



An  
Bord  
Pleanála

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

## Inspector's Report ABP-304928-19

---

<b>Strategic Housing Development</b>	288 no. apartments, neighbourhood facility, creche and associated site works.
<b>Location</b>	Former Crown Equipment Site, Junction of Monivea Road and Joyces Road, Mervue, Co. Galway.
<b>Planning Authority</b>	Galway City Council
<b>Applicant</b>	Crown Square Developments Limited.
<b>Prescribed Bodies</b>	<ol style="list-style-type: none"><li>1. Irish Water.</li><li>2. Transport Infrastructure Ireland.</li></ol>
<b>Observer(s)</b>	<ol style="list-style-type: none"><li>1. Galway Cycling Campaign.</li><li>2. Frank &amp; Joyce Delaby.</li></ol>

3. Pat Fitzpatrick.

**Date of Site Inspection**

5<sup>th</sup> October 2019.

**Inspector**

Karen Kenny

## Contents

1.0 Introduction .....	5
2.0 Site Location and Description .....	5
3.0 Proposed Strategic Housing Development .....	5
4.0 Planning History.....	7
5.0 Section 5 Pre-Application Consultation.....	8
6.0 Relevant Planning Policy .....	11
7.0 Third Party Submissions .....	14
8.0 Planning Authority Submission .....	15
9.0 Prescribed Bodies.....	17
10.0 Assessment.....	18
10.1. Introduction .....	18
10.2. Principle and Quantum of Development .....	19
10.3. Building Height and Visual Impacts.....	21
10.4. Residential Amenity and Quality of Development .....	<b>Error! Bookmark not defined.</b>
10.6. Impacts on Residential Amenity.....	29
10.7. Traffic and Transport.....	30
10.8. Drainage, Flood Risk and Site Services.....	35
10.9. Other Issues .....	36
10.10. Planning Assessment Conclusion .....	37
11.0 Environmental Impact Assessment.....	37
11.1. Introduction .....	37
11.2. Consideration of Alternatives .....	40
11.3. Assessment of Effects .....	40

11.4.	Interaction Between Environmental Factors .....	50
11.5.	Reasoned Conclusions on Significant Effects.....	51
12.0	Appropriate Assessment .....	51
13.0	Recommendation .....	58
14.0	Reasons and Considerations .....	58
15.0	Conditions .....	59

## 1.0 Introduction

- 1.1. 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 townland of Mervue in Galway City. It is approximately 2 km north east of Galway City Centre at the junction of Joyce's Road and the Monivea Road (R339).
- 2.2. The site, with a stated area of 5.1 hectares, is the former 'Crown Equipment Site'. Permission was granted in 2007 to demolish an existing industrial building on the site and for a mixed-use development comprising bulky good retailing, residential, motor sales, hotel, leisure, creche and neighbourhood retail uses. The development consisted of 3 no. blocks of 2-4 storeys over double basement levels (see Planning History in Section 4.0). Works completed include the excavation of the overall site to formation level and the construction of part of the basement structure and part of a south western block to ground level. The development remains incomplete and the site is currently surrounded by fencing. Galway City Council granted permission in 2019 for 5 no. commercial office blocks of 3-6 storeys and a 5-storey hotel on the western section of the site (Phase 1). The subject application seeks permission for housing and neighbourhood centre uses on the eastern section of the site (Phase 2).
- 2.3. The site is located in an established suburb of Galway. Lands to the north, east and west of the site are characterised by industrial and commercial development (IDA Business Park / Mervue Industrial Estate / Eircom Telecommunications Site). There is an established residential area to the south, on the opposite side of the Monivea Road.

## 3.0 Proposed Strategic Housing Development

- 3.1. A ten-year permission is sought for a development consisting of 288 no. apartments (GFA 32,379 sq.m) and associated non-residential and commercial developments

(GFA 4,096sq.m) all in 3 no. blocks of 5-8 storeys over basement and lower ground levels.

3.2. The breakdown of unit types is as follows:

Type	Number	% of total
1-bed	75	26%
2-bed	185	64.2%
3-bed	28	9.7%

3.3. The breakdown of non-residential / commercial is as follows:

Type	Area – Sq.m
Retail / Commercial Restaurant (500sq.m), Café (50 sq.m), local convenience store (225 sq.m), pharmacy (200 sq.m) and 5 no. retail / commercial units (797sq.m)	1,772 sq.m
Primary Care Centre	655 sq.m
Creche	310 sq.m
Fitness/Leisure Facility	1,140 sq.m
Other ancillary services (lift / access /vents etc)	219
<b>Total</b>	<b>4,096 sq.m</b>

3.4. The height and configuration of residential units is as follows:

Block Ref.	Height of Block	Number of Unit
G	8	104
H	7	136
J	5	48
TOTAL		288

3.5. Access to basement level car and cycle parking is proposed from the R339 Monivea Road at the south eastern corner of the site. There is a separate access proposed

as part of the Phase 1 development approved under PA Ref. 18/363 from Joyce's Road.

## 4.0 Planning History

### 4.1. Planning history pertaining to the site:

#### **Ref 18/363**

The subject application is Phase 2 of a larger development. The applicant sought a ten-year permission from Galway City Council for Phase 1, a mixed-use development comprising:

- 5 no. 3-6 storey commercial office blocks (40,405 sqm).
- A 5-storey 175 bed hotel (8,675 sqm).
- Double basement across the site to include 'high bay' areas for service, delivery and waste management vehicles; in addition to the provision of plant, car and bicycle parking, changing/shower areas and locker/amenity facilities (62,175 sqm), incorporating alterations to existing structures permitted under PI Ref. 06/223/ ABP Ref. PL 61.220893.
- Public realm and landscaping works, including pedestrian and cyclist linkages.
- Vehicular access/egress via Monivea Road and Joyces Road, public transport set-down areas and cycle lanes and all ancillary and site development works.

Galway City Council issued a final grant of planning permission for Phase 1 in May 2019. A condition of the permission limits the life of the permission to 7 years. A first party appeal in relation to the decision (ABP-304182-19) was withdrawn.

#### **Ref. 06/223/ ABP Ref. PL 61.220893**

Application for a mixed-use development (56,751 sqm) on the Crown Equipment Site (5.12 ha), consisting primarily of bulky goods retail, offices, 134 residential units, motor sales, hotel, leisure centre, crèche and food court with some small-scale retail uses for local needs. The development was two storeys over double basement along Monivea road, rising to four storeys over double basement towards the north western and north eastern perimeter of the site. Vehicular and pedestrian access from

Joyces Road only. Permission was granted subject to conditions and extended under Ref. 12/277.

As detailed above, works were undertaken on foot of this permission, but the development remains unfinished.

4.2. Recent planning history on adjacent lands:

**Ref. 16/332 / ABP Ref. PL 61.248815:** Permission sought for 52 no. dwellings and a commercial building with medical practice, dental practice and office space on a site of c. 2 ha located to the south of the subject site. Galway City Council granted permission for the development. This decision was upheld by the Board on appeal. The development is currently under construction.

## 5.0 Section 5 Pre-Application Consultation

5.1. A Section 5 pre-application consultation took place at the office of An Bord Pleanála on 18<sup>th</sup> April 2019. The main topics raised for discussion at the tripartite meeting were based on the agenda that issued in advance as follows:

1. Compliance with SHD/Environmental Legislation
2. Zoning Provisions
3. Development Strategy for the site to include inter alia:
  - Layout and internal interfaces with proposed adjoining development
  - Design/distinctiveness including materials and finishes
  - Phasing
  - Tenure
4. Car Parking Rationale
5. Site services
6. Any other matters

A copy of the Inspector's report and Opinion is on the file for reference by the Board. A copy of the record of the meeting is also available on the file.



## 5.2. Notification of Opinion

The An Bord Pleanála opinion stated that it is of the opinion that the documents submitted with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development. The Opinion notification pursuant to article 285(5)(b) also referred to specific information that should be submitted with any application as follows:

1. Notwithstanding that the proposal constitutes a reasonable basis for an application, the prospective applicant should satisfy themselves that the development as proposed in any application can be developed independently of any proposal for which permission has not yet been granted.
2. A report that specifically addresses the proposed materials and finishes of the proposed structures including specific detailing of finishes, balconies and frontages including the maintenance of same, the treatment of landscaped areas, pathways, entrances and boundary treatment/s. The treatment/screening of exposed areas of basement ramps and any podiums should also be addressed. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the overall development.
3. A detailed car parking strategy which outlines in particular the rationale for the allocation and reservation of car parking spaces to the residential element proposed within the development.
4. A schedule of private, communal and public open spaces.
5. A report which provides a justification for the proposed unit mix in the context of the proposed new neighbourhood and the existing neighbourhood within which the site is located.
6. Operational management plan for the proposed development which shall address matters including the management and maintenance of public spaces and access to the development.
7. A public realm and permeability strategy which addresses in particular the accessibility of public open spaces. This should include details in respect of any security measures proposed for the development. Details should also be

provided of any potential impact on the open spaces/public realm from the requirement to provide ventilation for car park areas below ground floor level.

8. A microclimate study of the overall development site (to address matters including down draft and wind tunnelling effects).
9. A detailed Phasing Plan.

### 5.3. Applicant's Response to Pre-Application Opinion

5.3.1. The application includes a statement of response to the pre-application consultation, as provided for under section 8(1)(iv) of the Act of 2016, which may be summarised as follows:

- The overall masterplan for the site comprises residential, leisure, local service and ancillary accommodation (Phase II), integrated with commercial office and hotel uses (Phase I). Phase 1 was granted permission in May 2019.
- The Architectural Design Statement includes full details of material finishes.
- Car parking will be provided in the basement levels permitted under the Phase I permission. The allocation will be managed by the estate director / mobility manager. It is envisaged that the upper basement level would cater for visitor and public car parking, hotel guests and officer users, while the lower basement level will be primarily for residential and office occupants. Hotel staff parking is proposed below the hotel. The residential car parking would be allocated on a 1 space per apartment basis, resulting in 288 no. car spaces for residential use.
- A detailed schedule of private, communal and public open space has been prepared – supported by layout plan detailing the location of spaces.
- The unit mix is in compliance with SPPR 1 of the Apartment Guidelines, which allows for up to 50% one-bedroom or studio type units. The established housing stock in the Mervue area comprises primarily detached and semi-detached housing. Research published by Daft in 2019 'House Price Report Q2 2019' supports the housing mix.
- The application is accompanied by an Operational Management Plan.

- In terms of public realm, permeability and security, the masterplan includes two principal public open spaces – one surrounded by the Phase 1 office development, hotel and commercial uses and the second, between Phase 1 and 2 development and around which the leisure and local service elements would be located. Residential access is one level above this creating a semi-private level of garden courts overlooked by and for the use of residents. The areas of public open space would be open to the public. There are two principal public pedestrian entrances on Monivea Road and two on Joyce Road. Security is based on passive security. Gates are proposed (at locations detailed on the drawings) to manage access when and if required to prevent the establishment of public rights of way over a privately owned and managed development. Access to basement levels is controlled for safety and security reasons. Access to all residential elements of Phase 2 is similarly controlled and restricted to residents and visitors.
- Ventilation openings are shown on the permitted Phase 1 drawings.
- IES consulting have undertaken analysis of wind impacts.
- Details of phasing is outlined.

## **6.0 Relevant Planning Policy**

### **6.1. National Planning Framework**

Chapter 4 of the Framework addresses the topic of ‘making stronger urban places and sets out a range of objectives which it is considered will assist in achieving same. National Policy Objective 13 provides that in urban areas, planning and related standards, including in particular building 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. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

## 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:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') 2009
- Design Manual for Urban Roads and Streets
- Sustainable Urban Housing: Design Standards for New Apartments (2018)
- Urban Development and Building Height Guidelines 2018
- Childcare Facilities – Guidelines for Planning Authorities
- Retail Planning Guidelines – Guidelines for Planning Authorities

## 6.3. Galway City Development Plan

The Galway City Development Plan 2017-2023 is the relevant statutory plan.

- The site is zoned CI with an objective “to provide for enterprise, light industry and commercial uses other than those reserved to the CC zone”.
- The zoning table in Section 11.2.6 of the Plan lists “*uses which are compatible with and contribute to the zoning objective*” and “*uses which may contribute to the zoning objectives, dependant on the CI location and scale of development*”.
- Under the latter “*Residential content of a scale that would not unduly interfere with the primary use of the land for CI purposes and would accord with the principles of sustainable neighbourhoods outlined in Chapter 2*” is listed.
- There is a specific development objective for the site at Section 11.2.6 which states the following: “*Former Crown equipment Site zoned CI. The majority of retail floor space shall be dedicated for bulky goods retailing and the balance for local retailing needs. Parking shall be kept back from Monivea Road and separated from the Monivea Road by buildings. The design of frontage facing Monivea Road shall be of high architectural standard*”.
- The maximum site coverage in the CI zone is 0.80 and the maximum plot ratio is 1.25.

- Section 2.4 Neighbourhood Concept encourages the development of sustainable residential neighbourhoods, which will provide for high quality, safe, accessible living environments which accommodates local community needs. The policy seeks to protect and enhance new / existing residential neighbourhoods in the city.
- The site is within the 'Established Suburbs' defined in Table 2.1. Policy 2.6 for Established Suburbs seeks to “ensure a balance between the reasonable protection of the residential amenities and the character of the established suburbs and the need to provide for sustainable residential development” and to “encourage additional community and local services and residential infill development in the established suburbs at appropriate locations”.
- Section 6.3 of the City Plan includes the retail strategy. There is a neighbourhood centre designation on the site.
- Section 8.7 Urban Design states the following in respect of Building Height:
 

“The scale of development in terms of height and massing can have a considerable impact on other buildings and spaces as well as views and skylines. Additional building height over and above the prevailing height can usefully mark points of major activity such as business districts, civic functions and transport interchanges. They can also however, have a considerable impact in the context of historic buildings, conservation areas, areas of natural heritage importance and can detract from a city's skyline and impinge upon strategic views. In the context of the city which is predominantly low rise with its sensitive historic core and unique natural amenity setting, there is little capacity for dramatic increases in height. However, it is recognised that modest increases at appropriate locations, can help use land efficiently and provide for sustainable high densities.

In the assessment of development proposals, the following principles will be considered when assessing capacity for height:

  - Protection of existing built and natural heritage and residential amenity.
  - Creation of landmarks that enhance the city's legibility without eroding its innate character.

- Retention of existing benchmark heights so as to retain strategic views and to protect and enhance the general character of sensitive locations.
- Promotion of higher density at centres/nodes of activity, on large scale infill sites and along public transport corridors.

Areas where major change is anticipated to occur such as at Ardaun, Murrough, Ceannt Station and the Inner Harbour may present opportunities for increased heights. As these are major development areas, there is potential for these areas to establish their own distinctive character. Such height increase will only be considered in the context of an LAP in the case of Ardaun and Murrough and in a masterplan in the context of Ceannt Station and the Inner Harbour.

Any development proposals for buildings above the prevailing benchmark height will be required to be accompanied by a design statement outlining the rationale for the proposal and an assessment of its impact on the immediate and surrounding environment including buildings, open space, public realm and any views.

- Section 11.3.1 and 11.3.2 outlines general development standards and guidelines for developments in the Established Suburbs.

## 7.0 Third Party Submissions

- 7.1. The total of 3 no. submissions has been received from the Galway Cycling Campaign and from local residents. I have grouped submissions where common issues are raised.
- 7.2. The issues raised by the Galway Cycling Campaign can be summarised as follows:
- Lack of walking and cycling links to neighbourhoods and amenities in the area.
  - Lack of pedestrian / cycle facilities and crossing facilities in the area should be addressed as part of the application.
  - Inadequate facilities for bicycle parking (quantity and design).

- Non-compliance with standards in National Cycle Manual. Reference to design of relocated bus stops, drop off areas and junctions to accommodate cyclists.

7.3. The issues raised by local residents, that are relevant to the SHD application, can be summarised as follows:

- Height.
- Impact on visual amenity.
- Landscaping along Monivea Road.
- Cumulative traffic impacts arising from development on adjoining site (PA Ref. 16/332 / ABP Ref. PL61248815).
- Location of Bus Stop.
- Location of set down area.
- Traffic and noise impacts arising from retail units and hours of operation.

7.4. I have considered all of the documentation included with the above third-party submission.

## 8.0 **Planning Authority Submission**

8.1. Galway City Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows. The submission includes several technical reports from relevant departments of Galway City Council, which are incorporated into the following summary.

### 8.1.1. PA Comment on Principle of Development

This application includes a residential element which is in addition to a Phase 1 commercial development permitted under PA Ref. 18/363. The Phase 1 development complied with the specific objective of Section 11.2.6 in relation to the Former Crown Equipment Site. The overall development proposals would meet the development plan requirements for CI lands and is acceptable.

#### 8.1.2. PA Comment on Density and Plot Ratio

The site is an optimal site for high density development. It would allow for walking to work, is in close proximity to public transport and other facilities. The plot ratio exceeds the Development Plan standard for CI lands, however, the previously permitted development on the site allowed a plot ratio of 1.11:1 for a mixed use commercial residential development. The applicant cites the location of the site in proximity to employment, city centre and public transport, in addition to the apartment guidelines which encourages higher density developments in central locations. The site is also a significant brownfield site. It is considered that the plot ratio is open for consideration.

#### 8.1.3. PA Comment on Housing Mix

The number of one bed units is considered excessive and should be reduced to a maximum of 15% of the overall scheme.

#### 8.1.4. PA Comment on Urban Design

The site context allows for the consideration of new development which would enhance and build up the urban fabric of the area and its transition from industrial uses to more commercial / residential uses. The heights proposed would be in accordance with existing and permitted heights in the area. The design is considered to have regard to the surrounding environment. The site is close to places of employment and adjacent to public transportation networks and relatively close to the main City Centre, which would render it ideal for higher density residential development and apartments, in accordance with the guidance and locational criteria set out in the Apartment Guidelines. The materials used should be in keeping with a pallet of finishes which reflect Galway City's historic and natural materials, landscape and environment. Finishes such as over use of red coloured bricks should be avoided. The PA raised concerns at pre-application stage in relation to protruding balconies. This has been addressed to some degree, however, it is noted that a number of balconies remain somewhat exposed which would remain a concern.

#### 8.1.5. PA Comment on Water Services

No objection to the proposed development subject to conditions.



#### 8.1.6. PA Comment on Transportation

No objection. No effect on road traffic. It is considered that the allocation of lower basement spaces for residential use at a rate of 1 space per unit is acceptable. The Report of the Transportation Section states that conditions of the Phase 1 permission require a number of upgrades to the public road network in the vicinity of the site. The upgrades listed are: bus lanes on Joyce's Road and Monivea Road; cycle lanes on Joyce's Road and Monivea Road; new traffic signals at the existing junction of Joyce's Road and Tuam Road; and the upgrade of the existing signalised cross roads junction between Joyce's Road / Monivea Road / Wellpark Road / Connolly Avenue.

#### 8.1.7. PA Comment on Public Open Space / Landscaping

Details in relation to (inter alia) phasing, management, rainwater harvesting, delivery of the public plaza, public access, lighting, planting and children's play need to be agreed. Financial contribution sought in respect of open space provision in the wider area.

### 9.0 **Prescribed Bodies**

#### 9.1. **Irish Water**

Based upon the details provided and the Confirmation of Feasibility issued by IW, IW confirms that subject to a valid connection agreement being put in place between Irish Water and the developer, the proposed connection to the IW network can be facilitated.

#### 9.2. **Transport Infrastructure Ireland**

- It is expected that car trips associated with the extensive car parking (1,377 no. spaces) will present on the national road and associated junctions.
- The TIA analysis of the N6/N83 junction identifies that the junction is currently operating above recommended capacity. This situation pertains in future year scenarios assessed in the TIA.

- Safeguarding the strategic function of the national road network represents official policy of the NPF and S28 Spatial Planning and National Road Guidelines (2012).
- TII considers it critical that public transport options and walking and cycling provision is maximised to mitigate the impact of traffic associated with the proposed development.
- The “Galway Transport Strategy” prepared by the NTA with Galway City and County Councils is adopted. TII recommends that any required transport interventions included in the GTS to facilitate the development proposed are incorporated into any decision to grant permission.

## 10.0 Assessment

### 10.1. Introduction

- 10.1.1. The site is a brownfield site that contains the remains of an unfinished development. The application before the Board is the second phase of a proposed mixed-use development on the site. Permission was granted by Galway City Council in May 2019 (PA Ref. 18/363) for 5 no. commercial office blocks (40,405sq. m GFA) and a hotel (8,675 sq.m GFA) on the western section of the site and for the completion of the basement structures across the site (Section 4.0 Planning History). The SHD application before the Board, is the second phase and consists of 288 no. apartments and 4,096sq.m of retail, commercial and community floorspace. This second phase sites above the basement structure approved under the Phase 1 permission and is dependent on the completion of works that were approved under the Phase 1 application.
- 10.1.2. The lands to the north, east and west of the site are characterised by industrial and commercial uses, while the lands to the south are characterised by low density housing.
- 10.1.3. I consider that the key issues for consideration by the Board in this case are as follows: -
- Principle and Quantum of Development

- Building Height and Visual Impacts
- Residential Amenity and Quality of Development
- Impacts on Residential Amenities
- Traffic and Transport
- Drainage, Flood Risk and Site Services
- Other Issues

These matters are considered separately below. Furthermore, I have carried out Environmental Impact Assessment and Stage 1 Appropriate Assessment in respect of the proposed development, as detailed in Sections 11.0 and 12.0 below.

## 10.2. Principle and Quantum of Development

- 10.2.1. The Galway City Development Plan 2017-2023 is the relevant statutory plan. The site is zoned “Commercial / Industrial” with an objective “to provide for enterprise, light industry and commercial uses other than those reserved to the CC zone”. The zoning lists “uses which are compatible with and contribute to the zoning objective” and “uses which may contribute to the zoning objectives, dependant on the location and scale of development”. Under the latter “residential content of a scale that would not unduly interfere with the primary use of the land for CI purposes and would accord with the principles of sustainable neighbourhoods outlined in Chapter 2” is open for consideration. “Retail of a type and of a scale appropriate to the function and character of the area” is compatible with the land use zoning objective. The site is also identified as an emerging ‘neighbourhood centre’ in the Retail Strategy (Section 6.3). A specific development objective pertaining to the site states that “the majority of retail floor space shall be dedicated for bulky goods retailing and the balance for local retailing needs. Parking shall be kept back from Monivea Road and separated from the Monivea Road by buildings. The design of frontage facing Monivea Road shall be of high architectural standard” (Section 11.2.6 refers).
- 10.2.2. I am satisfied that residential development is open for consideration under the land use zoning objective and the site-specific objectives pertaining to the site. I am also

satisfied that retail, leisure and local services of a neighbourhood scale are open for consideration.

- 10.2.3. The proposed development forms part of a wider mixed-use development on the site, as discussed in Section 10.1 above. The Statement of Consistency highlights the fact that the residential floorspace represents 37.8% of the overall GFA (85,554sq.m) and that in the context of the overall mix of uses complies with the CI zoning objective. I would concur with this view. The extent of residential development and its positioning within the site, is such that it would not unduly interfere with the primary use of the site for CI purposes. Furthermore, having regard to the site's location, proximate to existing residential communities, I am of the view that the subject site represents a suitable location for residential development by reference to the principles of sustainable neighbourhoods outlined in Chapter 2 of the Development Plan. I consider the nature and scale of the proposed non-residential uses to be consistent with the 'neighbourhood centre' designation in the Development Plan. In the context of the overall development mix, while 'bulky goods' retailing is permissible under site-specific zoning objectives, I would not consider the exclusion of this use to be contrary to the wider provisions of the Development Plan. On the basis of the foregoing, I consider that the proposed development is acceptable in principle.
- 10.2.4. The quantum of development is considered in terms of density, plot ratio and site coverage standards. I would concur with the view of the PA that the site is a suitable location for higher residential densities due to its proximity to the city centre, places of employment and education and public transport networks. A residential density of 143 units per hectare is proposed. I consider this density to be acceptable given the locational characteristics of the site. The proposed plot ratio (1.44) and site coverage exceed the standards set out in the Galway City Development Plan (1.25 and 80%). I consider that the scale of this overall site, coupled with the transitional context, allows for the consideration of a more intense urban form of development at this location that will enhance and build up the urban fabric of the area and promote the transition from older industrial to a new mixed-use urban district. On the basis of the foregoing, I am satisfied that the quantum of development is acceptable.

### 10.3. Building Height and Visual Impacts

#### 10.3.1. Visual Context

As discussed in Section 10.1 above, the site is a brownfield site that has been excavated under a previous permission and currently sits below road level. It is bounded by fencing on all sides. There is a row of mature leylandii trees along the south western boundary that will be removed as part of the approved Phase 1 development. The wider area is generally characterised by low density industrial and commercial developments to the north, east and west and housing to the south. The former 'Eir' site to the immediate east contains office buildings of 5 and 7 no. storeys.

The topography in this area is predominantly flat with a gentle slope falling towards the west of the site. Levels on Joyce's Road vary from 28-29 metres OD and rise to c. 30 metres OD on Monivea Road at the eastern extremity of the site. The site has been excavated to c. 23.3 metres OD to accommodate a lower basement level with only small margins along the boundaries retaining the original levels. In terms of landcover most of the site is characterised as 'spoil and bare ground'.

#### 10.3.2. Visual Impacts

The proposed 'Crown Square' development is a contemporary mixed-use urban development comprising 5 no. 3-6 storey office blocks (Blocks A-E) and a 5-storey hotel building on the western section of the site, and 3 no. residential blocks of 5 (Block J), 7 (Block H) and 8 (Block G) storeys on the eastern section of the site, as proposed under the subject application.

Section 8.7 of the Galway City Development Plan states that the following principles will be considered when assessing capacity for height:

- Protection of existing built and natural heritage and residential amenity.
- Creation of landmarks that enhance the city's legibility without eroding its innate character.
- Retention of existing benchmark heights so as to retain strategic views and to protect and enhance the general character of sensitive locations.
- Promotion of higher density at centres/nodes of activity, on large scale infill sites and along public transport corridors.

The plan states that any development proposals for buildings above the prevailing benchmark height will be required to be accompanied by a design statement outlining the rationale for the proposal and an assessment of its impact on the immediate and surrounding environment including buildings, open spaces, public realm and any views.

The assessment of building height and visual impact relies on the Landscape and Visual Assessment (LVA) contained in Chapter 10 of the EIAR, the photomontages and the architectural design statement submitted with the application, and on observations during site inspection. I would note that third party submissions from residents to the south raise concerns in relation to the visual impact of the proposed development.

The LVA considers landscape and visual impacts from 12 no. viewpoints located within a 2 km radius of the site (Table 10.7 and Figure 10.5 refers). The viewpoints include views from the residential area to the south and views from heavily used commuter routes in the area. The photomontages submitted with the application show that the development will be viewed as part of a composition of higher buildings on the Crown Equipment site. Longer range views will be fully or partly screened by existing development and landscape features. In this regard, I would note that the development will not be visible from the historic core of Galway City and will be largely screened on views from the Galway Bay. The development will be more visible locally, from the local road network and the adjoining residential and commercial areas. The LVA concludes that the magnitude of change would be low from 8 of the viewpoints tested, as only small parts or none of the development will be seen. The extent of change from the Monivea Road and Clarke Avenue to south and from Tuam Road to the north were considered low to medium, while the view from the Monivea Road on approach from the south east of the site was considered significant.

I consider that the impacts arising from the proposed development would be largely positive, as the site is current in an unfinished and abandoned state. While the proposed blocks are higher than the established context in this low-rise area, the photomontages show that the proposed development will be viewed in the emerging

context of the approved office and hotel structures on the western section of the application site and the existing office buildings on the adjoining 'Eir' site to the east.

I have inspected the site and viewed it from a variety of locations in the area. While the proposed development will alter the outlook from the adjoining areas, I consider the visual and landscape impacts to be acceptable in the context of the mixed and evolving character of the area. The proposal is also consistent with development plan policy for higher buildings, which promotes higher density at centres or nodes of activity, on large scale infill sites and along public transport corridors.

### 10.3.3. Public Realm

The existing road levels around the site vary from c. 28.5 m OD at the north west corner of the site to c. 30 m OD at the south east corner. The previously approved and partially constructed development on the site (Ref. 06/223/ ABP Ref. PL 61.220893) comprised three large blocks set over two basement levels. The entire site was excavated to facilitate this double basement (c. 23.3 m OD) and the south western block was constructed to ground level. It is proposed to adapt the upper basement level in the area associated with the subject application (c. 2ha) to accommodate a lower ground level (as opposed to basement car parking) that would accommodate streets, public spaces and commercial and community floorspace. The double basement is retained in the area associated with the approved office and hotel developments (c. 3 ha). Direct and active frontage is proposed to the lower ground level open space with retail, medical, restaurant, creche and leisure floorspace at this level. Retail frontage is also proposed at ground level in Block J with 4 no. retail units facing towards the Monivea Road. A series of ramp and step accesses are used to transition between the upper and lower ground levels. I am of the view that there would be sufficient activity at both upper and lower ground levels to draw activity between the two and that the transition in levels is reasonably seamless. The block structure provides for a reasonable level of pedestrian permeability at lower and upper ground levels. Gates are proposed on access points into the site. The submitted details state that this is for security purposes and to ensure that public rights of way are not formed, but that the gates would generally be opened. Notwithstanding this rationale, I consider the proposed gates to be contrary to national policy for the design of urban areas, as set out in the Sustainable Residential Development Guidelines (2009) and the accompanying Urban Design

Manual and in DMURS, both of which envisage a high level of permeability within the urban environment. I am of the view that the proposed gates should be omitted by way of condition.

The material finishes for the residential include brick on external or public, render primarily on courtyard elevations and metal cladding / zinc on upper floor roof levels. Metal cladding and painted steel frames are proposed on some balcony structures and metal frame glazing is proposed on ground and lower ground floor shop fronts and neighbourhood centre facades. The Architectural Statement states that a conscious decision was made to ensure that the appearance of the residential differs from the office buildings. The PA opinion seeks material finishes that reflect Galway City's historic and natural materials, landscape and environment and ask that the use of red bricks be avoided. I am satisfied that the materials strategy provides for high quality urban finishes within an emerging urban quarter. The proposed development is visually removed from the historic core of Galway City and I am satisfied that no conflict arises.

The landscape strategy, as described, is based on the provision of a public 'space' at lower ground level with a plaza and public streets and semi-private open spaces at the podium level to serve residents only.

It is considered that the proposed development will have a strong visual presence that will help to create legibility in the Mervue area. The internal layout of the development generally provides for a satisfactory tie-in with the Phase 1 development.

Definition between public, semi private and private spaces at the ground level is achieved through level change and landscaping.

There is a good degree of visibility into and through the scheme from Monivea Road. The blocks within the scheme are laid out such that there are distances greater than 22 metres between facades, and there are therefore no concerns regarding overlooking between blocks. The internal open spaces are part of an open space / landscaping strategy to create different 'character areas' and include circulation spaces, tree planting, soft landscaping, semi-private spaces and play areas. This landscaping strategy is of a high standard, in my view and all of the public and



communal spaces are well overlooked. I am satisfied that the development achieves a high-quality public realm.

#### Micro Climate Impacts

- 10.3.4. In terms of Daylight, Sunlight and Overshadowing I would refer the Board to the study submitted with the application. Section 5 considers sunlight access within open spaces and indicates that over half of the amenity areas would receive at least 2 hours of sunlight on 21<sup>st</sup> March, meeting the BRE standard. Section 6.0 assesses average daylight factor using a representative sample of windows at ground and first floor levels. Overall 80% of the ground and first floor living rooms and bedrooms tested are in accordance with the BRE standard and it is noted that a higher level of performance is expected at upper levels. I consider this to be reasonable having regard to the density of the scheme.
- 10.3.5. The issue of Wind Impacts is addressed in the submitted Micro-Climate Study & Wind Analysis. The potential for wind impacts at podium levels, ground levels, balconies and streets were modelled. The site shows good compliance with siting criteria used overall. There is some potential for accelerated winds (marginal compliance with criteria used) on the passage between Blocks G and H and at some upper level balconies. However, improvement is observed when winter results are excluded from the modelling.

#### Height and Visual Impacts Conclusion

- 10.3.6. Having regard to the above assessment, it is considered that the development will be satisfactory in terms of visual impacts, interaction with the public realm and the quality of amenity spaces provided. The height and design of the scheme is therefore acceptable.

#### **10.4. Residential Amenity and Quality of Development**

- 10.4.1. The following assessment considers the quality of the proposed residential development with regard to the 'Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities' 2018; the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' and the associated Urban Design Manual; and the Galway City Development Plan 2017-2023.

#### 10.4.2. Housing Mix

The development provides the following housing mix:

Type	Number	% of total
1-bed	75	26%
2-bed	185	64.2%
3-bed	28	9.7%

The mix is considered satisfactory with regard to SPPRs 1 and 2 of the apartment guidelines. The PA express concern in relation to the low proportion of 3-bed units and absence of larger units. While I acknowledge the concerns of the PA, I would note that the proposed development meets the standards set out in national guidance with regard to housing mix, that all two bed units cater for four persons and that there is a predominance of larger 3 bed + units within the wider suburbs. The proposed housing mix is, therefore, acceptable in my view.

#### 10.4.3. Apartment Design and Layout

The submitted Housing Quality Assessment indicate that floor areas for all apartment units meet or exceed the minimum specified in SPPR3 of the apartment guidelines. Section 3.7 of the guidelines stipulate that no more than 10% of the total number of two bed units in any private residential development may comprise two-bedroom, three-person apartments. The submitted documentation includes the number of persons per unit and indicates that all of the two bed units cater for four persons. Section 3.8 of the guidelines 'Safeguarding Higher Standards' requires that the majority of all apartments in any scheme of over 10 units shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bed unit types by a minimum of 10% (any studio apartments must be included in the total but are not calculable as units that exceed the minimum by at least 10%). A total of 58% of the apartments exceed the floor area standard by 10% and therefore comply with this requirement.

SPPR 4 requires a minimum of 33% of dual aspect units in more central and accessible urban locations and a minimum of 50% in suburban or intermediate locations. A total of 62% of the proposed apartments are dual aspect, well in excess of this requirement. There are no single aspect north facing units.

SPPR 5 requires a minimum of 2.7m ground level apartment floor to ceiling heights. This requirement is complied with.

SPPR 6 specifies a maximum of 12 apartments per floor per core. All blocks are served by stair and lift access and the requirements of SPPR 6 are met in relation to the number of units served per floor per core.

Appendix 1 of the Guidelines set out minimum storage requirements, minimum aggregate floor areas for living / dining / kitchen rooms, minimum widths for living / dining rooms, minimum bedroom floor areas / widths and minimum aggregate bedroom floor areas. The submitted schedule of areas indicates that all apartments meet or exceed the minimum storage area, floor area and aggregate floor area and width standards.

Private open space is provided in the form of terraces at ground floor level and balconies at upper levels. The submitted schedule of floor areas indicates that private open spaces meet or exceeds the quantitative standards provided in Appendix I of the apartment guidelines.

#### 10.4.4. Communal Facilities and Services

Section 4.5 of the Apartment Guidelines encourage the provision of communal rooms and communal facilities in apartment schemes, particularly in larger developments. Communal facilities with a stated area of 1,275 sq.m are proposed. This includes lower ground level amenity rooms under Block G (lounge / work from home space), Block H (lounge / work from home space) and Block J (studio / amenity space), in addition to a concierge at ground level in Block H. Individual storage units are also proposed at lower ground level for use by the residents of the scheme. The Architectural Design Statement also refers to proposed commercial uses including the creche, fitness / leisure facility, medical centre and café and restaurant uses. I consider the level of communal floorspace provision to be acceptable in this instance. The proposed crèche facility is discussed in section 11.5

below. Waste storage is provided at lower ground level and an Operational Waste Management Plan has been submitted with the application.

#### 10.4.5. Landscaping and Open Space Provision

In terms of quantitative provision, a total of 13,630 sq.m of open space (public and semi-public) is provided as follows:

<b>Open Space Provision</b>	<b>Area</b>
Public Open Space	9,450 sq.m.
Communal Open Space	4,180 sq.m.

This may be considered with regard to the standards for communal open space set out in Appendix I of the apartment guidelines, as follows:

<b>Unit</b>	<b>No. of Apts</b>	<b>Space per Apt (sq.m.)</b>	<b>Total Requirement (sq.m.)</b>
1 bed	75	5	375
2 bed	185	7 (4 person)	1,295
3 bed	28	9	252
<b>Total</b>	<b>288</b>		<b>1,922 sq.m.</b>

The development meets the communal open space standards set out in Appendix 1 of the guidelines. Furthermore, I would note that communal spaces include ground level podium spaces (over basement) that receive good light and lower ground level sunken amenity spaces that are accessed from commercial and communal facilities at lower ground level.

Section 11.3.1 of the Galway City Development Plan sets out a communal open space requirement of 15% of the site area. This would appear to relate to publicly accessible open spaces, as opposed to semi-private areas for use exclusively by residents. While the overall site has a stated area of 5.1 hectares, the Phase 2 development is confined to an area of c. 2 hectares, resulting in an open space requirement of 3,000 sq.m based on the 15% requirement of the Development Plan. This quantitative requirement is met and significantly exceeded. The submitted documents include a landscape masterplan for lower ground and ground levels

prepared by Cunnane Stratton Reynolds (Drawing 18375-3-102, 18375-3-103, 18375-3-104) which provides clarity in relation to the transition between the different levels and the function and character of the various open areas. The open space includes landscaped character areas, a children's play facility within the semi-private open space at ground level and public outdoor gym equipment. It is considered that the development provides a satisfactory standard of public realm, amenity and landscaping.

#### 10.4.6. Quality of Residential Development Conclusion

To conclude, I consider that the design and layout of the development is satisfactory with regard to national and development plan guidance for residential development and that there is a reasonable standard of residential accommodation for future residents of the scheme.

### 10.5. **Impacts on Residential Amenity**

10.5.1. Potential for impacts on residential amenities arises in relation to the existing housing fronting onto the Monivea Road to the south.

10.5.2. The issue of visual impact is considered above. In terms of overlooking I would note that the proposed development maintains a separation of over 30 metres from the front façade of existing houses along the Monivea Road. I am satisfied that an adequate level of separation is proposed and that no undue adverse overlooking impacts would arise.

10.5.3. The submitted Daylight, Sunlight and Overshadowing Study describes the potential impact of the proposed development on existing housing. The study concludes that as the dwellings along the Monivea Road are located to the south of the proposed development, no overshadowing impacts would arise. The potential 'sunlight' impacts are assessed using Vertical Sky Component. The impact on a sample of test dwellings along the southern side of the Monivea Road were modelled. All tested points have a Vertical Sky Component of greater than 27% or not less than 0.8 times their former value (existing situation). The tested points exceed BRE recommendations. I accept the findings of the study and am satisfied that the proposed scheme would not impact unduly on sunlight and daylight access.

#### 10.5.4. Impacts on Residential Amenity Conclusion

To conclude, I consider that the proposed development would not impact on the amenities of properties in the vicinity by reason of overlooking, overshadowing and loss of sunlight.

## 10.6. Traffic and Transport

10.6.1. Traffic and Transport are addressed in Chapter 12 of the EIAR and in the associated Traffic and Transport Assessment (Appendix 12-1 of the EIAR).

### 10.6.2. Existing and Proposed Roads, Pedestrian and Cycle Infrastructure

The site is situated between the Tuam Road (R336) and the Monivea Road (R339), both important routes into Galway City. The site has extensive frontage onto Joyce's Road and the Monivea Road (R339). Both roads consist of a single lane carriageway in each direction with footpaths on either side. Joyce's Road is a short local link road that connects the Tuam Road (R336) and Monivea Road (R339). At its northern end Joyce's Road terminates in a priority-controlled T junction with the Tuam Road and there are short right and left turning lanes onto the Tuam Road. At its southern end Joyce's Road terminates at a signalised cross roads junction with Monivea Road, Wellpark Road and Connolly Avenue.

10.6.3. The site is served by Galway City Bus Routes 403 (Eyre Square to Castlepark), 405 (Rahoon – Eyre Square – Ballybane) and 409 (Eyre Square – GMIT – Parkmore). The City Bus Service Map (TFI) indicates that the routes have a weekday frequency of 30 minutes, 20 minutes and 12 minutes respectively. There are no cycle lanes or bus corridors in the area at present. However, the Galway Transport Strategy proposes future cycle and bus provision on Well Park Road (D2.2.9) to the immediate south of the site and on Joyce's Road and Tuam Road (D2.2.10) in the vicinity of the site.

### 10.6.4. Traffic and Transport Assessment (TTA)

The TTA considers the full development on the 'Crown Equipment' site (Phase 1 and Phase 2). The Mobility Management Plan states that the proposed development would have an employee occupancy rate of 3,364 workers at any one time, summarised as follows:

Phase	Use	No. of Employees
Phase 1	Office Employees	3,156
Phase 1	Office Ancillary Staff	40
Phase 1	Hotel	100
Phase 2	Residential Management / Maintenance	5
Phase 2	Fitness / Leisure	12-15
Phase 2	Restaurant / Café / Convenience Store	35
Phase 2	Medical Centre	10
Phase 2	Pharmacy	3
	<b>OVERALL TOTAL</b>	<b>3,364</b>

A total of 3,296 employees are associated with the approved office and hotel developments (Phase 1), with 68 no. employees associated with the proposed residential and neighbourhood centre uses (Phase 2). A total of 1377 no. car parking spaces are proposed overall, with 288 no. spaces (1 per unit) assigned to the Phase 2 residential development.

Trip generation rates for the development are forecast using the NRA / TII approved TRICS database. Table 5.1 of the TTA indicates that of the 564 trips forecast for the AM peak, 96 trips or 17% relate to Phase 2. Of the 505 trips forecast for the PM peak, 113 trips of 22% relate to Phase 2. Trip generation rates from the approved office and hotel developments account for 83% of AM peak trips and 76% of PM peak trips, showing a significantly higher level of trip generation. The TAA states that a significant number of trips will be by public transport, bicycle and on foot and that there will be a high rate of internal trips. While the assumed modal split and internal trip rates are not specified it is proposed to implement a travel plan within the site to encourage the use of sustainable modes.

The impact of the development on the following local road junctions was modelled:

- Joyce's Road / Tuam Road;
- Joyce's Road / Monivea Road / Wellpark Road / Connolly Avenue; and
- N6 / Tuam Road.

The PA opinion states that conditions of the Phase 1 permission require a number of upgrades to the public road network in the vicinity of the site. The upgrades listed are: bus lanes on Joyce's Road and Monivea Road; cycle lanes on Joyce's Road and Monivea Road; new traffic signals at the existing junction of Joyce's Road and Tuam Road; and the upgrade of the existing signalised cross roads junction between Joyce's Road / Monivea Road / Wellpark Road / Connolly Avenue. The modelling assumes that the upgrade works are completed.

In summary, the modelling indicates that the upgraded Joyce's Road and Tuam Road junction would experience capacity issues in the AM by 2037. Current congestion at this junction in the PM is attributed to queuing from junctions to the east and west. Analysis of the upgraded Joyce's Road / Monivea Road / Wellpark Road / Connolly Avenue junction predicts that there could be significant capacity issues, delays and queuing, but that the junction will operate better by 2037 than it would if not upgraded. Analysis of the N6 / Tuam Road junction indicates that this junction is predicted to operate slightly over capacity even without the proposed development in place by 2022.

I would draw the Boards attention to the fact that proposed road upgrades (detailed on Punch Engineering Drawings No. 183-106-020 to 183-106-020) are largely outside of the site boundary and are on lands that are not in the applicant's control. The works do not, therefore, form part of the subject application and, having regard to the provisions of Section 34 4(a) of the P&D Act, I would have concerns in relation to the status of any condition that requires the completion of these works in association with the proposed development. I would also draw the Boards attention to the fact that the works appear to fall outside of the site boundary under PA Ref. 18/363. Condition no. 26 of this permission requires a financial contribution in respect of the upgrade of the Joyce's Road and Tuam Road junction.

The road network in the vicinity of the proposed development experiences congestion and it is clear that the proposed developments on the 'Crown Equipment' site would contribute to this congestion. Notwithstanding this, I am of the view that the proposed development that is currently before the Board, would not, of itself, generate significant volumes of traffic. The Galway Transport Strategy (GTS) acknowledges that Galway City suffers from congestion and that a fundamental shift is needed towards sustainable travel and reduced car dependency. The strategy



notes (inter alia) that the pattern of residential development, along with the location of employment generates a large amount of cross city and city bound travel demand. The Mervue Industrial area is identified as the 5<sup>th</sup> highest 'destination' for trips in Galway City (TTA Table 10.1 refers).

The proposed development would support consolidation and densification at a location that is close to Galway City Centre and would improve the integration between residential and employment uses. Furthermore, a development of the density proposed at this inner suburban location, would be well placed to support a more integrated public transport system in the longer term.

On the basis of the foregoing, I am of the view that a refusal is not warranted on the basis of traffic impact, particularly in light of the wider transport aspirations for the city, as detailed in the Galway Transportation Strategy. It is clear from the submitted TTA, that a number of junction upgrades are required to accommodate the combined Phase 1 and Phase 2 developments. I recommend the inclusion of a condition in the event of a grant of permission, that requires the payment of a special contribution towards the cost of the road upgrades associated with the proposed development (as detailed in Punch Engineering Drawings 183-106-020, 183-106-021, 183-106-022, 183-106-023 and 183-106-024).

#### 10.6.5. Parking Provision

A total of 1377 no. car parking spaces are proposed overall. The parking allocation can be summarised as follows:

<b>Car Parking Allocation</b>	
Use	No.
Hotel	169
Office	841
Visitor	79
Residential	288
Total	1377

Car parking at a rate of one space per apartment is proposed at lower basement level. These spaces will be allocated to individual units, while all other spaces will be

allocated by the site's management company. The rate of provision is in keeping with the standard of 1 space per dwelling in established suburbs detailed in Section 11.3.2 (c) of the Development Plan. Section 4.19 of the Apartment Guidelines promotes reduced car parking provision in central locations that are well served by public transport. I do not consider the level of provision in this instance to be excessive, having regard to the site's context. While there is no specific car parking allocation for neighbourhood floorspace, there are 79 no. visitor spaces at upper basement level that can cater for demand arising from the neighbourhood floorspace. I consider this approach to be acceptable.

A total of 1,100 bicycle parking spaces are proposed to serve the overall development (Phase 1 and 2). The submitted drawings show bicycle storage rooms at upper basement level under each block. There would appear to be c. 207 bike stands in the storage rooms and further on-street spaces at various locations at lower ground and ground levels. Section 4.17 of the apartment guidelines specifies a general minimum cycle parking standard of 1 cycle storage space per bedroom and visitor parking at a rate of 1 space per 2 residential units. This would equate to a requirement for 529 no. resident spaces and 144 no. visitor spaces within the scheme. The submission from the Galway Cycling Campaign raises concerns in relation to the number of spaces within the scheme and I would concur with this view. Cycling is a viable alternative to car-based travel at this location, given the sites proximity to Galway City Centre and to education and employment sites within the wider city. The level of cycle provision is significantly lower than the standards set out in the Apartment Guidelines and having regard to the aspirations of the Galway Transport Strategy for a transition to sustainable modes of travel I am of the view that additional provision is required. This issue can be addressed by condition.

#### 10.6.6. Construction Traffic

The application is accompanied by a Construction Traffic Management Plan. I am satisfied that traffic impacts arising during the construction phase will be short-term in nature and can be managed in accordance with the agreed plan.

#### 10.6.7. Traffic and Transportation Impacts Conclusion

Having regard to the above assessment, I am satisfied that the development will not result in undue adverse traffic impacts and that any outstanding issues may be dealt with by condition.

## 10.7. **Drainage, Flood Risk and Site Services**

### 10.7.1. Surface Water Drainage

There are no open watercourses in the vicinity of the site. During the construction phase, rainwater within the site will soak to ground. Excess water or water from working areas will be attenuated and treated before being discharged to the public storm water drainage network (under licence). During the operational phase it is proposed to connect to the public storm water drainage networks on Tuam Road and Monivea Road. The internal drainage system will collect surface water from ground level upwards and discharge to the public surface water sewer network by gravity. Runoff from roofs and hardstanding areas will be collected in the gravity pipe network. Surface water from the basement levels will be run through an interceptor before being pumped to connect into the drainage network. SUDS measures are proposed to reduce the rate of run off including green roofs, rainwater harvesting and landscaping features. These proposals are satisfactory.

### 10.7.2. Flood Risk Assessment

The OPW CFAMS maps for Galway City (December 2017) indicate that the site is not within Flood Zone A or B for coastal, fluvial or pluvial flooding. The proposed basement levels are below ground level and a possible risk of pluvial flooding (overland flow) is identified should the proposed surface water pumping system fail. However, attenuation is proposed at basement level which will provide a fall back and appropriate measures have been taken to minimise the risk to properties or people in the event of system failure.

### 10.7.3. Foul Drainage

It is proposed to discharge foul effluent from the proposed development to an existing 675mm diameter public foul sewer on the Monivea Road. Foul water from ground level will discharge by gravity, while foul water from the basement levels will be pumped to a decompression manhole at ground level and flow by gravity to the

foul drainage network. Details of foul water discharge volumes are provided. I note that the submission of Irish Water states no objection.

#### 10.7.4. Water Supply

It is proposed to retain an existing connection to the water supply network. Irish Water have indicated that subject to a valid connection agreement being put in place the connection can be facilitated. These proposals are satisfactory.

#### 10.7.5. Drainage, Flood Risk and Site Services Conclusion

I am satisfied with the proposed foul and surface water drainage and water supply arrangements, subject to conditions.

### 10.8. **Other Issues**

#### 10.8.1. Part V

The applicant has submitted Part V proposals comprising the transfer of 29 no. units or 10% of the proposed units to the planning authority. The submitted details include costing details and plans showing proposed Part V units. The PA opinion indicates no objection to the proposals. I recommend that a condition is attached in the event of permission being granted that requires a Part V agreement to be entered into.

#### 10.8.2. Childcare

The 'Childcare Facilities Guidelines for Planning Authorities' recommend a minimum provision of 20 childcare places per 75 no. dwellings. The apartment guidelines state that the threshold for the provision of childcare facilities in apartment schemes should be established having regard to the scale and unit mix of the scheme, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. 1 bed or studio units should generally not be considered to contribute to a requirement for childcare provision and, subject to location, this may also apply in part or whole to units with 2 or more bedrooms.

The development includes a crèche of 310 square metres in area. When 1 bed units are omitted, the remaining 213 no. units have a childcare requirement of c. 57 childcare places based on the guidance contained in the Childcare Facilities Guidelines. I am satisfied that the level of childcare provision is adequate to meet this requirement. I would note that the open space serving the creche is accessible

to the public via the proposed gym / leisure centre and from residents' areas. I recommend that a dedicated and secure outdoor play area is provided. This issue can be addressed by way of condition.

## **10.9. Planning Assessment Conclusion**

The development is acceptable in principle with regard to the zoning of the site in the Galway City Development Plan 2017 – 2023. The housing density and quantum of development is acceptable with regard to the zoning objective and to the location of the site in an established area that is close to the urban core of Galway and close to a wide range of services and facilities. The proposed residential design and layout are generally in accordance with relevant national and local policies on residential development and will provide a satisfactory standard of residential accommodation, while achieving a residential density that reflects the strategic nature of the site and the importance of consolidation on zoned and serviced lands within established urban areas. I am satisfied that the development would not have any significant adverse impacts on visual or residential amenities. It is considered that the development will not, in itself, result in undue adverse traffic impacts.

## **11.0 Environmental Impact Assessment**

### **11.1. Introduction**

The application is accompanied by an Environmental Impact Assessment Report (EIAR). The application falls within the scope of the amending 2014 EIA Directive (Directive 2014/52/EU) on the basis that the application was lodged after the last date for transposition in May 2017. The application also falls within the scope of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018, as the application was lodged after these regulations come into effect on 1st September 2018.

- 11.1.1. The overall development on the application site comprises a mixed-use development with a GFA of 85,554 sq.m (above ground). The Phase 2 development, to which the EIAR applies, comprises a residential scheme of 288 no. apartments (GFA 32,379sq.m) and associated commercial, leisure and ancillary uses (GFA

4096sq.m). The site has an area of 5.1 ha and is in the Mervue industrial / commercial area of Galway City. The EIAR considers the potential cumulative effects from the proposed development with other key existing, permitted or proposed projects, including the approved Phase 1 development.

11.1.2. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 and section 172(1)(a) of the Planning and Development Act 2000 (as amended) provides that an EIA is required for infrastructure projects that involve:

- (i) construction of more than 500 dwelling units
- (iv) an area of 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.

The submitted EIAR states that the proposed development exceeds the 2-hectare threshold and given the sites location within a business district, the development requires mandatory EIA.

11.1.3. The EIAR is laid out in two documents, the main document with non-technical summary and a second document containing the Appendices. Chapter 1 is an introduction which sets out the relevant legislation and the format and structure of the EIAR as well as outlining the experts involved in preparing the document. Chapter 2 provides a description of the site location and context including alternatives considered. Chapter 3 provides a description of the proposed development. Chapter 13 considers interactions and Chapter 14 provides a schedule of mitigation measures.

The likely significant direct and indirect effects on the environment, as set out in Article 3 of the Directive, are considered in Chapters 4-12 under the following headings:

- Population and Human Health
- Biodiversity
- Land, Soils and Geology
- Hydrology and Hydrogeology
- Air and Climate
- Noise and Vibration

- Landscape and Visual
- Archaeological, Architectural and Cultural Heritage
- Material Assets – Traffic and Transport & Water and Other Services

11.1.4. Article 3 (2) of the Directive requires the consideration of the effects deriving from the vulnerability of the project to risks of major accidents and / or disasters that are relevant to the project concerned. The vulnerability of the project to major accidents is considered in Chapter 4 Population and Human Health and the potential for 'flooding' is considered in Chapter 7 Hydrology and Hydrogeology. Having regard to the site's location within an urban area, the nature of the receiving environment and the climatic conditions that apply, I consider that the requirements under Article 3(2) are met.

11.1.5. I have carried out an examination of the information presented by the applicant, including the EIAR and the submissions made during the course of the application. A summary of the submissions made by the planning authority, prescribed bodies and observers has been set out at Sections 7.0, 8.0 and 9.0 of this report. The main issues raised specific to EIA can be summarised as follows:

- Visual Impacts
- Traffic Impacts
- Human Health Impacts
- Noise Impacts
- Cumulative Impacts.

11.1.6. These issues are addressed under the relevant headings, as appropriate, and in the reasoned conclusion and recommendation including conditions.

11.1.7. A number of the environmental issues relevant to this EIA have already been addressed in the Planning Assessment at Section 10.0 of this report. This EIA Section of the report should therefore, where appropriate, be read in conjunction with the relevant parts of the Planning Assessment.

11.1.8. I am satisfied that the information contained in the EIAR has been prepared by competent experts and generally complies with article 94 of the Planning and

Development Regulations 2000, as amended, and the provisions of Article 5 of the EIA Directive 2014.

## 11.2. **Consideration of Alternatives**

11.2.1. The submitted EIAR outlines the alternatives examined at Chapter 2 (pursuant to Article 5(1)(d) of the 2014 EIAR Directive and Annex IV). The main alternatives considered comprise alternative sites, land-use options and design and layout. The proposal is predicated on the zoning of the site and site-specific policy objectives in relation to plot ratio and density. Given the site zoning alternative locations were not considered. The evolution of the design is outlined from the previously permitted development in 2007 to the development presented in the application. Alternative processes to address emissions, residues, traffic and the use of natural resources were considered. In my opinion reasonable alternatives have been explored and the information contained in the EIAR with regard to alternatives is comprehensive, provides a justification in environmental terms for the chosen scheme and is in accordance with the requirements of the 2014 EIA Directive.

## 11.3. **Assessment of Effects**

### 11.3.1. Population and Human Health

Chapter 4 of the EIAR addresses population and human health. The potential effects are considered in the context of socio-economic impacts and human health.

The existing environment is urban with industrial / commercial and housing development in the area.

During the construction phase there will be positive socio-economic impacts as a result of employment and economic activity generated by the development. There is also some potential for impacts on health and safety due to the nature of construction activities. Impacts on health and wellbeing arising from effects on air and climate, noise and vibration, geology and soils, hydrology and hydrogeology and traffic during the construction and operational phases are considered and discussed under the respective headings of the EIAR. I am satisfied that negative impacts on population and human health during the construction phase would be short-term in



nature and that impacts will be mitigated to an acceptable level by the measures detailed in the relevant sections of the EIAR.

During the operational phase, I consider that the impact of the scheme will be largely positive due to the provision of housing, employment and community facilities. Any potential adverse impacts arising e.g. from traffic, noise or other disturbance, will be mitigated to an acceptable level by the measures detailed in the EIAR.

There is potential for cumulative impacts in conjunction with other developments in the area, however, as the impacts from the proposed development would be relatively localised I am satisfied that significant negative cumulative impacts would not arise during the construction or operational phases.

I have considered all of the written submissions made in relation to population and human health. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of population and human health. I am also satisfied that cumulative effects are not likely to arise.

#### 11.3.2. Biodiversity

Chapter 5 of the EIAR describes the potential impacts on biodiversity.

The site is a brownfield site that has been excavated to structural formation level. The majority of the site is classified as spoil and bare ground (inc. exposed limestone rock), with buildings and artificial surfaces (foundations and basement structure) and dry meadows and grassy verges around the periphery of the site. The vegetation is of low ecological value and there was no sign of protected or sensitive habitats during site surveys. No invasive species were identified. There are no natural ponds, springs or streams, drains or other waterbodies within the site.

The impact of the proposed development on European sites is addressed in detail in Section 12.0 of this report. The site does not overlap or adjoin any European or nationally designated sites. There are 8 no. European sites within a 15 km radius of the application site. The Galway Bay Complex SAC and Inner Galway Bay SPA are the closest sites at a distance of 800 metres. Potential pathway to these sites via

groundwater and surface water connections were identified. Stage 2 Appropriate Assessment considered proposed avoidance and mitigation measures detailed in the AA and EIAR and it was concluded that the identified pathways could be blocked and that the likelihood of significant effects either individually or in combination with other plans or projects, on these European sites, could be ruled out. No pathways to any other European site were identified. Having regard to the nature and scale of the proposed development, the level of separation from European sites and absence of pathways, it is concluded that the proposed development is not likely to have significant effects on any European site, whether considered alone or in combination with other projects.

There are no habitats of ecological significance in the Phase 2 development area and no significant impacts are anticipated during the construction phase. There will be positive long-term impacts on biodiversity due to an increase in habitat diversity arising from the proposed landscaping scheme. There is a potential risk of pollution to ground water should polluting material percolate to groundwater through the limestone bedrock underlying the site. The bedrock has been exposed during previous excavations and subsoils removed. During construction excess surface water will be discharged (under licence) to the public surface water sewer. In the absence of mitigation short term, moderate / significant negative impacts could arise. However, mitigation measures are detailed in Chapter 7 to prevent spillage of pollutants within the site and to remove silt and other pollutants from surface waters prior to discharge. I am satisfied that any negative impacts on biodiversity during the construction phase will be mitigated to an acceptable level by the measures detailed in the relevant sections of the EIAR.

No operational phase impacts on flora and fauna are predicted. Impacts on water quality arising and hydrology and hydrogeology are considered and discussed under the respective headings of the EIAR.

In terms of cumulative impacts, it is noted that the potential impacts would not be significant, and as such I am satisfied that the issue of cumulative impacts does not arise.

I have considered all of the written submissions made in relation to biodiversity. I am satisfied that the identified impacts would be avoided, managed and mitigated by the

measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of biodiversity. I am also satisfied that cumulative effects are not likely to arise.

### 11.3.3. Land, Soils and Geology

Chapter 6 of the EIAR describes the potential impacts on Land, Soils and Geology.

The site is a brownfield site that has been excavated to structural formation level (c. 6-7 m below ground level) and soil, subsoil and bedrock are currently exposed and visible. No significant further excavations are proposed. The site is underlain by limestone and the aquifer in the area is of Regional Importance and is classified as extremely vulnerable. There is no indication of soil or ground contamination on the site. The local topography in the area is generally flat sloping from northeast to southwest.

During the construction phase, no significant effects on land, topsoil, subsoils or bedrock are anticipated. Further excavation of the existing sub-soil and bedrock will be minor (for levelling and installation of foundations, services and landscaping) and any potential impacts arising from excavated materials or contamination (e.g. accidental spills in exposed areas) will be mitigated through good construction practices as detailed in the EIAR. No impacts are anticipated during the operational phase.

In terms of cumulative impacts, no significant cumulative impacts are anticipated during either the construction or operational phases subject to the implementation of the proposed mitigation measures. I am, therefore, satisfied that the issue of cumulative impacts does not arise.

I have considered all of the written submissions made in relation to lands, soil and geology. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of biodiversity. I am also satisfied that cumulative effects are not likely to arise.

#### 11.3.4. Hydrology and Hydrogeology

Chapter 7 of the EIAR describes the potential impacts on Hydrology and Hydrogeology.

In terms of the existing environment, there site does not contain any watercourses and there was no evidence during inspection that the water table has been breached by previous excavation. The Terryland / Sandy River is c. 750 metres north west of the site. There are no direct discharges form the site to this watercourse. The bedrock underlying the site is visean limestones (high transmissivity) classified by GSI as a regional important aquifer with an extreme vulnerability. This bedrock type is typically high transmissivity. There are no groundwater protection zones mapped within the site or study area. There is a borehole for a group scheme to the north of the site.

During the construction phase there is a potential risk of groundwater pollution should pollutants used in construction activities percolate through the limestone bedrock. The bedrock has been exposed during previous excavation and substrates that would normally provide a buffer are removed. However, in view of the high sensitivity of this receiving environment construction management measures are proposed to avoid or reduce the risk of adverse effects (see EIAR and NIS). During the construction phase excess surface water may need to be pumped to the public surface water sewer (under licence). Drainage control measures are proposed to ensure that suspended solids and other pollutants are removed prior to discharge. I am satisfied that subject to the proposed mitigation and management measures that significant negative impacts would not arise.

There are no proposed emissions to ground or to surface water courses during the operational phase. Surface water will be collected on site and discharged to the public sewer. Water from the basement levels (car parking / servicing areas) will run through a bypass interceptor before joining the internal surface water network. Surface water drainage measures, pollution control and other preventative measures have been incorporated into the project design and operational practices to mitigate any potential adverse impacts on water quality.

In terms of cumulative impacts, I am satisfied that subject to the proposed mitigation measures, that the proposed development presents no potential for significant

adverse impacts on water quality. I am, therefore, satisfied that the issue of cumulative impacts does not arise.

11.3.5. I have considered all of the written submissions made in relation to hydrology and hydrogeology. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of biodiversity. I am also satisfied that cumulative effects are not likely to arise.

#### 11.3.6. Air and Climate

Chapter 8 deals with Air and Climate.

The baseline environment in the area is characterised by light industrial and commercial use and residential development.

The greatest potential for impact to air during the construction phase is from dust or emissions from machinery and plant. These impacts can be mitigated through good construction practices, as set out in the EIAR, and would be short-term and slight in my view. In terms of climate there is potential for greenhouse gas emissions associated with the use of construction vehicles, generators etc, but given the scale of the development it is considered that impacts would be negligible and short-term in nature.

The primary source of air and climatic emissions during the operational phase would be from light commercial activity, heating, traffic and related emissions. It is considered that the impacts would be long-term but imperceptible.

Given the nature and scale of the development proposed, I am satisfied that no significant impacts arise in respect of air and climate during construction and occupation phases and having regard to the slight nature of any impacts, that cumulative impacts arising e.g. from works on the adjoining Phase 1 site and other development sites in the area, would not be significant.

I have considered all of the written submissions made in relation to air and climate. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation

measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of roads, traffic and transportation. I am also satisfied that cumulative effects are not likely to arise.

#### 11.3.7. Noise and Vibration

Chapter 9 of the EIAR addresses Noise and Vibration impacts.

The existing noise climate in the area is dominated by local and distant traffic noise and urban activities and industrial noise. There are no receptors directly adjoining the site. The closest dwellings are c. 20 metres from the site along the Monivea Road.

During the construction phase there is potential for noise and vibration impacts arising from construction activities, vehicle movement and rock breaking (for levelling and for installation of foundations, services and landscaping only). The EIAR forecasts noise levels at closest noise sensitive receptors. Noise levels at the nearest residential receptors, arising from construction works, will not exceed 65dB Laeq 1h externally. The EIAR contends that this is acceptable for daytime periods based on the relevant British Standard (BS 5228:2009+A1). Levels at the nearest office buildings will not exceed 70 dB externally. The EIAR contends that this would align to an internal level of 45dB, assuming transmission loss through the building and is consistent with the relevant British Standard (BS 8233:2014). Impacts from tonal noises such as hammering, will be brief and localised. The EIAR indicates that noise control measures will be applied during the construction phase and I am satisfied that risks can be further addressed by way of condition (inc. limited and hours of operation).

During the operational phase noise may arise from air handling units, boilers, generators, emissions from commercial units, deliveries music at premises, glass bottle management, waste management, patrons, maintenance and traffic. The EIAR sets out mitigation measures to reduce the noise emissions below acceptable limits and I am satisfied that any risks can be addressed by way of condition. No cumulative impacts are anticipated.

I have considered all of the written submissions made in relation to noise and vibration. I am satisfied that the identified impacts would be avoided, managed and

mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of noise or vibration. I am also satisfied that cumulative effects are not likely to arise.

#### 11.3.8. Landscape and Visual

Chapter 10 of the EIAR addresses Landscape and Visual Impact Impacts. The likely significant landscape and visual impacts have been described and assessed under the planning assessment in Section 10.3 above (Building Height and Visual Impact) and are summarised below. The issue of visual impact has been raised in third party submissions.

The site is a brownfield site that has been excavated. The wider area is characterised by commercial and industrial buildings and housing. The proposed 6-8 storey building height sits above the prevailing two storey building height in the area. However, I would note that there are existing office blocks of 5 and 7 storeys on the adjacent site to the east and that blocks of 3-5 storeys have been approved on the subject site as part of the Phase 1 development.

I consider that the visual and landscape impacts during the construction phase would be neutral given the sites current unfinished state, moving to positive as the development emerges on site. Any negative visual impacts would be localised and short-term in nature.

On completion, I consider that the landscape and visual impacts would be largely positive. The photomontages submitted with the application show that longer range views will be fully or partly screened by existing development and landscape features. Locally the LVA concludes that the extent of change from the Monivea Road and Clarke Avenue to south and from Tuam Road to the north would be low to medium, while the view from the Monivea Road on approach from the south east of the site was considered significant. While the proposed blocks are higher than the established context in this low-rise area, the photomontages show that the proposed development will be viewed in the emerging context of the approved office and hotel structures on the western section of the site and the existing office buildings on the adjoining site. While the proposed development will alter the outlook from the

adjoining areas, I consider the visual and landscape impacts to be positive and acceptable in the context of the mixed and evolving character of the area.

Cumulative visual impacts would arise given the sites proximity to the approved development on the western section of the site. The submitted drawings detail the contiguous elevations and I consider the potential cumulative impacts to be positive.

I have considered all of the written submissions made in relation to Landscape and Visual Impact. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Landscape and Visual Impact. I am also satisfied that any cumulative effects arising would be positive.

#### 11.3.9. Archaeological, Architectural and Cultural Heritage

Archaeological, Architectural and Cultural Heritage is addressed in Chapter 11 of the EIAR. The site is a brownfield site that has been previously excavated to c. 6-7 metres below natural ground level. There are no identified archaeological, architectural, landscape or cultural heritage assets within the site or in its immediate vicinity. On this basis, no direct, indirect or cumulative effects are predicted during the construction or operational phases of the development and mitigation is not considered to be necessary.

I have considered all of the written submissions made in relation to archaeological, architectural and cultural heritage. I am satisfied that no potential impacts arise. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect or cumulative impacts in terms of archaeology, architectural and cultural heritage.

#### 11.3.10. Material Assets

Material Assets are addressed in Chapter 12 of the EIAR with Traffic and Transport and Water and Other Services considered separately. The Traffic and Transport assessment relies on a Transport and Traffic Assessment and a Mobility Management Plan included under separate cover.

#### Traffic and Transport



The likely significant traffic and transport impacts have been described and assessed under the planning assessment in Section 10.7 above (Traffic and Transport) and are summarised below.

The site is situated to the south of the Tuam Road (R336) and at the junction of the Monivea Road (R339) and Joyce's Road in Galway City and is served by Galway City Bus Routes 403, 405 and 409. A total of 1377 no. car parking spaces are proposed overall and a total of 1100 cycle parking spaces.

I am satisfied that the construction phase impacts would be short term in nature and that the impacts can be mitigated to an acceptable degree in accordance with the submitted Construction Stage Traffic Management Plan.

During the operational phase, the submitted TTA forecasts trip generation rates for the overall development on the 'Crown Equipment' site using the NRA / TII approved TRICS database (Table 5.1 refers). The greatest potential for trips arises from the approved office development. It is submitted that due to the location, a significant number of trips will be by public transport, bicycle and on foot and that there will be a high rate of internal trips.

The impact of the development on local road junctions was modelled. The modelling indicates that the junctions in the area experience congestion and will experience increased congestion with the proposed development in place. It is clear from the submitted data that the development before the Board, will have a significantly lower level of trip generation than the Phase 1 office floorspace. While the proposed development may contribute to congestion on the local road network in the short term, I am of the view that overall development will support consolidation and densification in this section of Galway City, improve the integration between residential and employment uses and support a more integrated public transport system in the longer term.

I consider that the proposed development would not, of itself, have an undue impact on the local road network nor would it make a significant contribution to cumulative impacts arising from the overall development. The proposed mobility management initiatives and bus and cycle network improvements proposed under the Galway Transport Strategy, would further mitigate any potential impacts.

#### Material Assets – Water and Other Services

Material Assets – Water and Other Services is addressed in Chapter 12 of the EIAR. This section considers the impact the electricity network, telecommunications networks, gas distribution networks, water supply networks, sewerage networks, land use and waste management.

There are a number of services located in the area including electricity, telecommunications, gas, water, sewerage networks all of which are underground. Best practice will be implemented to ensure that the existing services are not impacted. In terms of waste, site specific waste management plans have been submitted with the application for the operational and construction phases of the development. Subject to appropriate mitigation and management no significant construction or operational phase impacts, or cumulative impacts are envisaged.

#### Material Assets Conclusion

I have considered all of the written submissions made in relation to material assets. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of material assets. I am also satisfied that cumulative effects are not likely to arise.

### **11.4. Interaction Between Environmental Factors**

11.4.1. Section 13 of the EIAR deals with the interactions between environmental factors.

The primary interactions are summarised in the EIAR as follows:

- Population and Human Health and Hydrology and Hydrogeology
- Population & Human Health and Air and Climate
- Population & Human Health and Noise and Vibration
- Population & Human Health and Landscape and Visual
- Population & Human Health and Material Assets Traffic and Transportation
- Biodiversity and Hydrology and Hydrogeology
- Biodiversity and Noise and Vibration
- Land, Soils and Geology and Hydrology and Hydrogeology
- Air and Climate and Material Assets

11.4.2. The various interactions have been described in the EIAR and have been considered in the course of this EIA.

### 11.5. Reasoned Conclusions on Significant Effects

- Significant direct positive effects with regard to population and human health due to the increase in the housing stock and neighbourhood facilities.
- A direct effect on the landscape by the change in the use and appearance of a large site from brownfield / unfished to residential and commercial. Given the location of the site within the built-up area of Galway City this is considered a direct positive effect on the receiving environment.
- Potential effects arising from noise and air emissions during construction and operational phases. Construction effects will be short-term in nature and will be mitigated by measures outlined in the relevant section of the EIAR. Operational effects will be longer term but will be mitigated through design and operational practices and are not considered to be significant.
- Potential indirect effects on water during the construction and operational phases will be mitigated through the use of avoidance, design and mitigation measures.

11.5.1. The likely environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described and assessed. The environmental impacts identified are not significant and would not require or justify refusing permission for the proposed development or require substantial amendments to it.

## 12.0 Appropriate Assessment

### 12.1. Appropriate Assessment Screening

The proposed development is not directly connected with or necessary to the management of any of the Natura 2000 sites and therefore potential impacts on European sites must be considered. The application is accompanied by a Natura Impact Statement. Other documents on file such as the EIAR and Engineering Reports also contain relevant information. I am satisfied that the information on file is

sufficient to allow me to undertake Appropriate Assessment in respect of the proposed development.

#### 12.1.1. Description of the Site

The site and its baseline environment are described in detail in Sections 2.0 and 11.0 of this report. In summary, the site (c. 5.12 ha) is a brownfield serviced site in an urban area. It has been previously excavated and is dominated by ‘spoil and bare ground’ and has some ‘buildings and artificial surfaces’ and ‘dry meadows and grassy verges’ around the periphery. There are no natural ponds, springs or water courses within the site and no indication that the water table has been breached. The site is underlain by a karst limestone aquifer that is classified as extremely vulnerable.

#### 12.1.2. European Sites

The NIS identifies all European sites that fall within a 15km radius of the proposed development site as detailed in Table 1 below. European sites outside of the 15 km radius were also considered but no pathways were identified. I consider this approach to be reasonable.

**AA: Table 1 European Sites**

Site Name	Distance	Considered further by NIS
Galway Bay Complex SAC - Site Code: 000268	800 m	Yes
Lough Corrib SAC - Site Code: 000297	2.1 km	No
Lough Fingall Complex SAC - Site Code: 000606	13.3 km	No
Ross Lake and Woods SAC - Site Code: 001312	14.6 km	No
Connemara Bog Complex SAC - Site Code: 002034	14.6	No
Inner Galway Bay SPA - Site Code: 004031	800 m	Yes
Lough Corrib SPA - Site Code: 004042	3.9 km	No
Cregganna Marsh SPA - Site Code: 00414	6.6 km	No

The NIS outlines the qualifying interests for each of these sites and any potential impact that could arise. Given the extent of previous disturbance on the application

site and the low ecological value of habitats on site, issues relating to loss of habitat and impacts on terrestrial ecology do not arise. There is a possible hydrological connection to the Galway Bay Complex SAC (000268) and the Inner Galway Bay SPA (004031) via ground water and surface water pathways. The NIS concludes that these sites cannot be excluded at the screening stage, as the potential for pollutants to be transmitted to the sites indirectly via ground and surface water pathways during the construction and operation phases needs to be further considered. There are no pathways to any other European sites.

I concur with the conclusion of the NIS. Stage 2 AA is required in respect of the Galway Bay Complex SAC (000268) and the Inner Galway Bay SPA (004031). There are no identified ecological or hydrological pathways to the remaining sites identified in AA Table 1 above and I am satisfied that the potential for impacts on these sites and any other European sites can be excluded at the screening stage.

#### 12.1.3. Screening Conclusion

It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 000297 (Lough Corrib SAC); No. 000606 (Lough Fingall Complex SAC); No. 001312 (Ross Lake and Woods SAC), No. 002034 (Connemara Bog Complex SAC); No. 004042 (Lough Corrib SPA); and No. 004142 (Cregganna Marsh SPA), or any other European site (with the exception of sites No. 000268 and No. 004031 which require further consideration) in view of the site's Conservation Objectives, and that a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required in respect of these sites. This is consistent with the findings of the submitted NIS which determined that these sites are not within the likely zone of influence of the project.

#### **Stage 2 Appropriate Assessment**

12.1.4. The relevant European sites for Stage 2 AA are the Galway Bay Complex SAC and the Inner Galway Bay SPA both of which overlap. This Stage 2 assessment will consider, whether or not the project would adversely affect the integrity of these European sites, either individually or in combination with other plans and projects in view of the conservation objectives for both sites.

**AA: Table 2: Qualifying Interests, Conservations Objectives and Potential for Impacts**

<b>Galway Bay Complex SAC Site No. 000268</b>		
<b>Qualifying Interests / Special Conservation Interests</b>	<b>Conservation Objectives</b>	<b>Potential Impacts</b>
<p>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]                      Salicornia and other annuals colonising mud and sand [1310]                      Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330]                      Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [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 <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]                      Alkaline fens [7230]                      Limestone pavements                      Lutra lutra (Otter) [1355]                      Phoca vitulina (Harbour Seal) [1365]</p>	<p>NPWS (2013)                      Conservation Objectives: Galway Bay Complex SAC                      Seek to maintain the favourable conservation condition of the following QI's in the SAC: 1140, 1160, 1170, 1220, 1310, 3180, 6210, 7210, 7230, 1365.                      Seek to restore the favourable conservation condition of the following QI's in the SAC: 1150, 1330, 1410, 5130, 1355.                      The Conservation Objectives were published in a document dated 16<sup>th</sup> April 2013 and available online at <a href="http://www.npws.ie">www.npws.ie</a>.</p>	<p><u>Direct Effects:</u>                      No direct effects due to separation distance.</p> <p><u>Indirect Effects:</u>                      No potential pathway for effect on any terrestrial habitats.</p> <p>Likely surface and ground water connections to this SAC. Risk of polluting materials entering groundwater or surface water systems during construction and operational phases in the absence of mitigation. This could impact on water quality in the SAC, which in turn could impact on the conservation status of QI's.</p>

**Inner Galway Bay SPA Site No. 004031**

Qualifying Interests / Special Conservation Interests	Conservation Objectives	Potential Impacts
<p>Great Northern Diver (<i>Gavia immer</i>) [A003]                      Cormorant (<i>Phalacrocorax carbo</i>) [A017]                      Grey Heron (<i>Ardea cinerea</i>) [A028]                      Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]                      Wigeon (<i>Anas penelope</i>) [A050]                      Teal (<i>Anas crecca</i>) [A052]                      Shoveler (<i>Anas clypeata</i>) [A056]                      Red-breasted Merganser (<i>Mergus serrator</i>) [A069]                      Ringed Plover (<i>Charadrius hiaticula</i>) [A137]                      Golden Plover (<i>Pluvialis apricaria</i>) [A140]                      Lapwing (<i>Vanellus vanellus</i>) [A142]                      Dunlin (<i>Calidris alpina</i>) [A149]                      Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]                      Curlew (<i>Numenius arquata</i>) [A160]                      Redshank (<i>Tringa totanus</i>) [A162]                      Turnstone (<i>Arenaria interpres</i>) [A169]                      Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]                      Common Gull (<i>Larus canus</i>) [A182]                      Sandwich Tern (<i>Sterna sandvicensis</i>) [A191]                      Common Tern (<i>Sterna hirundo</i>) [A193]                      Wetlands [A999]</p>	<p>NPWS (2013) Conservation Objectives: Inner Galway Bay SPA seek to maintain the favourable conservation condition of all QI's in the SPA.</p> <p>The Conservation Objectives were published in a document dated 1<sup>st</sup> May 2013 and available online at <a href="http://www.npws.ie">www.npws.ie</a>.</p>	<p><u>Direct Effects:</u>                      No direct effects due to separation distance.</p> <p><u>Indirect Effects:</u>                      No potential pathway for effect on any terrestrial habitats.</p> <p>Likely surface and ground water connections to this SPA. Risk of polluting materials entering groundwater or surface water systems during construction and operational phases in the absence of mitigation. This could impact on water quality in the SPA, which in turn could impact on the conservation status of QI's.</p>

#### 12.1.5. Evaluation of Effects

The Galway Bay Complex SAC and the Inner Galway Bay SPA are both located c. 800 metres to the south of the application site. There is a potential hydrological connection to these sites via ground and surface water pathways.

Groundwater flow in the area is generally to the west and southwest in the direction of these European sites. The construction works will occur on a karst limestone site that has been excavated and a significant amount of overburden removed. There is a risk in the absence of mitigation that polluting materials from construction activities could percolate through the rock to groundwater during construction (e.g. due to accidental leaks or spills). The limestone bedrock aquifer underlying the site has a relatively high level of transmissivity which increases the potential for pollutants to carry within the groundwater system (EIAR Chapter 7 refers). In terms of surface water there are no watercourses or direct connections to a waterbody. Surface water will be discharged to the public surface water network during the construction and operational phases of the development, which ultimately discharges to Galway Bay. During the construction phase surface water from work areas and excess rainwater will be pumped to the surface water sewer (under licence). This could lead to silts and / or other pollutants entering the surface water system. During the operational phase surface water will discharge from the site to the surface water sewer and foul water will discharge from the site to the foul water sewer, both of which ultimately discharge to Galway Bay.

The NIS in Section 4.0 details mitigations measures to be employed during the construction and operational phases of the development aimed at avoiding significant adverse effects arising from surface and ground water pollution. The measures cover all potentially polluting activities. During construction measures will be employed to prevent hydrocarbons and other polluting materials entering the ground water system and silt and other polluting materials entering the surface water system. Ground water measures include safeguards for the use of machinery and the storage of polluting materials; the management of cement-based materials; and for the containment of pollution in the event of accidental spillage. Surface water controls, cleaning and monitoring will be employed and discharges during the construction phase will be subject to licence. During the operational phase all foul water will discharge to the public foul sewerage network. Foul water from the site



will be treated at the municipal WWTP at Mutton Island (prior to being discharged to Galway Bay) which is required to operate under EPA licence and meet environmental standards. The foul discharge from the proposed development would equate to a very small percentage of the overall licenced discharge at the WWTP and having regard to the separation distance and the volume of separating water, it is reasonable to conclude that wastewater discharges from the proposed development would not impact on overall water quality in Galway Bay or in the European sites. Surface waters from the development will be attenuated within the site and surface water from basement / car parking areas will pass through an interceptor before discharging to the storm water system. The volume of discharge will be minimised through design measures and is a very small percentage of overall surface water discharge to Galway Bay. Having regard to the separation distance and the volume of separating water, I am satisfied that surface water discharge from the proposed development would not impact on overall water quality in Galway Bay or in the European sites.

The NIS concludes that, the potential for any adverse effect on the Galway Bay Complex SAC and the Inner Galway Bay SPA have been robustly blocked through the use of avoidance, appropriate design and mitigation measures. I would concur with this conclusion. I consider that the proposed avoidance, design and mitigation measures are clearly described, are reasonable, practical and enforceable. I am also satisfied that the measures outlined fully address any potential impacts arising and that it is reasonable to conclude on the basis of objective scientific information, that the proposed development would not be likely to have a significant effect on the Galway Bay Complex SAC and the Inner Galway Bay SPA.

#### 12.1.6. Cumulative and In-Combination Effects

I do not consider that there are any specific in-combination effects that arise from other plans or projects.

#### 12.1.7. AA Conclusion:

I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site No. 000268 (Galway

Bay Complex SAC) and European Site No. 004031 (Inner Galway Bay SPA), or any other European site, in view of the site's Conservation Objectives.

### **13.0 Recommendation**

13.1. Having regard to the above assessment, I recommend that section 9(4)(c) of the Act of 2016 be applied and that permission is GRANTED for the development as proposed for the reasons and considerations and subject to the conditions set out below.

### **14.0 Reasons and Considerations**

Having regard to the following:

1. The location of the site in the established urban area of Galway City;
2. The policies and objectives in the Galway City Development Plan 2017-2023;
3. The Rebuilding Ireland Action Plan for Housing and Homelessness;
4. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
5. The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018;
6. The Design Manual for Urban Roads and Streets (DMURS);
7. The nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and water services infrastructure;
8. The pattern of existing and permitted development in the area;
9. The planning history within the area,
10. The submissions and observations received, and
11. The Inspector's report.

It is considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban

design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 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.

In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity.

2. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this Order.

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

3. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the Phase 1 permission granted by Galway City Council on 10<sup>th</sup> May 2019, under planning register reference number 18/363, and any agreements entered into thereunder.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).

4. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to the Planning Authority for agreement. The development hereby permitted shall commence not be

occupied until such time as all enabling infrastructure and sub-structure works approved by Galway City Council on 10<sup>th</sup> May 2019, under PA Ref. 18/363, are completed to the written satisfaction of the Planning Authority.

**Reason:** To ensure the timely provision of services and facilities, for the benefit of the occupants of the proposed dwellings and the satisfactory completion of the overall development.

5. All mitigation measures identified in Chapter 14 of the EIAR, in the Natura Impact Statement and in other particulars submitted with the application shall be implemented in full by the applicant except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity and to protect the environment during the construction and operational phases of the development.

6. The applicant shall submit the following to the Planning Authority for agreement prior to the commencement of development:
  - (a) Details of the materials, colours and textures of all the external finishes to the proposed dwellings.
  - (b) Details of all signage and shopfronts associated with the development.
  - (c) Full details of wayfinding through the site including details of access to lifts.
  - (d) Details for the provision of 24-hour access to all areas of the public realm and basement level car and cycle parking areas. The proposed gates and associated fencing on the ramp and stepped access from the Monivea Road to lower ground levels shall be omitted in full.

**Reason:** In the interests of visual amenities, permeability, connectivity and good urban design.

7. A total of 529 resident bicycle parking spaces and a total of 144 visitor bicycle parking spaces shall be provided within the Phase 2 area of the site. Details of the layout, marking, demarcation and security provisions for these spaces shall be submitted to, and agreed in writing with, the planning

authority prior to commencement of development.

**Reason:** To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

8.
  - (a) Not more than 75 percent of the residential units shall be made available for occupation before completion of the childcare facility unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed.
  - (b) A dedicated outdoor play area shall be provided for the use of children attending the childcare facility. There shall be no third-party access to the outdoor play area.

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

9. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

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

10.
  - (a) The following requirements in terms of traffic, transportation and mobility shall be incorporated and where required, revised drawings / reports showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:
    - (i) Final details of roads and traffic arrangements serving the site (including signage).
    - (ii) Full details of development work at the interface with the development permitted by Galway City Council under planning

register reference 18/363.

- (iii) Detailed design drawings for the proposed pull in bays, bus stops and basement accesses that accord with the design standards contained in the National Cycle Manual.
  - (iv) A Stage 2 Quality Audit (inc. Road Safety Audit, Access Audit, Cycle Audit and Walking Audit) that accords to DMRUS and TII standards.
- (b) All car parking spaces shall be provided with electrical ducting, and where applicable installation of EV charging stations/points, in accordance with the plans and particulars submitted or as may be otherwise agreed in writing with the planning authority prior to the occupation of the development.
- (c) Clearly designated spaces for car share use shall be provided. The number of car share spaces shall be subject to agreement with the Planning Authority as part of the development of a mobility management plan for the site.

In default of agreement, the matter(s) in dispute shall be referred to An Board Pleanála for determination.

**Reason:** In the interests of traffic, cyclist and pedestrian safety, sustainable travel and to provide for and / or future proof the development such as would facilitate the use of Electric Vehicles.

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

**Reason:** In the interest of public health and surface water management.

12. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

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

13. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas (residential and commercial), open spaces, landscaping, roads, paths, parking areas, public lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before any of the residential or commercial units are made available for occupation.

**Reason:** To provide for the future maintenance of this private development in the interest of residential amenity and orderly development.

14. (a) Commercial units shall not be amalgamated or subdivided, unless authorised by a further grant of planning permission.

(b) No external security shutters shall be erected for any of the commercial premises (other than at services access points) unless authorized by a further grant of planning permission. Details of all internal shutters shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** To prevent unauthorized development.

15. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

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

16. 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.

17. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

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

18. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

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

19. 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. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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



20. The site shall be landscaped in accordance with the submitted preliminary scheme of landscaping, further details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall retain the services of a suitably qualified landscape architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the proposed development or each phase of development and any plants that die or are removed within three years of planting shall be replaced in the first planting season thereafter.

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

21. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan and a Construction Traffic Management Plan, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including a traffic management plan, hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

22. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

23. Site development and building works shall be carried out only between the

hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1700 hours on Saturdays and not at all on Sundays and public holidays.

Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

24. 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.

25. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority

and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

26. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of costs to be incurred by the planning authority in connection with road improvement works in the area that would facilitate the proposed development including the signalisation and upgrade of the junction of the Tuam Road (R336) and Joyce's Road and the upgrade of the junction of the junction of Monivea Road (R339), Joyce's Road, Wellpark Road and Connolly Road, as detailed in the engineering drawings submitted with the application.

The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

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

27. 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 Kenny  
Senior Planning Inspector  
16<sup>th</sup> October 2019