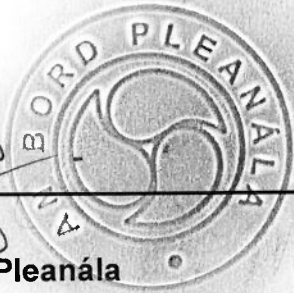
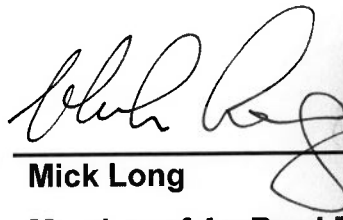
Reason: In the interest of sustainable waste management.

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.



Mick Long

Member of An Bord Pleanála

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

Dated this 16th day of June 2025.