

An
Coimisiún
Pleanála

Commission Order
ABP-322424-25

Planning and Development Act 2000, as amended

Planning Authority: Galway City Council

Planning Register Reference Number: 24/60348

Appeal by Bernie and Kevin Ryan and others care of 51 Crestwood, Coolough Road, County Galway and by others against the decision made on the 8th day of April, 2025 by Galway City Council to grant subject to conditions a permission to McHugh Property Holdings Limited care of MKO of Tuam Road, Galway in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of two number existing dwellings and ancillary structures located centrally within the site and demolition of the partial building ruins located in the south-eastern portion of the site. Construction of a student accommodation scheme comprising 84 number apartments. The proposed accommodation scheme is arranged in seven number blocks which vary in height from part two-storey/three-storey building to four-storey with a five-storey set-back on Block D. Provision of communal facilities on the ground floor of Block A, including a retail space measuring 77 square metres and a café measuring 81.7 square metres, with associated signage. Provision of communal open space and outdoor recreational areas internal and external (visitor) bicycle, refuse storage, car parking, public lighting, wayfinding signage and photovoltaic panels. The provision of hard and soft landscaping and boundary treatments, including an elevated mesh walkway (82 metres) and a bridge spanning the limestone pavement in the

north-western portion of the site. Provision of vehicular entrance and two number pedestrian/cyclist entrances from the Coolough Road and the provision of a toucan pedestrian crossing on the Coolough Road. Road improvement works along the Dyke Road. The proposed scheme will be utilised for short-term visitor letting during the summer months. Provision of associated surface water, watermain and foul water drainage services and connections, ESB substation and all associated site works and ancillary services, all on a site located to the west of the Coolough Road (L-1005) in the townland of Coolagh (also known as Coolough), County Galway in addition to road improvement works located on the Dyke Road (L-1004) located in the townland of Terryland, 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.

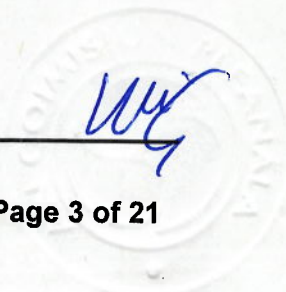
Reasons and Considerations

In coming to its decision, the Commission 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 accordance with the provisions of the Climate Action Plan 2024 and Climate Action Plan 2025, and also had regard to the following:

- (a) the location of the site on lands with a zoning objective for 'R' and other policy and objective provisions of the Galway City Development Plan 2023-2029 in respect of residential development,

- (b) the nature, scale and design of the proposed development which is consistent with the provisions of the Galway City Development Plan 2023-2029 and appendices contained therein,
- (c) the Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities (2024),
- (d) the pattern of existing and permitted development in the area,
- (e) the submissions and observations received in connection with the planning application and the appeal, and
- (f) the report and recommendation of the Inspector.

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development, 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.

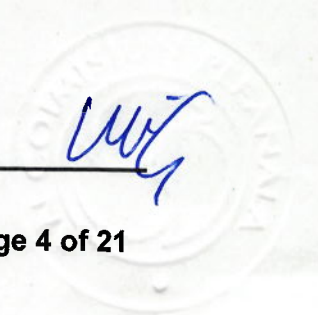


Appropriate Assessment: Stage 1:

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within an established town centre location and adequately serviced urban site, the Appropriate Assessment Screening Report submitted with the planning application, the Inspector's Report, and the submissions on file. In completing the Appropriate Assessment screening exercise, the Commission adopted the report of the Inspector and agreed with the screening assessment and conclusion carried out in the Inspector's Report that the Lough Corrib Special Area of Conservation (Site Code: 000297), the Galway Bay Complex Special Area of Conservation (Site Code: 000268) and the 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 the Lough Corrib Special Area of Conservation (Site Code: 000297), 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 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 sites' Conservation Objectives 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 the Conservation Objectives for the sites. This conclusion is based on a complete assessment of all aspects of the proposed development and there is no reasonable scientific doubt as to the absence of adverse effects.

Environmental Impact Assessment Screening:

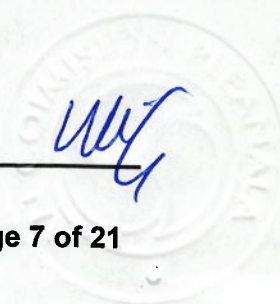
The Commission completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, which contains the information set out at Schedule 7A of the Planning and Development Regulations 2001, as amended, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to the criteria set out in Schedule 7, in particular:

- (a) the nature and scale of the proposed development, 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 zoned lands (Zoning Objective 'R' Residential'), and other relevant policies and objectives of 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 nature of the site and its location in an urban neighbourhood area which is served by public services and infrastructure,
- (d) the pattern of existing and permitted development in the area,
- (e) the planning history of the site and within the wider area,
- (f) the location of the site outside of any sensitive location specified in Article 109(4)(a) of 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 of the Planning and Development Regulations 2001, as amended,
- (i) the available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the EIA Directive,
- (j) 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 initial and updated versions of the Ecological Impact Assessment, Landscape Management and Maintenance Specification, Design Manual for Urban Roads and Streets (2019) Report, Road Safety Audit Stage 1, Environmental, Mechanical and Electrical Engineering design report, Outdoor Lighting Report, Daylight & Sunlight Assessment & Shadow Analysis Report, Landscape Design Statement, Energy Statement, Appropriate Assessment Screening Report and Natura Impact Statement, Landscape and Visual Impact Assessment, Engineering Planning Report, Construction and Environmental Management Plan, Mobility Management Plan, Flood Risk Assessment, Stage 1 Stormwater Audit, Public Lighting Calculation Report and Specifications, Noise Impact Assessment and an Operational Management Plan,
- (k) the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of any designated archaeological protection zone, and
- (l) the features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment,

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report is not, therefore, required.



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 14th day of February, 2025, 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. All mitigation measures associated with construction, post construction and operational phases of the development as outlined in the submitted Natura Impact Statement, Ecological Impact Assessment, Noise Impact Assessment and Preliminary Construction Environmental Management Plan shall be implemented in full and shall be supervised by suitably qualified and bonded persons.

Reason: To protect the integrity of European Sites and safeguard the quality of the surrounding environment in the interest of proper planning and sustainable development.

3. The proposed development hereby permitted shall only be occupied as student accommodation, in accordance with the definition of student accommodation provided under Section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and as visitor or tourist accommodation outside academic term times and shall not be used for any other purposes without a prior grant of planning permission for a change of use.

Reason: In the interest of residential amenity and to limit the scope of the proposed development to that for which the application was made.

4. Prior to commencement of development, revised plans and particulars shall be submitted to, and agreed in writing with, the planning authority showing the following amendments:
- (a) The design of the northern Zebra crossing indicated on drawing number 11857-2011-P1 shall be updated to indicate the required pedestrian Toucan Crossing as agreed and approved under planning register reference number 23/60174/An Coimisiún Pleanála reference number ABP-319927-24.
 - (b) The southern pedestrian crossing shall be a Type B Zebra Crossing as per the Traffic Signs Advice Note Zebra Crossing (TSAN-2024-01) by the Department of Transport. The developer shall demonstrate that the proposed crossing meets the design parameters in the standard.
 - (c) The uncontrolled crossing of the vehicular entrance shall include, on both sides, suitable infrastructure for those with visual and mobility impairments.
 - (d) At detailed design, a Stage 2 Road Safety Audit shall be undertaken and recommendations adopted into the design prior to construction.

- (e) An increased number of cycle parking Sheffield stands shall be incorporated into the scheme.
- (f) All cycle infrastructure and facilities proposed, including cycle parking, shall comply with the requirements of the NTA Cycle Design Manual (NTA and Department of Transport 2023).
- (g) Detailed design proposals for the pedestrian and cyclist improvements along Dyke Road shall include appropriate fencing and hedge planting, to the technical standards of the planning authority.

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

5. (a) Prior to commencement of development, revised drawings shall be submitted to, and agreed in writing with, the planning authority showing the provision of bus stopping facilities at this location on both sides of the road providing for access to buses travelling in both directions and to support travel by bus in accordance with current NTA Bus Guidance and specifications. The design shall take cognisance of the requirements of the Cycle Design Manual with regards to interactions at bus stops.
- (b) The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of works for the provision of the bus stop on the Coolough Road or, alternatively, the developer shall carry out these works at its own expense in accordance with the specification of the planning authority and the specifications and requirements set out in current NTA Bus Guidance.

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

6. Prior to commencement of development, an updated Operational Management Plan, which includes management and control protocols addressing car parking over the out-of-term summer period and measures to ensure compliance with these protocols, shall be submitted to, and agreed in writing with, the planning authority.

Reason: To support sustainable travel.

7. The proposed development shall be implemented as follows:
- (a) The student accommodation and complex shall be operated and managed in accordance with the measures indicated in the Student Accommodation Operational Management Plan.
 - (b) Student house units shall not be amalgamated or combined.
 - (c) The communal open spaces, car parking areas, sewers, watermains and communal services and access roads shall all be retained in private ownership or control and shall be maintained by a properly constituted management company which shall also provide for the external repainting of the development every four years. The details of the management company shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of the residential amenities of the area.

8. (a) Water supply and 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) Surface water run-off associated with the development shall not be permitted to discharge onto the public road or footpath or onto adjacent properties.

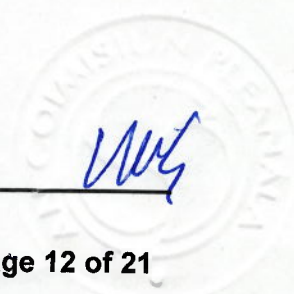
- (c) The surface water drainage system shall be constructed in accordance with the plans and particulars set out in the documents and drawings that accompanied the planning application. A Stage 2 Stormwater Audit (Detailed Construction Design Stage) shall be required, and particulars shall be agreed in writing with the planning authority prior to commencement of development. A Stage 3 Audit (Development Completion Stage) shall be submitted post construction of the proposed development.

Reason: In the interest of public health.

9. The developer shall ensure that the development is served by adequate water supply and/or wastewater facilities and shall enter into a connection agreement(s) with Uisce Éireann 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.

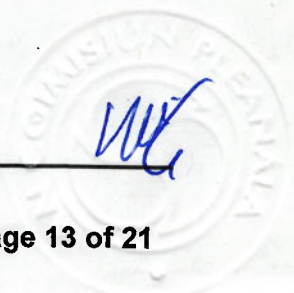
10. The developer shall ensure that all demolition and construction activity within the site shall comply with the following requirements:
- (a) All demolition/construction activity shall be restricted to between 0800 hours and 1800 hours Mondays to Fridays, inclusive, and between 0900 hours and 1300 hours on Saturdays, unless otherwise agreed in writing with the planning authority. No works shall take place on Sundays, bank holidays or public holidays.



- (b) The mitigation measures and best practice construction obligations of the submitted Preliminary Construction Environment Management Plan shall be implemented in full under the supervision and certification of a suitably qualified and bonded engineer(s).
- (c) All workers and visitors to the site shall not park on the adjacent public footpaths or roadways.
- (d) In the event that rock breaking is required on the site, a schedule of works, including mitigation measures and the hours and days of operations, shall be submitted for the written agreement of the planning authority.
- (e) The developer shall be responsible for installing and maintaining, to a satisfactory standard, a vehicular wheel washing facility on site during all the construction phases of the proposed development so as to prevent any dirt being transferred to the public roadways.
- (f) All retaining walls shall be designed and their construction supervised and certified by a suitably qualified bonded Structural Engineer.

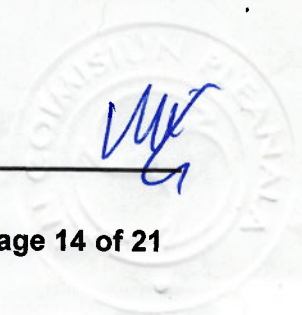
Reason: In the interest of residential amenity and the proper planning and sustainable development of the area.

11. The developer shall ensure that all demolition/construction activity within the site shall comply with the following requirements:
- (a) All works shall be carried out in such a manner so as not to cause environmental pollution.
 - (b) All waste arising from site clearance and construction on site shall be dealt with in compliance with all relevant waste and environmental legislation.



- (c) Prior to commencement of development, the developer, or any agent acting on its behalf, shall prepare a Construction and Demolition Resource Waste Management Plan (RWMP) as set out in the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D Projects (2021), including a 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 the 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.
- (d) All waste arising from the development shall be segregated prior to disposal.
- (e) All wastes arising from the development shall be disposed of by a suitably licenced service provider to a suitably licensed facility and shall be carried out in line with the procedures of the submitted Waste Management Plan.
- (f) Any hazardous waste arising shall be dealt with in compliance with hazard waste legislation.
- (g) All additional capacity wastes arising from the day-to-day phase shall be disposed of by a suitably licenced service provider to a suitably licensed facility. The three-bin system shall comprise of a recycling bin, a food waste (brown) bin and a mixed residual waste bin.

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



12. (a) The developer shall engage a suitably qualified Archaeologist (licensed under the National Monuments Acts) to monitor all site clearance works, topsoil stripping and other groundworks associated with the proposed development. No groundworks shall take place in the absence of the Archaeologist without his/her express consent. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary.
- (b) Should archaeological remains be identified during the course of archaeological monitoring, works shall be suspended in the area of archaeological interest pending a decision of the planning authority, in consultation with the Department, regarding appropriate mitigation (preservation in situ/excavation).
- (c) The developer shall facilitate the Archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the Department, shall be complied with by the developer.
- (d) Following the completion of all archaeological work on site and any necessary post excavation specialist analysis, the planning authority and the Department shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

- (e) The Construction Environment Management Plan (CEMP) shall incorporate any significant findings that emerge from the programme of Archaeological Monitoring, including, but not limited to, the location of any archaeological or cultural heritage constraints relevant to the proposed development and shall present appropriate mitigation measures to protect the archaeological or cultural heritage environment.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

13. Proposals for an estate/development name in Irish, student apartment/cluster 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/development signs, and student apartment/cluster numbers shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility, and to ensure the use of locally appropriate place names for new residential developments.

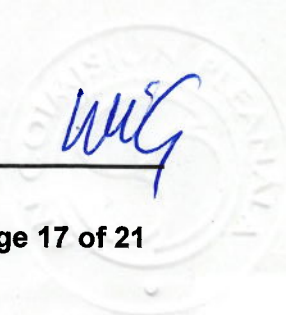
14. All details of the materials, colours, and textures of all external finishes to the proposed development, site boundary treatment and associated public realm/open space areas shall be as indicated on the submitted drawings. Any changes to the proposed external finishes of the proposed development, site boundary treatment and public realm shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

15. (a) No additional development shall take place above roof parapet level, 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.
- (b) No access to the roof areas other than for maintenance purposes shall be permitted.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

16. (a) The site shall be fully landscaped in accordance with the landscape plans submitted within the first planting season following completion of the development.



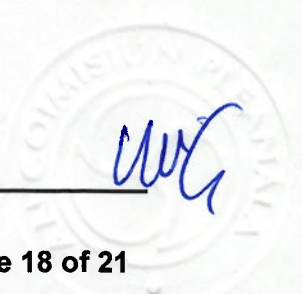
- (b) On completion of the landscaping/amenity scheme for the development, the developer shall submit to the planning authority a certificate of completion from a suitably qualified landscape designer confirming that the landscaping works have been satisfactorily carried out in accordance with the approved landscaping/amenity scheme. The developer shall be responsible for full maintenance of the landscaping and for the replacement of all failed stock. A copy of the maintenance agreement with a suitably qualified person shall be submitted with the required certification.

Reason: In the interest of the visual and residential amenities of the area.

17. All service cables associated with the proposed development (such as electrical, communal television, telephone, and public lighting cables) shall be run underground within the site. Ducting in this regard shall be provided to facilitate broadband infrastructure.

Reason: In the interest of orderly development, the visual amenities of the area and for satisfactory future maintenance.

18. (a) During the operational phase, the noise level arising from the development, as measured at the nearest dwelling, shall not exceed:
- (i) An Leq, 1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.
 - (ii) An Leq, 15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.



- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics – Description and Measurement of Environmental Noise.

Reason: To protect the residential amenities of property in the vicinity.

19. 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 planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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 Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

20. 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.

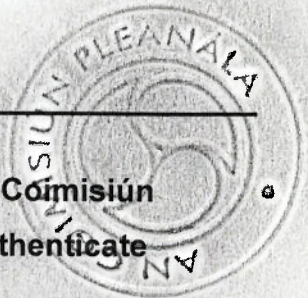
21. (a) The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of works to improve the junction of the Dyke Road and Coolough Road and a pedestrian footpath and shared pedestrian and cyclist facility/infrastructure on the Dyke Road. The amount of the contribution shall be agreed between the planning authority and the developer. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office. Alternatively, the developer may carry out these works at its own expense in accordance with the specifications of the planning authority and those set out in the Design Manual for Urban Roads and Streets.
- (b) All improvements along Dyke Road shall be completed and operational prior to the occupation of the student residences.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme, and which will benefit the proposed development.



Liam McGree

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



Dated this 18th day of AUGUST 2025.