



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-304345-19

Strategic Housing Development	101 no. residential units (46 no. houses, 55 no. apartments), childcare facility and associated site works.
Location	Townlands of Letteragh and Ragoon, Letteragh Road, Letteragh, Ragoon, Co. Galway.
Planning Authority	Galway City Council
Applicant	Burkeway Home Limited.
Prescribed Bodies	Transport Infrastructure Ireland. Irish Water
Observer(s)	Ann Mc Donagh Centento Ltd

Marguerite Hughes
Niamh Faherty
Shane Foran
Sliabh Na Ri Management Company.

Date of Site Inspection

12th of June 2019

Inspector

Karen Hamilton

1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The site is located in the north western outskirts of Galway City, c.3k from the city centre. The site is accessed from Letteragh Road, a local road that joins Circular Road to the south and the suburbs around Westside Park and Shopping Centre. Sliabh Rioga, a housing estate that comprises a mixture of semi-detached, duplex and apartment buildings is located to the west of the site.
- 2.2. The site is typical of farmland in the vicinity, comprising poor quality grazing land with stone wall and hedge boundaries. The site undulates with higher ground located to the eastern portion of the site and lower damp ground alongside a laneway and Letteragh Road. A number of large one-off rural houses are located to the north and east of the site. A footpath is located to the front of the Sliabh Rioga development, but stops abruptly at a bungalow that juts out to meet the edge of the public road, a footpath continues south on the western side of the road.

3.0 Proposed Strategic Housing Development

The applicant is proposing a residential development comprising of 101 no residential units (46 houses and 55 apartments), childcare facility (c. 243m²) and associated residential amenities. The breakdown of units is summarised below:

Unit Type	House	Apartment
1 bed		13 (13%)
2 bed		34 (33%)
3 bed	18 (18%)	8 (8%)

4 bed	28 (28%)	
Total	46	55

4.0 Planning History

None of relevance on the site.

ABP 304832-19 (Reg Ref 19/112)

There is an appeal currently before the Board for determination where permission has recently been granted by Galway County Council for 64 no. residential units on a site to the immediate south of the site comprising of 25 no. two, three and four bedroom, 2 storey dwelling houses, 39 no. one, two and three bedroom apartments in four separate 3 storey blocks and access/ regress from the main Letteragh Road.

5.0 Section 5 Pre Application Consultation

A section 5 Consultation meeting took place at the offices of Galway City Council on the 15 March 2019, commencing at 11.30am. Representatives of the prospective applicant, the Planning Authority and An Bord Pleanála were in attendance and the main topics raised for discussion where as follows:

1. Road Improvements
2. Pedestrian connectivity
3. Site Interface
4. Visual Impact
5. Any other matters

5.1. Notification of Opinion

An Bord Pleanála issued notification that, it was of the opinion, the documents submitted with the request to enter into consultation, require further consideration and amendment to constitute a reasonable basis for an application for strategic

housing development. The following includes a list of the issues noted in the Opinion that needed to be addressed:

1. Interface

Further consideration of the documents as they relate to the layout of the proposed development particularly the **relationship to the Letteragh Road and the existing rural laneway to the north of the site**. Layout, contiguous elevations and section drawings should detail the relationship between the buildings and the public realm, existing and proposed. In particular, drawings should show the full suite of facilities that would be expected in any urban context; such as but not limited to; footpaths, landscaped margins, appropriate boundary treatments and the provision of passive supervision of these new public spaces. Any development that integrates with the public realm either existing or modified should accord with the best practice principles of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated 'Urban Design Manual') and the Design Manual for Urban Roads and Streets, that seek to provide better and safe pedestrian and cyclist environments. Further consideration of these issues may require amendment to the documents and/or design proposals submitted.

Further specific information was requested as detailed below:

1. A layout drawing at an appropriate scale that details **permitted development in the vicinity and specifically any road and footpath improvements**, if any, and how they will integrate with the development as proposed. Specific reference should be made to the configuration and alignment of the local road network to the immediate north of the subject site along the Letteragh Road as far as the location of the housing estate currently under construction.
2. A report prepared by a suitably qualified and competent person demonstrating specific compliance with the requirements set out in the **Design Manual for Urban Roads and Streets and the National Cycle Manual**, as well as a map illustrating pedestrian, cycle and vehicular links through and off the site.
3. Details as they relate to **water services infrastructure that traverse the site**, including but not restricted to the opportunities for maintenance access

purposes and any other reasonable requirements detailed by the relevant authorities, such as Irish Water.

4. All **existing utilities that may traverse the site including** any proposal to culvert/re-route/underground existing drains/utilities should be clearly identified on a site layout plan.
5. Proposals for the **taking-in-charge** of the development, if applicable.
6. A report that specifically addresses the **proposed building materials and finishes and** the requirement to provide high quality and sustainable finishes and details. Particular attention is required in the context of the visibility of the site and to the long-term management and maintenance of the proposed development. A building lifecycle report for apartment buildings in accordance with section 6.13 of the 2018 Apartment Design Guidelines is also required.
7. A report that addresses issues of **residential amenity** (both existing residents of adjoining development and future occupants), specifically with regards to overlooking, overshadowing and overbearing. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed developments and adjoining residential development.
8. A **construction and demolition waste** management plan.
9. Relevant consents to carry out **works on lands that are not included within the red-line boundary**. The prospective applicant is advised that all works should as far as possible be included within the red-line boundary.

5.2. Applicant's Statement

The applicant's statement of response to the pre-application opinion is summarised below:

Interface

- The proposed apartments facing onto Letteragh Road have been set back to respect the design of the housing estate on the opposite side of the Road Sliabh Rioga.
- A footpath is included along the northern boundary.

- An additional set back of 5m has been included to allow a footpath along the Letteragh Road.
- Continuation of pathway along the north west of the site.

Permitted Development Drawing

- A drawing of the proposed N6 Galway Bypass is included with the housing lands re-zoned in 2017 in the vicinity of the site and lands with lapsed residential permissions in the early 2000s.
- A planning permission has been lodged with Galway City Council Reg Ref 19/112).

Compliance with DMURS/ National Cycle Manual

- A statement of consistency is included with the application.

Water Infrastructure Details

- A letter from Irish Water confirms there is no objection to the proposed development.

Existing Utilises Site Layout Plan

- An engineer's report has been prepared identifying all services on the site.

Taking in Charge

- The applicant proposes to appoint a Property Management Company to manage the common areas, service and facilities.

Building Materials and Finishes & Building Life Cycle Report.

- In accordance with Section 6.13 of the apartment guidelines a statement has been prepared.
- The proposal includes high quality materials, contemporary in nature with buff brick and selected stone.

Residential Amenity Report

- Appendix 7 of the Design Statement provides details in respect of residential amenity and the submitted cross sections illustrate the relationship between the proposed development and adjoining residential development.

Construction & Demolition Waste Management Plan

- A Construction & Demolition Waste Management Plan has been submitted.

Relevant Consents

- Letters of consent have been submitted from Galway City Council (confirming Letteragh Road has been taken in charge) and Irish Water for services along Letteragh Road.

6.0 Relevant Planning Policy

6.1. Project Ireland 2040 – National Planning Framework

The NPF includes a Chapter, No. 6 entitled 'People, Homes and Communities'. It sets out that place is intrinsic to achieving good quality of life. A number of key policy objectives are noted as follows:

- Objective 13 provides that "in urban areas, planning and related standards, including in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.
- Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- Objective 35 seeks "to increase residential density in settlements.

6.2. Section 28 Ministerial Guidelines

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant S.28 Ministerial Guidelines are:

- 'Urban Development and Building Heights Guidelines for Planning Authorities'
- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Design Manual for Urban Roads and Streets'

- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’
- ‘Childcare Facilities – Guidelines for Planning Authorities’
- Spatial Planning and National Roads Guidelines for Planning Authorities
- “Appropriate assessment of Plans and Projects in Ireland”

6.3. Galway City Development Plan 2017-2023

The site is zoned Residential (R) where it is an objective 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”*

Section 8.7: Urban Design

- Ensure high quality urban design in all developments.
- Improve qualitative design standards through the application of design guidelines and standards of the Development Plan.

Fig 12 of the development plan indicates the site is located adjoining lands designated as **“Outer Suburbs”** of Galway City, therefore the most relevant policies and objectives which may be applied to new residential developments is summarised below:

Policy 2.5

- Encourage higher residential densities at appropriate locations especially close to public transport routes.
- Ensure the layout of residential developments has regard to adjoining developments.
- Encourage a mix of housing types and sizes within residential developments.
- Encourage the use of home zones within residential developments.

- Require residential developments of over 10 units to provide recreational facilities as an integral part of the proposed open space.
- Balance between the reasonable protection of the residential amenities of the outer suburbs and the protection of the established character and the need to provide for sustainable residential development.
- Appropriate place names for new residential development.

11.3.1 Guidance for residential development within “Outer Suburbs”

- Existing hedgerow, trees, watercourses and stone walls shall be retained where feasible.
- The layout of all new residential development shall have regard to adjoining developments and undeveloped zoned land. Where appropriate, linkages and complementary open spaces shall be provided between adjoining developments.
- A plot ratio of 0.46:1 for new residential development shall not normally be exceeded.
- Residential developments of 10 units and over shall normally provide a mix in type of residential units.

Section 11.13 Childcare Facilities

- Adequate drop off/ set down points
- Provision of outdoor play area 55% of the gross floor area of the childcare facility although may be reduced if the proposal would represent sustainable development

Communal Amenity Space

- 15% of the gross site area.
- 11-20 dwellings require formal recreation facilities such as seating, barbecue, picnic table.

Private Open Space

- Private open space (areas generally not overlooked from a public road) exclusive of car spaces shall be provided at a rate of not less than 50% of the gross floor area of the residential unit.
- This open space should where practicable relate directly to the residential unit, which it serves. In certain site conditions and development types, provision of private open space may be made up of areas of communal open space.

11.3.1 (g) Car Parking Standards

In order to provide for flexibility in residential layouts the following are the options for car parking requirement are required:

- 2 on-site spaces per dwelling and 1 grouped visitor space per 3 dwellings or
- 1 on-site space per dwelling and 1 grouped visitor space per dwellings or
- 1.5 grouped spaces per dwelling and 1 grouped visitor space per 3 dwellings
- 3 spaces for houses over 200m² and 1 grouped visitor space per 3 dwellings
- 1 space for one bedroom residential dwellings and 1 grouped visitor per 3 dwellings
- Crèche: 1 per 20m² of operational space.
- Grouped and dual use will be considered where peak demands do not coincide and cognisance given for multipurpose trips.

11.3.1 Cycle Standards

- A minimum of one cycle stand per 20 car spaces or more shall be provided.
- For every additional 50 car parking spaces, an additional cycle stand should be provided.
- Each cycle stand should accommodate a minimum of 5 bikes and sheltered where appropriate.

A portion of the **N6 Galway City Ring Road** route corridor, a link road, adjoins the site. The N6 Galway City Ring Road project is at Stage 4 (SID application) as defined under the NRA Project Management Guidelines (2010).

The **Galway Transport Study (GTS)** is a 20 year plan implemented based on priority needs, prepared by Galway City Council and Galway County Council in conjunction with the National Transport Authority (NTA) and implemented by Galway County Council on behalf of all relevant authorities. The GTS includes a proposal to develop cycle lanes on both sides of the Letteragh Road in front of the subject site.

A specific **traffic and road network objective** runs along the road boundary of the site. The objective is to investigate and develop road improvements, junction improvements and traffic management solutions in the context of the Galway Transport Strategy (GTS), to maximise the operating efficiency and safety of the network having regard to the requirements of all categories of road users and road network capacity constraints.

6.4. **Natural Heritage Designations**

The site is located c 2.5km to the north of Galway Bay Complex SAC (site code 000268) and Inner Galway Bay SPA (site code 004031).

The site is located c 1.6km to the west of Lough Corrib SAC (site code 000297).

6.5. **Environmental Impact Assessment**

The applicant has submitted an Environmental Impact Assessment Screening Report which states that the proposal does not exceed the mandatory threshold and is not subject to EIA.

Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

The proposed development is for 101 dwelling units, on a site area of 2.5ha, and is located on lands zoned for residential development which is not zoned for the protection of any landscape or heritage.

In this circumstance, upon preliminary examination, it is concluded that, based on the nature, size and location of the development, there is no real likelihood of significant effects on the environment. The need for EIA is therefore precluded and a screening determination is not required.

6.6. Applicants Statement of Consistency

The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of Section 28 guidelines and the County Development Plan. The following points are noted:

- 10 no units are proposed for Part V compliance,
- An EIA screening indicates an EIAR is not mandatory for the proposal.
- The proposed development complies with the Core Strategy.
- The proposed development complies with the residential land use zoning in the development plan.
- The access complies with DMURS.
- A Traffic Impact Assessment

7.0 Third Party Submissions

7.1. 8 no. observations were received on the application, 2 of which are prescribed bodies, further detailed below, the issues raised are similar in nature and therefore I have summarised these into common themes below:

Procedural

- The design statement (Appendix 2) indicates a map of an area already taken in charge in addition to a footpath in Sliabh Rioga. Section 8.2.3 of the Planning Report and Statement of Consistency states there are no footpaths along the east of the main road and a pedestrian crossing is proposed.

- The information above is incorrect as there is a widened section of the road and pathway in the ownership of Sliabh na Ri Management, not taken in charge by the Council. (Folios attached).
- The application is invalid as they do not have the written consent of the owner to make an application.

Adjoining development

- The proposed development to the south was subject to a number of preplanning and there was never any requirement for connection to any other sites.
- No consultations were undertaken between the applicant for the SHD (Burkeway home Ltd) and the applicant for the development to the south (Centento Ltd).
- The proposed connection for two separate road access to the development would require alterations to the proposal to the south which are not supported as they would lead to a road dominated development.
- It is requested that the roads are conditioned to be cul-de-sacs as there is no requirement for connectivity.
- The number of dwellings along the south of the site will have a negative impact on the potential development to the south of the site and will be located in close proximity to the proposed dwellings in Reg Ref 19/112.
- The southern gable block of Block A apartments will face south into the proposed site, c.15km.
- House no 01, 12 & 13 are located in close proximity to the southern boundary with the proposed development, opaque glazing should be required for any windows facing south.

Character of the area

- There is a small road along the north “The Bohereen” which accommodates a few one-off rural dwellings.
- There is insufficient infrastructure in the vicinity of the site, both physical and social.

- There was initially a crèche provided in the estate on the opposite side of the road, Sliabh Rioga, although the developer applied to have it removed.
- The removal of the trees will have a negative impact on the character of the area.

Traffic & Roads

- A cross-type junction is provided as the road is not a national road. It is noted the road is very busy and used as a rat run.
- There is currently no street lighting between Cnoc an Oir Estate and Sliabh Rioga and no pathway.
- The Traffic Impact Assessment Report which accompanies the application states that the primary travel option to the development will be by private car.
- The speed limit outside the site is 80kph.
- The nearest regular service bus stop is located on Seamus Quirke Road, opposite Ragoon junction c. 1km away.
- The current Letteragh Road is currently substandard.
- The T junction where the Letteragh Road/ Circular Road intersects with the Seamus Quirke Road is congested.
- After Corrach Bui Estate the footpath along the western side of Letteragh/ Circular Road terminates and is provided sporadically.
- After the junction at Letteragh Road the road deteriorates abruptly into an unimproved road (pinch point 1).
- Between Cnoc an Oir and Sliabh Rioga there is a dormer bungalow (width 3.5m) (pinch point 2) with no footpath.
- There is a footpath along the front of Sliabh Rioga within the estate.
- Further pinch points along the Letteragh Road have been identified.
- The works proposed are acknowledged although there are other sections of substandard road not included within the application which require upgrade.

- Access is proposed directly opposite the entrance to Sliabh Rioga, which will cause a conflict in traffic movement.
- The submitted traffic report includes an incorrect reference to the Galway City Outer Bypass, now the N6 Galway City Ring Road and connection to this road will not address any pinch points to the south.
- The traffic assessment only identifies one problem area along the road rather than two.
- Connectivity to existing social facilities are poor.
- 9 of the houses do not have any on-site parking provision.
- Section 11.3.1 (g) of the development plan includes the car parking requirement, 2 spaces per dwelling should be provided with a total of 129 spaces.
- A full Traffic and Transport Assessment should have been submitted.
- There are no plans to integrate a bus route.
- There is only one parking space with an electric charging point, there should be more provided.

Cycling

- The cycle route should be provided before the roads are built, at a minimum the cycle route should be provided along the front of the site.
- Disjointed planning decisions may lead to poorly serviced sites, none of the previous proposals include the provision of cycle or pedestrian facilities along the road.
- The Galway Transport Study (GTS) promotes sustainable transport, prioritises cycle and pedestrian facilities DMURS states that car-borne journeys should be kept to a minimum.
- There is no provision for a cycle lane as stated in Section 8.2.4 of the traffic report.
- In addition to the long term bike storage there should be Sheffield type bike stand to allow frames to be locked.

- Cycle spaces should be provided for cargo bikes.
- The provision of cycle spaces should also be made available for the houses.

Open Space

- The proposed play areas are inadequate and bound by car parking.
- The proposed open space area has a 1:33 slope therefore any balls will run off.
- The location of the roads around the open space area will mean children will run out

Connectivity

- There is no pathway available for the children to use adjoining recreational facilities.
- There is no public footpath along the front of this proposal although one along the front of the adjoining site to the south.

Residential Amenity

- There is insufficient facilities to support apartments at this location.
- The top floor apartments will overlook the residences of Sliabh Rioga and a better design could protect their privacy.
- The houses along the north of the site should not be overlooked.

Design, Height and Density.

- The density is too high and the development should have two storey dwellings similar to those surrounding.
- The proposal will devalue properties in the vicinity of the site.
- There is inadequate services for the apartment blocks.
- The apartments will be visually intrusive.
- The proposed development is at the top of a hill facing the bay and will be subject to storms, winds and rain.
- Renewable energy sources should be integrated into the plan.

- The submitted plans, details of the Blocks, relative to the House type plans and incorrect as Type C, onto Letteragh Road appear to relate to a Block along the north of the site.
- There are references on one of the plans to Section EE, FF and GG although there are no corresponding plans.
- The location of the Blocks adjoining existing dwellings are excessive.
- National and Local policy on increased heights require the design to be appropriate to the context, there are no taller buildings in the vicinity.
- The national guidelines promote increase heights at locations well served by public transport, there are no bus services along the Letteragh Road.
- A plot ratio of 0.46 is applicable for sites in the outer suburbs, a plot ratio of 0.48 has been provided.
- The permitted development to the south, only includes 3 storeys for the apartments.
- Section 5.3 of the development plan requires high buildings to taper down towards existing residential properties, the proposal tapers up.
- Most of the residential lands in the vicinity are zoned LDR, low residential.
- The tall building will overshadow the dwellings in Sliabh Rioga in the morning.
- A separation distance of 22m from opposing windows is barely met.
- The proposed buildings will dominate the area, therefore have a visual impact on the rural character of the area.
- Most developments along the road are set back which is a character of the area.
- Should the Board consider granting permission it is requested the apartments are reduced in height, should be removed away from the Letteragh Road and white brick should not be used on the exterior as it is not a traditional material.

8.0 Planning Authority Submission

8.1. Overview

The planning authority, Galway City Council has made a submission which was received by ABP on the 25th of June 2019. The report notes pre-planning consultations, interdepartmental reports and provides a response to the submissions received in respect of the application. The views of the elected members was absent from the planning authority submission.

8.2. Planning Analysis

The report which sets out the principle planning considerations and response to issues raised is summarised as follows:

Zoning

- The site is zoned, R, Residential and the principle of development is acceptable.
- The site is located in the Outer Suburbs, Policy No. 2.5 includes criteria for residential development, which the proposal complies with.
- Specific Policies relating to housing are included in the development plan and the proposal complies with these concepts.

The proposal

- The 46 no houses are located to the east of the site, include two elevation types and include open space provision.
- The scheme includes a crèche and gym.
- 55 no apartments are located within four storey buildings, the design and standards are considered acceptable.

Plot Ratio

- The development plan includes a plot ratio for 0.46:1
- The proposal includes 0.49:1, which equate to 40 units per hectare, which is considered acceptable.

Urban Design Principles

- Section 8.7 of the development plan includes guidance for urban design which the proposal complies.
- The communal open space provision exceeds 15%.
- 70 cycle spaces have been provided for the apartments and the crèche will share the spaces
- The majority of houses have at least one parking space within their curtilage, 9 have off-site parking in close proximity to their entrance.
- The scheme has a setback along the Letteragh Road to allow for improved pedestrian facilities in line with the Galway Transport Study.

Crèche

- The crèche complies with Policy 11.13 of the development plan and includes open space provision of 179m² which exceeds the 55% for a crèche of this size.

Part V

- 10 no units are to be provide, which is considered acceptable.

Ecological Issues

- The conclusion of the NIS, that there will be no significant impact on any European Designated Sites, is considered acceptable.
- The conclusions of the Ecological Impact Assessment (EclA), that there will be limited loss of habitats, are acceptable.

Conditions

- A recommendation to grant permission subject to 22.no conditions.

8.3. Planning Authority Response to Submissions

- It is acknowledged there is a missing footpath link on the Letteragh Road, south of the bungalow, which is outside the control of the applicant. This will be addressed separately by Galway City Council as part of any future developments.

- There is a secondary cycle network proposed on the Letteragh Road as part of the Galway Transport Strategy and the developer has set back along the road to allow these works.
- The number of parking spaces is considered adequate and in line with regional and national guidance.
- It is proposed to move the 50kmph speed limit further north as part of the Speed Limit Bye Law Review which will go on public display soon.
- The proposed access is considered the most reasonable.

8.4. Interdepartmental Reports

Transport Section

- The chosen access opposite Sliabh Rioga is acceptable and has been designed to DMURS.
- Allowance has been made for a 15.3m wide corridor along Letteragh Road to allow for a future upgrade of this road and cater for the provision of 2 no. 2m wide footpaths, 2 no 2 wide cycle lanes and a 7.3m wide carriageway.
- The internal road network is considered acceptable.
- A 2.0m wide footpath is proposed along the eastern side of Letteragh Road along the boundary of the site, an uncontrolled link to the south of the access and there are pedestrian links throughout the site.
- A Road Safety Audit (RSA) has been submitted.
- Appendix 2 includes a taking in charge proposal which is not accurate, completed and should be reviewed.
- 150 cycle spaces have been provided which is acceptable.
- The closest bus stop is 10min walk from the site.
- A statement of compliance with DMURS has been submitted.
- A total of 170 no car parking spaces has been provided, 1 space per apartment (55 spaces) and 23 visitor spaces. Six of the visitor spaces will act as drop off for the crèche. 92 no spaces are provided for the houses beside or in proximity to each dwelling.

Drainage Section

- No report submitted
- No objection subject to conditions.

Recreation and Amenity Section.

- Clarification in relation to the areas for taking in charge etc.
- Greater detail in relation to MUGA, Children's Play Facility and Exercise Trail.
- Seating, lighting and shelter should be provided for teenage children.
- Concern over the maintenance of the soft play area with herbicide treatment.
- The ecological status of the site can be enhanced by promotion of appropriate planting and support for pollinator species.
- One of the wetland areas , near the old farm is being removed.
- It is recommended that the proposed removal of the Sycamore Tree along the north of the site until new trees are established.
- It is not clear how the new planting along the Irish Water Wayleave will be managed.

9.0 Prescribed Bodies

9.1. Transport Infrastructure Ireland.

The planning authority should abide by official policy in relation to development affecting the national road in the national guidelines, subject to the following:

- The Authority will not entertain future claims in relation to the impact (noise and visual) due to the presence of any new road scheme which is currently in planning.
- Chapter 3 of the national guidance on national roads is relevant in the determination of the application.

9.2. Irish Water

No objection to the proposed development subject to a valid connection agreements being put in place.

10.0 Oral Hearing Request

10.1. An Oral Hearing Request was submitted by Stephen Dowds Associates on behalf of Sliabh Na Ri Management Company the Resident Association for the estate of Sliabh Rioga located to the west of the site on the opposite side of the Letteragh Road. The issues raised are summarised as follows:

- Validity of the submitted Taken in Charge Map,
- The capacity of the surrounding road network.
- Proposed car parking on site,
- Design, height & density,
- Impact on Residential Amenity.

10.2. Section 18 of the above Act provides that, before deciding if an oral hearing for a strategic housing development application should be held, the Board:

- (i) Shall have regard to the exceptional circumstances requiring the urgent delivery of housing as set out in the Action Plan for Housing and Homelessness, and
- (ii) Shall only hold an oral hearing if it decides, having regard to the particular circumstances of the application, that there is a compelling case for such a hearing.

10.3. In this instance, it was decided there were no exceptional circumstances and therefore the request for an oral hearing was refused.

11.0 Assessment

11.1. The submission from the Planning Authority noted reference to two apartment blocks as Block A (along the Letteragh Road) and an incorrect location for Block B & C on draining 984-05-80. A third party observation noted reference to sections FF & GG although these were not on any corresponding plans. I note the plans refer to Blocks A1 & A2 which I consider reasonable, in regard to the absence of Section FF & GG, I note they are included within the Design Statement booklet, although not submitted to scale. I do not consider these discrepancies prevent the undertaking of a robust analysis of the proposed development.

11.2. The main issues of the appeal can be dealt with under the following headings:

- Principle of Development
- Design and Layout
- Impact on Residential Amenity
- Traffic, Access and Permeability
- Flooding
- Appropriate Assessment

Principle of Development

11.3. The proposed development relates to 101 residential units, a crèche facility and associated residential amenity uses (gym) on lands to the north west of Galway City Centre, on the outskirts of the city boundary. The site is a Greenfield site, bound to the west by the main Letteragh Road and to the north by a small local road providing access to a small number of one-off dwellings.

Planning History

11.4. There is no relevant planning history on the site. A relatively recent housing estate is located on the opposite side of the Letteragh Road, Sliabh Rioga (built c. 2007), and there is an application currently before the Board (304832-19, Reg Ref 19/112) for the field directly abutting and to the south of the site, for 64 no dwellings with access off the Letteragh Road. A submission has been received from the owner of the site to the south which states that the proposed road connections within the subject application, the orientation of the apartments and the location of the dwellings along the south of the site will have a negative impact on the proposed layout and future development on this site. As stated above, I note this application is currently before the Board and has yet to be decided, this aside I note the applicant the subject site has attempted to provide integration to the surrounding sites and I consider this design feature is relevant to support connectivity and permeability, via cycle and pedestrian access in line with national guidance such as the sustainable residential guidelines and DMURS.

Core Strategy

- 11.5. Section 8.1.1 of the applicant's statement of consistency notes the population targets for Galway City being 8,510 to 2022 and the units completed up to 2016 being 467, therefore a significant amount of capacity remains for additional residential development. I note all those residential zoned lands in the development plan are included in the Core Strategy, with no phasing proposal applicable on the site.
- 11.6. Therefore, based on the zoning objectives, I have no objection to the principle of the use on the site for a residential, subject to complying with development policies and other planning requirements as addressed in the following sections.

Design and Layout

- 11.7. The proposed development includes 101 residential units, comprising of 4 no. 4 storey apartment blocks along the north of the site (55 no apartments), facing onto both the Letteragh Road and a small rural laneway "Bohoreen Road" along the north and 46 no detached and semi-detached dwellings located to the east. A significant number of the third party submissions, mainly from residents in the vicinity of the site, have raised concern in relation the inclusion of apartments, namely the design and the impact on the residential amenity. In addition, the layout and use of the proposed open space has been raised as an issue of concern. I have addressed the overall layout of the proposal below and the impact on residential development separately.

Density

- 11.8. The density of the proposed development is 40 units per hectare. Section 5.11 of the development plan refers to the planning guidelines for Sustainable Residential Development in Urban Areas and accompanying urban design manual, which provides density standards for 35-50 dwellings per hectare for residential schemes as appropriate. The proposed development is on the lower scale of permitted density for compliance although due to the current constraints on the site including the location of the access, the need to integrate with the existing residential development and the Irish Water wayleave along the east of the site, I consider the density acceptable at this location on residential lands adjacent to "outer suburb".

Plot Ratio

11.9. Section 11.3.1 of the development plan includes a maximum requirement for the plot ratio of 0.46:1. The subject site is 25,410m² and the floor area of the units, dwellings, crèche and tenant facility is 12,201.5m² providing a plot ratio of 0.49:1. As stated above, the density is acceptable and having regard to the constraints on the site including a large wayleave along the east and the inclusion of associated facilities such as crèche and tenant facilities, I consider a lower plot ratio would not be acceptable at this location and consider the proposed plot ratio reasonable.

Urban Design

11.10. The site is located on lands zoned as residential and adjacent to lands defined as “Outer suburbs” in the development plan. I consider the specific policies for proposals relating to residential developments in “outer suburbs” as provided in Section 2.5 and Chapter 11 of the development plan are the best fit for this site and include guidance for parking, open space etc. further detailed below. Section 8.7 of the development plan includes guidance on appropriate urban design which is to be of a high standard and requires compliance with the national guidance on urban design ‘*Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) 2009*’ and the accompanying design manual. These Guidelines advocate high quality sustainable development that are well designed and built to integrate with the existing or new communities and the design manual provides best practice design criteria such as context, connections, inclusivity, variety, efficiency, layout etc.

11.11. The apartments are four storeys in height, the fourth is recessed, and 2 blocks face onto the Letteragh Road (Block A1 & B) and 2 blocks along the small local road along the north (Block A2 & C) where Block C includes a crèche on the ground floor. The external materials consist of a range of brick and glazing which a stone finish on the recessed fourth floor. The location of the apartments along the main Letteragh Road provides a strong interface, provided in response to the pre-application opinion. A set back of 5m has been provided along the Letteragh Road to allow for future road improvements, further discussed below. A footpath runs along the Letteragh Road, north along the front of Block A1 & B, extending north in front of apartment Block A2 & C. A Residential Area Schedule is included on the submitted

floorplans for each apartment block which I note complies with Appendix 1 the apartment guidelines.

11.12. The 46 no. dwellings located to the east of the site include a range of terrace, detached and semi-detached dwellings with 5 corner units strategically positioned at the junctions and facing communal open space area. The façade of the dwellings are select brick with render at the sides and rear, which I consider compliments the apartment design and finish. Rear private open space range from c. 65m² to c. 219m² and equates to 50% of the site, therefore in compliance with the required standards.

Permeability and proposed boundaries

11.13. A traditional stone wall extends around the periphery and throughout the existing site along the field boundaries. The proposal includes the integration of this brick within the overall scheme, full details are not included. I note a similar wall design proposed along the Letteragh Road and at the entrance of the site and I consider the brick should be integrated into this design.

11.14. A 2m high block wall is proposed along the boundary of the existing dwellings to the north and along the south at the side and rear of the proposed dwellings. I note the road configuration allows potential vehicular access to surrounding areas. A proposed site boundary map illustrates a stone faced wall along a potential connection at the south. A submission from the owner of the site to the south is concerned that the overall proposal does not mirror the proposed development on the southern site (304832-19, Reg Ref 19/112) where the road network would not connect and the submission states there was no requirement by the Planning Authority for additional connections. Section 11.3.1 of the development plan requires new developments to have regard to adjoining sites and undeveloped lands, where appropriate, linkage and complimentary open space should be provided adjoining developments. I consider the layout provided complies with the requirements of the development plan and the 12 criteria in the national guidance. I consider access for a pedestrian and cycle route south of the site should be provided in the interim until such times as any future development is permitted. I consider it reasonable to include this as a condition on any grant of permission.

Open Space

- 11.15. The communal open space requirement for 15 % of the gross site area has been achieved (site area 25,410m² /open space 3,901m²). Section 4.13 of the apartment guidelines requires specific children's play facilities with small play spaces for children within sight of the apartment building, in addition Table 11.2 of the development plan requires the provision of specific recreational facilities for different sizes of schemes. The communal open space is divided into separate areas, a soccer area, playground, courtyard, outdoor gym and secret garden to the south. In addition, a number of gym circuits are provided throughout the site. The report of the Recreation and Amenity Section of the Local Authority requests the submission of additional details of the soccer area, which I consider reasonable and can be included as a condition. A third party observation has raised concern in relation to the gradient of the site, quality of the open space provided and the location of the car parking spaces around the central open space area. The existing site is raised at the north adjoining the existing dwelling.
- 11.16. The proposal include an element of cut and fill (c. 4m cut at the highest point north of the site and fill of c. 2m along the Letteragh Road). Section 3.0 of the submitted Design Statement illustrates the slope ranging from 1:33 to 1:60 along the road. I note the active play areas, soccer pitch and playground are central to the site and graded, whilst other open space areas include seating, landscaping and outdoor gym play. A comprehensive landscaping plan for the site has been submitted and includes ornamental hedgerow planting between the central open space area and the parking around the perimeter. I consider the overall design, layout and provision of play facilities within the site complies with the national and local policy requirement and will provide useable space for a range of age groups and I do not consider the gradient will prevent the development of useable open space areas.

Impact on Residential Amenity

- 11.17. The proposed development is located to the south of two detached dwellings, on the opposite side of the local road to the north are a number of one-off dwellings, and to the east of a residential estate Sliabh Rioga, separated by the Letteragh Road. Third party submissions have raised concern over the impact of the proposed development, in particular the overlooking and overbearing from the apartments. I

have addressed the impact on those dwellings in the vicinity of the site separately below.

Dwellings along the north.

11.18. Two dwellings are located to the north of the site. A two storey dwelling is proposed c.15m to the south/ rear of an existing bungalow, two windows on the upper floors are proposed for an en-suite and a hall. A row of 2 storey terrace dwellings are proposed c.15m the east of the bungalow and include bedroom windows on the first floor. Having regard to the orientation and design of the dwellings I do not consider there will be any overlooking or overbearing on these existing dwellings.

11.19. Apartment Block B is located to the west of an existing dwelling and having regard to the orientation of the site I consider there will be overshadowing along the rear garden. I note the inclusion of an out shed at this location and therefore I do not consider there will be a significant impact on the residential amenity.

11.20. Five one-off dwellings are located on the opposite side of the local road along the north. Blocks A2 & C, along the north are c. 14m in height and c. 24m from the closest dwelling. Section 11.3.1 of the development plan requires a minimum distance of 1.5m from the side boundaries of dwellings whilst the national guidance recommends a separation distance of 22m from opposing first floor windows. Having regard to the distance of the apartments from the front of those dwellings along the north and the inclusion of a road and large front gardens, I do not consider there will be any significant negative impact on the existing dwellings to the north.

Sliabh Rioga

11.21. Apartment Block A1 & B face onto the Letteragh Road and on the opposite side of this road there is a terrace of 4 no dwellings part of the Sliabh Rioga estate with a separation distance of c. 35m. To the west of Block B, the end of a terrace in Siabh Rioga, is c 22m and is orientated so there will be no direct overlooking. I note the provision of balconies at the front of Block B, these are not directly orientated towards any rooms. An overshadowing evaluation is submitted with the application which illustrates overshadowing along the front of Sliabh Rioga estate in the early morning, although having regard to the separation distance and duration I do not consider this will have a significant negative impact on the residential amenity of those residents.

11.22. Having regard to the national and local guidance for new residential developments the design and orientation of the apartment blocks are considered acceptable and I do not consider there will be direct overlooking into the rooms of the existing dwellings. In addition, considering the separation distance and the four storey design which the fourth floor recessed, I do not consider the development will be overbearing or have a negative visual impact on the surrounding area.

Childcare

11.23. A crèche is proposed within the ground floor of Block C (243.1m²) to the north of the site and can facilitate 42 no. children of all ages. The size of the crèche has been determined based on the number of children of crèche going age within the vicinity of the site (15.3%). A dedicated open space play area of 179m² is located to the rear of the crèche. Section 11.13 of the development plan provides guidance for the provision of childcare facilities where adequate drop off/ set down points area required in addition to the provision of outdoor play area, 55% of the gross floor area of the facility. A drop off area is indicated to the front of the site, including 4 no. car parking spaces and shared surface road.

Tenant Facilities

11.24. Section 4.0 of the apartment guidelines provides guidance for the appropriate provision of communal facilities within apartment developments. In addition to the childcare facility, discussed above, designated bin storage, bicycle parking and communal open space are integrated into the overall scheme. An area of c.60 m² is included on the ground floor of Block B for tenant facilities, detailed as a gym on the submitted plans. The submitted design statement includes a building lifecycle report for those common areas in the apartments and should be extended to include the management of the communal tenant facilities.

Traffic, Access and Permeability

11.25. An access onto the Letteragh Road is proposed following investigations involving three options, discussed between the applicant and the Planning Authority and detailed in Section 9 of the Traffic Planning Report. The site is directly opposite the existing entrance for Sliabh Rioga. The applicant's submission states that an appropriate set back is included to facilitate the future upgrade of the Letteragh Road and sufficient sightlines are included. The main issues raised throughout the

submissions relate to the absence of cycle lanes and footpaths to the site, the location of the access, the quantum of parking spaces and the impact of additional traffic on an already substandard Letteragh Road.

Access and Footpath.

11.26. As stated above, access into the site has been selected following discussions with the Local Authority and the report of the Road Department states no objection to the proposal. The access has been designed to DMURS standards. A footpath runs along the front of the apartments along Letteragh Road and a proposed uncontrolled pedestrian crossing located at the site junction will provide pedestrian linkage across the Letteragh Road to the existing footpath constructed along the Sliabh Rioga estate on the west of the Letteragh Road. The applicant states this footpath has been taken in charge, although the Roads Department and observations note inaccuracies in the taking in charge proposal (Appendix 2). I note the footpath is available for use by the public. The final details of any pedestrian crossing should be agreed with the Planning Authority. Having regard to the specific roads objective to upgrade this section of the Letteragh Road and confirmation by the Roads Department that the future upgrade of the road will cater for the provision of footpaths and cycleway, further discussed below, I consider the location and design of the access is acceptable.

Cycle Lanes and Cycle Parking

11.27. The Galway Transport Study (GTS) identifies the subject site and surrounding area as Westside and F4.4 of the study includes proposals for the cycle network in Galway City. The Letteragh Road is categorised as a secondary corridor and the GTS notes a short on road cycle lane southbound approaching the junction with Bishop O' Donnell Road. The GTS proposes to extend this cycle lane along the road, in conjunction with developed lands, with the cycle lane included in developed lands when it occurs and depending on link roads associated with the N6 Galway City Ring Road project (N6 GCRR) these cycle lanes may extend as far north as the next junction. The GTS includes an analysis of the existing situation and an assessment of the constraints along the road.

11.28. The Planning Authorities response to the third party submissions notes the proposal for a secondary cycle lane along this route as part of the GTS and the setback

provided by the developer to accommodate the works in the future. Section 9.9 of the Engineering & Traffic Planning Report references the possible realignment of the Letteragh Road to connection to the N6 GCRR and the integration of a setback along the road for a 2m wide footpath and 2m wide cycle lane.

11.29. Having regard to the proposed extension of the cycle network in the GTS and the provision of a setback along the front of the site to accommodate any future realignment of the road, I consider the intention to provide cycle lanes is relevant for the servicing of this site. I note there is a significant amount of road improvements proposed in the vicinity and I consider those lands should be kept free from development until such time as the relevant authority is due to commence works on the upgrade. I consider this may be reasonably included as a condition on any grant of permission.

Car parking

11.30. A total of 170 no car parking spaces are provided, 1 space per apartment (55 spaces) and 23 visitor spaces. Six of the visitor spaces will act as drop off for the crèche. 92 no spaces are provided for the houses beside or in proximity to each dwelling. Electric charging points have been provided at c.6 car parking spaces adjoining the apartments.

11.31. Section 11.3.1 of the development plan allows flexible options for the provision of parking in residential developments where in general 2 on-site spaces per dwelling is required, 1 per 20m² for the crèche and grouped and dual use will be considered where peak demands do not coincide. A significant number of the submissions received have raised concern on the insufficient provision of car parking spaces and the lack of on-site spaces for some of the dwellings. I note three dwellings along the south of the site do not have on-site spaces although 8 no. spaces are available directly opposite, in addition a further two dwellings have car parking beside rather than on-site. I consider the dual use of residential and the crèche facility acceptable and the provision of 170 no car parking spaces acceptable.

11.32. The application is accompanied by an independent Road Safety Audit which includes three recommendations, a stop-yield system at a bungalow south of the site along the Letteragh Road (or a two way footpath), the inclusion of a 50kmph speed restriction along the road and the inclusion of a dropped kerb at the north western

corner of the site. I note the submission from the planning authority has confirmed a change of the 50kmph speed limit further north as part of the Speed Limit Bye Law Review soon to go out on public display and inclusion of cycle way routes along the Letteragh Road as part of the GTS. I consider it reasonable the proposal should include a dropped kerb to the northwest of the site.

DMURS

11.33. The Design Manual for Urban Roads and Streets (DMURS), 2013 compliments the Sustainable Residential Design Guidelines by providing guidance in relation to the design of the urban street network and encouraging an integrated design approach. The national guidance is translated into section 2.5 of the development plan which requires permeability and connectivity for all new residential schemes. The applicant is accompanied by a Statement of Compliance with DMURS, possible pedestrian activity is available in the most part to the south along the Letteragh Road, a bus stop is within 1 km from the site, and the internal road network includes shared surface areas and pedestrian connectivity, which I consider supports the homezone concept, where the car does not have priority.

11.34. Having regard to DMURS, the guidance in the development plan and the information contained in the traffic report, I consider the use of the access onto Letteragh Road and the internal layout acceptable.

Flooding

11.35. A Site Specific Flood Risk Assessment (SSFRA) accompanied the application to determine if there was any risk of flooding on the site. Neither the OPW flood maps or the Strategic Flood Risk Assessment Mapping (www.floodmaps.ie) indicate any potential flooding on the site and therefore a justification test as per the national flood guidelines is not required. I note the absence of any water features on the site and the information contained in the response from the Local Authority and having regard to the absence of any flood mapping, I do not consider there is any potential for flooding on the site.

Appropriate Assessment

11.36. The site is located to the north west of Galway City, c 2.5km to the north of Galway Bay Complex SAC (site code 000268) and Inner Galway Bay SPA (site code 004031) and c 1.6km to the west of Lough Corrib SAC (site code 000297) There are

no surface water features within the site and the nearest river is 300m west, separated from the site by the Letteragh Road. The proposed development is not necessary for the management of any European Designated site.

11.37. The application has been accompanied by a Natura Impact Statement (NIS). A Stage 1 Screening Assessment identified 9 no. European Sites within a 15km radius and concluded that only three of these sites, Galway Bay Complex SAC, Inner Galway Bay SPA and Lough Corrib SAC are within the Zone of Influence from the subject site. I have assessed those European Sites within the vicinity and consider this conclusion is acceptable.

11.38. The following habitats are listed as features of interest for the Galway Bay Complex SAC (00268)

- Mudflats and sandflats not covered by seawater at low tide [1140]
- Coastal lagoons [1150]
- Large shallow inlets and bays [1160]
- Reefs [1170]
- Perennial vegetation of stony banks [1220]
- Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]
- Salicornia and other annuals colonising mud and sand [1310]
- Atlantic salt meadows (*Glauco-Puccinellietalia maritima*) [1330]
- Mediterranean salt meadows (*Juncetalia maritimi*) [1410]
- Turloughs [3180]
- *Juniperus communis* formations on heaths or calcareous grasslands [5130]
- Semi-natural dry grasslands and scrubland facies on calcareous substrates (*Festuco-Brometalia*) (* important orchid sites) [6210]
- Calcareous fens with *Cladium mariscus* and species of the *Caricion davalliana* [7210]
- Alkaline fens [7230]
- Limestone pavements [8240]
- *Lutra lutra* (Otter) [1355]
- *Phoca vitulina* (Harbour Seal) [1365]

11.39. The following species are listed as features of interest for the Inner Galway Bay SPA (004031).

- Great Northern Diver (*Gavia immer*) [A003]
- Cormorant (*Phalacrocorax carbo*) [A017]
- Grey Heron (*Ardea cinerea*) [A028]
- Light-bellied Brent Goose (*Branta bernicla hrota*) [A046]
- Wigeon (*Anas penelope*) [A050]
- Teal (*Anas crecca*) [A052]
- Shoveler (*Anas clypeata*) [A056]
- Red-breasted Merganser (*Mergus serrator*) [A069]
- Ringed Plover (*Charadrius hiaticula*) [A137]
- Golden Plover (*Pluvialis apricaria*) [A140]
- Lapwing (*Vanellus vanellus*) [A142]
- Dunlin (*Calidris alpina*) [A149]
- Bar-tailed Godwit (*Limosa lapponica*) [A157]
- Curlew (*Numenius arquata*) [A160]
- Redshank (*Tringa totanus*) [A162]
- Turnstone (*Arenaria interpres*) [A169]
- Black-headed Gull (*Chroicocephalus ridibundus*) [A179]
- Common Gull (*Larus canus*) [A182]
- Sandwich Tern (*Sterna sandvicensis*) [A191]
- Common Tern (*Sterna hirundo*) [A193]
- Wetland and Waterbirds [A999]

11.40. The following habitats are listed as features of interest for the Lough Corrib SAC (00297):

- Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*) [3110]
- Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or *Isoeto-Nanojuncetea* [3130]
- Hard oligo-mesotrophic waters with benthic vegetation of *Chara* spp. [3140]

- Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]
- Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]
- Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]
- Active raised bogs [7110]
- Degraded raised bogs still capable of natural regeneration [7120]
- Depressions on peat substrates of the Rhynchosporion [7150]
- Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]
- Petrifying springs with tufa formation (Cratoneurion) [7220]
- Alkaline fens [7230]
- Limestone pavements [8240]
- Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]
- Bog woodland [91D0]
- Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]
- Austropotamobius pallipes (White-clawed Crayfish) [1092]
- Petromyzon marinus (Sea Lamprey) [1095]
- Lampetra planeri (Brook Lamprey) [1096]
- Salmo salar (Salmon) [1106]
- Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]
- Lutra lutra (Otter) [1355]
- Drepanocladus vernicosus (Slender Green Feather-moss) [1393]
- Najas flexilis (Slender Naiad) [1833]

11.41. I note the location of the Galway Bay to the south and Lough Corrib to the east of the site and in the absence of any hydrological connectivity or identified ecology on the site to support species listed as features of interest, I do not consider there is a direct source-pathway-receptor linking the site to any European Sites. I note a recent legal judgment Eoin Kelly Vs An Bord Pleanala (2017 No.833 J.R) where it was contended that the SUDS measures are not “*measures that are intended to avoid or reduce the harmful effects of the envisaged project on the site concerned*” as defined by the CJEU at para. 26 of its judgment. The judgement goes on to state that the

threshold of a screening assessment is “*very low*” (Opinion of Advocate General Sharpston in *Sweetman*, para.49; judgment of Finlay Geoghegan J. in *Kelly*, para.30) and having regard to the use of best practice construction methods, detailed below, a Stage 2 assessment has been undertaken.

- 11.42. The Appropriate Assessment Report and Stage 2 assessment, has regard to the mitigation measures included within the proposed development, to prevent water pollution and the possible indirect impacts on the European Sites within the vicinity.
- 11.43. Section 4.4 of the NIS includes mitigation measures relating to best practice construction methods, the use of earthwork silt fencing around the site, swales to collect surface water during construction and appropriate fuelling of construction machinery. I note there are no surface water features within or adjoining the site, and whilst I note the site has an extreme groundwater vulnerability in parts (www.gsi.ie), due to the rock close to the surface, the proposed development includes the collection of storm water via two separate pipes including petrol interceptor entering soak pits and Irish Water have confirmed the site can be serviced. No cumulative impacts of other plans or projects are identified and the potential for significant impacts on the Conservation Objectives of any European Designated site has been ruled out.
- 11.44. Having regard to the distance of the site from the nearest European Designated sites, I do not consider the proposed will have a significant negative impact on the conservation objectives of this site and although I consider the mitigation measures provided will prevent a negative impact on the surrounding area, I do not consider these are a necessity to prevent any negative impact on the conservation objectives of the European Sites.
- 11.45. It is reasonable to conclude in view of best scientific knowledge and on the basis of the information on the file, which I consider adequate in order to issue a Stage 2 determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Galway Bay Complex SAC (site code 000268), Inner Galway Bay SPA (site code 004031) or Lough Corrib SAC (site code 000297) or any other European site, in view of the sites' Conservation Objectives.

12.0 Recommendation

I recommend that planning permission should be granted, subject to conditions, as set out below.

13.0 Reasons and Considerations

Having regard to the following:

- (a) the zoning objective for residential development in the Galway City Development Plan 2017-2023,
- (b) the policies and objectives in the Galway City Development Plan 2017-2023,
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness;
- (d) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
- (e) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments;
- (f) the Design Manual for Urban Roads and Streets (DMURS);
- (g) the Childcare Facilities – Guidelines for Planning Authorities
- (h) the Appropriate assessment of Plans and Projects in Ireland
- (i) the nature, scale and design of the proposed development;
- (k) the pattern of existing and permitted development in the area, and
- (k) the submissions and observations received,

It is considered that, subject to compliance with the conditions set out below that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic and pedestrian safety and convenience and would not give rise to flooding in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

14.0 Appropriate Assessment

The Board completed an Appropriate Assessment exercise in relation to the potential effects of the proposed development on the affected Natura 2000 site, namely the Galway Bay Complex SAC (site code 000268), Inner Galway Bay SPA (site code 004031) or Lough Corrib SAC (site code 000297) and in doing so took into account the nature, scale and location of the proposed development, the Natura Impact Statement submitted with the application, the submissions on file and the report of the Inspector's assessment. In completing the Appropriate Assessment, the Board adopted the report of the Inspector and concluded that the proposed development would not be likely to have a significant effect individually or in combination with other plans and projects on the environment, on the amenities of the area or on the European sites referred to. The Board concluded that the proposed scheme would not have an adverse effect on the integrity of the European sites, having regard to the Conservation Objectives for the sites.

15.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to commencement of development, a revised site layout plan shall be submitted to the Planning Authority for a written agreement on the following:
 - a. The inclusion of all areas which have been taken in charge in the vicinity and those proposed to be taken in charge,

- b. The inclusion of pedestrian and cycle facilities to the south of the site at locations agreed with the Planning Authority, enabling connectivity between sites,
- c. The integration of a dropped kerb to the north west of the site, as per Road Safety Audit recommendation.

Reason: In the interest of residential and visual amenity.

- 3. Prior to commencement of development, land required by the planning authority for road improvement on the west boundary of the site along the Letteragh Road (as indicated in the submitted documentation) shall be reserved free from development and shall be marked out on site in consultation with the planning authority.

Reason: In order to prevent development on lands which may be required for future road improvement

- 4. The internal road network and proposed construction access serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, car park and cycle parking bays shall be in accordance with the detailed standards of the planning authority for such works.

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

- 5. All rear gardens shall be bounded with 1.8 metre high concrete block walls, suitably capped and rendered, on both sides, or by 1.8 metre high timber fences with concrete posts.

Reason: In the interest of residential and visual amenity

- 6. Proposals for an estate/street name, house 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 numbers, shall be provided in accordance

with the agreed scheme. 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. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-
- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
 - (b) all planting shall be semi-mature and native and the proposed locations of trees and other landscape planting in the development, including details of proposed species and settings shall be included;
 - (c) details of proposed street furniture, including bollards, lighting fixtures and seating ;
 - (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes, including the integration of the existing stone walls within the boundary treatment along the Letteragh Road.
 - (e) details of the soccer area within the centre of the site, including finishes, boundary treatment and management and maintenance,
 - (f) details of all outdoor gym equipment,

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme and completed prior to the occupation of any residential units.

Reason: In the interest of visual amenity

8. Public lighting shall be provided in accordance with the submitted 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. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety

9. Where the public open space is not taken in charge, the proposed open spaces shall operate as public parks in perpetuity, with public access and use operated strictly in accordance with the management regime, rules and regulations including any byelaws of the planning authority at all times.

Reason: In the interest of residential amenity and to secure the integrity of the proposed development including the public park

10. Site development and building works shall be carried only out between 0800 to 1900 hours Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in 'exceptional circumstances' where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity

11. Prior to commencement of development, proposals for an apartment numbering scheme and associated signage shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development

12. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be

maintained by the Owners' Management Company and include specific reference to the tenant facilities within Block B. Membership of this company shall be compulsory for all purchasers of property in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity

13. 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.

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

14. 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 housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) 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 96(7) applies) may 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 of the area.

15. 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 the Board for determination.

Reason: To ensure the satisfactory completion of the development

16. 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

Karen Hamilton
Planning Inspector

29th of July 2019