



An
Bord
Pleanála

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

Inspector's Report ABP-305982-19

Strategic Housing Development

332 no. apartments, 470 sqm of tenant amenity accommodation including shared workspaces, shared dining and lounge facilities, 2667 sqm of commercial floor space, 93 sqm of community use facilities, a crèche, and all associated site works.

Location

Gort na Bró, Ragoon, Galway.
(www.knocknacarradistrictcentre.ie)

Planning Authority

Galway City Council

Applicant

Glenveagh Living

Prescribed Bodies

Irish Water; Transport Infrastructure Ireland; Department of Culture Heritage and the Gaeltacht.

Observer(s)

An Logán Management Co. CLG; Brendan Mc Grath; Catalin Cucu; Cathy Hackett; Cliona Egan; Dairiona Nic Con Iomaire and Sean O Ledhinn; Donal Lyons; Fort Lorenzo Residents Assoc; Garrai de Brun Homeowners Group; Heather Helen; Joe O'Connor and Noritte Gallagher; John Connolly; Kerry Quinlan and Juan Sotoparra; Lauren Dolan; Lisa O'Connell; Michael Reidy; Neil O'Leary on behalf of Galway Cycling Campaign & Galway Cycle Bus; Niall McNeils; Orla McGarry and Michael O Marachain; Paul Garvey; Pauline Reilly; Rosin and Kevin Burke; Seamus Caulfield; Shay and Judy Walsh; Sorcha Silke; Stephen and Maeve Murphy.

Date of Site Inspection

22nd February 2020

Inspector

Una O'Neill

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1.1. The subject site (2.8 ha gross) is located approx. 4 km west of Galway City Centre, in the suburbs of Knocknacarra. The application lands form part of the area identified as the proposed Knocknacarra District Centre, which currently comprises the Gateway Retail Park (B&Q, Dunnes Stores, Next), phase 2 of which is currently under construction.
- 2.1.2. The site is broken into two separate areas. One area relates to the underground parking area being constructed as part of phase 2 of the Gateway Retail Park. The main part of the site is 120m east of the proposed parking area, on lands on the other side of the link road serving the retail park. The main body of the site is a relatively flat greenfield site, with the southern portion of the site currently in use as a construction compound for the Gateway Retail Park. The site is bisected by a local road connecting the roundabout access on the Retail Park Link Road to the Western Distributor Road roundabout to the southeast. There are some trees along the northernwestern and southeastern boundaries and also along the route of the existing local road through the site.
- 2.1.3. The western boundary of the site is defined by the north-south Gateway Retail Park Link Road; to the east is the L5000/Miller's Lane road (also referred to in the documentation as Gort na Bró Road), on the opposite side of which is Gort na Bró housing estate and two playing pitches. To the southeastern boundary is the Western Distributor Road, with a vacant plot to the south of the site (identified as a phase 4 development site), beyond which is an Aldi supermarket and leisure centre. To the immediate north is a primary school, with a public segregated footpath/cycleway separating the application site from the gaelscoil. There are office developments (AVIVA and RSA insurance) northeast of the gaelscoil/north of the

retail park and served by that Link Road. The route of the proposed N6 Galway City Ring Road (concurrent application before An Bord Pleanala) passes approx. 1.3km to the north of the site.

3.0 Proposed Strategic Housing Development

- 3.1.1. This application is for the construction of 332 no. residential units, 2,667 sq.m of commercial floorspace, 93 sq.m of community use facilities, 174sq.m crèche facility, provision of realigned local road between Gort na Bró housing estate and the Gateway Retail Park Link Road, and change of use of underground void to 181 bay underground car park.
- 3.2. An EIAR and NIS reports have been submitted with the application.
- 3.3. The following tables set out some of the key elements of the proposed scheme as set out by the applicant:

Key Figures

Site Area Net	2.43ha net (excludes the phase 2 basement car park area) / 2.8 ha gross, including phase 2 basement car park.
No. of Residential Units	332 units, accommodated in 5 blocks: Block A – 96 units Block B – 41 units Block D – 79 units Block E – 44 units Block F – 72 units Including 470 sqm of tenant amenity space within the blocks, of which 163 sqm is proposed in one pavilion building.
Density	137 units per hectare
Plot Ratio	1.45:1

Site Coverage	30%
Other Uses	<ul style="list-style-type: none"> • 2667 sqm of commercial uses - 16 units ranging in size from 103sqm to 249 sqm: <p>Block C - 2 units Block D - 8 units Block B - 1 unit Block E - 5 units</p> <ul style="list-style-type: none"> • Community Room in Block C - 930 sqm
Childcare Facility	Block A - 174 sqm crèche facility, to accommodate 40 children
Open Space	5045 sqm
Height	6 blocks, 1-7 storeys in height (max height of 23m/7 storeys.
Plot Ratio	1.46:1
Part V	41 units – the entirety of Block B.

Unit Mix

	1 bed	2 bed	3 bed	Total
Apartments/Duplexes	93	219	20	332
As % of total	28%	65%	7%	100%

Parking Provision

Car Parking	266 spaces: <ul style="list-style-type: none"> - 85 surface/undercroft spaces between blocks E and F
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	- 181 underground spaces northwest of the apartments in phase 2 of the retail park
Bicycle Parking	677 bicycle spaces

3.4. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections was submitted with the application, as required. It states that subject to a valid connection agreement being put in place and conditions listed, the proposed wastewater connection to the Irish Water network can be facilitated.

3.5. In addition to the architectural and engineering drawings, the application was accompanied, inter alia, by the following reports and documentation:

- EIAR
- NIS
- Planning Statement and Statement of Consistency
- Housing Quality Assessment Report
- Statement of Response Report
- Statement of Material Contravention
- Urban Design Report
- Materials and Finishes Report
- DMURS Statement
- Lifecycle Report
- Daylight Sunlight and Overshadowing Study
- Wind Microclimate Assessment
- Estate Management Strategy Report
- Outline Construction and Environmental Management Plan

- Outline Mobility Management Plan
- Tree Survey Report
- Landscape Report
- Biodiversity Management Plan
- Site Specific Flood Risk Assessment
- Traffic and Transport Assessment

4.0 Planning History

The following applications relate to those in the immediate vicinity, with some overlap with the application site.

Reg Ref 17/158

Permission GRANTED for Phase 2 of Knocknacarra District Centre (currently nearing completion) for a 2 storey mixed use development comprising approx. 10,000sqm of retail floorspace:

- 6 no retail units (9,688m²),
- Crèche (444m²),
- Café/restaurant (197m²),
- Offices (786m²),
- New pedestrian link (east/west),
- 129 basement and 22 no surface spaces.

Reg Ref 15/11

Permission GRANTED for a new 2/3 storey primary school (to the north of this SHD application site) comprising of 24 no classrooms and other associated works.

ABP 243481 / Reg Ref 13/341

Permission granted for a discount food store (GFA 1,542m²), to the south of the current SHD application site.

Reg Ref 06/399 [expired]

Permission GRANTED for Phase 2 Residential/Commercial and Civic Square, including 257 apartments varying between 4 to 6 levels with basement car parking and provision for a civic square for the district centre (included a portion of the SHD site now under consideration).

ABP PL61.22699 / Reg Ref 06/435

Permission GRANTED for Phase 2 of Galway West District Centre.

ABP PL61.210888 / Reg Ref 04/141 [Initial Development and Masterplan]

Permission GRANTED for Phase 1 of a District Centre mixed use scheme, to the west of the site,

- main anchor store (7,124m²) incorporating supermarket
- 4 no. retail units (1,813m²),
- DIY/ hardware Retail Warehouse (4,810.5m²)
- Garden centre (1,180m²),
- Health and fitness centre (1,953m²),
- Restaurant (256m²),
- 650 carpark spaces at surface and basement and 162 cycle spaces,
- All other associated works.

5.0 Section 5 Pre Application Consultation

5.1. Pre-Application Consultation

5.1.1. A section 5 pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on 18th July 2019 in respect of a proposed development of 335 apartments and 2571sqm of commercial floorspace (ref 304618). The main topics discussed at the meeting were –

1. Compliance with land use zoning.
2. Road realignment and taking in charge.

3. Development Strategy for the site to include inter alia:
 - a. Architectural Response and external material rational,
 - b. Layout and design of interface areas including the Western Distributor Road, Gaelscoil Mhic Amlaigh and the proposed cinema site,
 - c. Quality and design of open space provision including sunlight analysis and surveillance,
 - d. Daylight and sunlight analysis for Gaelscoil Mhic Amlaigh,
 - e. Boundary treatments and ground floor design.
4. Compliance with S. 28 Guidance.
5. Provision of shared services, childcare and residential amenity provision.
6. Management of apartments and retail accommodation.
7. Any other matters.

Copies of the record of the meeting, the Inspector's Report, and the Opinion are all available for reference on this file.

5.2. Notification of Opinion

- 5.2.1. An Bord Pleanála issued a notification that it was of the opinion that the documents submitted with the request to enter into consultations required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development, which should have regard to the following issue:

Design and Layout

1. Further consideration and/or justification of documents as they relate to the proposed development strategy for the site in particular the design and relationship between Block B and the Western Distributor Road, the public pedestrian pathway between Block B and Block A and the two communal open space areas to the side and rear of Block B including the courtyard and the MUGA. Particular regard should be had 12 criteria set out in the Urban Design Manual which accompanies the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May

2009), and the 'Urban Development and Building Heights Guidelines'. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

The opinion notification pursuant to article 285(5)(b) also referred to specific information that should be submitted with any application which can be summarised as follows –

1. Details of all materials proposed for buildings, open spaces, paved areas, boundary and retaining walls and a building life cycle report in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).
2. A comprehensive daylight and sunlight analysis addressing proposed residential units and open spaces within the development.
3. A landscaping plan integrating any relevant recommendations from national and local guidance promoting native wildlife inter alia The National Biodiversity Action Plan and the All Ireland Pollinator Plan.
4. A detailed schedule of accommodation which indicates consistency with relevant standards in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018) including a report which addresses the use of the residential support facilities and amenity areas.
5. Details of public lighting.
6. Details of Part V provision clearly indicating the proposed Part V units.
7. A plan of the proposed open space within the site clearly delineating public, semi-private and private spaces.
8. Childcare demand analysis, including but not restricted to the justification for the sole use of the permitted crèche in Phase 2, the likely demand and use for childcare places and the accommodation of additional requirement resulting from the proposed development.
9. A detailed phasing plan for the proposed development.

10. A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority and what areas are used for the density calculation.
11. A detailed map illustrating the proposed integration with necessary requirements for the road network, including the N6 Galway Bypass.
12. A site specific Management Plan which includes details on management of all communal areas and the public plaza.
13. Relevant consents to carry out works on lands both within the red line and others which are not included within the red-line boundary.
14. A site specific Management Plan which includes details on management of the retail units, public plaza, residential amenity and apartments.
15. Addition CGIs/visualisations/3D modelling showing the proposed development relative to existing and proposed development, in particular the Western Distributor Road.
16. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 should be submitted as a standalone document.
17. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective (s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.

5.3. Applicant's Statement

- 5.3.1. A statement of response to the Pre-Application Consultation Opinion, as issued by the Board, was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016, which is briefly summarised as follows:

Design and Layout Block B:

- The submission states that Block B has been redesigned to address the Western Distributor Road by elongating the building façade along the street to create a more unified street frontage. The design of Block B has been amended to be a more linear block along the Western Distributor Road so that the space to the rear is enlarged to provide a more meaningful open space and also to allow sunlight to penetrate the public realm.
- The boundary treatments will be important at this location and provide defensible space.

I note the block has been extended into a proposed green area adjoining the Western Distributor Road, the depth of Block B reduced in part, and the ground floor uses amended to include a retail unit adjoining the Western Distributor Road.

The specific information required in the Opinion issued to the applicant has been submitted and responded to as follows:

Item 1: Materials & Lifecycle Report

- Knocknacarra Material and Finishes Reports
- Landscape Report.

These documents set out the material specification for the buildings, open spaces, paved areas, boundary and retaining wall as requested. In addition a Building Lifecycle Report has been prepared.

Item 2: Daylight & Sunlight Analysis

- Report submitted Daylighting, Sunlight, and Overshadowing Report.

Item 3: Landscaping Plan

- Reports submitted: Landscape Report; Biodiversity Management Plan.

The project ecologists and the project landscape architect have liaised to ensure that the proposed landscaping plan is appropriate in the context of national and local guidance promoting native wildlife inter alia The National Biodiversity Action Plan and the All Ireland Pollinator Plan.

Item 4: Accommodation Schedule

- Housing Quality Assessment Report submitted.

Item 5: Public Lighting

- Electrical Services, External Lighting Layout identifies the location and specification of all external lighting.

Item 6: Part V Provision – Details submitted.

Item 7: Open Space – Plan delineating public, semi-private and private open spaces submitted.

Item 8: Childcare Provision

- The scheme now incorporates a childcare facility, in addition to the crèche facility that forms part of the Gateway Retail Park Phase 2 development which is currently under construction (Pl. Ref. No: 17/158). That crèche has been designed to accommodate 72 no. children.
- The proposed crèche is located on the ground floor of Block A and has a gross floor area of 174 sq.m. It has been designed to accommodate 40 no. children.

Item 9: Phasing - Drawing No: 18-179_1016 (Rev A) Phasing prepared by Reddy A&U.

Item 10: Taking in Charge – Drawing submitted.

Item 11: Proposed N6 Scheme - Drawing No: 5168265/ATK/HT/0102 – General Arrangement prepared by Atkins. The drawing referred to above illustrates the interaction of the proposed development and the surrounding network and the proposed N6 scheme. Drawings and Reports prepared by Atkins sets out additional details in relation to the interaction of the proposed development and the existing road network.

Item 12: Letters of Consent – submitted.

Item 13: Management Plan –site-specific Management Plan which includes details on management of all communal areas and the public plaza. Estate Management Strategy Report prepared by JAK Consulting Engineers. The purpose of this

document is to provide ABP with a comprehensive overview of how the proposed development, including all communal areas, will be managed in a post development scenario

Item 15: CGI's & Visualisations – Additional submitted in relation to Western Distributor Road.

Item 16 – Environmental Impact – A full EIAR has been submitted.

Item 17 – Material Contravention – statement submitted.

6.0 Relevant Planning Policy

6.1. National Policy

6.1.1. Project Ireland 2040 - National Planning Framework

A number of key policy objectives are noted as follows:

- National Policy Objective 2(a): A target of half (50%) of future population and employment growth will be focused in the existing five Cities and their suburbs.
- National Policy Objective 3(b): Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.
- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Planning Objective 13: In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. 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.

- National Policy Objective 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

6.1.2. **Section 28 Ministerial Guidelines**

The following list of Section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2018)
- Urban Development and Building Height Guidelines for Planning Authorities (December, 2018)
- Design Manual for Urban Roads and Streets (December 2013)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)
- Retail Planning, Guidelines for Planning Authorities (2012)

6.2. **Regional Policy**

6.2.1. **Regional Spatial and Economic Strategy for the Northern and Western Regional Assembly (January 2020)**

- As part of this RSES, a co-ordinated Metropolitan Area Strategic Plan (MASP) is prepared for Galway Metropolitan area and it provides a framework for development plans and investment prioritisation over the plan period.
- The Galway Transport Strategy (GTS) will be implemented as an objective of the MASP. The GTS supports opportunities that will reduce congestion and car dependency through increased capacity of reliable and sustainable public transport and the promotion and facilitation of cycling and walking, which in turn promotes the reduction of greenhouse gas emissions. The strategy includes traffic management, giving priority to walking, cycling and bus movements, modifications to the traffic network, management of parking activities and heavy goods vehicles, improvements to the public realm and use of 'smarter mobility'.
- The MASP identifies Knocknacarra as a Residential Opportunity Site.

Regional Policy Objectives:

RPO 3.2 (a) Deliver at least 50% of all new city homes targeted in the Galway MASP, within the existing built-up footprint of Galway City and suburbs...

RPO 3.6.5 Support the delivery of lands for employment uses at Knocknacarra/ Ragoon, Mervue, Dangan, Parkmore, Briarhill, Airport and Oranmore.

RPO 3.6.7 The Assembly supports the delivery of the infrastructure projects outlined below to develop the MASP:

Galway City Ring Road (S)

Galway Transport Strategy (S/M/L)

6.3. Local Planning Policy

6.3.1. Galway City Development Plan 2017-2023:

The application site is zoned CI Commercial Industrial, the objective of which is 'To provide for enterprise, light industry and commercial uses other than those reserved to the CC [city centre] zone'.

Section 11.2.6: Commercial Industrial CI Zoning Objective:

- Uses which are compatible with and contribute to the zoning objective, for example:...Retail of a type and of a scale appropriate to the function and character of the area.....Childcare Facilities
- Uses which may contribute to zoning objectives, dependant on the CI location and scale of development, for example:...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...

The following are specific development objectives for the CI zones where the application site is located:

'Regarding the Northern Portion of CI lands at Ragoon:

- The site shall include for a minimum of residential/residential commercial development of a scale equivalent to 20% of the proportion of all likely future floor space proposals. This residential development shall be integrated within the overall scheme.
- Development of these lands will only be considered where it can be shown to be linked in with existing development and shall show how it relates to an overall layout for the area which will include for landscaping, boundary treatment and linkages with the adjoining residential development and transport services. This shall include for adherence with the requirements for high quality urban design as referenced in Chapter 8.
- The provision of a civic open space will be a requirement on this site and lands shall be reserved for this purpose.
- Any additional phase of development shall include for the front loaded delivery of a public /community facility which can be in the form of a community facility,
- A community health facility, a transport facility, a park and play area over and above normal open space requirements.
- Any future development shall include for a number of small retail /service retail units which can be demonstrated to deliver a broad range of District Centre uses,

this shall be assessed in the light of the scale and nature of uses delivered on the site at that period, noting the outstanding permissions on the overall lands to date.

- Uses such as commercial leisure uses and educational uses, which would by virtue of their use and scale serve the needs of the surrounding residential area are encouraged.'

Chapter 2, Housing and Sustainable Neighbourhoods; Section 2.5

Neighbourhoods: The site is within the Outer Suburbs, where the following policy applies:

Policy 2.5

- Encourage higher residential densities at appropriate locations especially close to public transport routes and routes identified in the Galway Transport Strategy as suitable for high frequency, public transport services.
- Ensure that sustainable neighbourhoods are places where housing, streets, open spaces and local facilities come together in a coherent, integrated and attractive form.
- Ensure the layout of residential developments has regard to adjoining developments.
- Encourage a mix of housing types and sizes within residential developments.
- Encourage the use of home zones within residential developments.
- Require residential developments of over 10 units to provide recreational facilities as an integral part of the proposed open space.
- Ensure a balance between the reasonable protection of the residential amenities of the outer suburbs and the protection of the established character and the need to provide for sustainable residential development.
- Encourage the integration of energy efficiency in the design and layout of residential development.
- Encourage the promotion of universal design principles and lifetime adaptability in the design and layout of residential developments.

- Promote the use of appropriate placenames for new residential development in accordance with the policy of An Coiste Logainmneacha.

Chapter 3 Transportation

The **Galway Transport Study (GTS)** is a 20 year plan implemented based on priority needs, prepared by Galway City Council and Galway County Council in conjunction with the National Transport Authority (NTA) and implemented by Galway County Council on behalf of all relevant authorities. The GTS has established that the reduction in traffic congestion requires both improvements to public transport, cycling and walking networks and the provision of a new orbital route.

Policy 3.5 Support the GTS proposals for implementation of a local city bus network which will include for a high frequency cross-city network and all associated infrastructure requirements, traffic management and priority arrangements.

Chapter 6 Retail Strategy; Section 6.3:

Retail Hierarchy: Level 3 District Centre Knocknacarra.

“The aspiration for the Knocknacarra District Centre is to function more as an ‘urban village’ type centre than purely a shopping area to service this scale of population. This is encouraged through specific development objectives for the district centre lands which require a mix of uses including service retail, public health facilities, community, recreational and residential uses. At present only phase 1 of the overall development has been completed. This consists mainly of convenience, some comparison, commercial recreational and some local services. The balances of phases which include a mix of public health care facilities, smaller scaled units, restaurants, residential and a new primary school campus will introduce a welcome mix. The objectives in the development plan which support a wide range of uses including civic and residential are designed to achieve vibrancy, distinctiveness and local ownership”.

Part B, Development Standards

Section 11.3 Residential Development: Where residential development is permitted on lands other than residentially zoned lands, the neighbourhood policies as defined in Chapter 2, shall generally apply.

6.4. Statement of Material Contravention

- 6.4.1. The applicant has submitted a document titled 'Statement of Material Contravention'. The applicant considers that the proposed density may be deemed to represent a material contravention of the density standards in the Galway City Development Plan 2017-2023. The Galway City Development Plan (GCDP) states that a plot ratio of 0.46:1 for new residential development should not normally be exceeded. However, the subject site is zoned 'CI- Commercial/Industrial and the maximum permitted density on lands with this zoning objective is 1.25:1. The proposed development has a net plot ratio of 1.46:1.
- 6.4.2. The applicant considers that the proposed development can be considered favourably and granted planning permission by An Bord Pleanála under the provisions of Section 37(2)(b) of the Planning and Development Act 2000, as amended. The applicant's Material Contravention Statement submits that the strategic goals of the Government in relation to the delivery of new residential development, and their national importance, is reflected in the policies and objectives of the National Planning Framework and the Draft Regional Economic and Spatial Strategies. It further states a comprehensive assessment of the proposed development in respect of those publications is enclosed with this planning application submission and it is considered that the proposed development accords with the provisions of those documents, as well as the guidelines Sustainable Residential Development in Urban Areas and the Urban Development and Building Heights Guidelines. The statement further states that it is considered reasonable to conclude that the proposed development which is the subject of this planning application is clearly of both strategic and national importance.
- 6.4.3. The applicant considers there are conflicting objectives in the development plan. It is the council's strategic goal to facilitate sustainable patterns of development, which represent optimal land use solutions, however, there is a limitation on the CI lands of a plot ratio of 1.25:1. It is considered that the requirement to deliver a development on zoned serviced land, on a high capacity public transport corridor, while maintaining a maximum plot ratio of 1.25:1 are mutually exclusive goals. It is considered that the proposed development is fully compliant with all national and regional planning policy and guidance and that the density proposed is appropriate.

The siting and design of the proposed development have been carefully considered in the context of the site location and the proposed development will deliver a high-quality mixed-use scheme which incorporates high quality public spaces and amenity facilities for residents and the wider community.

6.5. Designated sites

6.5.1. The site is not located within or adjoining a Natura 2000 site. Galway Bay Complex Special Area of Conservation (000268) is located 1.3km to the southwest of the application site. Inner Galway Bay Special Protection Area (004031) is located 1.5km southwest.

6.6. Applicant's Statement of Consistency

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

7.0 Third Party Submissions

7.1. In total 27 submissions were received. The submissions were primarily made by or on behalf of local residents, with some of the submissions signed by a number of people.

7.2. The submissions received may be broadly summarised as follows, with reference made to more pertinent issues within the main assessment:

Principle of Development

- Development does not meet Apartment Guidelines for such a dense development in that it is not a central and/or accessible urban location or intermediate urban location suitable for apartment development, but is according to the criteria set out in the guidelines a peripheral and/or less accessible urban location.
- The development is a material contravention of the city development plan as residential is proposed on CI Commercial/Industrial lands, contrary to the zoning objective.

- The designation of the area as a district centre does not allow for the level of residential development proposed.

Density, Design and Layout

- The site is not an urban site, it is suburban, and it does not have the capacity for the proposed density, nor does it comply with density provisions for suburban areas as set out in the Sustainable Residential Development in Urban Areas.
- As per apartment guidelines, the site is not along a high frequency, high capacity transport hub or within walking distance of hospitals, universities and the city centre, and is therefore not a central and/or accessible location.
- Density is a material contravention of the development plan and is out of character with the existing scale of development in the area.
- Query over the size of the site used for the density calculations, it includes roads and footpaths.
- Density is excessive and out of character with the Knocknacarra area.
- Mix of units is unsustainable, with over dominance of one/two bed units.
- Concerns raised as to whether apartments are owner occupied or fully built-to-rent which would impact on the creation of a stable community in the area.
- Facades of the buildings are bland and monolithic.
- Protruding balconies are visually intrusive and possibly a hazard in strong winds.
- Layout of some apartments do not meet guidelines with regard to north-facing units.
- Buildings too close to Western Distributor Road.

Height

- Height at 5, 6 and 7 storeys is excessive and out of character with the area.
- No precedent in the other District Centres in the area at Doughiska or Westside for development of the scale proposed, with these locations comprising buildings of no more than 3 storeys.

- The heights proposed would not integrate into the surrounding environment or landscape and would dominate the skyline.
- There is a lack of separation between the higher buildings and the adjacent public footpath and roadway/roundabout.
- Development of high buildings at this location would obstruct views to the west.

Impact on Residential Amenity

- Loss of evening light to rear gardens in Gort na Bró, east of the application site.
- Overlooking adjacent rear gardens and residential dwellings from a height.
- Overshadowing of adjacent dwellings, footpaths and areas of amenity.
- Overshadowing of the school to the north, impacting upon light to that school.
- Overlooking of the school is a child safety issue.
- The development will generate anti-social behaviour.
- Wind flow impacts from higher buildings in the immediate vicinity of the development.
- Practicality/functionality of western facing balconies with regard to prevailing strong western winds.
- Lack of use of roofs of the development for amenity and as gardens results in development being low quality in terms of it's amenity and carbon credentials.

Civic Square and Open Space

- The square is inadequate in size given the size of the population in Knocknacarra.
- The development does not deliver high quality communal spaces, with inadequate play facilities.
- There is no front loading of a community facility within the proposed development as required by the development plan.
- No details in relation to the management/maintenance of the civic square.

- The mentioned 'Kingston Park' nearby has not been realised/constructed and should not be relied upon.
- Query over landscaping.

Traffic and Transportation

- The proposal does not take into account CPO route for the N6 GCRR3 and is premature pending a decision on this route.
- The proposed development would conflict and compromise the N6 GCRR. The applicant proposes to remove one arm of the roundabout and relocate the access to the retail park. However, the N6 GCRR was undertaking this alongside the whole realignment of the roundabout. To remove one arm only will impact traffic safety and worsen traffic conditions.
- The proposal does not account for the N6 GCRR not being constructed in the medium term.
- Removal of the current entrance to the retail park would increase traffic congestion on the roundabout and Western Distributor Road.
- The development will add to existing traffic congestion as demonstrated by the TTA and analysis of the junctions.
- The residential and commercial parking regime is not practicable.
- Proposed car parking level contravenes the city development plan standards and is inadequate. Reduced parking standards at this 'peripheral and/or accessible urban location' as defined by the Apartment Guidelines, is not appropriate.
- Lack of parking will lead to overflow in surrounding estates.
- There are insufficient electric car charging points.
- Methodology used in the TIA is a concern; need to audit TRICS data.
- Area is not served by a high quality bus service. 3 buses are listed. They are single deckers. 414 is a very limited service. The 412 and 411 operate every 30 mins until 17.35. No service at the weekend. Service is at capacity.
- Construction traffic has to have regard to school opening and closing times.

- Concerns in relation to disturbance and dust generation during construction phase, as well as noise disturbance on nearby residences and the school.
- Potential conflict between construction traffic and school children not fully taken into account in chapter 4 of EIAR (section 4.7.2). Mitigation should provide for the restriction of construction traffic during school opening and closing times.
- The noise impact assessment is based on incorrect location data. The predicted impact does not also reference large vehicles which are significant noise contributors. The application is based on erroneous data and information.
- The EIS states a noise monitoring regime will be implemented, but minimal detail is submitted. A continuously monitored system of Environmental Noise Metres should be placed along the boundaries particularly adjacent the school and housing locations. Similarly in relation to construction dust, this is inadequately addressed and it is required that a continuously monitored system of Environmental Dust Meters are placed along the boundaries. The adjacent national school is classified as a vulnerable user group and dust prevention measures should be higher than those required for an industrial estate or rural road.

Cycling

- Concerns in relation to quantity, security, accessibility and convenience of spaces. Guidelines require provision of 717 spaces (551 spaces for residents and 166 for visitors). 677 spaces are stated to be proposed. Additional spaces required for retail units. Blocks D and E should have provision of spaces within their own blocks/buildings.
- Routes through the development are blocked by gates. Traffic free walking and cycling routes through the site should be accommodated.
- Links to adjacent developments inadequate and fail to meet local and national planning standards. Only a single through pedestrian route through the site is apparent and no cycling routes indicated.
- Two way cycle tracks proposed on the east-west link street are too narrow and disjointed. This creates risks. The best option may be to eliminate this two-way track

in favour of cycle tracks on either side of the road, however this needs to be done in a coherent manner including junction layouts and traffic free routes.

- Design for cyclists at Gort na Bró roundabout unclear and problematic.
- Two way cycle tracks are too narrow at 2.75m, particularly given located near a school and the general traffic environment.
- Cycle lands should not be within the circulation of roundabouts as per the National Cycle Manual.
- Raised two way cycle tracks terminating at shared spaces will create conflict.
- Junction with internal or minor roads should have raised continuous footways, particularly at entrance to the podium car park.
- Bi-directional cycle lane on Link Road – conflicts with bus stop.
- Developers should include local cycling groups, including Galway Cycling Campaign and the Galway Cycle Bus as stakeholders in the Mobility Management Plan.

8.0 Planning Authority Submission

8.1. Overview

8.1.1 In compliance with section 8(5)(a) of the 2016 Act, Galway City Council submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 24th January 2020. The report notes the planning history in the area, assessment of planning issues, summary of third party submissions, and summary of views of the relevant elected members. The submission includes several technical reports from relevant departments of Galway City Council.

8.1.1. Planning Analysis

- Zoning: Proposal is in accordance with the zoning objective of the area.
- Plot Ratio: If the plot ratio has been calculated on the basis of the entire designated District Centre, it would decrease, however the applicant has not demonstrated this point.

- Height: Acknowledge precedent of previous permissions for tall buildings at this location, acknowledge new guidelines in relation to apartments and building heights which aid in the identification of this site as an optimal location for height, therefore it is considered the breach of plot ratio would be open for consideration in the development plan due to site specific issues.
- Block B: Concern with the seventh level of Block B in the context of scale, layout and design and proximity to the public roadway and impact on views from approach roads and linear views from east and west. Recommend a complete change of layout and orientation of this block to allow for a new design to have regard to these concerns.
- Site Coverage: Applicant to demonstrate site coverage meets development plan requirement for 0.8:1.
- Community Room: Provision of a community room is considered critical. Location of the unit (not onto the civic space), and its configuration and size does not meet requirements.
- Childcare Facility: Proposal just meets the minimum requirements. A larger facility is required given the number of units proposed and its location in a developing suburb of the city.
- Urban Design: Construction of a substantial multi-level development is in keeping with the established legacy of high buildings permitted on these lands, except in the case of Block B. Site is ideally location for development of a higher density residential development.
- Materials: Materials submitted would appear acceptable, but a condition should be attached to agree the exact finishes.
- Balconies: Given the number of protruding balconies, the climatic conditions prevailing in the west of Ireland, revisions should be proposed which would enclose, partially or otherwise balconies. In addition the layout and orientation of the balconies for Block B would result in levels of overshadowing.
- Civic Square: This is a critical element. Essential that a detailed management plan/company be established for the management of the civic square; residential

units should not be occupied until the civic square is complete and request a condition be attached in this regard; appropriate ducting and electricity points should be designed in the layout to accommodate public events; the car parking area to the west under the control of the applicant (in the retail park) should be enhanced given the visual impact it will have on future residents and the civic square; specifications in relation to the square are not clear, typical sections are needed.

- **Open Space/Communal Areas/Recreational Facilities:** Concern in relation to usability and functionality of the communal space to the rear of Block B in terms of overshadowing and usability; the recreational facility in this space would not be likely to be used and would deteriorate, therefore recommend that revised recreational facilities be provided at this location; creation of informal areas for free play should be examined.
- **Pedestrian Paths/Links:** Clear management protocol with regards to the management of the private access points through the apartment communal areas.
- **Block B:** Concerns in relation to height, design, layout, proximity to the roundabout, reliance on provision of future open spaces, usability and functionality of adjacent open space to Block B considering future overshadowing of adjacent developments. Recommend Block B is revised or omitted and any revision should provide a significant functional area of communal open space.
- **Unit Mix:** There are an excessive amount of one bed units. This should be reduced to 15% and more larger family units provided.
- **Car Parking/Traffic Impact:** Some concern that parking is removed from the apartments. Short stay parking spaces should be provided close to the apartments for unloading and loading of heavy goods or shopping; TTA has addressed concerns in relation to trip rates.

8.1.2. **Summary of Inter-Departmental Reports**

Transport and Infrastructure Services Section:

- A MMP has been submitted; a Stage 1 RSA has been submitted and complied with; a statement of compliance with DMURS has been submitted.

- Taken in charge policy applies.
- A statement of public lighting design standard has not been provided.
- Conditions requested, including a requirement for a maximum of one parking space per apartment; spaces shall not be sold let or otherwise sub-let or leased; signage and other physical measures to manage parking.

Recreation and Amenity Department:

- Biodiversity Management Plan as submitted to be implemented and Consultant Landscape Ecologist to be appointed.
- Details in relation to tree/hedgerow removal and replacement to off-set the losses.
- Landscape report and plan to be implemented and Consultant Landscape Architect to be appointed.
- Planting plan to be overlaid with services to ensure no conflict.
- Enter an agreement with Local Authority to agree the appropriate management and operation of the public event spaces and infrastructure.

8.1.3. Summary of View of Elected Members:

- Motion passed by 14 council members (0 against) : ‘That the members of Galway City Council determines that the location of the Knocknacarra District Centre is not a central and/or accessible urban location.
- Concerns regarding scale and design and its non-compliance with Galway City Development Plan 2017-2023, specifically its strategic vision;
- The area of site used for residential density calculations and plot ratio;
- Design statement;
- Excessive height;
- Overshadowing and overlooking;
- Mix of units;
- Communal and open spaces;

- Lack of public transport, increased traffic congestion;
- Inadequate crèche, play cycling and parking facilities;
- Requirement to protect residential amenity in the outer suburb and lack of connectivity to the city centre.
- Close proximity to gaelscoil, child safeguarding;
- Proposed future tenure;
- Rights of way;
- Future amenities;
- SHD process and the erosion of democratic mandate.

8.2. **Statement in accordance with 8 (3) (B) (II)**

8.2.1. The Chief Executive's Report recommends a number of conditions should a grant be issued, including, inter alia the following summarised hereunder:

- C1: Seven year permission.
- C2: Block B to be omitted and redesigned.
- C3: The petanque (boules) court to the rear of Block B shall be omitted and a facility provided which would directly relate to the occupiers of the apartments.
- C4: Design, layout and promotion of use of Civic Square.
- C5: Proposed balconies shall be revised, design integrated with the proposed building where protrude, shall include partial enclosure elements/winter gardens and to be proofed with regards to the existing climatic conditions and predominant wind patterns.
- C6: Residential apartments and commercial units shall not be occupied until civic square element satisfactorily completed.
- C7: Car parking area to the west of the site, under the control of the applicant, to be enhanced.
- C8: Development to include a professional piece of art work, as indicated on the site layout plan.

- C9: Management protocol for management of the private access points through the apartment communal areas.
- C10: Details in relation to use and signage of identified café/restaurant/retail.
- C11: Sample of materials.
- C12: No signage to be erected within the site.
- C13: Signage on buildings to be agreed.
- C14: Details of fence and gates to be erected.
- C15: Public lighting.
- C18: Construction Management Plan.
- C19: Construction hours.
- C20: Management scheme.
- C23: Landscaping.
- C24: Bilingual naming, along with a wayfinding and road marking strategy for the internal layout and a coordinated signage strategy.
- C25: Phasing scheme to be agreed. Central civic square to be delivered as part of Phase 1.

9.0 Prescribed Bodies

The applicant was required to notify the following prescribed bodies prior to making the application:

1. Transport Infrastructure Ireland
2. Irish Water
3. Galway County Childcare Committee
4. Commission for Energy Regulation
5. Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs (nature conservation).

Three of the bodies have responded and the following is a summary of the points raised.

- 9.1. Irish Water: Based upon details submitted by the developer and the Confirmation of Feasibility issued by Irish Water, Irish Water confirms that subject to a valid connection agreement being put in place between IW and the developer, the proposed connection(s) to the Irish Water network(s) can be facilitated.
- 9.2. Transport Infrastructure Ireland: To have regard to policy in relation to development on/affecting national roads as outlined in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities 2012, specifically chapter 3.
- 9.3. DAU, Department of Culture Heritage and the Gaeltacht: A condition is recommended in relation to archaeological monitoring.

10.0 Assessment

10.1.1. I consider the main issues relating to this application are as follows:

- Principle of Development
- Density
- Layout, Urban Design and Height
- Open Space Strategy and Civic Plaza
- Future Residential Amenity
- Childcare Facility
- Impact on Amenity of Neighbouring Properties
- Traffic, Transportation and Access
- Infrastructural Services, including Flood Risk
- Other Matters

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

10.2. Principle of Development

10.2.1. Under the Galway City Development Plan 2017-2023 the site is zoned CI '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' and 'childcare facilities' are considered compatible with the land use zoning objective.

10.2.2. A number of specific development objectives apply to this application site and to the adjoining CI lands north of the Western Distributor Road (titled in the development plan as 'Northern Portion of CI Lands at Ragoon'), including the following specific objective relating to residential use:

- The site shall include for a minimum of residential/residential commercial development of a scale equivalent to 20% of the proportion of all likely future floor space proposals. This residential development shall be integrated within the overall scheme.

Additional specific objectives relating to this land are set out in detail in section 6.3.1 of this report.

10.2.3. The development plan states that the aspiration for the Knocknacarra District Centre is to function more as an 'urban village' type centre than purely a shopping area to service the scale of population anticipated. This is encouraged through specific development objectives for the district centre lands which require a mix of uses including service retail, public health facilities, community, recreational and residential uses, to achieve vibrancy, distinctiveness and local ownership.

- 10.2.4. A number of submissions contend that the level of residential development on the site is not appropriate or in accordance with the CI zoning of the site and the proposal is not in accordance with what a district centre is, as per the retail planning guidelines.
- 10.2.5. In considering the level of residential proposed against the site specific objective for minimum 20% residential/residential commercial, the applicant considers the site in conjunction with the existing Gateway Retail Park. I note all are within the blue line ownership boundary. I consider such an approach appropriate for this interconnected urban development given the specific local objectives relate to all of the northern portion of CI zoned lands. The applicant in the submitted Planning Report & Statement of Consistency states that when considered in conjunction with the Gateway Retail Park, the proposed residential floor area equates to 40% of the total floorspace in the area, which is above the minimum objective for 20% residential floorspace, as set out in the specific objectives for this district centre area.
- 10.2.6. I note (from my own measurements) that the total CI zoning north of the Western Distributor Road (ie the proposed site and the existing Gateway Retail Park) equates to approx. 11ha, of which the proposed site is approx. 2.4ha, or 22% of the area. The residential proposal with regard to its extent and positioning would not in my view unduly interfere with the primary use of the land for CI purposes given the scale of land available for such use and given the level of commercial offering in existence at present in addition to the permitted 10,000sqm commercial floorspace currently under construction. I do not consider the residential use proposed is contrary to national guidelines in terms of retailing as it supports the types of uses envisaged for a district centre.
- 10.2.7. The proposed development is generally in accordance with the specific development objectives relating to these lands. The site layout plan clearly indicates how the development relates to the overall layout for the area and the proposal is in my view satisfactorily integrated into the existing area. The proposed residential component can operate satisfactorily alongside the commercial component and will support each other. The development provides for a number of small scale retail/retail service uses and a civic open space, as well as well as a communal amenity space at the ground floor of Block C, adjoining the civic open space. I am of the view that the

principle of the proposed development and the scale of the residential component is acceptable and is in accordance with the zoning objective for the site.

10.2.8. 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, crèche, leisure and retail services of a neighbourhood scale are compatible with the land use zoning objective.

10.3. **Density**

10.3.1. Knocknacarra is identified in the city development plan as a new suburb in west Galway, with the site identified as having a District Centre retail status. The development strategy for this area is to support consolidation and densification where appropriate. Knocknacarra is stated to have a population of approximately 12,000 with a zoned capacity to reach 18,000 persons.

10.3.2. Section 11.3.1 of the development plan relates to residential development in the 'Outer Suburbs'. It states however, that where residential development is permitted on lands other than residentially zoned lands, the neighbourhood policies as defined in Chapter 2, shall generally apply. Chapter 2, section 2.5, identifies Knocknacarra as being in the Outer Suburbs. Section 11.9 of the development plan, Commercial and Industry, addresses CI zoned lands. I have had regard to both section 2.5 Neighbourhoods: Outer Suburbs and section 11.9 of the development plan in my assessment.

10.3.3. The development plan does not identify a density for the site, but states under policy 2.5 that higher density is supported at appropriate locations especially close to public transport routes and routes identified in the Galway Transport Strategy as suitable for high frequency, public transport services. The application site adjoins two proposed arterial bus routes in the Galway Transport Strategy.

10.3.4. Concerns have been raised by third parties in relation to the density and plot ratio proposed, which it is considered excessive and would be detrimental to the character of the area and contrary to the development plan policy. Third party submissions contend that proposal is not an appropriate location for higher density apartments, as it does not meet the criteria set out in the apartment guidelines, given distances to

NUIG and Galway Hospital, Galway City Centre and the bus service at 30 minutes is not high frequency.

- 10.3.5. The density proposed is 137 units per hectare (excluding the area of underground car park to be utilised, which is located within phase 2 of the Gateway Retail Park). I note the east-west link road should also be omitted from the gross area, however, given the area involved, I calculate the difference in density to be marginal. A plot ratio of 1.46:1 is indicated for the proposed development. The applicant has submitted that the proposed density and plot ratio may be deemed by the Board to materially contravene the Galway City Development Plan in relation to new development on CI - Commercial/Industrial lands, given the plot ratio proposed is 1.46:1 and the stated maximum for CI zoned lands is 1.25:1. It is contended that given the site is located adjacent to two main arterial bus routes linking the western suburbs with Galway City, a minimum density of 50 units per hectare is appropriate for this site, as per the guidelines Sustainable Residential Development in Urban Areas and a Statement of Material Contravention has been submitted with the application.
- 10.3.6. The Planning Authority (PA) do not state that the proposed development is a material contravention of the Galway City Development Plan 2017-2023. The PA opinion states that a plot ratio of 1.25:1 would normally be considered for CI lands and in this case the development exceeds the plan requirements by 0.21, which is approx. 17% greater than the plan requirements, however, the PA notes that the applicant has not included the entire designated District Centre area in the density/ratio calculation and if it had, the density of the development would decrease, however, the PA notes the applicant has not demonstrated this point. The PA acknowledge there is a precedent of previous permissions for tall buildings at this location and also acknowledge new guidelines in relation to apartments and building heights which aid in the identification of this site as an optimal location for height, therefore it is considered the breach of plot ratio would be open for consideration in the development plan due to site specific issues.
- 10.3.7. Should the Board determine that the proposed plot ratio of 1.46:1 materially contravenes the development plan provision for a maximum plot ratio of 1.25:1, then

section 37 (2)(b) of the 2000 Act is relevant, as the contravention does not relate to the zoning of the land.

10.3.8. The proposed development is a strategic housing development and therefore section 37(2)(b)(i) of the act applies. In relation to section 37(2)(b)(iii), it is noted that the site is greenfield land inside the built up area of Galway. It's development for housing would contribute to objective 3b of the National Planning Framework to deliver 50% of all new homes within the exiting built up area of existing settlements. It would contribute to the objectives of the recently adopted regional strategy and the Galway Metropolitan Area Strategic Plan (MASP) contained therein, where Knocknacarra is identified as a residential opportunity site in the MASP and the primary strategy is for consolidation and higher density development on zoned lands. The proposed development would be in keeping with the sustainable development of Galway in a reasonably compact and coherent form and would be consistent with the provisions of the National Planning Framework and current regional strategy as it would allow the rapid delivery of housing.

10.3.9. While third parties contend that the site is not suitable for high density given the bus service is not high frequency, I note the Apartment Guidelines and policy 2.5 of the development plan support higher density at locations where high frequency bus services can be provided, not only where they exist at present, and at sites within or close to suburban centres or employment locations. This site is at the centre of the identified Knocknacarra district centre. The site is located within a well serviced area, proximate to schools, retail shops and employers. The site is suitably located in my view to accommodate a high density residential development given the regional and local policy to consolidate growth in this area, proximity to the existing bus network and associated planned upgrades under the GTS, employment and services. The delivery of residential development on this prime, underutilised, serviced site, in a compact form comprising higher density units would be consistent with policies and intended outcomes of current Government policy, which looks to secure more compact and sustainable urban development

Housing Mix

10.3.10. The dwelling mix caters for a range of 1, 2, and 3 bed units in apartment blocks. I consider this mix to be reasonable and will enhance the housing mix of the area, which comprises primarily traditional two storey dwellings.

Part V

10.3.11. I note the applicant proposes within the documentation to accommodate part V on the site within the entirety of Block B. The housing section of the planning authority have raised no objections in relation to this proposal. A condition in relation to part V is recommended for agreement with the planning authority.

10.4. **Layout, Urban Design, and Height Strategy**

Layout and Urban Design

10.4.1. The layout of the scheme has been informed by the existing site context of the developing Knocknacarra district centre, which has been partially developed to date with the Gateway Retail Park to the west. To the northwest of the site there are two office developments, to the southwest a supermarket and leisure building and a new primary school to the north.

10.4.2. The topography of the site is generally flat and the existing link road through the site is to be altered from its diagonal arrangement across the site to a direct east-west link, connecting into the existing north-south roads to the east and west of the site. The realigned link road accommodates vehicular traffic as well as a bus lay by, pedestrian paths and a two-way cyclepath on one side. The realignment of the east-west route through the site allows for the development of a more regular block form.

10.4.3. To the north of the east-west link there are two blocks of development proposed, Block E (44 unit and 5 ground floor retail units) and F (72 units) which together form a U shape, defining the edges of the adjoining streets to the west, south and east. Block E is rectangular in shape fronting onto the Gateway Retail Park Link Road. Block F is L shaped, with a frontage to the east-west link street and to the L5000 (Millers Lane/Gort na Bró) road. There is a central courtyard between the blocks comprising a car parking area at surface with a landscaped podium over half of the car park. Vehicular access is from the southern boundary with the east-west link street. It is not clear how the rear of the retail units in terms of services and waste will

be treated/managed in order to protect the visual and residential amenity of residents in the block. A condition is recommended therefore in relation to boundary treatment to the rear of the units, bin storage areas/screening, and planting.

10.4.4. The northern boundary is onto a segregated pedestrian/cyclist link between the site and the school. This is an important east-west pedestrian route from the residential developments and pitches to the east to the retail park/shops and onto Bóthar Stiofáin to the west. There is one gated access from the rear courtyard serving Block E from this path and one access into the rear of Block F itself. A large section of the northern boundary is defined by the ground level parking and podium level open space. The level of overlooking and interaction between this boundary and pathway is limited at ground level due to the presence of a large blank wall to the undercroft parking area, with a limited level of passive surveillance and security provided from the upper floors of the two blocks. To improve on the interface of this boundary with the existing pedestrian path, additional railings to the car park, above that which is currently proposed, is recommended. Furthermore the gated pedestrian access points from the northern boundary alongside Block E and the gated pedestrian access from the east-west link street between Blocks E and F, should be removed and pedestrian access through the block remain open. While the route through this block is not the most active in terms of frontage, I consider it would be advantageous in the interests of permeability and connectivity. I am satisfied that the vehicular gates to the parking area as proposed are acceptable. This issue of gated communities is discussed further hereunder. This issue could be addressed by way of condition, should the Board be minded to grant permission.

10.4.5. On the southern part of the site there are four blocks of development, Block A (96 units and crèche), B (41 units and 1 retail unit), C (2 retail units and 1 community use room), and D (79 units and 8 retail F/B units) with public open space proposed by way of a civic open space/plaza, a central landscaped courtyard with playground between A and D, and a smaller open space to the rear of Block B.

10.4.6. Blocks D and C are U in formation and located around the northern and eastern edge of the proposed civic square, with the western edge of the civic square open to the adjoining Gateway Retail Park Link Road. Improvements are proposed to the Link Road adjoining the civic square to ensure pedestrian accessibility/permeability

to the civic plaza. Blocks C and D comprise retail units at ground level fronting onto the civic plaza with the retail units in Block D serviced from the rear courtyard between Blocks D and A. It is not clear how services and waste to the rear of these units are to be managed or how the boundary treated to ensure no visual or other disamenity to future residents. A condition is recommended to require details in relation to boundary treatment, bin storage areas/screening and planting. This issue could be addressed by way of condition.

10.4.7. Block A is L shaped, with its primary frontage to the L5000/Millers Lane and to the east-west link street to the north. There is a crèche within this block at ground level which is accessed from the north, with its open space within the central courtyard. The western edge of this courtyard is bounded by a pavilion building identified for residents' amenity. The main entrance to the apartments in Block A is from the inner courtyard. There is a pedestrian access through the middle of the block from the L5000 and also from the northern street between Block A and D. The central courtyard between Blocks A and D, being the largest in the development, is designed to be highly permeable with routes through it and a number of access points. However, I note these pedestrian access points are proposed to be gated in the evenings. While I acknowledge there is one east-west link to the civic plaza which will remain open, I consider the gated elements of the development to be unnecessary and limiting in terms of pedestrian permeability and connectivity as well as usability of that central courtyard for all residents. This issue of gates also applies to the northern block. The Galway City Development Plan discourages gated residential developments and I am of the view the proposed gates are furthermore 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. Should the Board be minded to grant permission, this issue could be addressed by way of condition.

10.4.8. Block B (41 units) is positioned at the roundabout with the Western Distributor Road and along the boundary with this road. Block B in my view adequately addresses that road with active frontages provided by the apartments and a retail unit adjoining the direct east-west pedestrian route through the block. An additional pedestrian

entrance is proposed from the southern edge of Block B, which is welcomed in the interests of permeability and accessibility and overall provides for an appropriate level of supervision. I note concerns raised by the PA in relation to the manner in which Block B is designed in terms of its height, scale and proximity to the Western Distributor Road roundabout (the ground floor retail unit being 2.8m at its closest point to the footpath, with the remainder of the block being 4m to 10m from the footpath), however, I consider the block to be well designed and appropriately located, providing for an appropriate level of passive surveillance and amenity, with the higher element appropriately positioned on an axis with the road to the east. The issue of height is discussed further hereunder.

10.4.9. In terms of materials, the applicant has submitted a Materials and Finishes Report. I am satisfied that the materials proposed appear to be of a high standard. A condition in relation to the exact materials to the buildings, public realm, and boundaries is warranted should the Board be minded to grant permission given the important influence of this development and its adjoining boundaries on the public realm.

10.4.10. Overall, I consider the proposed layout has been designed to be legible and permeable with a focus on pedestrian connectivity to the wider area, particularly relating to the blocks of development south of the proposed east-west link street. The proposed block arrangement and height defines the outer edges of the site and provides for improved levels of passive surveillance and definition to the existing roads dominated environment, with the roads becoming more like streets with defined built edges. The proposal for a civic plaza and a community use in one of the units will assist in the creation a focal point for the district centre and wider community and is welcomed. Subject to conditions to remove the proposed evening time gates, I consider the overall layout acceptable.

Height and Visual Impact

10.4.11. The proposed blocks modulate in overall height from 4 to 6 storeys, with one 7 storey element. The maximum height of 23m/7 storeys relates to Block B. This block ranges in height from 5 storeys up to 7 storeys with the 7 storey element of Block B positioned at a terminating point of the Western Distributor Road/Gort na Bró road from the east. Block A, which commences just north at the roundabout and

primarily addresses the L5000/Miller's Lane, is 5 storeys in height, increasing to 6 storeys at the realigned east-west signalised entrance to the scheme. The building on the opposite side of this junction, Block F, is also 6 storeys at the junction, stepping down to 5 storeys and 4 storeys where it adjoins the school site.

- 10.4.12. The applicant has submitted photomontages of the proposed development from the wider area (Appendix 10-1 of the EIAR) and the EIA hereunder (see Section 12.15) also assesses the visual impact of the proposal.
- 10.4.13. Third party submissions raise concerns in relation to the height and visual impact on surrounding residential areas, in particular Gort na Bró housing estate and An Logáin. I note the PA considers this an appropriate location for height and has in the past permitted higher buildings at this location, however, it considers the 7th floor element of Block B inappropriate in terms of scale and in terms of its dominance of views from approach roads and linear views from the east and west.
- 10.4.14. The Urban Development and Building Heights, Guidelines for Planning Authorities (2018) sets out the requirements for considering increased building height in various locations and recognises the need for our cities and towns to grow upwards, not just outwards. I have had particular regard to the development management criteria, as set out in section 3.2 of these Guidelines, in assessing this proposal as well as section 8.7 of the Galway City Development Plan which sets out the principles to be considered when assessing capacity for height.
- 10.4.15. The site is located at an accessible location, serviced by retail, employment and other amenities. The site is surrounded by a permeable road network, including the Western Distributor Road and the L5000/Millers Lane. It is within easy walking distance of bus routes and amenities and within cycling distance of the city centre and employment areas. I am of the view that the site is sufficiently separate from surrounding low density housing developments to cater for a height and density of the scale proposed and to set its own character. I also note precedent for apartments in the area at Altan Apartments to the southwest. I consider the scale and massing of the buildings appropriate for the site and the variation in building height across the proposed blocks will contribute to place making in the area. The proposal in my view integrates successfully with the wider district centre area in terms of design, layout

and pedestrian connections proposed. Having regard to all of the above, I consider the site has the capacity to absorb a development of the nature and scale proposed without detriment to the wider visual and landscape value and is in my view acceptable.

10.5. Open Space Strategy and Civic Plaza

- 10.5.1. The development strategy proposes a public plaza (2166 sqm/67m x 30.5m) and community use room in Block C (94sqm). Additional semi-private open space is provided for in the form of a residential courtyard (1350sqm in area) between Blocks A and D, and 475sqm to the rear of Block B. The submitted Urban Design Report accompanying the application sets out the design rationale for the proposed civic plaza. A Landscape Masterplan details the design of the proposed public and semi-private open spaces.
- 10.5.2. Third parties raise concerns in relation to the scale of the civic plaza, the quality of its design and the overall quantum and quality of open space to the number of apartments proposed. The planning authority raises particular concerns in relation to the location and scale of the community room in Block C, management provisions for the civic plaza to operate as a public space, and the design/scale of open space to the rear of Block B in terms of aspect/potential overshadowing and its proposed layout for petanque (boules).
- 10.5.3. 15% of the site area equates to a requirement of 3645sqm of public open space. I note the public plaza is 2166sqm, with provision also of a community use room within Block C (94 sqm). The residential courtyard area (1350 sqm) is also accessible to the public, as is the 475sqm to the rear of Block B and the site neighbours a primary school and sports pitches, where shared use of amenity spaces is possible. While the area to the rear of Block B is the smaller of the spaces provided, I consider it acceptable at this location and details in relation to its landscaping and design/use can be addressed by way of condition, should the Board be minded to grant permission. I note the proposals for the community room in addition to residential amenity areas, which overall contribute to the quality of amenity available to residents.

10.5.4. The Planning Authority raise questions in relation to the scale and location of the community use room and in relation to the design and management of the civic plaza. It is not proposed or indicated by the PA that the civic plaza or the community use room will be taken in charge. I note the community use room is in Block C, and is slightly off the civic square, however I consider the location of the space to be acceptable and to the benefit of the development. I note the PA considers the scale of the room to be too small, but no guidance exists in terms of what would be appropriate. I consider the room would be a positive addition to the scheme and note the costs of running the space will be borne by the residents of the development. I consider it's location and scale acceptable as proposed. While the civic plaza is designed as a public space, the PA has not indicated they will be taking it in charge and it is submitted by the applicant that it will be managed by the management company who will be responsible for the organising of markets and events. While I consider that a condition is warranted in relation to agreeing the detailed design of the space, including provisions of ducting as well as landscaping and finishes, I note that the cost of the management of the space will be borne by the management company/residents. A planning condition requiring the developer to enter into an agreement with the local authority on the management and operation of the space as requested by the PA is not therefore in my view appropriate. Furthermore a condition in relation to the public realm within the existing Gateway Retail Park is not warranted and any issues around the degree/quality of landscaping not implemented/implemented under previous permissions is an enforcement issue outside the remit of the Board.

10.5.5. The guidelines on Sustainable Residential Development in Urban Areas highlights the requirement for a qualitative approach to open space and not just a quantitative approach with the potential to maximise open space through shared usage with schools. Overall I consider the design and layout of the open space acceptable in terms of meeting the needs of future residents, while also being accessible to the wider area by virtue of the permeable nature of the layout. I consider the scale and design of the public civic plaza as discussed in the submitted Urban Design Report, appropriate for the area and will, given the uses fronting onto it and its orientation,

serve as an attractive focal point. I consider a condition in relation to the detailed design of this space is warranted.

10.6. Future Residential Amenity

Design Standards for New Apartments

- 10.6.1. The Guidelines for Planning Authorities on Design Standards for New Apartments issued by the minister in 2018 contain several Specific Planning Policy Requirements (SPPRs) with which the proposed apartments must comply. Schedules were submitted to demonstrate compliance with the standards.
- 10.6.2. The submitted Housing Quality Assessment indicates that floor areas for all apartment units meet or exceed the minimum specified in SPPR3 of the apartment guidelines.
- 10.6.3. 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. I note only 5 of the two bed units cater for three persons.
- 10.6.4. 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%). The Housing Quality Assessment Report states that 50% of the apartments exceed the floor area standard by 10% and therefore comply with this requirement.
- 10.6.5. SPPR 4 states in relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the following shall apply. The applicant states in excess of 61% of the proposed apartments are dual aspect. I have examined the apartment layouts and do not concur with this analysis. I note that a number of apartments have side windows to balconies. Such a secondary aspect in my view does not provide for a dual aspect and I have excluded these units in my assessment of what is dual aspect. In other instances corner windows are deemed to provide for a dual aspect, I accept that in some cases this may be the case given orientation and scale of the windows, however, where the units are reliant

on a small corner window element for sunlight, I consider this dual aspect to be questionable. Having reviewed the plans, I consider that the applicant falls just under the 50% rate applicable to such a greenfield site, however, I consider overall it generally complies with SPPR 4.

- 10.6.6. SPPR 5 requires a minimum of 2.7m ground level apartment floor to ceiling heights. This requirement is complied with.
- 10.6.7. 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.
- 10.6.8. 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.
- 10.6.9. 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.
- 10.6.10. A Building Lifecycle Report, as required by the guidelines, has been submitted.
- 10.6.11. Car parking provision is considered acceptable. The provision of bicycle parking (discussed under section 10.9 hereunder) can be addressed by condition.

Communal Facilities and Services

- 10.6.12. Section 4.5 of the Apartment Guidelines encourage the provision of communal rooms and communal facilities in apartment schemes, particularly in larger developments. A pavilion type building (164 sqm in area) is proposed between Blocks A and D for communal facilities for residents. A communal room (108sqm in area) is also proposed at the ground floor in Block F adjoining the main entrance

lobby to the building. Large lobby/amenity seating areas are also proposed at the ground level in Blocks A and B. These are acceptable.

Communal Open Space

10.6.13. The applicant proposes a residential courtyard between Blocks A and D (1350sqm), a landscaped area associated with Block B (475 sqm) and a landscaped podium between Blocks E and F (1054sqm), which equates to a total area of 2879sqm. Playground facilities are proposed in two of the spaces and a communal use pavilion building is proposed between Blocks A and D. Total communal open space required is 2185sqm. The proposal is therefore in accordance with the guidelines.

Wind Microclimate

10.6.14. The issue of Wind Impacts is addressed in the submitted Wind Microclimate Assessment submitted with the application. The potential for wind impacts at podium level, ground level, balconies and streets were modelled.

10.6.15. There is some potential for adverse impacts for two small areas south of Block E and between Blocks E and F, however, the landscape masterplan proposes to address this issue through specific landscaping in these areas. All recreational and outdoor sitting areas around Block A, Block B, Block C, and Block D, together with podium level between Block E and Block F are expected to be comfortable and safe for their proposed use.

10.6.16. With regard to balconies, the top two balconies on the southeast corner of Block E were not considered suitable for long term sitting or standing in the summer and in the winter. Similarly some of the high-level balconies exceed the pedestrian distress criteria on the southwest corner and east side of Block B, and the southeast and northwest corner of Block E. Mitigation is recommended for these balconies. It is stated that with introduction of the proposed porous balustrades, significant improvements of the wind microclimate conditions within the private balconies are expected. I note the PA has raised concern in relation to external balconies proposed in some of the blocks given the negative impacts of southwesterly winds in Galway.

10.6.17. Should the Board be minded to grant permission, this issue raised in relation to balconies should be addressed by way of condition to ensure wind microclimate issues relating to the balconies are appropriately mitigated through the type of balustrade proposed or alternative design solution.

Conclusion – Residential Amenity

10.6.18. Overall, subject to condition, I consider that the design and layout of the development is satisfactory with regard to national and development plan guidance for residential development and will result in a reasonable standard of residential accommodation for future residents of the scheme.

10.7. Childcare Facility

10.7.1. 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.

10.7.2. The applicant states based on an average household size of 2.7 people the proposed development will have a population of 895. Census data for the western suburbs of the City indicates that the typical crèche going cohort make up approximately 15% of the overall population which equates to the requirement of 135 no. crèche spaces to serve the proposed development. However, the applicant states that some account must be taken of the type of accommodation that is being provided and the predicted demographic makeup of future residents. Discounting 1 bed units and a portion of 2 bed units from the calculations the applicant states that the proposed 174 sqm crèche which is designed to accommodate 40 children is adequate.

10.7.3. A letter from the childcare committee dated July 2019 accompanies the applicant's documentation stating the proposed crèche (clarified by the applicant as referring to the crèche currently being constructed in the retail park) would likely be adequate to

cater for the needs of families in the proposed development, however, there is currently significant unmet demand for childcare places in the general Knocknacarra/Rahoon area. The planning authority report considers the proposed childcare facility to be inadequate.

- 10.7.4. The crèche being constructed as part of phase 2 of the retail park has a gross floor area of 444sqm. It is considered by the applicant that the crèche permitted and the crèche now proposed (174 sqm) as part of this application is sufficient to cater for demand.
- 10.7.5. I note the crèche currently being constructed was permitted on a commercial basis as part of the neighbouring development and not to serve this proposed population. The proposal to develop a crèche as part of phase 2 of the Gateway Retail Park is an indication as to the lack of childcare in the area, as per the statement in the childcare committee letter. The applicant has not submitted any detailed analysis of childcare facilities in the area or indicated what portion of two bed units they discounted from their space analysis.
- 10.7.6. In applying the childcare guidelines and having regard to the apartment guidelines indication that 1 bed units can be discounted (96 units in this instance) then I consider the childcare demand as a result of this development equates to 64 spaces. I do not agree with the applicant's approach to discount an arbitrary proportion of two bed units given the majority of the units are two bed and there is no evidence available to support the suggestion that the development will be occupied primarily by single people or young couples. I consider the applicant should meet their obligations for a crèche to serve this development and that the crèche should cater for 64 children, which is greater than the 40 children proposed to be accommodated in the existing design. Should the Board be minded to grant permission, I consider this issue could be addressed by way of condition.

10.8. Impact on Amenity of Neighbouring Properties

- 10.8.1. The potential impact of the proposed development on the residential amenity of neighbouring properties, including residents of Gort na Bró estate, has been raised in a number of submissions, as well as the impact on the school grounds, playing

pitches and adjoining roads in relation to overlooking, overshadowing, loss of light, impacts on privacy and overbearance.

- 10.8.2. The applicant has submitted a photomontage report looking at various views of the proposal from outside the site and has submitted microclimate studies (wind and daylight/ sunlight/overshadowing).

Overlooking and Overbearance

- 10.8.3. In terms of overlooking I would note that the Block A maintains a separation of 38.5m from the rear façade of existing houses at Gort na Bró, which back onto the L5000/Miller's Lane at this location, and Block F maintains a distance of 31m from the side gable of the dwelling on the opposite side of the L5000 at this location and from the existing sports pitches. I am satisfied that an adequate level of separation with the intervening road is proposed and that no undue adverse overlooking or overbearance impacts would arise. Impacts with the regard to the road network and traffic are considered further in section 11.9 hereunder.

Daylight, Sunlight and Overshadowing Study

- 10.8.4. The applicant has submitted a Daylight, Sunlight and Overshadowing Study with the application. Section 4 of the report examines shadow analysis. Section 5 addresses daylight to existing buildings, including the gaelscoil to the north and Gort na Bró dwellings to the east. The study states that both the school and the dwellings will continue to meet the BRE standards in terms of the vertical sky component and access to daylight. Section 6 addresses sunlight to the existing and proposed amenity spaces, including the rear gardens at Gort na Bró which back onto the L5000, opposite the application site/Blocks A and F and concludes that these amenity areas would continue to receive at least 2 hours of sunlight on 21st March, meeting the BRE recommendations. With regard to the amenity spaces within the development, it is stated that these would exceed the BRE recommendations. With regard to the average daylight factors for the proposed apartments, overall 96% of the ground, first floor and second 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.

- 10.8.5. Having reviewed both the submissions made and the study submitted, I am satisfied that the proposed scheme would not impact unduly on sunlight and daylight access.
- 10.8.6. With regard to the school, I note the orientation of Blocks E and F and the positioning of their gable ends 12m from the school and the separation distance of 46m between the main body of Block F and the school site. I note the podium level open space proposed at the boundary provides a greater separation distance for the large section of Block F. While there may be some overshadowing of the school, this will not in my view impact significantly upon it and I do not consider overlooking/loss of privacy to be a significant issue given the design of the blocks.

Conclusion

- 10.8.7. Overall, having regard to the evolving urban character of this area, the orientation of the site, the separation distances involved and the design of the proposed units, I do not consider there will be significant impacts on the amenity of properties in the vicinity. I have no information before me to believe that the proposal, if permitted would lead to devaluation of property in the vicinity.

10.9. Traffic, Transportation and Access

- 10.9.1. In relation to Transport, the relevant section of the EIAR is Chapter 12 and associated Traffic and Transport Assessment in Appendix 3-1. I also refer the Board to section 12.12 of my report hereunder.
- 10.9.2. The site has frontage onto the Western Distributor Road, the L5000/Miller's Lane (which is proposed to connect to the N6 GCRR to the north) and the Gateway Retail Park Link Road to the west, which connects further into Bóthar Stiofáin and Ragoon Road. The Western Distributor Road, which adjoins the site, is a major link road in the area connecting to Galway City Centre and consists of a single lane carriageway in each direction with footpaths and on road cycle paths on both sides of the road.
- 10.9.3. There are limited cycle facilities on the Gateway Retail Park Link Road, with a shared cyclepath on the footpath on both sides from the Aldi supermarket up to the roundabout into the Gateway Retail Park, but not beyond this to the school site or beyond Aldi to the junction with Bóthar Stiofáin.

10.9.4. In terms of pedestrian connectivity, there is a direct east-west connection recently constructed from Bóthar Stiofáin west of the new phase of the retail park being constructed (not yet open), through the retail park, across the Gateway Retail Park Link Road which connects to the pedestrian/cyclist only path between the application site and the school site, which links across the L5000/Miller's Lane to the playing pitches on the opposite side of the L5000. This entire east west pedestrian route links these CI zoned lands to existing dwellings and facilities in the wider area and highlights the importance of creating direct pedestrian/cycle routes to encourage modal shift from the car.

10.9.5. The two main infrastructural upgrades proposed as part of this development are:

- Realignment of the link road between the retail park and Gort na Bró
- Upgrading of the new junction between the application site and the Gort na Bró housing estate, and associated upgrade works.

10.9.6. Public Transport in terms of existing bus routes (412, 414 and 405) and cycle infrastructure in the area have been considered. Upgrades to the bus network are proposed by the NTA, as set out in the Galway Transport Strategy (GTS) with two arterial bus routes proposed along the Western Distributor Road proximate to the site.

10.9.7. With regard to cycle infrastructure, the following works are proposed:

- Construction of a two-way cycle lane (2.75m wide) along the L5000 and the east-west Link Road. It will start at the pedestrian crossing on the Western Distributor Road (west arm of roundabout at Gort Na Bró) and will continue along L5000 onto the southern side of the link road up to the internal roundabout at the entrance to Gateway Retail Park. At the proposed signalised junction, a toucan crossing is proposed and it is proposed to continue the two-way cycle lane along L5000 on the opposite side of the junction to join with the existing shared facility at the southern boundary of Gaelscoil Mhic Amhlaigh.

The works are stated to be in compliance with the Galway Transport Strategy Appendix F, the National Cycle Manual, and the NTA

- 10.9.8. The realignment of the east-west link road through the site and the creation of a signalised junction with Gort na Bró also forms part of the proposed N6 Galway City Ring Road works (GCRR) (concurrent application with ABP). The alignment proposed as part of this application is stated to accord with the proposals published by Galway City Council and the TII. Records of meeting/discussions in relation to the design of this link have been submitted to demonstrate the proposal will not compromise plans put forward as part of the N6 GCRR (concurrent application before ABP). As there is no definitive timeline surrounding the delivery of the N6 GCRR, the applicant intends to construct this realigned link road ahead of the delivery of the wider N6 Ring Road Scheme. I note third party concerns in relation to the limitation of the works being undertaken as part of this proposal versus the wider changes proposed under the N6 GCRR. However, I am satisfied based on the information submitted that the proposed road works will not compromise any future planned works related to the proposed N6 GCRR or result in a traffic hazard if constructed as proposed.
- 10.9.9. Third parties, in particular Galway Cycling Campaign, raise concerns with the design approach taken in relation to the cycleway, its two way nature and the manner in which cyclists are to navigate the new junction and the Western Distributor Road Roundabout. I note elements of the cycle network are not entirely satisfactory, particularly where it approaches the junction and where it terminates at the retail park roundabout with no continuity proposed to connect into the existing network where the civic plaza is now proposed. To ensure that the design of the cycle network is to the highest possible standard, as envisaged by the GTS, and to ensure cycling is maximised as an alternative and safe mode of travel, I recommend a condition requiring a Quality Audit (which shall include a Road Safety Audit, Access Audit, Cycle Audit and Walking Audit) is warranted, should the Board be minded to grant permission.
- 10.9.10. A Stage 1 Road Safety Audit has been submitted with the application, as part of Appendix 3-1. It is stated that the applicant has addressed issues raised. I note there is no commentary in this report on the cycle lane provisions and it is not overly clear what design changes were implemented on foot of the review.

Traffic and Transport Assessment

- 10.9.11. The existing road network and the existing traffic pattern was established and confirmed via automatic traffic counts and junction traffic counts. Peak hours were confirmed to be 08:00 to 09:00 and 17:00 to 18:00 during the week and was 12:00 to 13:00 during the weekend.
- 10.9.12. With regard to the TTA and trip generation, the site is forecast (using TRICS data) to generate 121 vehicle movements during the AM peak, 193 movements during the PM peak and 236 at the weekend peak times. Sensitivity testing was carried out by modifying the proposed residential trip generation and distribution based on local traffic counts and distributions observed at a nearby residential development. The results of this sensitivity testing indicate that the development will have a very minor impact on the surrounding road network. The junctions experiencing the most impact were identified as Junctions 3 (signalised junction at Gort na Bró and new east-west link street), 4 (at the roundabout into the retail park) and 7 (junction with Bóthar Stiofáin and Gateway Retail Park Link Road) and were analysed further using JCT Lin Sig and TRL. Junction 7 is shown to operate at capacity at the opening year, with a maximum waiting time of just over 2 minutes, which is not considered excessive. The TTA identifies potential solutions to upgrade this junction in the future, however no proposals are proposed as part of this development as the overall impact is considered minimal. Junction 8 (Bóthar Stiofáin and the Western Distributor Road) is indicated will operate close to capacity in +15, however the impact is considered minimal and it is noted the GTS proposes to change this to a signalised junction in the future.
- 10.9.13. The TTA concludes that all junctions will operate within capacity for +15year. There are two junctions that are marginally over capacity, but the impact of the development is considered negligible and there is sufficient capacity remaining in the local road network to accommodate the development. Overall there will be a long-term slight impact to local traffic.
- 10.9.14. I note third party submissions raise concerns in relation to the utilisation of TRICS and the application of the sensitivity testing. I note the transportation section of the planning authority queried the use of TRICS earlier in its discussions with the applicant, however in their assessment of this application, no issue is raised with the

approach taken and methodology used. I am satisfied that the methodology and assumptions made are reasonable.

10.9.15. Third party submissions raise concerns in relation to impacts of the development on the local road network for local residents in terms of capacity and congestion and the lack of a high quality bus network to compensate/act as an alternative mode. While congestion is an issue, as acknowledged by the Galway Transport Strategy (GTS), I am of the view that the proposed development would not, of itself, generate significant volumes of traffic. The Galway Transport Strategy (GTS) acknowledges 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 Knocknacarra North area is identified as a major origin of trips (TTA Figure 2-4 refers). The GTS focuses on improving public transport and cycling routes in this area to manage traffic into the future while supporting growth, with proposals for dedicated bus lanes on the Western Distributor Road and cyclist route upgrades on the Western Distributor Road, Ragoon Road, and Bóthár Stiofáin. I would note that this land is zoned for development and refusing permission for the proposed development would not alleviate traffic congestion in this part of the city nor would it justify preventing or amending the proposed development of zoned serviced land at an appropriate density. A development of the density proposed would support a more integrated public transport system in the longer term.

10.9.16. 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 and supported by the Galway MASP. I am satisfied that, subject to the proposed mitigation and management measures as set out in Chapter 12 of the EIAR, significant negative impacts would not arise.

Construction Traffic

10.9.17. I note concerns raised by third parties in relation to construction traffic, noise, disturbance and potential for conflict with school children. With regard to haulage

routes and construction traffic, it is stated in the EIAR that construction traffic travelling to the site will use the Western Distributor Road and Gort na Bró roundabout to access the site from the south. Access from the north will be available outside of school hours from Ragoon Road and two local roads either side of Gaelscoil Mhic Amhlaigh school. Bóthar Stiofáin located west of the Gateway development will not be utilized for construction vehicle access due to residential character of this road and to minimize impact on surrounding residences facing onto this road. Stage 1 of the construction includes the proposed Link Road realignment with upgrade to L5000 and proposed signalised junction. The existing Link road will be closed off during stage 2, however its access off Gort na Bró roundabout will be maintained as a construction access point for traffic. Construction traffic for the works in the basement of Phase 2 carpark will be provided through the basement access ramp off local road. This access will be available outside of the school hours. Temporary pedestrian routes will be maintained within the basement carpark with positive traffic management during retail opening hours. Deliveries to the retail units are also proposed to be managed outside of school times by the management company for the scheme. It is stated that specific control measures will be implemented to fully segregate construction traffic from pedestrian and cyclists, taking into consideration the close proximity of a primary school. Construction traffic adjacent to the school will be limited to outside of school hours. Additionally, a temporary pedestrian/cycle routes will be required at the proposed site access locations to fully segregate construction traffic from pedestrian traffic. There will be a requirement for a site marshal in particular during the school pick up / drop off.

10.9.18. Potential construction impacts will be short term and temporary in nature and I am satisfied that they can be appropriately mitigated through good construction management and practice and that significant negative impacts would not arise.

Internal Street Design and Parking

10.9.19. A number of pedestrian only routes are proposed from the Western Distributor Road through to the Gateway Retail Park Link Road and also from the northern pedestrian only pathway adjoining the school site to the south of the site. I note, however, a number of these pedestrian accesses are proposed to be gated in the evening. I have considered this issue further under section 10.4 above and consider

a condition to omit such gates is warranted, should the Board be minded to grant permission.

10.9.20. Surface and undercroft parking is located on the northern portion of the site, to serve Blocks E and F, with additional basement parking proposed in phase 2 of the retail park, northwest of the main body of the site, to serve Blocks A, B and D. The remote location of car parking from Blocks A, B and D to the northwest of the site within the retail park and separate from the main body of the site is unusual, however, given the focus on alternative modes of transport and national policy to limit car parking in support of more sustainable transport modes, I consider this arrangement acceptable, subject to an appropriate management strategy being put in place.

10.9.21. A total of 266 car parking spaces are proposed overall, which equates to a rate of 0.8 per apartment. This is considered acceptable and in line with the strategy overall to support more sustainable modes of transport.

10.9.22. A total of 677 bicycle spaces are proposed – 64 enclosed in Block A; 70 enclosed in Block B; 251 enclosed in Block F and surface spaces across the development of 291. 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 591 no. resident spaces and 166 no. visitor spaces within the scheme, which is a total of 762 spaces. I note that in terms of distribution not all residents have access to secure bicycle storage proximate to their blocks. The submission from the Galway Cycling Campaign raises concerns in relation to the number of spaces within the scheme and their distribution. Cycling is a viable alternative to car-based travel at this location, given the sites proximity to education, services and employment within the area and the wider city. 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 cycle parking provision is required and that in terms of distribution, all residents should have access to secure storage. This issue can be addressed by condition, should the Board be minded to grant permission.

Conclusion

10.9.23. This is an urban area, where existing traffic congestion is a factor, as recognised by the GTS. Growth is to be expected in accordance with the zoning of the land and as supported by national and regional estimates for Galway. It is the management of this growth into the future through the development of sustainable communities which will support the sustainable development of this land and improvement to the public transport network as envisaged by the GTS. Overall, I consider that a development of the scale proposed at this site can be accommodated within the existing city road/street network and I do not consider the proposal would give rise to a traffic hazard or be seriously injurious to the residential amenity of those in the immediate area of the site. Any outstanding issues can be addressed by way of condition.

10.10. Infrastructural Services including Flooding Issues

Water and Wastewater

10.10.1. It is proposed to connect the development to the public water and foul sewer network in the area.

10.10.2. With regard to the foul sewer network, it is proposed to divert the existing foul water sewers within the site to align the drainage layout with the proposed diversion of the existing access road to the Gateway Retail Park. The proposed development will be provided with a foul drainage network to collect foul flows from the apartment blocks and commercial units. The foul drainage system will connect with the existing 225mm diameter sewers to the north-west and south west of the site. Car parking incidental drainage at ground floor level will gravitate to the lowest point before passing through an interceptor, where this will discharge to the foul network. Foul water will be treated at the Galway Mutton Island Wastewater Treatment Plant before discharging to Galway Bay. Irish Water have upgraded the Mutton Island Wastewater Treatment facility under the Capital Investment Plan 2014-2016 (Galway Sewerage Scheme Phase 3 – Network Upgrade Contract No.1 Volume D). The upgrade increases the capacity of the plant from 92,000 to 170,000 p.e. No issues in terms of capacity are raised. The proposals are in my view satisfactory.

Surface Water Management

10.10.3. There are no open watercourses or drains within the subject site.

- 10.10.4. It is proposed to divert the existing surface water sewers within the site to align the drainage layout with the proposed diversion of the existing access road to the Gateway Retail Park.
- 10.10.5. The Knocknacarra Stream formerly ran through the site was culverted and realigned to form the surface water sewer network as part of a nearby development in 1996. This surface water sewer system ultimately discharges to Rusheen Bay and thus has connectivity to the Inner Galway Bay SPA and Galway Bay Complex SAC, in excess of 1.8km downstream (surface water distance).
- 10.10.6. All water discharged from the site will be at attenuated greenfield run-off rates to the existing sewer, located to the north-west and south-west of the site and will include for the installation of a Class 1 Bypass Separators at the outfall from each network to ensure no release of hydrocarbons from the development.
- 10.10.7. SUDs elements are proposed to allow infiltration or reduction of runoff volumes and rates where possible. SUDS measures are proposed to allow infiltration or reduction of runoff volumes and rates where possible. SUDS measures include provision of attenuation under the civic plaza and two off-line attenuation storage systems for the attenuation of flood water up to the 100 year storm event + 10% allowance for climate change. Surface water run-off from the overall development will be attenuated to greenfield runoff rates.
- 10.10.8. The proposals are acceptable to the Water Services Section of Galway City Council. The proposals are in my view satisfactory.

Flood Risk Assessment

- 10.10.9. A Site-Specific Flood Risk Assessment (SSFRA) has been submitted which indicates the site is within Flood Zone C and residential development proposed is appropriate for the site's flood zone category.

Conclusion

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

10.11. Other Matters

10.11.1. I note that two signs are indicated for the Gateway Retail Park around the perimeter of the site, one at the Western Distributor Road roundabout and the other at the proposed new east-west signalised junction. It is not clear if these relate to new signs/permitted signs or are proposed signs as no details are submitted. In the interests of quality public realm and visual amenity, any new signs proposed relating to the Gateway Retail Park as part of this development should be omitted from the development and subject to a separate application which can deal with signage for the Gateway Retail Park in a more comprehensive manner than currently presented.

11.0 Appropriate Assessment

11.1. Introduction

11.1.1. The application is accompanied by an AA Screening Report. The report concludes that the proposed development either individually or in combination with other plans or projects would not be likely to have a significant effect on any Natura 2000 sites and that a Stage 2 Appropriate Assessment is not required.

11.1.2. Having reviewed the documentation available to me, I am overall satisfied that there is adequate information available in respect of baseline conditions to clearly identify the potential impacts on any European site and I am satisfied that the information before me is sufficient to allow for appropriate assessment of the proposed development.

11.2. Screening

11.2.1. The proposed development is for 332 residential units, a crèche and retail development on a 2.8 ha site.

11.2.2. The site is a greenfield site and the habitats within and adjacent to the development site were evaluated. The majority of habitats on the site are indicated to be of low ecological importance. Spoil and bare ground (ED2), Recolonising bare ground (ED3), Buildings and artificial surfaces (BL3), Amenity Grassland (GA2), Bracken (HD1), Dry Meadows and Grassy Verges (GS2)) cover the majority of the site and have been categorised as Local Importance (Lower value). These habitats are highly modified and are of low ecological value. The Scattered trees and parkland (WD5)

and Scrub (WS1) within the site are categorized as Local Importance (higher value) as they provide cover and commuting corridors for a variety of local flora and fauna, as well as being of local biodiversity importance. However, there is limited ecological connectivity with the surrounding landscape due to the site being surrounded by urban development.

- 11.2.3. There are no known water courses on the site. The site is not located adjacent or within a European site. The proposed development will be connected to a public water, surface water and foul sewer network. Attenuated surface water will outfall from the development to Knocknacarra Stream, which discharges to Rusheen Bay, which is connected to Galway Bay Complex SAC and SPA. A potential pathway is identified to European Sites associated with Galway Bay, given the potential pathway via the surface water and ground water network.
- 11.2.4. No other European site in the wider area requires assessment given the separation distances involved and given the lack of a substantive linkage between the proposed works and any other European site.
- 11.2.5. The following sites, therefore, are identified as being within the zone of influence of the development site:

Site Name	Conservation Objective	Qualifying Interest	Distance
Galway Bay Complex SAC - Site Code: 000268	To maintain or restore the favourable conservation status of habitats and species of community interest.	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]	1.3 km

		<p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Turloughs [3180]</p> <p>Juniperus communis formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</p> <p>Alkaline fens [7230]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Phoca vitulina (Harbour Seal) [1365]</p>	
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<p>Inner Galway Bay SPA - Site Code: 004031</p>	<p>To maintain or restore the favourable conservation status of habitats and species of community interest.</p>	<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]</p>	<p>1.5km</p>
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		Black-headed Gull (Chroicocephalus ridibundus) [A179] Common Gull (Larus canus) [A182] Sandwich Tern (Sterna sandvicensis) [A191] Common Tern (Sterna hirundo) [A193] Wetland and Waterbirds [A999]	
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11.2.6. The NIS submitted outlines further the qualifying interests and detailed conservation objectives for each of these sites and any potential impact that could arise.

11.2.7. The application site does not contain any of the habitats which are the subject of the conservation objectives of the SACs or SPAs, as is set out in the submitted Natura Impact Statement (NIS) and the EIAR. None of the habitats within the development site correspond to those listed on Annex I of the EU Habitats Directive. No botanical species protected under the Flora (protection) Order (1999, as amended 2015), listed in the EU Habitats Directive (92/43/EEC), or listed in the Irish Red Data Books were recorded on the site. All species recorded are common in the Irish landscape. No evidence of species listed under Annex II or IV of the Habitats Directive were recorded during the site visit. No evidence of bird species listed under Annex I of the Birds Directive were recorded during the site visit. The habitats within the footprint of the proposed works include scrub and highly modified habitat of low conservation value. The application site does not provide suitable supporting habitat for any habitats or species for which nearby SACs/SPAs have been designated, as is clear from the information submitted in the NIS and EIAR. It is therefore concluded that the proposed development would not have the potential to have any direct effect on any European site.

11.2.8. The application site does not provide ex situ habitats that support populations of species in European sites proximate to the site, which are the subject of the

conservation objectives of those sites, as is evident from the information submitted in the NIS and EIAR which is consistent with the observations of the site at the time of inspection.

11.2.9. The foul effluent from the development would drain to the system serving Galway as a whole. Irish Water has reported that this system can facilitate the proposed development. Given that waste will be appropriately treated to the required standards in the public sewer system; no potential for adverse impact on water quality exists.

11.2.10. Surface water runoff from the completed development would be attenuated to replicate the existing discharge regime with petrol interceptors that would prevent hydrocarbons being emitted at the outfall into the surface water network, which drains to Rusheen Bay and thus has connectivity to the Inner Galway Bay SPA and Galway Bay Complex SAC, in excess of 1.8km downstream from the site. The development is considered in the NIS to have a possible hydrological connection to the Galway Bay Complex SAC (000268) and the Inner Galway Bay SPA (004031) via the surface water network with potential for impacts on the supporting habitat of specified qualifying interests as a result of pollutants which may enter the surface water network during the construction and operational phases and result in deterioration of water quality. The submitted NIS also considers there is also the possibility that pollutants may percolate through the ground to ultimately discharge to the SAC/SPA via this diffuse pathway.

11.2.11. The NIS refers to proposed standard best practice environmental control measures as mitigation measures that have been incorporated in the design of the development, which are set out within section 2.3.3 of the NIS including the following pollution control measures to be put in place:

- Sediment and Erosion – Adjacent drainage systems/groundwater need to be protected from sedimentation and erosion due to direct surface water runoff generated onsite during the construction phase. To prevent this from occurring surface water discharge from site will be managed and controlled for the duration of the construction works until the permanently surface water drainage system of the proposed site is complete. A temporary drainage system shall be installed prior to

the commencement of the construction works to collect surface water runoff by the site during construction.

- Accidental Spills and Leaks – All oils, fuels, paints and other chemicals will be stored in a secure bunded construction hardstand area. Refuelling and servicing of construction machinery will take place in a designated hardstand area which is also remote from any drainage systems. A response procedure will be put in place to deal with any accidental pollution events and spillage kits will be available and construction staff will be familiar with the emergency procedures and use of the equipment.
- Concrete – Concrete batching will take place off site, wash down and wash out of concrete trucks will take place off site and any excess concrete is not to be disposed of on site. Pumped concrete will be monitored to ensure there is no accidental discharge. Mixer washings are not to be discharged into surface water drains.
- Disposal of Wastewater from Site – Discharge from any vehicle wheel wash areas is to be directed to on-site settlement tanks/ponds, debris and sediment captured by vehicle wheel washes are to be disposed off-site at a licensed facility.
- Foul drainage discharge from the construction compound will be tankered off site to a licensed facility until a connection to the public foul drainage network has been established.

11.2.12. While the NIS describes these as mitigation measures for the purposes of appropriate assessment, they are not, such design features are utilised as a matter of good practice for connection to the public network, regardless of the presence of a designated site downstream and I do not consider these are a necessity to prevent any negative impact on the conservation objectives of the European Sites. Their implementation would be necessary for a development on any greenfield site regardless of the proximity or connections to any European site. Furthermore, I do not consider it likely given the distances involved that any suspended solids or pollutants that enter the surface water network in the vicinity of the application site as a result of the proposed development are likely to reach the Galway Bay Complex SAC and Inner Galway Bay SPA in sufficient quantity or concentration so as to be

likely to result in a significant effect on the European sites in light of their Conservation Objectives.

11.2.13. With regard to groundwater, I note that on the basis of soil conditions, geology and hydrogeology and having regard to separation distances involved, that the proposed development is not likely to have a significant effect on any European site.

11.2.14. In combination effects have been considered and I am satisfied that the proposed development in combination with other permitted developments in the area, which in themselves have been screened in terms of AA, would not be likely to have a significant effect on any European site.

11.2.15. 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. 000268 (Galway Bay Complex SAC), European Site No. 004031 (Inner Galway Bay SPA) or any other European site, in view of the site's Conservation Objectives, and that a Stage 2 Appropriate Assessment is not required.

12.0 Environmental Impact Assessment

12.1.1. The development provides for:

- 332 apartments and 470 sqm of tenant amenity accommodation,
- 2667sqm of commercial floorspace,
- 93 sqm of community use facilities,
- 174 sqm crèche
- 85 car parking spaces and realigned road between Gort na Bró and Gateway Retail Park Road
- Change of underground void to 181 car parking spaces.

The site is located within the area of Galway City Council and is within an urban area.

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

i) Construction of more than 500 dwelling units

iv) Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

12.1.3. The proposal is on a site area of 2.8ha and is located in a District Centre. The applicant considers that an EIAR is required.

12.1.4. 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 results of the submissions made by the planning authority, prescribed bodies, observers and applicant has been set out in previous sections of this report. The main issues raised specific to the EIA can be summarised as follows:

- Traffic Impacts
- Noise and Air Impacts
- Visual Impact
- Human Health Impacts

12.1.5. These issues are addressed below under the relevant headings, and as appropriate in the reasoned conclusion and recommendation, including conditions. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR adequately identifies and describes the direct, indirect and cumulative effects of the proposed development on the environment, and complies with article 94 of the Planning and Development Regulations 2001, as amended.

12.1.6. The EIAR is laid out in two volumes. Volume 1 includes a non-technical summary and the Environmental Impact Assessment Report. Volume 2 comprises the appendices. Volume 1, Chapter 1 sets out the introduction and methodology

including a list of the competent experts involved in preparing the EIAR. Chapter 2 provides a background to the development including site history, policy context and consideration of alternatives. Chapter 3 provides a description of the proposed development including construction and operational aspects. Chapter 4 considers risks of major accidents/natural disasters. Chapter 13 examines potential of interactions between the various factors. Chapter 14 provides a schedule of mitigation measures.

12.1.7. As is required under Article 3(1) of the amending Directive, the EIAR describes and assesses the direct and indirect significant effects of the project on the following factors: (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape. It also considers the interaction between the factors referred to in points (a) to (d). Article 3(2) includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered.

12.1.8. This EIA has had regard to the application documentation, including the EIAR, and the observations received, as well as to the assessment of other relevant issues set out in section 10 of this report above. This EIA Section of the report should therefore, where appropriate, be read in conjunction with the relevant parts of the Planning Assessment.

12.2. Vulnerability of Project to Major Accidents and/or Disaster

12.2.1. With respect to Article 3(2), chapter 4 of the EIAR refers to Major Accidents/Natural Disasters.

12.2.2. Having regard to the location of the site and the existing land use as well as the zoning of the site, I am satisfied that the risk of major accident is very low. I am satisfied that the proposed use, i.e. residential and commercial, is unlikely to be a risk of itself. Potential flooding has been addressed in this EIAR (and dealt with further below). I am satisfied that the risk of major accident is low.

12.3. Alternatives

12.3.1. Chapter 2 of the EIAR addresses the alternatives considered.

12.3.2. The applicant refers to a number of reasonable alternatives considered on the site with respect to the design and layout of the scheme. A summary of the alternatives is provided. Having regard to the zoning of the site, I am satisfied that alternative locations and alternative processes are not relevant to the proposal. In my opinion reasonable alternatives have been explored and the information contained in the EIAR with regard to alternatives provides a justification in environmental terms for the chosen scheme and is in accordance with the requirements of the 2014 EIA Directive.

12.4. Consultations

12.4.1. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

12.5. Assessment of the Likely Significant Direct and Indirect Effects

12.5.1. The likely significant direct and indirect effects of the proposed development on the environment are considered under the headings below which follow the order of the factors as set out in Article 3 of the EIA Directive 2014/52/EU:

(a) Population and human health

(b) Biodiversity, with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC

(c) Land, soil, water, air and climate

(d) Material assets, cultural heritage and the landscape;

(e) The interaction between the factors referred to in points (a) to (d).

12.5.2. With respect to cumulative impacts these have been considered for each environmental topic. The results of the cumulative impact assessment for each environmental topic are presented within each chapter. The potential for cumulative impacts arising from the proposed development in combination with other projects has been considered, including three developments outside of the site: proposed N6 Galway Ring Road and two residential developments in the wider area.

12.6. Population and Human Health

- 12.6.1. Chapter 4 of the EIAR addresses population and human health. The methodology for assessment is described as well as the receiving environment.
- 12.6.2. It is noted that population and human health is inter-related with other environmental topics within the EIAR and addressed within other chapters, with this chapter specifically addressing population, human health, employment and economic activity, land-use, tourism, noise and health and safety. The consideration of potential impacts on human health are examined separately in the Air & Climate, Noise & Vibration, Geology and Soils, Hydrology & Hydrogeology and Traffic, with a summary provided in this chapter.
- 12.6.3. Recent demographic trends are examined, and it is noted that the population of Galway city grew by 4.2% in the last intercensal period to 78,668 persons.
- 12.6.4. The Government's Action Plan for Housing and Homelessness, Rebuilding Ireland, July 2016 aims to increase the delivery of housing. The RSES for the Northern and Western Regional Assembly further requires the delivery of additional housing to address shortages. The Galway Metropolitan Area is recognised as having considerable land capacity that can significantly contribute to meeting the housing demands based on population targets set out in the NPF and the RSES.
- 12.6.5. The land is zoned for development and is serviced.
- 12.6.6. Mitigation measures during the construction and operational phase are detailed. To avoid negative impacts on population and human health, mitigation measures are proposed in relation to noise, dust and air quality, and traffic, including for example that there will be restricted operating hours during school times when works are within 25m distance of northern site boundary and a site marshal to be employed to fully segregate construction traffic from external pedestrian traffic. Mitigation measures are further detailed in the relevant sections of the EIAR. No significant cumulative impacts are anticipated. I am satisfied that negative impacts on population and human health during the construction phase would be short-term and slight negative and that impacts will be mitigated to an acceptable level by the measures detailed in the relevant sections of the EIAR and associated appendices.

- 12.6.7. 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 and associated appendices.
- 12.6.8. I have considered all of the written submissions made in relation to population and human health. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on population and human health.

12.7. Biodiversity

- 12.7.1. Chapter 5 of the EIAR addresses biodiversity. The biodiversity chapter details the methodology of the ecological assessment. It is noted that a Natura Impact Statement has been submitted as part of the application and a Stage 1 Screening undertaken (see section 11).
- 12.7.2. In terms of the receiving environment, flora and fauna (birds, mammals, and bats) surveys were undertaken in March, April and September 2019. A tree survey was also undertaken. It is stated that there are no Annex I habitats listed under the EU Habitats Directive present within the development site boundary. No botanical species protected under the Flora (protection) Order (1999, as amended 2015), listed in the EU Habitats Directive (92/43/EEC), or listed in the Irish Red Data Books were recorded on the site. All species recorded are common in the Irish landscape. In terms of invasive flora, none were recorded on the site. There are no natural ponds, springs or streams, drains or other waterbodies within the site.
- 12.7.3. The site does not provide significant habitat for breeding or wintering bird species. Bats were recorded in low numbers. Bats were not recorded foraging within the site. Vegetation to be removed was visually assessed for potential as bat roosting habitat. No roosts were identified and no built structures with the potential to support roosting bats were identified. No trees with features with the potential to support significant bat roosts were identified. No evidence of badger (*Meles meles*) was recorded and

no badger setts were located within the development site. No suitable habitat for other taxa protected under the EU Habitats Directive, or other invertebrate species of conservation concern was identified within the boundaries of the proposed development site.

- 12.7.4. Mitigation measures are set out in 5.4 of chapter 5 of the EIAR. Mitigation measures include, inter alia, a landscape management plan and vegetation clearance will be undertaken in line with the provisions of the Wildlife Acts (as amended) 1976-2017. Other mitigation measures include provision of a Construction and Environmental Management Plan to avoid impact on groundwater and surface water during construction; all foul water is to be discharge to the public sewer and treated at the Galway Mutton Island Wastewater Treatment Plant which has adequate capacity and capability to fully treat sewage. No significant residual impacts are anticipated.
- 12.7.5. Cumulative impacts have been fully considered and no potential for cumulative impacts when considered in-combination with other plans and projects are anticipated. I am, therefore, satisfied that the issue of cumulative impacts does not arise.
- 12.7.6. I have considered all of the written submissions made in relation to biodiversity. I am satisfied that the identified impacts on biodiversity would be avoided, managed and mitigated by the measures which form part of the 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.

Land, Soil, Water, Air and Climate

12.8. Geology and Soils

- 12.8.1. Chapter 6 of the EIAR addresses geology and soils.
- 12.8.2. Geology maps and soil maps are provided. A Ground Investigation Survey was undertaken, comprising 14 trial pits and 2 soakaways to determine soil infiltration and geotechnical laboratory testing.
- 12.8.3. The topography of the site ranges from 27m and 32m OD, generally sloping from north to south with a gentle undulating topography. The site is dominated by shallow

well drained mineral soils in the northern portion and reasonably drained mineral soil in the southern portion. The subsoil comprises either bedrock at the surface or is underlain by granite till. The granite bedrock is classified as a 'poor aquifer bedrock which is generally unproductive except for local zones'.

- 12.8.4. The following works are identified as having a potential impact on soils and geology: subsoil excavation and bedrock excavation; and contamination of soil by leakages and alteration of soil chemistry.
- 12.8.5. Mitigation measures are described for the construction phase, which are in the main related to best practice construction methods, such as storage of mobile bowsers, tanks and drums to be stored in an impermeable storage area, bunding for storage of hydrocarbons and other chemicals. It is stated that negative impacts during construction phase will be short term only in duration and will not give rise to significant long term adverse impacts. During the operational phase, no significant adverse impacts on the soils and geology of the lands are envisaged. I am satisfied that subject to the proposed mitigation and management measures that significant negative impacts would not arise.
- 12.8.6. The potential residual impacts associated with soil or ground contamination and subsequent health effects are considered to be imperceptible. No cumulative effects on geology and soils resulting from the proposed development are predicted. I am, therefore, satisfied that the issue of cumulative impacts does not arise.
- 12.8.7. I have considered all of the written submissions made in relation to geology and soils. 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 land and soils.

12.9. **Hydrology and Hydrogeology**

- 12.9.1. Hydrology and hydrogeology is addressed within chapter 7 of the EIAR. This chapter describes the surface water and groundwater regime.

12.9.2. There are no surface watercourses or drains on the site. A tributary stream of the Knocknacarra Stream formerly ran through the site but was culverted and realigned to the eastern part of the site form part of the surface water network of a nearby development in 1996. The Knocknacarra Stream rises to the north of the site and flows south to the east of the site. The stream is culverted almost to its sea outfall at Rusheen Bay near Blakes Hill at Salthill.

12.9.3. The groundwater vulnerability rating is extreme due to rock near the surface. The aquifer below the subject lands is classified as a 'Poor Aquifer – Bedrock which is generally unproductive except for local zones'.

12.9.4. It is proposed to discharge surface water from the site to the public surface water system, which ultimately connects to the Knocknacarra Stream. The proposed storm water management and drainage design is in accordance with the GDSDS. SuDS measures proposed include:

- Porous asphalt paving on part of civic plaza to provide treatment, storage and reduce runoff rates.
- Green podium with landscaped areas and raised planters to reduce run-off rates and total impermeable area.
- Two off-line attenuation storage systems for the attenuation of flood water up to the 100 year storm event + 10% allowance for climate change.
- A Class 1 Bypass Separators to be provided on the outfall from each network.
- Surface water run-off from the overall development will be attenuated to greenfield runoff rates.
- To prevent pollutants or sediments discharging into water courses, interception storage will receive the run-off for rainfall depths of 5mm up to 10mm. The SUDS features include porous asphalt and landscaped podium will provide the necessary interception volume.

12.9.5. Water supply will be via the public network. Foul sewers will discharge to the public foul sewer network.

- 12.9.6. Separately a Site Specific Flood Risk Assessment has been carried out, which indicates the site is within Flood Zone C and residential development is appropriate. The development has a good level of flood protection up to the 100-year return event. For pluvial floods exceeding the 100-year capacity of the drainage system then the proposed flood routing mitigation measures should protect the areas with lower finish floor levels by directing flood water to the drainage outfall.
- 12.9.7. Potential impacts during the construction phase are detailed, including stripping of soil and potential run off from bare soil and soil storage areas, impacts from shallow excavation dewatering, potential release of hydrocarbons during construction, construction wastewater disposal, in addition to potential impacts during the operational phase, including increased downstream flood risk due to increased hardstanding area, potential pollutants entering the surface water system and impacts from foul drainage. Mitigation measures are described and include measures which will minimise potential impact on the surface water and groundwater environs, such as provision of silt fencing, silt bags, daily monitoring and inspection of site drainage, interceptor drains, and temporary sumps and attenuation ponds. The impact following mitigation is considered to be not significant.
- 12.9.8. Operational mitigation measures include the implementation of SuDS design measures in accordance with the GSDS and discharge of foul sewer to the public sewer network for treatment at the Galway Mutton Island Wastewater Treatment Plant where adequate capacity exists. The impact following the operational phase mitigation measures is indicated as being not significant.
- 12.9.9. I am satisfied that subject to the proposed mitigation and management measures that significant negative impacts would not arise.
- 12.9.10. Potential impacts in terms of health are considered and there is no pathway to public or private water supplies which could impact on human health, with any flood risk considered to be very low. With regard to cumulative impacts, none are anticipated during the construction or operation phases.
- 12.9.11. I have considered all of the written submissions made in relation to hydrology and hydrogeology. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the

proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on water.

12.10. Air and Climate

- 12.10.1. Air and climate are addressed in chapter 8 of the EIAR. The methodology and receiving environment are addressed.
- 12.10.2. The primary sources of potential impacts on air quality during construction and operational phases are assessed, including dust and vehicle emissions, with the primary climate change impacts relating to the use of machinery during construction.
- 12.10.3. Mitigation measures during construction are detailed including dampening down the dust at source, use of debris netting on scaffolding, and wheel wash facilities and additional good management practices. A Construction Environmental Management Plan has been submitted which outlines measures to minimise dust and dirt generation including a monitoring regime and a complaints log is to be maintained and in the event of a complaint an investigation shall be initiated. I note concerns raised by third parties in relation to the effectiveness of this self monitoring, however, I consider this best practice measure to be reasonable. For the operational phase, climate mitigation measures include the proposed landscape plan and compliance with the building regulations. The impacts to air quality and climate during the construction phases are predicted to be imperceptible negative and during the operational phase the impact on climate is considered to be imperceptible. I am satisfied that subject to the proposed mitigation and management measures that significant negative impacts would not arise.
- 12.10.4. The potential for health effects are considered imperceptible as the potential for greenhouse gas emissions will be limited and controlled through site and project design and mitigation measures. Cumulative impacts are considered and no significant impacts are predicted.
- 12.10.5. I have considered all of the written submissions made in relation to air quality 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 air quality and climate.

12.11. Noise and Vibration

- 12.11.1. Chapter 9 of the EIAR evaluates noise and vibration associated with the construction and operational phases of the development.
- 12.11.2. Baseline noise monitoring was undertaken across the development and noise sensitive receptors were identified. Inward impact noise assessment has also been assessed.
- 12.11.3. The nearest noise sensitive locations are identified 20m to the east of the site, in the Gort na Bró estate and 35m to the southeast in the Logan Estate, in addition to the primary school 10m to the north of the site boundary. The nearest commercial properties are 35m to the west. Four noise monitoring locations were established at the perimeter of the site and are identified on a submitted plan.
- 12.11.4. Potential noise impacts during construction are described, including noise arising from site clearance, foundation works, building construction, road works and landscaping, and increase on construction traffic on the road network. The construction phase has the greatest potential impact due to noise and vibration impacts. During the operational phase, consideration is given to noise arising from traffic flows on the local road network and building services noise associated with the commercial spaces. A traffic impact assessment has been used to determine the predicted change in noise levels on the road network.
- 12.11.5. Mitigation measures are detailed for construction, such as selection of quiet plant, noise control at source, screening and liaison with the public, phasing of construction works and restricted operating hours during school times when works are within 25m distance of northern site boundary. Construction noise impacts are anticipated to be short term, negative and slight to moderate. Vibration impacts are considered short term and negligible. A schedule of best practice noise mitigation measures is included in section 9.7. At operational stage, it is considered that no noise mitigation measures with respect to the outward impact of the development are necessary as the impact on the existing road traffic is considered to be a neutral, imperceptible and long term impact. Noise levels associated with the building

services are expected to be within the adopted day and night time noise limits at the nearest noise receptors.

- 12.11.6. I note third party concerns which consider the location of the noise monitoring points undertaken as part of the survey work to be misleading and the data therefore erroneous. I have reviewed the noise impact assessment and consider the approach taken to be reasonable. I note that construction noise will be short term in nature and I consider the mitigation measures proposed, particularly in relation to the school site, to be satisfactory. I consider the best practice approach of self-monitoring by the contractor and the proposed complaints procedure to be put in place is reasonable. I am therefore satisfied that subject to the proposed mitigation and management measures that significant negative impacts would not arise.
- 12.11.7. There are no expected cumulative impacts as a result of the development, when considering developments proposed and permitted in the wider area.
- 12.11.8. An Inward Noise Impact Assessment was undertaken examining the impact of existing external noise, primarily from the surrounding road network, on the internal noise environment of the proposed residential units. An acoustic/noise model of the site was undertaken, which was overlain on the proposed site layout. A two stage approach for evaluating noise exposure on prospective sites for residential development was undertaken in accordance with the Professional Guidance on Planning and Noise (ProPG, May 2017) document. The existing noise environment was modelled and the site is categorised as medium to high risk. The highest noise levels were calculated at the at units with a direct line of sight to the four bounding road, ie the Western Distributor, Gort na Bró, Link and local roads. Boundary treatment is proposed as part of the landscaping works, in addition to enhanced acoustic glazing.
- 12.11.9. 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.

Material Assets, Cultural Heritage and the Landscape

12.12. Material Assets - Traffic and Transport

- 12.12.1. Chapter 12 of the EIAR details the Traffic and Transport element of the development. The Board is referred also to section 10.9 of my report above, where the likely significant traffic and transport impacts have been described and assessed and are summarised hereunder.
- 12.12.2. A Traffic and Transport Assessment, a Mobility Management Plan Report and a Stage 1 Road Safety Audit have been submitted with the application. This chapter and associated appendices adequately set out the methodology utilised in undertaking an analysis of the site and also describes the existing road network, public transport routes and pedestrian/cycle facilities, as well as planned upgrades to the road and public transport network as part of the Galway Transport Strategy.
- 12.12.3. Baseline traffic data was gathered and junction surveys were carried out. Road network works are proposed at Gort na Bró Roundabout with the closing off of one arm of the roundabout; proposed upgrade to L5000/Miller's Lane Road with proposed new east-west link road and signalised junction at L5000 and the new link road/entrance to Gort na Bró housing estate. Traffic count surveys were taken at different locations within the road network in the vicinity of the site to gain an understanding of the current traffic conditions and current traffic flows.
- 12.12.4. Potential impacts are described both during construction and operational stages. It is stated that mitigation measures related to construction activities will be implemented in accordance with a Construction Traffic Management Plan (TMP) and include measures in relation to the neighbouring school. It is stated that existing pedestrian and cycling routes will be suitably maintained or appropriately diverted as necessary during the construction period. Impacts are considered to be short term and negative, with no significant effects following mitigation during the construction phase.
- 12.12.5. During the operational phase the submitted TTA forecasts trip generation and indicates that while two junction are marginally over capacity, the impact is considered negligible and overall there is capacity in the local road network to accommodate the development. Operational phase mitigation focuses on the

provision of sustainable commuting alternatives to the car, with improvements to the local road network for pedestrians and cyclists and proposed Mobility Management Plan, with the Galway Transport Strategy identifying significant transport upgrades in the area. Furthermore parking is provided at a rate of 0.8, which is supported by national and EU policies to reduce car ownership and carbon footprint.

12.12.6. Third parties raise concerns in relation to the methodology adopted, the level of congestion which will arise as a result of the development, and the existing bus service. While the proposed development may contribute to existing congestion on the local road network in the short term, I consider the proposed development, of itself, will not result in significant additional traffic. I am of the view that, overall, development will support consolidation and densification in this area of Galway City, improve the integration between residential and employment uses and support a more integrated public transport system in the longer term. Initiatives proposed under the mobility management plan and improvement to the pedestrian and cyclist network will mitigate any potential impacts. I am satisfied that subject to the proposed mitigation and management measures that significant negative impacts would not arise.

12.12.7. Cumulative impacts have been considered, including the proposed N6 Galway City Ring Road (GCRR), which will remove through traffic from the N6 and will therefore facilitate access to the subject development. The predicted volume of traffic at the Gort na Bró / Western Distributor Road will reduce by approximately 30% once the N6 GCRR is constructed. Furthermore it is stated that the proposed N6 GCRR will have no impact on the new proposed signalized junction between Link Road and L5000.

12.12.8. Interactions are considered and it is stated the effects of these will be mitigated through the implementation of measures within the CMP and other sections of the EIAR.

12.12.9. I have considered all of the written submissions made in relation to traffic and transport. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the 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 traffic and transport.

12.13. Material Assets – Water and Other Services (Utilities)

12.13.1. Chapter 12 of the EIAR evaluates the impacts on water and other services required to facilitate the development, including electricity network, telecommunications networks, gas distribution networks, water supply networks, sewage networks and waste management.

12.13.2. Construction and operation phase impacts are identified and mitigation measures proposed. Construction of the proposed development will require the relocation of existing gas, electric, water and sewer networks that cross the site. There is the potential for brief nuisance to local users of these services while relocation works are completed. The overall proposed development is predicted to have a short term, slight negative impact on gas, electricity, water and sewer services. By way of mitigation, a Construction and Environmental Management Plan and a Construction and Demolition Waste Management Plan will ensure the proposed development will not have any significant adverse effect. There will be no operational phase impacts or associated effects on electricity, gas, water, sewage and telecommunications networks associated with the proposed development. Cumulative impacts have been considered and no significant impacts have been identified.

12.13.3. I have considered all of the written submissions made in relation to Material Assets. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on material assets.

12.14. Archaeological, Architectural and Cultural Heritage

12.14.1. Chapter 11 of the EIAR addresses archaeology, architectural and cultural heritage. The methodology adopted is set out, as is the policy context.

- 12.14.2. A desktop study and field inspection were carried out as part of the assessment of the site. There are no recorded monuments within the application site, no protected structures and no ACAs.
- 12.14.3. Potential for subsurface archaeology on existing undisturbed ground is noted. Mitigation by way of monitoring of topsoil removal is recommended.
- 12.14.4. I have considered all of the written submissions made in relation to archaeology, architectural and cultural heritage. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the 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 on archaeology, architectural or cultural heritage.

12.15. Landscape and Visual Impact Assessment

- 12.15.1. Chapter 10 of the EIAR addresses Landscape and Visual Impact. The EIAR sets out the methodology and examines the policy context and existing visual character. The applicant has submitted photomontages of the development from various viewpoints. I refer the Board to section 10.4.11 of my report also.
- 12.15.2. The predicted visual impact on the surrounding area having regard to the site context, policy and landscape assessment of the wider area, is considered low.
- 12.15.3. Visibility of the site is considered to be very limited and localised due to the presence of buildings and vegetation. It is stated that the predicted impact during construction will be slight to moderate. With regard to the operational phase, it is stated that the magnitude of the change given the immediate context and zoning is considered medium. The overall landscape impact is considered to be moderate, with landscape character changing from suburban and some areas of wasteland to slightly more urban. The proposed development is in keeping with the zoning and emerging trends of development in the vicinity.
- 12.15.4. A Visual Impact Assessment incorporating photomontages has been submitted to assess the impact on specific viewpoints. I note the content of this section of the report and am satisfied the issue has been adequately assessed.

12.15.5. No significant cumulative impacts are predicted. Mitigation in the form of a landscaping plan with extensive planting of trees and shrubs is proposed will address residual impacts.

12.15.6. 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 the layout and design of the proposed scheme, and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on the landscape or on visual impact.

12.16. Significant Interactions

12.16.1. Chapter 13 of the EIAR comprises a matrix of identifying potential for interacting impacts between each of the disciplines. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. Having considered the mitigation measures in place, no residual risk of significant negative interaction between any of the disciplines was identified and no further mitigation measures were identified.

12.16.2. In conclusion, I am satisfied that effects arising can be avoided, managed and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions. There is, therefore, nothing to prevent the granting of permission on the grounds of cumulative effects.

12.17. Reasoned Conclusion on the Significant Effects

12.17.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and the submissions from the planning authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- A positive impact with regard to population and material assets due to the increase in housing stock and retail facilities that would be made available in Galway.
- Traffic and Transport: Potential for moderate short-term negative impacts in terms of construction traffic will be mitigated as part of a construction management plan. There will be no significant negative impact on traffic junctions in the immediate area in the operational phase and any potential impact will be mitigated by way of design and implementation of a Mobility Management Strategy for the development.
- Potential negative effects arising from noise and air during the construction and operational phases, which will be short term in nature and will be mitigated by appropriate construction management and design 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.
- Visual Impacts: There will be changed views from various locations given the change from a largely greenfield site to a residential and commercial development. The lands are zoned for development and the proposal is not expected to involve the introduction of new or uncharacteristic features into the local or wider landscape character setting, relative to what exists in the immediate and wider area. The potential impact will be positive.
- Potential indirect impacts on water during the construction and operational phase, which will be mitigated by construction management measures and implementation of sustainable drainage system measures.

Having regard to the above, the likely significant environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described and assessed and I consider that the EIAR is compliant with Article 94 of the Planning and Development Regulations, 2001, as amended.

13.0 Recommendation

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:

- (a) the location of the site in the established urban area of Galway,
- (b) the policies and objectives of the Galway City Development Plan 2017-2023,
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- (d) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009 and the accompanying Urban Design Manual,
- (e) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018
- (f) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (g) the Design Manual for Urban Roads and Streets (DMURS), 2013
- (h) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (i) the nature, scale and design of the proposed development,
- (j) the availability in the area of a wide range of social, community, transport and water services infrastructure,
- (k) the pattern of existing and permitted development in the area,
- (l) the planning history within the area,
- (m) the submissions and observations received,

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

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 21st day of November 2019 by McCarthy Keville O’Sullivan Ltd. on behalf of Glenveagh Living Limited.

Proposed Development: planning permission for

1. Construction of 332 no. residential units:
 - 93 no. 1 bed apartments
 - 219 no. 2 bed apartments
 - 20 no. 3 bed apartments
2. Provision of 2,667 sq.m of commercial floorspace.
3. Provision of 93 sq.m of community use facilities.
4. Provision of 470 sq.m of tenant amenity accommodation including shared workspaces, shared dining and lounge facilities.
5. Provision of 174sq.m creche facility including an external secure play area.
6. Provision of 85 no. car parking spaces and provision of realigned road between Gort na Bró and Gateway Retail Park Road.
7. Change of use of underground void to 181 bay underground car park.

8. Provision of shared communal and private open space, car parking, bicycle parking, bin storage, public lighting, site landscaping, services, signage, substation and all associated site development works.

The application contains a statement setting out how the proposal will be consistent with the objectives of the Galway City Development Plan 2017-2023, and also contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in Section 37(2)(b) of the Planning and Development Act 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.

A Natura Impact Statement and an Environmental Impact Assessment Report have been prepared in respect of the proposed development.

Decision

Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

In coming to its decision the Board had regard to the following:

- (a) the location of the site in the established urban area of Galway,
- (b) the policies and objectives of the Galway City Development Plan 2017-2023,

- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- (d) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009 and the accompanying Urban Design Manual,
- (e) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018
- (f) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (g) the Design Manual for Urban Roads and Streets (DMURS), 2013
- (h) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (i) the nature, scale and design of the proposed development,
- (j) the availability in the area of a wide range of social, community, transport and water services infrastructure,
- (k) the pattern of existing and permitted development in the area,
- (l) the planning history within the area,
- (m) the submissions and observations received, and
- (n) the report of the inspector.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban site, the information in the Screening Report for Appropriate Assessment submitted with the application, the Inspector's Report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a

significant effect on any European site in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale, location and extent of the proposed development,
- (b) the environmental impact assessment report and associated documentation submitted with the application;
- (c) the submissions from the planning authority, the observers and the prescribed bodies in the course of the application, and,
- (d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development, and adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board completed an environmental impact assessment in relation to the proposed development and, in doing so, agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report, associated documentation submitted by the applicant, and submissions made in the course of the planning application, and adopted the Inspector's assessment in this regard.

Reasoned Conclusions on the Significant Effects

The Board considered and agreed with the Inspector's reasoned conclusions that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

(a) A positive impact with regard to population and material assets due to the increase in housing stock and retail facilities that would be made available in Galway.

(b) Traffic and Transport: Potential for moderate short-term negative impacts in terms of construction traffic will be mitigated as part of a construction management plan. There will be no significant negative impact on traffic junctions in the immediate area in the operational phase and any potential impact will be mitigated by way of design and implementation of a Mobility Management Strategy for the development.

(d) Potential negative effects arising from noise and air during the construction and operational phases, which will be short term in nature and will be mitigated by appropriate construction management and design 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.

(e) Visual Impacts: There will be changed views from various locations given the change from a largely greenfield site to a residential and commercial development. The lands are zoned for development and the proposal is not expected to involve the introduction of new or uncharacteristic features into the local or wider landscape character setting, relative to what exists in the immediate and wider area. The potential impact will be positive.

(f) Potential indirect impacts on water during the construction and operational phase, which will be mitigated by construction management measures and implementation of sustainable drainage system measures.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable density of development in this 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.

16.0 Conditions

1.	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Mitigation and monitoring measures outlined in the plans and particulars, including Chapter 14 of the Environmental Impact Assessment Report, 'Schedule of Mitigation' submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.</p> <p>Reason: In the interest of protecting the environment and in the interest of public health.</p>
3.	<p>The proposed development shall be amended as follows:</p> <ul style="list-style-type: none"> (a) 85 additional cycle parking spaces shall be provided and all apartment shall have access to secure cycle storage. Bicycle parking provision and accessible storage shall be in accordance with the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2018, to the satisfaction of the planning authority. (b) The proposed crèche shall accommodate a minimum of 64 childcare spaces. Revised drawings showing compliance with this requirement

	<p>shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>(c) The proposed pedestrian gates and associated fencing to the central courtyard space between Blocks A and D and from L5000/Miller's Lane into the central courtyard shall be omitted and these access points shall remain open to the public.</p> <p>(d) The proposed pedestrian gates and associated fencing between Blocks E and F at the northern boundary onto the adjoining pedestrian/cyclist path and to the south onto the adjoining east-west street shall be omitted and these access points shall remain open to the public.</p> <p>(e) The design of the northern elevation to the undercroft car park shall be amended to include for a wall with railings in place of the proposed solid wall, or alternative transparent design solution.</p> <p>(f) The proposed balcony design across the scheme shall be reviewed and amended, as required, to address issues raised in the Wind Microclimate Assessment (dated 12.11.2019).</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to provide a satisfactory standard of residential accommodation and amenity and in the interest of permeability and connectivity.</p>
4.	<p>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 written agreement.</p>

	<p>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.</p>
5.	<p>Details of the following shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:</p> <ul style="list-style-type: none"> (a) Details, including samples, of the materials, colours and textures of all the external finishes to the proposed buildings. (b) The specifications and finishes of the landscaping elements, paving, ducting, lighting, in addition to the general positioning of benches/bicycle racks, and all other public realm finishes, relating to the Civic Plaza. (c) Landscaping, planting, boundary and surface treatments which shall generally conform to the landscaping scheme submitted with the application. 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 development or each phase of the development and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter. (d) Waste management storage, screening, planting and boundary detailing to service the retail units, with particular attention to the interaction with the public realm adjoining units to the rear of Blocks D and E. (e) Details for the provision of 24-hour access to all areas of the public realm and basement level car and cycle parking areas. (f) Details of all signage and shopfronts associated with the development, including the crèche.

	<p>(g) No freestanding signage for the Gateway Retail Park shall be permitted as part of this permission.</p> <p>(h) Public lighting throughout the development.</p> <p>(i) Public art for the proposed development.</p> <p>(j) Full details of wayfinding through the site including details of access to lifts.</p> <p>Reason: In the interests of visual amenities, permeability, connectivity and good urban design.</p>
6.	<p>Commercial units shall not be amalgamated or subdivided, unless authorised by a further grant of planning permission.</p> <p>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.</p> <p>Reason: To prevent unauthorized development.</p>
7.	<p>No advertisement or advertisement structure shall be erected or displayed on the buildings (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.</p> <p>Reason: In the interest of visual amenity.</p>
8.	<p>The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:</p> <p>(a) The roads and traffic arrangements serving the site (including sightlines, footpath connections and signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.</p>

<p>(i) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths, corner radii and pedestrian crossings.</p> <p>(ii) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works</p> <p>(iii) A Mobility Management Plan shall be prepared and submitted to the planning authority for approval prior to the commencement of development.</p> <p>(iv) The developer shall carry out a Stage 2 Quality Audit (which shall include a Road Safety Audit, Access Audit, Cycle Audit and Walking Audit), which shall be submitted to the planning authority for its written agreement. The developer shall carry out all agreed recommendations contained in the audits, at the developer's expense.</p> <p>(b) Within six months of substantial completion of the development a Stage 3 Quality Audit (including Road Safety Audit, Access Audit, Cycle Audit and Walking Audit), of the constructed development shall be submitted to the planning authority for approval.</p> <p>(c) All car parking spaces shall be provided with electric vehicle charging points. Details of how it is proposed to comply with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>(d) Clearly designated spaces for car share use shall be provided.</p> <p>(e) A detailed Construction Traffic Management plan shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.</p>
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	<p>In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interests of pedestrian, cyclist and traffic safety.</p>
9.	<p>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.</p> <p>Reason: In the interest of residential amenity.</p>
10.	<p>No additional development shall take place above roof parapet level of the apartment buildings, 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.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area, and to allow the planning authority to assess the impact of any such development through the planning process.</p>
11.	<p>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.</p> <p>Reason: In the interests of visual and residential amenity.</p>
12.	<p>Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and unit 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</p>

	<p>development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
13.	<p>The developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
14.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit to the planning authority for written agreement a Stage 2 – Detailed Design Stage Stormwater Audit. Upon completion of the development, a Stage 3 Completion Stage Stormwater Audit to demonstrate that Sustainable Urban Drainage Systems measures have been installed, are working as designed, and that there has been no misconnections or damage to stormwater drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.</p> <p>Reason: In the interests of public health and surface water management.</p>
15.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -</p> <p>(a) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and</p> <p>(b) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p>

	<p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
16.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenity of property in the vicinity.</p>
17.	<p>Prior to commencement of development the developer shall submit and obtain the written agreement of the planning authority, 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 for the ongoing operation of these facilities.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
18.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Details of the Invasive Species Management Plan for this site shall be incorporated within this plan. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.</p> <p>Reason: In the interest of sustainable waste management.</p>
19.	<p>Prior to the commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted</p>

	<p>Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company and include specific reference to the resident amenities pavilion building located between Blocks D and A, and to the communal facilities space in Block F . Membership of this company shall be compulsory for all purchasers of apartments in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.</p> <p>Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.</p>
20.	<p>Prior to commencement of development, the developer 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.</p> <p>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.</p>
21.	<p>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 reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development,</p>

	<p>coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion 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.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
22.	<p>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.</p> <p>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.</p>

Una O'Neill
Senior Planning Inspector

2nd March 2020