



An  
Bord  
Pleanála

## Inspector's Report PL61 248002.

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<b>Development</b>	Sixty-four residential units, surface car parking, bin store, maintenance shed, landscaping, boundary treatments and associated works.
<b>Location</b>	Junction 1, Old Dublin Road, Doughiska Road and Junction 2, Doughiska Road/Ros Caoin, Boireann Bheag, Roscam, Galway.
<b>Planning Authority</b>	Galway City Council.
<b>P.A. Reg. Ref.</b>	16/215
<b>Applicant</b>	O'Malley Construction
<b>Type of Application</b>	Permission
<b>Decision</b>	Grant Permission.
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Boireann Bheag Management Company
<b>Observer</b>	Hildegarde Naughton TD.
<b>Date of Site Inspection</b>	5th May, 2017.
<b>Inspector</b>	Jane Dennehy

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## 1.0 Site Location

- 1.1. The site which is known as “The Melvin Site” has a stated area of 1.98 hectares, (19,800 square metres) and is located to the north of a strip of land in the applicant's ownership on the north side of the Dublin-Galway railway line and some vacant lane between it and the Coast Road/Oranmore Road (R338) The Doughiska Road leading northwards from the R338 to the Old Dublin Road R921/R446 at the north and there are three intersections along the section of the Doughiska Road off which there is internal access to residential developments.
- 1.2. Lands in the ownership of the local authority are to the west side of the appeal site. An access route is shown across these lands on the site location map. Boireann Bheag a residential development of houses and apartments are located immediately to the north of the appeal site. Further to the north and north west is the Roscam residential development which has access onto the Doughiska Road. The Doughiska road links the R338 (Oranmore Road) to the south with the Old Dublin Road and R446 to the north. The existing access to the appeal site is via the internal access road serving the Roscam and Boireann Bheag developments from Doughiska Road. There is a local neighbourhood centre close adjacent to the junction with Doughiska Road and there are childcare facilities within the existing development.
- 1.3. There are three junctions on the Doughiska Road off which the development is to be accessed via existing residential development. Junction 3 is at the four arm cross roads on the R338 Oranmore Road to the south. Junction 2 is at the entrance to Roscaoin leading to Boireann Bheag and onwards to the application site and it is a short distance from the R821/R446 to the north. And Junction 1 is the existing signalised junction on the R921.
- 1.4. Bus routes using the Dublin Road bus corridor are accessible from the Doughiska Road entrance to the Roscam and Boireann Bheag developments. The site location is circa kilometres from the Oranmore Railway Station.
- 1.5. A six metres wide wayleave along the routes of the public storm and foul sewer with a hydrobrake system is also located to the south west

## 2.0 Proposed Development

2.1. The application lodged with the planning authority on 25<sup>th</sup> July, 2016 indicates proposals for the development of sixty-four dwellings consisting of twelve apartments (eleven two bed and one, one bed unit) in a three storey, 'L' shaped block with eighteen communal dedicated surface car spaces and cycle parking and, 48 semi-detached and four detached houses along with on-site surface carparking, landscaping and pedestrian facilities. A total stated net density of thirty-two units per hectare and a total stated gross floor space of 7,938 square metres is indicated in the application. A detailed outline of the application follows:

2.2. The proposed arrangements for vehicular access are outlined below.

- The development is to be accessed from the Doughiska Road via the Ros Caoin Junction (Junction 2) on the Doughiska Road via the Ros Caoin development and the Boireann Bheag development to the north. At Junction 2 traffic will move north to a four arm signalised junction on the R921 (constructed and operational) and south onto Doughiska Road to a four arm cross roads at Junction 3 on the R338 Oranmore Road. According to the application, these locations were shown in the previously permitted developments under P. A. Reg. Ref. 06/380 and 08/116 (Details are available under 'Planning History' below.)
- Proposals include junction improvements at Junction 1 Old Dublin Road/Doughiska Road and at Junction 2, Doughiska Road/Ros Caoin are included in the application. (Site layout Drawing 06004.1-P02A refers.) The proposed junction and road improvements were based on a Traffic and Transportation Assessment (TTA) which contains assessments of Junctions 1 (4 arm signalised at R921/Doughiska Road,) Junction 2 (Priority junction at Doughiska Road and Ros Caoin) and Junction 3 - (Existing cross roads at R338 Oranmore Road /Rosshill and Doughiska Road.) It included consideration of a growth factor as per NRA guidance, existing distribution patterns and committed development.
- The proposed improvements for Junction 1 comprise reconfiguration of lane marking for Arm B whereby the existing left turn only lane is changed to left

turn and straight ahead and the existing straight and right turn lane are changed to right turn only.

- The proposed improvements for Junction 2 comprise provision for a mini roundabout which was selected from three options for improvements that were assessed. Junction 2 is noted as operating at above capacity in the Traffic Impact Assessment Report included with the application which was prepared following a scoping exercise undertaken by the City Council.

- 2.3. One area of landscaped communal open space is shown adjacent to the western boundary and it is overlooked on the east side by nine houses. A second larger centrally located area of landscaped communal space open space is shown at the middle of the site and is overlooked by dwellings on both the west and east sides. A landscaping specification is included with the application
- 2.4. This application is for lands for which two prior grants of permission, initially for eighty-nine units and subsequently for one hundred and two units were not taken up. Details are available under Planning History below.
- 2.5. The application was subject of a request for further information in which written consent and detailed design details for the Junction improvements proposed for the Doughiska Road (L5036) and Ros Caoin, and, survey details addressing inconsistencies in ground levels on submitted landscaping and drainage layout drawing and the planning authority indicated satisfaction with the response which it received on 14<sup>th</sup> December, 2016. It included written evidence of consent to incorporation of proposals in city council lands in the application, clarification regarding site and finished floor levels, a detailed junction design, and a repositioned attenuation area, closer east adjacent to the southern boundary which is slightly adjusted to include additional land in the applicant's ownership. (Drawing No 8011-2051-A shows detailed design for the junction improvements proposed.)
- 2.6. The applicant indicated willingness to accept a condition to undertake the junction improvement and upgrade works at an early stage in the construction period and is willing to adhere to the conditions attached to the planning authority decision. Condition No 18 in particular has been noted and the applicant, in view of concerns about works during periods of congestion, is willing to submit a construction traffic

management plan for agreement with the planning authority. The applicant plans to proceed and commence construction if the decision to grant permission be upheld.

### **3.0 Planning History**

- 3.1. P. A. Reg. Ref 06/380: Permission for a residential development of eighty-seven dwellings (three of the ninety initially proposed being omitted by condition) was granted, on 12<sup>th</sup> April, 2007 and subsequently expired in April, 2015 permission for extension of the duration of the grant of permission had been granted twice.
- 3.2. PL 61 229722/P. A. Reg. Ref 08/116: A decision to grant Permission for amendment to the prior grant of permission under P. A. Reg. Ref. 06/380 was upheld following third party appeals. The amendments provided for a total of 102 units and revised layout and dwelling mix.
- 3.3. Permission for the development on a site to the north of the appeal site with a stated area of 10.3 hectares at Boireann Bheag was granted under P A. Reg. Ref. 03/472 on 23<sup>rd</sup> January 2004. It comprises a development of three hundred and seventy-six dwellings in houses, duplex units and apartments, a crèche, surface parking and site development works

### **4.0 Development Plan**

- 4.1. The operative development plan is the Galway City Development Plan, 2017-2023 according to the core strategy in which a coordinated and integrated spatial framework for continue development of the city in a sustainable manner in accordance with national and regional planning frameworks.
- 4.2. The site location is subject to the zoning objective: R: To provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods.
- 4.3. The location is in an "Outer Suburbs" area in which a 'neighbourhood concept' providing for sustainable residential neighbourhoods guides design and layout. Section 2.2 and Policy 2.4 and 2.5 refer. Development Management standards are

set out in Section 11.3.1 according to which a plot ratio in excess of 0.46:1 should not be exceeded.

## 5.0 **Decision**

- 5.1. By order dated, 19<sup>th</sup> January, 2017 further to receipt of the additional information submission, the planning authority decided to grant permission subject to conditions with requirements of a standard nature for residential development which include:

Condition No 18; Preparation of a construction management plan to be submitted for the written agreement of the planning authority.

Condition No 24: Provision for the attenuation design to accommodate use of the land overhead as a transportation corridor and/or pedestrian and cycle way and, if this is not possible, for alternative proposals to be provided within the application details being subject to the written agreement of the planning authority.

## 5.2. **Planning Reports**

### 5.2.1. Planning Officer

The planning officer indicated satisfaction with the proposed development having considered the information provide in the supplementary submission in response to the additional information request.

## 5.3. **Internal technical reports**

The final report of the **Transportation and Infrastructure** section indicated no objection to the proposed development subject to conditions to include submission to the planning authority for written agreement, details of final junction design for Doughiska Road including a road safety audit in accordance with NRA standards and a construction traffic management plan.

- 5.3.1. The report of the **Drainage Section** indicates no objection subject to conditions.
- 5.3.2. The report of the **Recreation and Amenity Department** indicates no objection subject to conditions.

5.3.3. The report of the **Housing Department** indicates confirmation of discussions with the applicant relating to agreement to Part V requirements.

5.3.4. The report of **Irish Water** indicates no objection subject to conditions.

#### 5.4. **Observations**

5.4.1. The third party observations, over twenty of which were received from residents by the planning authority indicate major concern about traffic generation by the proposed development leading to increased volumes at junctions on the road network and public safety concerns which it is held would not be addressed the proposed mini roundabout and alignment works.

### 6.0 **The Appeal**

6.1. An appeal was received from Brendan McGrath and Associates on behalf of the Boireann Bheag Management Company on 14<sup>th</sup> February, 2017 according to which the proposed development:

- is premature pending rectification of serious deficiencies in the road network serving the area in which the site is located.
- is substandard due to inaccessibility and dependence of private cars for travel.
- has not been adequately assessed and decided by the planning authority.

An outline summary follows:

#### 6.2. **Premature development pending rectification of deficiencies in the road network.**

- There are six hundred and sixty-seven houses in Ros Caoin and Boireann Bheag beside a principle city route and directly affected by congestion on Doughiska Road and Oranmore Road. Cars queue at Junctions 1 and 2 which are part of the application and there is only 110 metres between these two junctions. The projected situations for 2022 and 2032 design years take committed development into account which is 142 additional dwellings which



generate an estimated 172 traffic movements in the AM peak accord to the TTA. Junction 1 according to the TTA is over capacity in 2018 and by 2033 all arms at this junction will be over capacity with or without the development proposed. With the reconfigured Arm B (on Doughiska Road) there would still be an over capacity situation in the am peak.

- Junction 2 is overcapacity in 2018, 2023 and 2033. The mini roundabout proposal is stated to operate within capacity in 2033 but the assessment does not consider the efficiency of the roundabout which would be compromised by traffic queueing from Junction 1. Drivers exiting Ros Cain who wish to go north turn left onto Doughiska and U turn or turn into the Durling estate and queue back northwards. (A memory stick of showing this practice is included with the appeal.)
- Junction 3 according to the TTA would continue to operate below capacity at design year 2033 and visibility is substandard at this junction. The argument that this junction serves lower density development than previously permitted schemes should be discounted and the application considered on its own merits, giving weight to existing and projected traffic conditions. A net density of 32 units per hectare, if built is higher than the developed residential area and the adequacy of the road network. The proposed development is substandard due to inaccessibility and dependence of private cars for travel.

### 6.3. **Substandard development dependant on private transport.**

- There are no facilities other than the crèche within a walking distance of 500 metres and no public transport other than two small buses. The nearest bus stop is over a kilometre away on the R921. The development is therefore an inaccessible, suburban development with high housing and transport costs that do not serve need of low income households. This is contrary to the guidelines for “Outer Suburban” in section 11.3.1 of the development plan including Policy 3.7 and to the five goals o(reducing traffic demand, maximising transport efficiency etc. and access to public transport) in “*Smarter Travel – A Sustainable Transport Future – Transport Policy for Ireland 2009-2020.*”

- The “*Design Manual for Urban Roads and Streets*”, Department of Transport, Tourism and Sport, 2013 (DMURS) notes the unsatisfactory characteristics of suburban environments and car dependency which prevails in some of the surrounding developments. The site is in the most inaccessible location in the area and is unsuitable, at thirty plus units per hectare if there is dependence on the car. A more balanced land use transport relationship is required. The site could be ‘retrofitted’, that is rezoned for other use enabling a more balanced land use transportation relationship. Some good practice is illustrated in the Ros Caoin and Borieann Bheag estate.

#### 6.4. Inadequate assessment by the planning authority.

- There was no assessment in the TTA of alternative options to the mini roundabout proposed at Junction 2. It is for a single lane of traffic exiting the estate involving a reduction of one lane compared with the *de facto* situation. A substantial area of open space to north side of Junction 2 would have been made available by the landowner for improvements.
- No site notice was erected for Junction 1 and no improvements are included in the description other than a recommendation for works and an auto track analysis in the TTA. It may be several years before the city bypass is available to reduce traffic levels through the junction. It is not clear that the bypass would reduce traffic because the by-pass traffic impact assessment forecasts increases. – at location 2 east of Junction 1 and a reduction at Location 27, west of Junction 1.
- Insufficient weight is given in the assessment to the quantum of site works, given the ground works involved to address levels between the site and existing housing which are greater than indicated in the application. This affects residential amenity.
- Undue weight was placed on a prior Inspector’s report (8 years ago) by the planning officer. Failure to properly assess the current traffic and road engineering aspects of the proposal has resulted in no condition stipulating

sequential development. No development should take place until specified improvements have been completed at Junction 1 and 2.

- The standard condition for restriction construction hours to 0800 to 1800 fails to take the location at the end of a residential collector road and the congestion on the local road during the AM peak into account.

6.5. It is claimed in the conclusion to the appeal that the proposed development is premature but the zoning status is acknowledged and it is suggested that a grant of permission should be made conditional on a maximum net density of 25 units per hectare.

## 6.6. Applicant Response

6.6.1. A submission was received from McCarthy, Keville and O'Sullivan on behalf of the applicant on 16<sup>th</sup> March, 2017. The submission includes an outline of and comments on the traffic and Transportation assessment (TTA) submitted with the application and on the planning authority assessments. In brief it is submitted that the improvement works proposed further to the TTA conducted in consultation with the local authority address the capacity issues at the junctions and that there are a number of elements that will be effective in reducing traffic flow:

6.6.2. With regard to the contention as to premature development pending rectification of deficiencies in the road network and inadequate assessment by the planning authority it is submitted it has been demonstrated in the TTA that the improvements proposed for Junction 1 and 2, where the mini-roundabout was selected from three options addresses this concern. The TTA was prepared following scoping conducted by the City Council and provides a comprehensive assessment for opening year: 2018 and design years, 2023 and 2033 of existing and projected traffic conditions and performance at the junctions for which traffic surveys were conducted. The conclusions and recommendations included;

- Comparison of trip generation relative to the previous permitted development under P. A. Reg. Ref. 06/380.
- Junction 1 was operating above capacity in 'am' peak in December 2015: Existing, committed and proposed traffic volumes increase the number of arms with (ratio of flow to capacity (RFC) values that are above capacity.

Flows through Junction will reduce if N6 Transport project is commissioned. Modal shift should also reduce flows through the Junction. before design year. Reconfiguration of Arm B if applied reduces capacity to 0.98 RFC from 1.03 RFC in the am peak. In pm peak junction operates below capacity up to design year with committed and proposed development included.

- Junction 2: Base flow traffic in opening and design year is above capacity which will increase if further committed and proposed development is in place. The mini-roundabout at cross road junction at AM peak will operate below desired 0.85 RFC for opening and both design years at AM and PM peak with inclusion of traffic generated by committed development. The TTA recommendations for the mini roundabout resolve the capacity of junction at present with scope for further development and DMURS standards are accommodated.
- Junction 3: The existing cross road junction will operate below 0.86 RFC for opening and design years for am and pm peaks with committed development generating traffic included. Visibility at Junction 3 from Doughiska Road is not achievable to standards in TII DN-GEO-03043 (old RA TD42-42)
- The proposed development generates less traffic movements than that higher density previously permitted proposal. This aligns with national transport and land use policies and the CDP Core strategy for alignment of land-use with investment in transportation. The Galway Transport Strategy addresses current and future transport requirements.
- The N6 Transportation Project, if commissioned before the design year will be effective in removing significant volumes of traffic. Policies for Modal split will also be effective and car dependency will be reduced.

6.6.3. With regard to the contentions as to overdependence on private transport and inadequate assessment by the planning authority it is submitted that:

- The site is well served by cyclist and pedestrian connections in close proximity to the Dublin Road Bus corridor on the R921 and R338 and off road cycle tracks. Many bus stops and routes on the Doughiska Road. The scheme also maximises access to local services and incorporates two

vehicular and pedestrian accesses and the location is well served with pedestrian and cycle routes and a potential route as far as Eyre Square immediately south of the site on the north side of the railway line. A local centre in the adjoining development is within ten minutes' walking distance. The bus stop for bus routes 404 and 409 is 590 metres from the site location Oranmore train station is 2.5 km away, and private bus routes are available.

- The density is not overdevelopment and sixty-four units is appropriate. The lands are designated, serviced and below the 0.46:1 ratio prescribed in the development plan for 'Outer Suburbs' It has a plot ratio of 0.4:1 and accords with strategic guidance for a density of 35-50 for suburban and greenfield sites. An Bord Pleanála has previously granted permission for similar plot ratios and densities in the north west suburbs: PL 232439 and 245492 refers. Good pedestrian and cyclist connections are included in the layout with access to the zoned lands west and south of the site. A 30 m wide strip abuts the rail line which is identified for pedestrian cycle and route to the city centre which will also connect to adjoining development area. Permeability throughout the site and wider area will therefore be encouraged.
- The suitability of the residential zoning objective is affirmed by way of the prior grants of planning permission and the claim that the land should be zoned for a non-residential use is rejected.
- The proposed development provides for significant planning gain. The sixty-four units respond to the city's housing needs as provided for in the development plan, includes two area of public open space with good active surveillance from the dwellings. There is a strong market for the proposed dwellings and it is requested that permission be granted.

#### **6.7. Planning Authority Response.**

A submission was received from the planning authority on 15<sup>th</sup> March, 2017 in which it is stated that the appeal issues were duly considered at application stage.

Attached is a statement from the Area Engineer in which it is stated that the

assessment and conditions attached to the decision to grant permission are appropriate. It is stated that there is adequate public transport, cycling and walking facilities and close proximity and good connections to the national N6 corridor and the planned N6 Galway City Ring Road.

- 6.7.1. Reference is made to the prior grants of permission for higher density development which was taken into account and to the further information submission which it is contended, addresses the appeal issues in conjunction with the conditions attached to the decision to grant permission.

## 6.8. **Observation**

An Observation was received from Hildegard Naughton on 14<sup>th</sup> March 2017. It is stated that the concerns of the Appellant Party with regard to increased traffic flow and their contentions as to premature development due to the deficiencies in the local road network and as to inadequacies of the improvement and upgrade works included in the application are supported.

## 7.0 **Assessment**

- 7.1. The issues raised in the appeal and central to the determination of a decision can be considered under the following two broad sub-headings:

Land use Zoning and Density.

Premature Development pending rectification of deficiencies in road network.

- 7.1.1. The contention in the appeal regarding failure to adequately assess and determine the application by the planning authority are taken into consideration concurrently in the evaluation of the issues under these sub-headings.
- 7.1.2. The contention as to deficiencies with regard to the display of public notices referred to in the appeal is procedural matter within the remit of the planning authority and is not a matter for consideration in connection with an appeal.

## 7.2. Land Use Zoning and Density

- 7.2.1. **Land-use zoning** It is considered that rejection of the proposed development on grounds of inappropriate land-use would not be reasonable owing to potential for high private car dependency as discussed above cannot be justified. Bearing in mind the prior grants of permission for residential development on the site, there would be little or no argument on which a reasonable case could be made for rejection in principle. A change to the zoning objective would necessitate invocation of procedures for Variation of the development plan. Proposals for another use such as institutional use that is 'permitted' or 'open to consideration' within the zoning objective can be considered. It would appear that it was envisaged at forward planning stage that residential units would be appropriate for the site. Aside from being fully serviced the site has the benefit of clear provision for connection by extension to the existing Boirean Bheag cul de sacs to the internal access road from Doughiska Road through the Ros Caoin and Boireann Bheag developments and for connectivity through cycle, pedestrian and recreational facilities.
- 7.2.2. Although somewhat peripheral within the context of the residential development accessed of Doughiska Road, the distance from the local neighbourhood centre and from the stops for the bus routes serving the city which is circa six hundred metres is unreasonable. Oranmore Railway station which is 2.5 kilometres from the site location is less convenient in terms of its catchment although there is scope for better linkage along the possible future linear cycle/pedestrian route adjacent to the railway track.
- 7.2.3. **Density.** The appellant having regard to the case made as to the site location being unsuitable for residential development on grounds relating to the capacity of the road network and high private car dependency asserts that a lower density, (circa 25 units per hectare) than that of the proposed development would lower the potential adverse impact and be more appropriate.
- 7.2.4. As indicated in the submissions made on behalf of the applicant, the proposed development has a lower density at circa 33.5 units per hectare than the previously permitted development and correspondingly, involves less trip generation and a lower demand on the capacity of the local road network. The density accord with the indicative density for the zoning objective and any significant reduction in the

proposed density would give rise to sustainable land use implications. A high standard has been achieved in layout and dwelling mix providing for good integration with the existing developments comprising the higher density Boirean Bheag development towards the centre and Ros Caoin to the west.

### **7.3. Premature Development pending rectification of deficiencies in road network.**

- 7.3.1. The original and supplementary TTA is considered to be comprehensive both in terms of the methodology for the survey, modelling and the analysis undertaken, including the consideration of the options for improvement works to which the appellant refers. The predictions for the opening year, 2018, and design years 2023 and 2033 with regard to Ratio of Flow to Capacity (RFC) for existing, committed development and the proposed development at Junctions 1, 2 and 3 are therefore considered reliable. The resultant selection of proposed upgrade works included in the application to address in particular the excess of RFC during the am peak at Junctions 1 which are acceptable to the Traffic and Transportation Department at Galway City Council area considered sufficient and satisfactory having regard in particular to the scale and intensity of the proposed development and associated traffic generation on the internal and local road network. In addition, it is considered reasonable to take the possible future positive effects of reduction RFC at Junction 1 if the N6 Galway Transportation Project at a future date into consideration.
- 7.3.2. The current scenario where the RFC is in excess of capacity in the am peak at Junction 2 and the prediction of future exacerbation with committed development and the proposed development in place in the opening and design years is satisfactorily addressed by way of the provision of a mini-roundabout and associated arrangements. In view of the assessment undertaken there appears to be no basis on which the adequacy of these proposed works could be deemed insufficient or ineffective.
- 7.3.3. An amenable residential environment is provided for in the design and materials for all vehicular and pedestrian movement within the scheme which accord with the recommendations within "*Design Manual for Urban Roads and Streets*", 2013.
- 7.4. Given the inclusion of such improvement works in the application the implementation of which is under the control of the applicant in conjunction with the local authority it



is considered that the implementation can be delivered in tandem with the development and potentially in advance of any occupation of the dwelling units. Appropriate phasing requirements can be included by condition. It has also been confirmed that avoidance of delays attributable to construction works can be accommodated by the developer and a relevant condition can be attached if required.

#### 7.5. Appropriate Assessment.

7.5.1. There is no documentation available on file by the applicant or the planning authority relating to appropriate assessment requirements.

7.5.2. Of seven European sites are within fifteen kilometres of the site location the Galway Bay Complex SAC (000268) has potential for connectivity and linkage being at close proximity at the coast a short distance to the south. The SAC has some overlap with the Inner Galway Bay SPA (004021)

7.5.3. The conservation objectives for the Galway Bay Complex SAC are for the maintenance or the restoration of favourable conservation condition of:

- *Mudflats and sand flats not covered by sea water at low tide (1140).*
- *Coastal lagoons, (1150)*
- *large shallow bays and inlets (1160),*
- *reefs (1170)*
- *perennial vegetation on stone banks, (1220)*
- *salicornia and other annuals colonising mud and sand (1310)*
- *Atlantic salt meadows, (1330)*
- *Mediterranean salt meadows (1410),*
- *Turloughs,(3180)*
- *Juniperus comunis formations on heaths or calcareous grasslands, (5130)*
- *semi natural dry grassland and scrublands facies on calcareous substrates (6210)*
  
- *Calcareous fens with cladium mariscus and species of the caricion davalliana, (7210),*
- *alkaline fens, (7230)*
- *Otter (1355) and*
- *Harbour seal (1365)*

- 7.5.4. The site which is a greenfield site is located just north of the Dublin-Galway Railway line and is to be integrated with relatively recently constructed residential developments to the north and north west with access onto Doughiska Road. At present surface water would disperse through the ground and there are no surface water features within the site.
- 7.5.5. The project is a residential development comprising twelve apartments in one block and fifty-two houses and associated development works on the vacant land which enclosed by hoarding and on which some materials and equipment are stored. Owing to the proximity of the Galway Bay Complex SAC there is a potential pathway between the development and the SAC for potential runoff of pollutants during construction that could enter and affect the quality of the waters within the SAC.
- 7.5.6. The proposed development is to be connected to the drainage network serving the adjoining development which for surface water includes attenuation including a hydro brake system which provides for the management of the collection and onward disposal of surface water and to the public foul sewer network and onwards for treatment and disposal.
- 7.5.7. It is concluded that the proposed development either individually or in combination with other plans and projects is not likely to have significant effects on the Galway Bay Complex SAC in view of the Conservation Objectives or any other European site. Stage 2 Appropriate Assessment would therefore not be required.

## **8.0 Recommendation**

- 8.1. In view of the foregoing, it is recommended that the decision of the planning authority be upheld and the appeal rejected. No amendment to the requirements of the conditions that were attached to the planning authority decision are considered necessary. Draft reasons and considerations and conditions follow.

## **9.0 Reasons and Considerations**

Having regard to the strategic policies and objectives for land use and roads and transportation for the area, to the zoning objective for the area in which the is located which are provided for in the Galway City Development Plan, 2017-2023, to

the planning history for the site and to existing and committed development in the area it is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of traffic safety and convenience, would not endanger public safety by reason of traffic hazard, would not be seriously injurious to the amenities of the area and the residential amenities of the future occupants of the dwellings and would be in accordance with the proper planning and sustainable development of the area.

## 10.0 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 lodged with the planning authority on 14<sup>th</sup> December, 2016 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.

Reason: In the interest of clarity.

- 2 The applicant shall provide for and comply with the following requirements:
  - (a) A final RAB junction design and a safety audit for the RAB design for the Doughiska Road shall be submitted to the planning authority prior to the commencement of the development.
  - (b) Prior to the occupation of the units the upgrade works at Junctions 1 and 2 on the Doughiska Road shall be completed to the satisfaction of the planning authority.
  - (c) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interest of traffic and pedestrian safety and convenience.

- 3 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. The attenuation area shall cater for use of the land above as a public transportation corridor and or pedestrian and cycleway. Otherwise alternative attenuation measures shall be submitted to and agreed with the planning authority prior to the commencement of the development.

**Reason:** In the interest of public health.

- 4 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

- 5 Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Detailed proposals for measures for the management of dust emissions to provide for the protection of adjoining properties shall be included. This plan shall be prepared in accordance with the "*Best Practice Guidelines on the Preparation of Waste Management Plans*

*for Construction and Demolition Projects*", published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of orderly and sustainable development.

- 6 Site development and building works shall be confined to the hours between 0800 hrs and 1800 hrs. Mondays to Fridays excluding Bank Holidays and 0800 hrs and 1400 hrs. Saturdays. Deviation from these times will only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: In the interest of residential amenity.

- 7 The public open space shown on the lodged plans shall be reserved for such use and shall be levelled soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority. A comprehensive boundary treatment landscaping and planting scheme shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development to include details of all hard and soft landscaping, plant species and locations, fixtures and seating.

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

8. Details of all external materials and finishes shall be submitted and agreed with the planning authority prior to the commencement of the development. Samples panels shall be displayed on site.

Reason: In the interest of visual amenity.

- 9 A name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of urban legibility

- 10 All rear gardens shall be bounded by block walls, 1.8 metres in height, capped, and rendered, on both sides, to the written satisfaction of the planning authority.

**Reason:** In the interests of residential and visual amenity.

11. 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 and implemented prior to occupation of the development.

**Reason:** In the interests of amenity and public safety.

- 12 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 provision of social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached

within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board 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.

- 13 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.

- 14 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

**Jane Dennehy**  
Senior Planning Inspector  
11th May, 2017.