



An
Bord
Pleanála

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

Inspector's Report ABP-306222-19

Strategic Housing Development	102 no. residential units (24 no. houses, 78 no. apartments), childcare facility and associated site works.
Location	Ballybane More Road, Ballybrit, Doughiska, County Galway
Planning Authority	Galway City Council
Applicant	Trean Meadow Limited
Prescribed Bodies	<ol style="list-style-type: none">1. Irish Water (IW)2. Transport Infrastructure Ireland3. The Galway and City Childcare Committee
Observer(s)	<ol style="list-style-type: none">1. Craig Jones

2. DRA Community Development
Company CLG
3. Joseph F. Goodfellow
4. Noel Lowry and Laura Hanley
5. Transport infrastructure Ireland (TII)

Date of Site Inspection

6th March 2020

Inspector

Fiona Fair

Contents

1.0 Introduction	4
2.0 Site Location and Description	4
3.0 Proposed Strategic Housing Development	5
4.0 Planning History.....	9
5.0 Relevant Planning Policy	9
6.0 Section 5 Pre Application Consultation.....	11
7.0 Applicants Statement Of Consistency.....	14
8.0 Third Party Submissions	21
9.0 Planning Authority Submission	23
10.0 Prescribed Bodies	24
12.0 Assessment.....	26
13.0 Recommendation	52
14.0 Reasons and Considerations.....	54
15.0 Conditions.....	57

1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The site is located in Ballybrit, Co. Galway in the eastern outskirts of Galway City, approximately 5 kilometres from the city centre. The subject site fronts onto the Ballybane More Road which is the former Ballybrit Road, and currently is a minor road with a speed limit of 50kph. The Ballybane More Road connects the Briarhill District Centre, east of the appeal site, to the R339. The R339 provides direct access to the city centre.
- 2.2. The Ballybane More Road provides a divide between suburban type development situated to the north and rural land uses to the south. The suburban development to the north is predominately two-storey and single storey housing developments however there are some single storey bungalows on individual sites located to the north of the Ballybane More Road. The appeal site, which is located to the immediate south of the Ballybane More Road, is rural in character. There are one-off houses located to the immediate east and west of the appeal site.
- 2.3. The gross site area is stated as 2.060 ha, the net development site area is stated as 1.944 ha in size and the shape of the subject site is irregular. The site has approximately 170 metres of road frontage onto the Ballybane More Road. The site comprises of grazing land, used intermittently for agricultural grazing, with stone wall and hedge boundaries. Dry stone walls and hedgerows demarcate the field boundaries to the north of the site along the Ballybane More Road. A significant feature of the site are the rising gradients from the front (north) of the site adjoining the public road to the rear of the site. There is a reservoir located to the immediate south of the subject site. There are no pedestrian facilities adjacent to the site.
- 2.4. There are no protected structures or archaeological monuments located within the application site. The application site is located approximately 2 km north of the Galway Bay Complex Proposed Natural Heritage Area (NHA) (Site Code: 000268),

approximately 2 km north of the Inner Galway Bay Special Protection Area (SPA) (Site Code: 004031) and approximately 2 km north of the Galway Bay Complex Special Area of Conservation (SAC) (Site Code: 000268).

3.0 Proposed Strategic Housing Development

3.1. The proposed development consists of the construction of 102 no. residential units comprising:

- 8 no. House Type A.1 (2-Bed)
- 2 no. House Type A.2 (1-Bed)
- 3 no. House Type B.1 (3-Bed)
- 1 no. House Type B.2 (3-Bed)
- 2 no. House Type C.1 (4-Bed)
- 1 no. House Type C.2 (4-Bed)
- 17 no. Apartment Type D.1 (2-Bed)
- 16 no. Apartment Type D.2 (2-Bed)
- 1 no. Apartment Type D.2A (2-Bed)
- 16 no. Apartment Type D.3 (2-Bed)
- 1 no. Apartment Type D.3A (2-Bed)
- 2 no. Apartment Type E.1 (1-Bed)
- 1 no. Apartment Type E.1A (1-Bed)
- 3 no. Apartment Type E.2 (1-Bed)
- 2 no. Apartment Type E.3 (2-Bed)
- 1 no. Apartment Type E.3A (2-Bed)
- 3 no. Duplex Apartment Type E.4 (2-Bed)
- 3 no. Duplex Apartment Type E.5 (2-Bed)
- 4 no. Duplex Apartment Type F.1 (3-Bed)
- 4 no. Duplex Apartment Type F.2 (2-Bed)
- 2 no. Apartment Type G.1 (1-Bed)
- 2 no. Apartment Type G.2 (1-Bed)
- 7 no. House Type H.1 (2-Bed)

2. Development of a Childcare facility (230.9 sqm.)

3. New vehicular and pedestrian accesses from the Ballybane More Road
4. Provision of a footpath connectivity link along Ballybane More Road
5. Provision of shared communal and private open space, site landscaping, car parking, electrical vehicle charging points, cycle parking, services and all associated site development works.

- 3.2. The application contains a statement setting out how the proposal will be consistent with the objectives of the relevant development plan or local area plan.
- 3.3. The application 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. This is stated in the Newspaper Notice.
- 3.4. A Natura Impact Statement has been prepared in respect of the proposed development.
- 3.5. The following tables set out some of the key elements of the proposed scheme:

Table 1: Development Standards

Site Area	2.060 ha (gross) / 1.944 ha (net)
No. of units	102 no. residential units (24 no. houses, 78 no. apartments)
Total Gross Floor Area	8,534 sq. m
Gross Density	55 units/ha
Plot Ratio (stated)	0.43:1
Public Open Space	Required Proposed
	15% 14% (2,721 sq. m)
Childcare Facility (no. of childcare spaces 50 – 85)	230.9 sq. m

* Calculations are based on the Development Site Area

Table 2: Schedule of Residential Accommodation

Type	Description	Areas of Units (m2)	No. of Units	Total Floor Area (m2)
A.1	2-Bed 2-Storey Dwelling	86	8	688
A.2	1-Bed 1.5-Storey Dwelling	73	2	146
B.1	3-Bed 2-Storey Dwelling	102	3	306
B.2	3-Bed 2-Storey Dwelling	106	1	106
C.1	4-Bed 2.5-Storey Dwelling	125	2	250
C.2	4-Bed 2.5-Storey Dwelling	129	1	129
D.1	2-Bed Apartment (Ground)	79	17	1,343
D.2	2-Bed Apartment (First)	73	16	1,168
D.2A	2-Bed Apartment (First)	69	1	69
D.3	2-Bed Apartment (Second)	74.5	16	192
D.3A	2-Bed Apartment (Second)	72	1	72
E.1	1-Bed Apartment (Ground)	66	2	132
E.1A	1-Bed Apartment (Ground)	71	1	71
E.2	1-Bed Apartment (Ground)	66	3	198
E.3	2-Bed Apartment (First)	78.9	2	157.8
E.3A	2-Bed Apartment (First)	83	1	83
E.4	2-Bed Duplex Apartment	90	3	270
E.5	2-Bed Duplex Apartment	90	3	270
F.1	3-Bed Duplex Apartment	105	4	420
F.2	2-Bed Duplex Apartment	92	4	368
G.1	1-Bed Apartment (Ground)	58	2	116
G.2	1-Bed Apartment (First)	56.7	2	113.4
H.1	2-Bed Single-Storey Dwelling	90.7	7	634.9
	Total		102	8,303.1

Table 3: Unit Mix

Type of Unit (7.8%)	1 bed	2 bed	3 bed	4 bed	Total
	12 (11.8%)	79 (77.5%)	8 (7.8%)	3 (2.9%)	102 (100%)
Houses					24 (23.5%)
Apartments					78 (76.5%)

Table 4: Car Parking

Proposed Total	Number of car parking spaces
Dwellings:	44 (1.5 grouped spaces per dwelling and 1 grouped visitor space per 3 dwellings)
Apartments:	61
Creche:	7
Total:	112

Table 5: Bicycle Parking

Bicycle parking spaces proposed	92
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Table 6: Part V

Number of units Proposed	10 (10%)
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- 3.5.1. In term of site services, The Water Services Planning Report sets out the following:
The applicant has submitted a pre-connection enquiry form to IW and a letter of no objection was sent to the applicant. An IW connection agreement will be signed by the applicant at offer stage. The applicant is to replace the existing trunk watermain traversing the site by agreement with IW Diversions Department.
- 3.6. The applicant has liaised with IW in the same manner as per Potable Water design. An IW connection agreement will be signed by the applicant at offer stage. The applicant will connect to the existing foul sewer located approx. 100m west along the high Road.
- 3.7. The surface water drainage will discharge to the existing water sewer in Ballybrit Heights subject to the relevant road opening licences and stormwater connection application being submitted. Consultation between Water Services Department at Galway city Council and the applicant has taken place regarding stormwater attenuation. This is acceptable to water services.
- 3.8. Irish Water submission on file confirms that subject to a valid connection agreement being put in place between IW and the developer, the proposed connections to the IW network (s) can be facilitated.
- 3.9. It is submitted in documentation on file that there is an existing Irish Water reservoir located to the south of the development site. A 250 mm diameter AC watermain traverses the site (north-south) conveying water from the reservoir to the downstream network. To comply with the Irish Water Code of Practice for Water Supplies the proposed layout was developed to ensure that neither the housing units nor associated privately owned space were located within the wayleave. Additionally, there is also plans by Irish Water to replace a section of the watermain which will be at a lower level to the existing. The proposed watermain and wayleave was therefore considered in the design of the development. The layout ensures that there are no

structures within or over the wayleave that could impede maintenance of the IW pipework, for instance play equipment or attenuation tanks.

4.0 Planning History

4.1. Subject site:

L.A. Ref. 06/532 – Permission **granted** for 54 no. dwellings comprising of 4 single storey semi d type dwelling units, 16 ground floor dwelling units, 34 terraced 2 storey dwelling units, car parking, landscaping and site works. Extension of appropriate period granted until 04/02/2017.

4.2. Section 247 Consultation(s) with Planning Authority

It is stated by the prospective applicant in the submitted documentation that Section 247 pre-application consultations took place with the planning authority on 27th February 2019. Details of the meeting are submitted.

5.0 National and Local Planning Policy

5.1 Section 28 Ministerial Guidelines

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

- National Planning Framework 2040;
- Rebuilding Ireland – Action Plan for Housing and Homelessness;
- Northern and Western Regional Spatial and Economic Strategy 2020;
- ‘Urban Development and Building Heights Guidelines for Planning Authorities’ - 2018
- ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’ - 2018
- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’) 2009

- ‘Design Manual for Urban Roads and Streets’ 2013
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities – Guidelines for Planning Authorities’ 2001
- Smarter Travel – A New Transport Policy for Ireland (2009-2020)

5.2 Statutory Plan for the area

The Galway City Development Plan 2017-2023 is the operative Development Plan. The site is zoned Residential Land in the Galway City Development Plan 2017-2023.

The objective for Residential Lands is to *‘provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods’*.

The Ballybane More Road, adjoining the appeal site, is identified as a ‘Road Objective’ within the Plan.

The adjoining land use to the immediate south of the subject site is ‘Agriculture and High Amenity’.

There are no specific objectives associated with the site, the following sections of the Development Plan are relevant:

Chapter 2 Housing and Sustainable Neighbourhoods,

Chapter 3 Transportation,

Chapter 4. Natural Heritage, Recreation and Amenity,

Chapter 8. Built Heritage and Urban Design,

Chapter 9. Environment and Infrastructure and

Chapter 11. Land Use Zoning Objectives and Development Standards and Guidelines.

6.0 Section 5 Pre Application Consultation

- 6.1. A Section 5 pre application consultation took place at the offices of Galway City Council on the 18th July 2019. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted **requires further consideration and amendment** in order to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.
- 6.2. In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Development Strategy and Layout

Further consideration of the design strategy and overall layout for the development of the site. The proposal should provide for a more integrated approach of the open spaces and street/road access throughout the site. The open spaces should have a clear hierarchy with specific uses/functions, these should be overlooked and provide focuses for the proposed residential use on the site. Left-over or incidental areas of open space should be minimised (or eliminated). Residential units backing onto open spaces or street/car parking areas within the site should be avoided. Changes in ground levels across areas of open space should be clearly indicated. The development should provide for a positive contribution to the public realm, in that regard the relationship/interface of the proposed development with the Ballybane More Road should be clarified at application stage (cross-sections and street elevations should be provided demonstrating the nature of the development at this frontage). The layout should prioritise pedestrian and cycle access in compliance with DMURS. The revised strategy should clearly demonstrate that regard was had to the 12 criteria as contained in the 'Urban Design Manual – A best practice guide' that accompanies the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009). Cross-sections and long-sections should accompany the application that clearly indicate how changes in ground levels across

the site are being integrated in the design solution for the development of the site. The applicant should also demonstrate that proposed sunken terraces/patios do not result in substandard form of residential amenity for the occupants of the residential units (access to daylight and sunlight should be demonstrated at application stage).

2. Connectivity to Local Area

Further consideration of the documents as they relate to pedestrian facilities connecting the proposed development with the wider area. The consideration should have regard to the 'Design Manual for Urban Roads and Streets' which prioritises pedestrians in the user hierarchy. The consideration should also have regard to the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' and the associated 'Urban Design Manual' which seek to minimise the need for car journeys and encourage walking and cycling and the creation of well-connected new communities (see section 4.10 in the Guidelines and Criteria No. 2 in the Design Manual). Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

6.3. Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information (synopsised) should be submitted with any application for permission arising from this notification:

1. A report prepared by a suitably qualified and competent person demonstrating all constraints including site levels, landscape sensitivity and geology to the subject site and how the proposal successfully overcomes the site constraints to achieve an accessible, integrated, permeable site layout and design.
2. Detailed landscape drawings that illustrate the public open space provision, including space with play equipment. The public open space shall be usable space, accessible and overlooked to provide a degree of natural supervision.
3. A layout drawing at an appropriate scale that details specifically any road and footpath improvements, if any, and how they will integrate with the development as proposed.

4. A report prepared by a suitably qualified and competent person demonstrating specific compliance with the requirements set out in the Design Manual for Urban Roads and Streets and the National Cycle Manual, as well as a map illustrating pedestrian, cycle and vehicular links through the site and connectivity with the wider area.
5. Details as they relate to water services infrastructure that traverse the site, including but not restricted to the opportunities for maintenance access purposes and any other reasonable requirements detailed by the relevant authorities, such as Irish Water. This shall include any other utilities that may traverse the site.
6. Proposals for the taking-in-charge of the development, if applicable.
7. A report that specifically addresses the proposed building materials and finishes and the requirement to provide high quality and sustainable finishes and details.
8. A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants), specifically with regards to overlooking, overshadowing and overbearing. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and adjacent residential development.
9. A construction and demolition waste management plan.
10. A report prepared by a suitably qualified and competent person that outlines all site investigations and geo-technical assessments.
11. A childcare assessment that demonstrates a rationale for non-provision of a childcare facility with the proposed development. The assessment shall also be based on consultation with key stakeholders.

7.0 Applicant's Statement of Consistency

- 7.1. A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement provides a response to each of the issues raised in the Opinion.

Item No. 1: Development Strategy and Layout

It is submitted that the overall layout of the scheme has been re-designed to incorporate a central open space which now integrates the scheme as a whole and allows sunlight to penetrate the public realm. East-West connectivity has been achieved within the site which greatly improves permeability and accessibility for its users. The layout achieves pedestrian access in compliance with DMURS. In response to the existing site context, the proposed new development promotes the design of a sustainable new community. Through a more efficient use of land, availing of both local amenities and transportation links, the development encourages a more efficient and sustainable quality of life for its residents.

The scheme has been designed to give a strong urban frontage onto Ballybane More Road. Although the topography of the site is challenging, the proposed dwellings are laid out to maximize the orientation and amenity of their setting. Three storey apartments continue the existing building line that fronts onto the Ballybane More Road. The development provides for a positive contribution to the public realm, with regard to the relationship/interface of the proposed development with the Ballybane More Road.

Single storey dwellings are located to the southern boundary, at the highest part of the site. The proposed site layout plan is designed with the existing topography of the land rising North to South. Access to all dwellings and areas of external open space is compliant with Part M of the Building regulations and also Building for Everyone: A Universal Design Approach. This ensures an accessible, integrated and permeable design scheme.

With regard to open space, a clear hierarchy of open spaces has been achieved which includes formal and informal communal areas which have specific uses/functions for users of all ages. Due to the topographical constraints of the site, incidental open space areas have been removed from the overall open space calculation and changes in ground levels across areas of open space is clearly indicated on the drawings.

A Solar Shading Report has been prepared by Aecom. The solar studies have demonstrated the solar shading effect on the proposed Ballybane More Road development and on existing neighbouring properties, particularly areas to the North and Northwest of the site. With regard to demonstrating that the proposed sunken terraces/patios do not result in substandard form of residential amenity for the occupants of the residential units, a daylight analysis has been prepared by Varming Consulting Engineers and is enclosed with the application. The findings of the daylight analysis confirm that all apartment units along Ballybane More Road including the units with sunken patio/terraces (Blocks D,E,F,G) exceed the minimum daylighting standards. The development as proposed has successfully overcome the natural constraints of the site to achieve an accessible, integrated, permeable site layout and design.

Item No. 2: Connectivity to the Local Area

It is submitted that the proposal has achieved full connectivity to the local area for all users. The proposal includes for a footpath along Ballybane More Road to the north of the site, as well as a section of footpath adjacent to the application site along Ballybane More Road to the north-east of the site. Proposed uncontrolled pedestrian crossings will link the application site to the existing footpath on Ballybane More Road adjacent to the application site to the north-west and the north-east.

Furthermore, a recently permitted planning application (Pl. Ref. No.: 18/354) on lands to the north-east of the application site presents further opportunity to continue the pedestrian link to the east along Ballybane More Road. A letter from the Applicant of Pl. Ref. No.: 18/354 is enclosed with the application which outlines the applicant's support for the proposed development from a connectivity perspective.

The applicant (Pl. Ref. No.: 18/354) confirms the following: 'We intend to commence our development (Planning Ref. 18/354) early in the new year (2020) and expect completion of all works, including the relevant footpaths referenced in your client's application, to be completed by Q4, 2020.'

The provision of uncontrolled pedestrian crossings along Ballybane More Road will ensure permeability to the neighbouring residential settlements of Dun Briota and Ballybrit Heights, and subsequently the bus stops along Monivea Road and Doughiska Road. Dwg no. PR245143-ACM-XX-00-DR-CE-10-0002 – Existing & Proposed Pedestrian Connectivity and PR245143-ACM-XX-00-DR-CE-10-0001 – Proposed General Arrangement prepared by Aecom, outlines the proposed footpaths and the sites external connectivity routes.

Doughiska District Centre and Briarhill Shopping Centre are located in close proximity (250m) to the application site which offer a variety of services, and major local bus routes [401, 409] that are both located less than 400m from the application site.

The site is located north-east of Galway City Centre and approximately 250m from the local shopping centre and a range of smaller shops and comparison retail units. There are a number of schools located within 5km of the subject site including Holy Trinity National School, Scoil Chaitriona, Merlin Woods Primary School and Briarhill NS. The site is also within walking distance of the local hospital - Merlin Park University Hospital.

In addition to the aforementioned schools, a range of employment centres are located within close proximity to the site including Parkmore (circa 2km), Briarhill Shopping Centre (circa 250m), Ballybrit Business Park (circa 2km) and Galway City Centre (Circa 5km from Eyre Square). Furthermore, the subject site benefits from

good accessibility to a range of leisure facilities such as GAA Clubs, Gyms, Ballybane Library, and Merlin Park Woods.

The proposed development is also 350m from the Galway City Primary Cycle Network at the junction of the Old Ballybrit Road and the Doughiska Road. Overall the site is strategically located and there are attractive routes in and out of the application site for vehicle users, pedestrians and cyclists.

Response to Specific Information Requested:

7.2. Item No. 1: Site Constraints Report

Aecom have prepared a Site Constraints Report that demonstrates all existing site constraints and how the project team have successfully overcome them.

The existing watermain traversing the site determined in part the layout of the proposal as no structures could be proposed within its wayleave. There is also plans by Irish Water to replace a section of the watermain which will be at a lower level to the existing. The proposed watermain and wayleave was therefore considered in the design of the development.

The site layouts prepared in the initial stages of the SHD process did not include vehicular connectivity between the eastern and western sides of the site. In the proposed scheme, the natural topography of the site was considered, and it incorporates a single access road through the site which rises and falls East to West with the topography of the site. The invert levels of the existing manholes provided a constraint on depth of sewers within the development which in turn influenced the road levels. Based on the existing road tie in levels, rock hardness and profile and technical road design constraints, the proposed internal road rises away from the two junctions with the public road toward the southern end of the site. This road profile minimises the extent of excavation required at the southern end of the site while also

allowing connectivity for pedestrians, cyclists, and vehicles between the eastern and western parts of the site.

The site layout is designed and has considered the existing topography of the land rising North to South. Three storey apartments continue the existing building line that fronts onto the Ballybane More Road. Single storey dwellings are located to the southern boundary, at the highest part of the site where the adjacent land is zoned for 'Agriculture and High Amenity'.

Access to all dwellings and areas of external open space is compliant with Part M of the Building regulations and also Building for Everyone a Universal Design Approach. This ensures an accessible, integrated and permeable design.

Due to the proposed site levels, a number of retaining walls are required in a number of locations across the site. It is also proposed to provide an embankment along the southern boundary of the site.

As there was karstified rock present at the site, it is proposed to collect all surface water run-off into a closed piped system. On site attenuation will similarly be by way of exfiltration system to ensure runoff does not infiltrate into the ground.

With regard to connectivity, the proposal includes a public footpath along Ballybane More Road to the north of the site, as well as a section of footpath adjacent to the application site along Ballybane More Road to the north-east of the site. Proposed uncontrolled pedestrian crossings will link the application site to the existing footpath on Ballybane More Road adjacent to the application site to the north-west and the north-east. Furthermore, a recently permitted planning application (PI. Ref. No.: 18/354) on lands to the north-east of the application site presents further opportunity to continue the pedestrian link to the east along Ballybane More Road.

7.3. Item 2 – Detailed Landscape Drawings

Landscape drawings have been prepared and submitted by Landscape Design Services illustrating public open space provision, including spaces with play equipment.

7.4. Item 3 – Road and Footpath Improvements Layout Drawing

A layout drawing prepared by Aecom which illustrates the proposed footpath connectivity link along Ballybane More Road has been submitted. The proposed footpath connectivity link will join a recently permitted footpath (planning application - PI. Ref. No.: 18/354) on lands to the north-east of the application site which presents opportunity to continue the pedestrian link to the east along Ballybane More Road. Refer to enclosed Dwg. No.: PR245143-ACM-XX-00-DR-CE-10-0001 Proposed General Arrangement.

7.5. Item 4 – DMURS Statement of Compliance

Aecom and Downey Architecture have prepared a report and drawings that demonstrate compliance with the requirements set out in the Design Manual for Urban Roads and Streets as well as a map illustrating pedestrian, cycle and vehicular links through the site and connectivity with the wider area.

7.6. Item 5 – Water Services Infrastructure Details

An Infrastructure Report prepared by Aecom sets out details as they relate to water services infrastructure that traverse the site.

7.7. Item 6 – Taken-in-Charge Proposal

Downey Architecture have included a drawing which illustrates areas intended to be taken-in charge. Please refer to Dwg. PL_002. The areas excluded from the plan are the parking spaces within the curtilage of the houses and the creche.

7.8. Item 7 – Materials and Finishes Report

An Architectural Design Statement and Building Life Cycle Report has been prepared by Downey Architecture for detail in relation to building materials and finishes and the requirement to provide high quality and sustainable finishes and details.

7.9. Item 8 – Residential Amenity Report

A Residential Amenity Report has been prepared by Downey Architecture that addresses overlooking, overshadowing and overbearing. The report includes full and complete drawings including levels and cross-sections showing the relationship between the proposed development and adjacent residential development.

The proposed dwelling units are laid out to maximize the orientation and amenity of their setting. The central amenity space proposed receives sunlight throughout the year. The single storey dwellings located to the south at the highest part of the site cause minimal shadow during the afternoon. Rear courtyards of the apartments are south facing and receive sunlight throughout the year and are not overshadowed. Some shading of neighbouring properties occurs in the morning throughout the year. For full detail, please refer to the Solar Shadow Analysis Report prepared by Aecom. A Daylight Analysis prepared by Varming Consulting Engineers Ltd. has also been prepared in respect of Apartment Blocks D, E F and G to which have sunken patio / terraces. All units analysed exceed the minimum daylighting standards.

For more detail in respect of residential amenity please refer to the Residential Amenity Report prepared by Downey Architecture, the Solar Shadow Analysis prepared by Aecom and the Daylight Analysis prepared by Varming Consulting Engineers Ltd. Please also see enclosed drawings and cross sections prepared by Downey Architecture for further detail.

7.10. Item 9 – Construction and Demolition Waste Management Plan

A Construction & Demolition Waste Management Plan has been prepared by Aecom and is enclosed with the application.

7.11. Item 10 – Site Investigations and Geo-Technical Assessment Report

A Geotechnical Report has been prepared by Aecom that outlines all site investigations and geo-technical assessments. The Geotechnical Report is enclosed with the application.

7.12. Item 11 – Childcare Facility Assessment

The proposed development incorporates a creche. This facility is located to the east of the development and has a gross floor area of 230.9 sq. m. It has been designed to accommodate 45 no. children. See enclosed drawings prepared by Downey Architecture for further detail.

8.0 Third Party Submissions

8.1. Five number third party submission received, the list of names for submissions is stated at the beginning of this report, they are collectively summarised under the following headings:

Principle

- Over development
- Density is too high
- Proposal does not comply with the Neighbourhood Policy contained in the Galway City Development Plan 2017 - 2023

Visual Amenity

- Proposal is out of character with the surrounding area.
- Grossly oversized.
- Visually obtrusive
- Proximity of the proposed 3 storey apartments to the Ballybane More Road is inappropriate.
- Photomontages submitted are misleading
- 3 storey apartments would have a negative overshadowing impact to Ballybane More Road, leaving it in shadow for the majority of the year.
- Set back from the roadway is inadequate.

Residential Amenity

- Proposal will give rise to overlooking of neighbouring rear gardens
- 6 m difference in levels. Proposed houses are higher than neighbouring single storey dwellings resulting in overbearing and overshadowing of dwellings to the west.
- Noise and vibration during construction phase is of concern.
- Brick finish proposed is poor visually.

Site Constraints / Topography

- An issue of overall functionality and permeability through the site has been raised. The significant ground level differences have been highlighted as a concern with particular regard to wheelchair users and buggies.

Traffic / Car Parking

- Proposal will exacerbate traffic congestion in the area.
- The Ballbane Mor Road is already a 'rat run'.
- The road is substandard, pinch point on the road that has a sign indicating that traffic coming down the hill is to yield to traffic coming up the hill.
- Regular accidents occur on the road
- There is a need for road network improvements, traffic calming measures, footpaths and lighting.
- The Traffic and Transport Assessment submitted is bias.
- Insufficient car parking is proposed.
- Lack of pedestrian and cycle lanes both within and outside of the site.
- Connectivity is an issue
- Alternative access routes should be explored.

9.0 **Planning Authority Submission**

9.1. In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Galway City Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 27th February 2020. The report concludes:

The p.a. considers that the proposed development would be consistent with many of the objectives of the CDP, which would accord with the proper planning and sustainable development of the area. However, the proposed development still gives rise to a number of significant concerns, which would normally be addressed by way of further information request. This is having examined the documents submitted and also having considered the issues raised by various Galway City Council Departments and Third Parties. If ABP are minded to grant planning permission, the p.a. request that any grant of permission would be subject to the conditions set out in Appendix A, along with any conditions recommended in the Departmental reports received on file.

9.2. Appendix A

Inter-Departmental Reports

9.3. Appendix B

Two letters of support from Elected Members.

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

Roads and Traffic Division: Report received it states no objections subject to conditions.

Drainage: No objections subject to conditions.

Parks and Landscape Services: No objections subject to conditions.

9.5. **Summary of Elected Members**

Two letters of support from elected members attached as Appendix C to the planning authority report.

- It recommended that contributions be used to fund traffic calming measures along the road.

9.6. **Summary of Planning Assessment:**

- The proposal is assessed in terms of:
 - Zoning and compliance with City Development Plan Policy
 - Design and Layout
 - Mix
 - Creche
 - Plot ratio
 - Private Amenity Space
 - Communal Open Space
 - Infrastructure
 - Retaining Walls / Boundary Walls
 - Traffic and transportation (car parking and cycle parking)
 - Public Transportation
 - Environmental Issues

9.7. **Grant Recommended**

The planning authority recommends that permission be granted subject to 37 no. conditions.

10.0 **Prescribed Bodies**

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

- Irish Water
- Transport Infrastructure Ireland (TII)
- Galway County and City Childcare Committee

10.2. **SUMMARY OF PRESCRIBED BODY REPORTS:**

Irish Water: Advised that proposals are subject to a valid connection agreement being put in place between IW and the developer. It is noted that the applicant will replace an existing trunk watermain traversing the site by agreement. As regards foul drainage, it is noted that the applicant intends to connect to the existing foul sewer located 100m west of the site along the High Road.

TII: The Authority requests that the Council has regard to the provisions of Chapter 3 of the DoECLG Spatial Planning and National Roads Guidelines.

11.0 **Oral Hearing Request**

None requested.

12.0 Assessment

12.1.1. I consider that the key issues for consideration by the Board in this case are as follows: -

- Principle and Quantum of Development
- Building Height and Visual Impacts
- Residential Amenity and Quality of Development
- Impacts on Residential Amenities
- Landscape and Open Space
- Traffic and Transport
- Drainage, Flood Risk and Site Services
- Other Issues
 - Material Contravention

These matters are considered separately below. Furthermore, I have carried out Environmental Impact Assessment and Stage 2 Appropriate Assessment in respect of the proposed development, as detailed in Sections 13.2 and 13.3 below.

12.2. Principle and Quantum of Development

12.2.1. As per the Galway City Development Plan 2017-2023 the development site is zoned 'R' for 'residential' use, with a zoning objective: 'To provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods'. Therefore, residential development is permitted in principle.

12.2.2. A linear land use objective for 'road improvement works' on the Ballybane More road is identified on the CDP Land use Zoning map, to the north of the development site. This road has been included within the site boundary to facilitate the provision of infrastructure / footpaths, I note that the p.a. report states that consultations have taken place with Galway City Council, and that the p.a. considers the development has regard to the objective for 'road improvement works' on the Ballybane More

Road. Traffic and transportation issues will be discussed in further detail in a succeeding section of this report.

12.2.3. Policy 2.4 Neighbourhood Concept of the CDP encourages the development of sustainable residential neighbourhoods, which will provide for high quality, safe, accessible living environments which accommodates local community needs. The policy seeks to protect and enhance new / existing residential neighbourhoods in the city and to ensure the design of residential development having regard to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and the accompanying Urban Design Manual – A Best Practice Guide and the Design Manual for Urban Roads and Streets (2013).

12.2.4. The site is located within an area designated as the ‘Outer Suburbs’ – Policy 2.5 Outer Suburbs of the GCDP sets out to:

- Encourage higher residential densities at appropriate locations especially close to public transport routes.
- 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.

12.2.5. It is also highlighted that section 8.7 of the CDP states: 'Good urban design within Galway City seeks to reinforce the distinctive character of the city by ensuring a high quality built environment through good place making and the creation of sustainable neighbourhoods'. The principles of good urban design are listed and elaborated in the CDP which include the following:

- Character
- Legibility
- Ease of movement and connectivity
- Quality of public realm
- Continuity and enclosure
- Diversity and adaptability
- Environmental responsibility

12.2.6. The site is located approximately 5 km north-east of Galway City Centre and approximately 250m from the local shopping centre (Briarhill) and a range of smaller shops and comparison retail units. Local bus routes [401, 409] are both located less than 400m from the application site. There are a number of schools located within 5km of the subject site including Holy Trinity National School, Scoil Chaitriona, Merlin Woods Primary School and Briarhill NS. The site is also within walking distance of the local hospital - Merlin Park University Hospital.

12.2.7. In addition, a range of employment centres are located within proximity to the site including Parkmore (circa 2km), Briarhill Shopping Centre (circa 250m), Ballybrit Business Park (circa 2km) and Galway City Centre (Circa 5km from Eyre Square). The subject site benefits from good accessibility to a range of leisure facilities such as GAA Clubs, Gyms, Ballybane Library, and Merlin Park Woods.

12.2.8. It is contended that the proposed development promotes the creation of a sustainable new community. The scheme will provide for the construction of 102 residential units and a childcare facility, with a density of 55 units per hectare, a plot ratio of 0.43:1, on a serviced site, zoned residential, in an area which is served by public transport. Section 11 (Part B) of the operative GCDP states that a plot ratio of 0.46:1 for new residential development located in the outer suburbs shall not normally be exceeded. The proposed development scheme therefore does not

exceed the plot ratio as outlined in the GCDP for new residential development in the outer suburbs.

12.2.9. The principal purpose of the Regional Spatial & Economic Strategy for the Northern & Western Regional Assembly (RSES) (2020) is to support the implementation of the National Planning Framework and the economic policies and objectives of the Government by providing a long-term strategic planning and economic framework for the development of the regions. Section 3.6 of the RSES sets out the Galway Metropolitan Area Strategic Plan (MASP). The Vision of this MASP is that Galway will be a leading global city, renowned as a successful, sustainable, competitive, compact and accessible city of scale that supports a high quality of life, maintains its distinctive identity and supports its rich heritage, language and cultural experience.

12.2.10. The MASP reiterates the significant population growth targets which are set out in the National Planning Framework. It is estimated that by 2040 the population of the Galway MASP will be 145,816 people which is an increase of 51,741 people. Based on an average household size of 2.7 people this results in a requirement for nearly 20,000 new homes. The proposed development will contribute to the overall unit requirement for the projected population growth. The MASP identifies strategic locations within its plan boundary which: 'present the opportunity and capacity to deliver the quantum of housing on the appropriate sites, subject to the adequate provision of services'. These locations include the suburbs of Galway City. It is submitted that there is ample opportunity for higher density residential development to the east of Galway City. I agree that it is necessary to facilitate higher density development on zoned lands in this area of the city. This will serve a dual purpose – 1) The delivery of an appropriate quantum of units in line with the future growth projections set out in previous sections and 2) A shift toward a more compact urban form i.e. preventing the continued sprawl of the suburbs by delivering high density schemes at appropriate locations.

12.2.11. The scale / density proposed is considered to be acceptable under the CDP. The proposed development is consistent with the requirements of the Core Strategy which seeks to support the development of the City. The proposed development will contribute 102 no. residential units towards meeting the 8,043 no. new dwellings target provided for in the housing allocation for the City. While the p.a. have raised some concern with respect to physical constraints of the site, regard is had to the

consultations undertaken by the applicant and I consider that the density and scale proposed promotes a more efficient use of land, availing of both local amenities and transportation links, the development encourages a more efficient and sustainable quality of life for its residents. While the topography of the site is challenging, it is submitted that the proposed dwellings are laid out to maximize the orientation and amenity of its setting, building height, visual impact and landscape shall be dealt with in greater detail in the succeeding sections of this report.

12.2.12. On the basis of the foregoing, I consider that the principle and quantum of development as proposed is appropriate and acceptable.

12.3. **Building Height and Visual Impacts**

12.3.1. Third party concern is raised with respect to rising levels across the site and visual impact of three storey duplex apartments fronting directly onto Ballybane More Road.

12.3.2. The application site is located within the 'Outer Suburbs' as set out in the GCDP. The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, (March 2018) states identification of the types of location in cities and towns that may be suitable for apartment development, will be subject to local determination by the planning authority, having regard to broad descriptions of proximity and accessibility considerations set out in Table 13 of the Guidelines.

12.3.3. SPPR 4 of the Urban Development and Building Height Guidelines for Planning Authorities includes a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:

1. The minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled "Sustainable Residential Development in Urban Areas (2007)" or any amending or replacement Guidelines;
2. A greater mix of building heights and typologies in planning for the future development of suburban locations; and
3. Avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.

- 12.3.4. Buildings in the area surrounding the site are mostly single and two storey detached dwellings. A number of apartment buildings are located to the north of the site accessed off the Monivea Road. Dwellings directly west of the site are single storey with dormer windows.
- 12.3.5. Proposed mix of houses, duplex and apartments is set out in section 3.1 of this report above. The proposed building height ranges from 1 – 3 storey and is set out in 'Proposed Site Layout Plan' Drg. No. PL-004 submitted with the application. The 78 no. three storey duplex apartments are located fronting onto the Ballybane More Road. This creates a strong building line and creates a street frontage along the road. The 24 no. houses are located in 6 terraced blocks to the south of the site. The single storey dwellings are located to the south at the highest part of the site. A two storey creche facility is also provided to the southern boundary.
- 12.3.6. The recently adopted national policy in the form of The Urban Development and Building Height Guidelines for Planning Authorities (Dec 2018) build on the wider national policy objective to provide more compact forms of urban development as outlined in the National Planning Framework. It is acknowledged that increasing building heights has a critical role to play in addressing the delivery of more compact growth in urban areas, particularly cities and larger towns. Building height is identified as an important mechanism to delivering compact urban growth.
- 12.3.7. It is clear that the building height proposed has been considered in detail and cognisance being had to location, topography, precedent set in the area, planning history and planning policy both nationally and locally, I considered that the mix and height is acceptable. The elevation along the Ballybane More Road addresses the neighbouring dwellings by stepping from three storeys at the western boundary to two stories at the eastern edge.
- 12.3.8. The scheme is supported by a Design Statement prepared by Downey Architecture. The Design Statement has regard to best principles of urban design and incorporates a range of graphic material including photomontages prepared by Proviz. It is clear that regard is had to the sites topographical constraints.
- 12.3.9. The forms of the proposed buildings are traditional and streamlined with pitched roofs and robust finishes to ensure long term durability and attractiveness, as well as reducing the likelihood of complex maintenance. Two types of brick, coloured render

together with Aluminium framed windows with glazed balconies will be incorporated throughout the scheme.

12.3.10. All boundary walls will be finished in brick capped, white render with brick pillars. Private gardens will be divided with concrete posts and timber fencing. Materials selected are of high quality, low maintenance and durable. The selection of a variety of materials adds interest to the development. The choice of materials are those which are common in the suburban area. I am of the opinion that the proposed buildings are of moderate height, adequate quality and design and that the materials and external design would be visually acceptable within its context.

12.3.11. I have inspected the site and viewed it from a variety of locations in the area. While the proposed development will change the outlook from the adjoining areas, I consider the visual and landscape impacts to be acceptable in the context of the evolving, mixed character of the area and its proximity to Galway City Centre. The proposed development provides for a medium density scheme that respects, responds to and integrates with the immediate and surrounding context, regard being had to site constraints.

12.4. Residential Amenity and Quality of Development

12.4.1. Section 3.0 of this report above sets out Development Standards, Schedule of Residential Accommodation and Unit Mix.

12.4.2. An Apartment and Residential Quality Audit prepared by Downey Architecture demonstrates compliance with the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (March 2018) and the 'Quality Housing for Sustainable Communities' guidance. The planning report and statement of consistency prepared by MKO Planning and Environmental Consultants provides details on compliance with all relevant standards including Part V, private open space, internal space standards for apartments and houses and storage.

12.4.3. The proposed development will consist of 102 residential units. 12 no. 1 bed units (11.8%), 79 no. 2 bed units (77.5%), 8 no. 3 bed (7.8%) and 3 no. 4 bed units (2.9%). It is noted that the housing mix proposed is in accordance with Sustainable Urban Housing: Design Standards for New Apartments (2018), specifically SPPR1 which allows for the inclusion of up to 50% one-bedroom apartments in a scheme

and no minimum requirement for apartments with three or more bedrooms. In this regard I consider that the mix proposed adheres to the guidelines and is acceptable.

- 12.4.4. The proposal of 78 apartments and 24 houses creates a strong urban frontage onto Ballybane More Road with the 2-3 storey apartment blocks fronting onto the Ballybane More Road and the 1-2 storey houses are located to the south in 6 no. terraced housing blocks. The dwellings are located around a central landscaped area, providing a large area of communal amenity space. The dwellings overlook the communal open space providing a degree of supervision and surveillance.
- 12.4.5. In addition to the communal space each home has access to an area of useable private outdoor space. Ground Floor apartments have front and rear courtyard spaces while upper apartments have projecting balconies. Terraced houses have private outdoor space in the form of rear and side gardens. The private balconies and/or terraces are in accordance with Sustainable Urban Housing: Design Standards for New Apartments (2018).
- 12.4.6. Galway City Development Plan 2017 -2023 states that private open space shall be provided at a rate of not less than 50% of the gross floor area of the residential unit. Private gardens of the terraced houses range in area from 50.2 sq. m to 157.7 sq. m, in all cases in excess of 50% of the GFA of the residential unit.
- 12.4.7. Galway City Development Plan states that residential units shall not directly overlook private open space or land with development potential from above ground floor by less than 11m minimum. All units comply with this standard except for units no.101 and 102. Unit no. 101 achieves a 10.295m distance, and Unit no. 102 achieves 9.110m distance (separation between opposing rear first floor windows would be 20.11 m). In order to ensure privacy, the upper floors of both units will incorporate opaque glass.
- 12.4.8. The proposed housing terraces provide a private amenity space in line with Guidelines. Private amenity spaces are orientated on the site to avoid any overlooking from neighbouring properties. Gardens are separated by 1800mm high timber fencing.
- 12.4.9. It is submitted that all dwellings receive adequate daylight and sunlight. All units exceed the minimum daylighting standards. In the apartment's habitable rooms of living and bedroom areas are naturally ventilated and orientated north and south and

receive good levels of daylight and sunlight. The habitable rooms off the dwelling houses are mostly orientated south and east with bedrooms receiving morning sun. Rear gardens of house Type A1 and A2 (1.5 and 2 storey) range in area from 50.2 sq. m to 99.2 sq. m. A retaining wall is required 2500mm from the back elevation. Private access steps lead to an upper level garden at a 1 in 80 fall.

- 12.4.10. House types B and C (2 and 2.5 storey) have gardens which range in area from 55sq.m to 160.7 sq. m. A retaining wall is required between housing blocks B, units 96 -99 and block C, units 100-102. An 1800mm high timber fence encloses the gardens and ensures privacy.
- 12.4.11. House type H (single storey dwellings) gardens range in area from 79.6 sq. m to 154.1 sq. m. A retaining wall is required at the end of gardens at the site boundary. Rear gardens slope at 1 in 80 up to the boundary. A Palisade fence encloses the site where it abuts the Reservoir.
- 12.4.12. The section through Block D (units 16-39) shows a rear retaining wall with first floor bridge access to upper level units. The retaining wall finishes at first floor level with a 1100mm railing over. The summer sun angle of 58 degrees and the winter sun angle at 11 degrees allows sunlight to shine into rear bedrooms. A high floor to ceiling level of 2700mm and the high rear glazing (of 2100mm) allows for maximum daylight into the south facing rooms.
- 12.4.13. The section though Block E (units 1 – 15) shows the rear access steps providing access to the first-floor units. The summer and winter sunlight is directed over the wall of the steps and allows adequate levels of daylight to the ground floor rear rooms.
- 12.4.14. The section through Block F & G (units 67-78) shows a retaining wall to the rear of the courtyards. The retaining wall extends 1100mm over the upper footpath level. The summer sun angle at 58 degrees and winter sun angle of 11 degrees allows sunlight to shine into rear rooms. The high floor to ceiling level of 2700mm and high glazing (of 2100mm) allows a good amount of daylight into the south facing rooms.
- 12.4.15. Sections submitted of housing type A1 and A2 shows the change in level across the site. The dwellings step down from the highest part of the site to respect the single storey neighbouring dwellings. The proposed A1 and A2 type dwellings (to

western boundary) are sited to the rear of the neighbouring dwellings and orientated to avoid overlooking. House type A2, no. 79 is sited 2.9m away from the western site boundary.

12.4.16. Section submitted through apartments type F and G shows how the block steps from three storeys to two to respect the neighbouring dwelling. A retaining wall runs the length of the western boundary. With a 2m high wall edging the site

12.4.17. With regard to demonstrating that the proposed sunken terraces/patios do not result in substandard form of residential amenity for the occupants of the residential units, a daylight analysis has been prepared by Varming Consulting Engineers and is enclosed with the application. The findings of the daylight analysis contends that all apartment units along Ballybane More Road including the units with sunken patio/terraces (Blocks D,E,F,G) exceed the minimum daylighting standards. A Solar Shadow Analysis Report was prepared by AECOM. It shows that the central amenity space receives sunlight throughout the year. The single storey dwellings located to the south at the highest part of the site cause minimal shadow during the afternoon. Rear courtyards of the apartments are south facing and receive sunlight throughout the year and are not overshadowed. Some shading of neighbouring properties to the north and north west occurs in the morning throughout the year. I note that the shading to the north effects the Ballybane More Road and the front of opposing dwellings, only, and the shading to the west would affect a portion of the side and rear of a large garden associated with detached bungalow on a one-off site.

12.4.18. The apartment buildings and houses have been sited to exploit solar orientation. 99% (101 no. units) of the units are dual aspect with only 1 no. single aspect unit. There are no single aspect north facing units.

12.4.19. The apartment guidelines 2018 note that "in assessing development proposals, planning authorities must weigh up the overall quality of the design and layout of the scheme and the measures proposed to maximise daylight provision with the location of the site and the need to ensure an appropriate scale of urban residential development". Having considered the analysis submitted I consider that the overall form of the scheme has been designed to be respectful to its local surroundings and in particular the residential amenities of the surrounding properties. Overall it is considered that the development will not have a significant undue

adverse impact on the amenity of the adjoining area such that planning permission should be refused.

12.5. Landscape and Open Space

12.5.1. There is an approx. 11m ground level difference across the site, from the north west corner (56.772m AOD) to the central southern portion of the site (67.712m AOD).

The planning authority consider that the significant ground level differences leads to a scheme that is challenged in terms of ease of movement and inclusivity. It is noted that from the submitted Site Layout Plan and the Contiguous Elevation drawing, as a result of the existing road / site levels, there would be a varying degree of level difference, between the footpath proposed along the front of the site and that of the finished floor level (FFL) of the apartments. External staircases are proposed to account for the level differences, and this is most evident at the front of Apartment Block D. External staircases are also proposed, in addition to footpath, to provide pedestrian access to the rear of the site and to centralised area of communal open space. It is the opinion of the planning authority that: 'the site constraints unfortunately necessitate the use of external staircases / retaining walls, which do not lend themselves to simplistic movement patterns / routes. Whilst the overall movement strategy for the site has improved, it still provides a conflict in terms of easily accessible, safe and pleasant movement patterns.'

12.5.2. The first party submits that access to all dwellings and areas of external open space is compliant with Part M of the Building regulations and also Building for Everyone a Universal Design Approach. This ensures an accessible, integrated and permeable design. Due to the proposed site levels, a number of retaining walls are required in a number of locations across the site. It is also proposed to provide an embankment along the southern boundary of the site. Even though the topography of the site is challenging, the proposed dwellings are laid out to maximize the orientation and amenity of their setting. The landscape is designed to create a sense of community with outdoor facilities for all age groups to enjoy. The proposed scheme is compatible with its neighbouring residential uses and activities.

12.5.3. The proposed layout incorporates circa 0.2721 Ha of public open space which accounts for 14% of the overall site area. A mix of hard landscape materials has been chosen. There is a range of open spaces including:

- A 'Village Square' gathering space provided with west and south-facing seating elements and picnic tables.
- Older children's adventure play space, with high quality wooden play equipment.
- 'All ages' community garden, provided with signal play element, sensory equipment, bocce court and wooden roofed shelter, seating elements and raised planters incorporating an accessible wheelchair detail.
- Village Green' south-west facing lawn with gently graded slopes to create an amphitheatre-like sculptural space, for passive recreation.

12.5.4. A comprehensive landscaping plan has been prepared by Landscape Design Services which incorporates extensive areas of open space. As local policy standards in the GCDP 2017 – 2023 require 15% of the gross site area for public open space a material contravention statement has been submitted for justification of the slight under provision of open space.

12.5.5. I consider that the proposed development is responsive to the site context and is in keeping with the existing character, amenity, environment and landscape of the surrounding area. The character of the area is becoming increasingly urban in nature with emerging residential development and the addition of the N6 Galway City Ring Road to the north east of the application site.

12.5.6. Overall, I consider the layout, the quantum and quality of landscaping and public open space proposed is appropriate and acceptable, regard being had to the material contravention statement submitted in support of the application. However, I acknowledge that the site is constrained in terms of change in levels across the site and use of retaining walls, staircases and an embankment, therefore, I am highlighting said issues, for the attention of the Board.

12.6. **Traffic and Transportation**

Connectivity

12.6.1. The suitability of the existing Ballybane More Road, to cater for the proposed development, has been raised by third parties and elected members. The narrow width of the road, poor quality public lighting, footpaths and inadequate traffic calming measures.

12.6.2. Doughiska District Centre and Briarhill Shopping Centre are located in close proximity (250m) to the application site which offer a variety of services. Existing bus services are provided on Monivea Road less than 300m from the site and on Doughiska Road approx. 500m from the site. Local bus routes [401, 409] are both located less than 400m from the application site. The 401 operates between Parkmore Industrial Estate and Salthill. The 409 Eyre Square, GMIT and Parkmore bus route serves Eyre Square (East), Dublin Road, GMIT, Doughiska Road and Parkmore Road. The proposed site is 750m from both the 417 and the 425A Galway Regional bus routes. The 425A bus route serves Galway Bus Station, College Road Galway, Monivea Road, Donellans Cross, Cashla, Menlough, Castleblakney and Mountbellow. The 417-bus route serves Galway Bus Station, Claregalway, Loughgeorge, Corofin Cross, Corofin and Tuam.

12.6.3. While it is contended, by the first party, that the site benefits from good pedestrian and public transport routes nearby. I note that the Ballybane More road is currently rural in nature with limited pedestrian facilities. The proposal includes a public footpath along Ballybane More Road to the north of the site, as well as a section of footpath adjacent to the application site along Ballybane More Road to the north-east of the site. To the north-east of the site, a proposed uncontrolled pedestrian crossing will link the application site to the existing footpath on Ballybane More Road. Furthermore, a recently permitted planning application (Pl. Ref. No.: 18/354) on lands to the north-east of the application site presents further opportunity to continue the pedestrian link to the east along Ballybane More Road. A letter of support from the Applicant of Pl. Ref. No.: 18/354 is enclosed with the application. This letter from Monarview Ltd. Dated 25th Nov 2019 states:

'I welcome the proposed SHD development, the addition of footpaths as proposed in the SHD application will greatly improve connectivity along Ballybane More Road.

We are intended to commence our development (Pl. Ref. No.: 18/354) early in the new year (2020) and expect completion, including the relevant footpaths referenced in your client's application to be completed by Q4.'

12.6.4. The applicant has had due regard to the objective in the GCDP for 'road improvement works' on the Ballybane More Road. The proposed development incorporates a 6m wide carriageway and a footpath to the full extent of the site

frontage. The amendments include for the widening of the Ballybane More road and the provisions of the footpaths to the north / south of the road, which will improve pedestrian traffic. The proposed and existing works will provide a continuous footpath from the site to Doughiska Road to the east and Monivea Road to the north-west, this will improve connectivity and is a welcomed outcome of the development.

- 12.6.5. The transportation department of the planning authority have no objection to the proposed development subject to condition. It is recommended that a special contribution for road improvement works on the Ballybane More Road be applied to any decision to grant planning permission given the significant vehicle loading which will result from the proposed development. I consider that such a condition is justifiable and appropriate.

Car Parking

- 12.6.6. The proposed development incorporates 102 no. residential units (24 Houses, 78 Apartments) and 230.9 sq. m of commercial floorspace. 112 number car parking spaces are proposed: 44 no. to serve the dwellings (1.5 grouped spaces per dwelling and 1 grouped visitor space per 3 dwellings) 61 number spaces are proposed to serve the apartments and 7 number spaces are proposed to serve the creche.
- 12.6.7. In terms of strictly residential use, approximately 105 no. car parking spaces are proposed as part of the proposed development. In this regard it equates essentially to 0.78 spaces per apartment and 1.8 spaces per dwelling. The proposal includes for 5 no. electric vehicle charging points and the appropriate level of mobility impaired parking provision for the proposed development has also been provided, at a rate of 4% (i.e. 4 spaces) of the total number of spaces.
- 12.6.8. Apartment car parking has been provided in two locations to the north of the site. It is contended that this serves to add to the privacy and security of car parking areas within the heart of the site. Parking for the houses to the south of the site is located immediately in front of houses which increases the feeling of separation and privacy for the homes from the roadway.
- 12.6.9. The Galway City Development Plan standard is 1.5 grouped spaces per dwelling and 1 grouped visitor space per 3 dwellings. Based on this standard, the residential element of proposed development has a car parking requirement of 187 no. car parking and the creche has a requirement for 6 car parking spaces. The proposed

development has a shortfall in car parking to the scale of 81 no. car parking spaces. It is noted that the applicant acknowledges shortfall in a 'statement of material contravention' which accompanies the application.

12.6.10. The applicant makes the case that despite the shortfall in car parking the proposed development complies with the principles and recommendations of the Design Standards for New Apartments - March 2018, in terms of where a shortfall in car parking may be considered where sites are located in relatively close proximity to public transport accessibility i.e. within reasonable walking distance of a bus service with a 10-minute peak hour frequency.

12.6.11. I accept that the proposed development is located in proximity of public transport corridors and comprises a net density in excess of 45 units per hectare. It therefore qualifies for a reduced overall car parking standard (Design Standards for New Apartments - March 2018). I consider the car parking standards proposed acceptable subject to a robust mobility and parking management plan, this matter can be dealt with by way of condition.

Cycle Parking

12.6.12. There are no cycle facilities proposed or existing on Ballybane More road. There are existing cycling facilities on the N6 and Doughiska road. A secondary cycle facility is proposed on Monivea Road as part of GTS cycle network.

12.6.13. A total of 92 cycle parking spaces are proposed as part of the development. The proposed development exceeds the provisions of the Galway City Development Plan requirements. It is noted, however, that in Table 4 of the Traffic and Transportation Assessment using the DHPLG Guidelines 201 cycle parking spaces are required. The proposed cycle parking is less than 50% of those recommended by the guidelines.

12.6.14. I concur with the recommendation of the transportation department of the city Council that: 'given the level of traffic congestion in the area, it is considered that at least on cycle parking spaces, per apartment bedroom, should be provided as part of the development'. This equates to 150 cycle parking spaces. These spaces should be sheltered and secure. This matter can be dealt with by way of condition.

Conclusion

- 12.6.15. The Traffic and transportation Assessment (TTA) submitted with the application examines the effect of the development on the surrounding road network. A mobility Management plan has not been submitted with the application; however, it is proposed that a MMP will be carried out and implemented. A Stage 1 RSA has been carried out. A DMURS Statement has been prepared and submitted with the application. A site lighting Design Proposal Report and Electrical Lux Levels Layout drawing and Electrical Public Lighting Layout have been submitted with the application.
- 12.6.16. I note the issues with respect to quantum and layout of carparking spaces and cycle parking spaces raised by the planning authority. However, I consider issues raised can be resolved by way of condition and appropriate management of the development by a competent management company.
- 12.6.17. The application site presents several engineering challenges in relation to topography, geology, physical form and existing services. The site layout as proposed has been designed to work with constraints while having regard to and complying with technical design standards. I consider layout proposed generally acceptable in principle from a traffic and transportation perspective, subject to condition. The proposal will result in an improvement in terms of footpath connectivity along the Ballybane More Road, public lighting and appropriate setbacks overall it will improve pedestrian connectivity in the area.

12.7. Drainage, Flood Risk and Site Services

- 12.7.1. A Pre-connection Enquiry form was submitted to Irish Water (IW) providing information on the estimated wastewater load and water demand associated with the proposed development. A confirmation of feasibility letter was issued by Irish Water dated 11th February 2019 following review of the enquiry, which is included in Appendix A of the Infrastructure Report prepared by AECOM. Further to the confirmation of feasibility, Aecom undertook further discussions with Irish Water in relation to the existing 250mm diameter AC watermain which crosses the development site. It is noted that the applicant will replace an existing trunk

watermain traversing the site by agreement. An Irish Water Statement of Compliance is included in Appendix B of the Infrastructure Report prepared by AECOM.

- 12.7.2. It is proposed to discharge wastewater generated by the proposed development via a separate gravity wastewater sewer network to an existing wastewater sewer in the Ballybane More Road (approximately 100m to the west of the proposed development).
- 12.7.3. It is proposed to provide a separate surface water drainage network and attenuation system on site. Surface run-off will flow via gravity through Class 1 By-Pass Hydrocarbon Separators before being attenuated on site. It is proposed to provide a new surface water sewer in Ballybane More Road to allow for a connection to the existing 150mm surface water drainage network in Ballybrit Heights.
- 12.7.4. Aecom undertook a review of available sources of information regarding flood risk and the proposed development site. There are no watercourses within or surrounding the site. The flood risk assessment concludes that 'the proposed development site is located within Flood Zone C (Low probability of flooding) and there is a low risk to the proposed development.'
- 12.7.5. I am satisfied with the proposed foul and surface water drainage and water supply arrangements, subject to conditions.

13.0 Other Issues

Material Contravention Issue

- 13.1.1. The application contains a statement setting out how the proposal will be consistent with the objectives of the Galway City Development Plan 2017-2023."
- 13.1.2. The proposed development is accompanied with a Material Contravention Statement which sets out justification for the proposed development, in accordance with Section 8(1)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 13.1.3. In the context of the subject planning application it is considered that the proposed open space and car parking provision may be deemed to represent a material contravention of the open space and car parking standards in the Galway City Development Plan 2017-2023. The proposed development is located on lands zoned

'Residential'. The Galway City Development Plan 2017-2023 (GCDP) sets out specific standards for open space and car parking in the 'Outer Suburbs' Neighbourhood Area of Galway City.

Open Space

13.1.4. The proposed development has an open space provision of 14% (0.2721 Ha). Section 11.3.1 of the GCDP outlines the following design requirement in relation to communal open space in the 'Outer Suburbs':

'Communal recreation and amenity space is required at a rate of 15% of the gross site area.'

13.1.5. On this basis, it may be deemed by An Bord Pleanála that the proposed development contravenes the open space requirements for residential development in the 'Outer Suburbs' as outlined in the GCDP.

Car Parking

13.1.6. Section 11.3.1 of the GCDP outlines requirements for car parking spaces for residential developments in the 'Outer Suburbs'. As set out in Traffic and Transport Section 12.6.5 of this report above the proposed development incorporates 105 no. residential car parking spaces which is below the requirement of 187 no. car parking spaces as per the GCDP. On this basis, it may be deemed that the allocated car parking spaces for the apartments contravene the car parking standards as outlined in the GCDP.

13.1.7. Under Section 5(6) of the Planning and Development (Housing) and Residential Tenancies Act, 2016, the Board may grant planning permission for a proposed development that is considered to materially contravene the Development Plan, other than in relation to zoning, having regard to the requirements of Section 37(2)(b) of the Planning and Development Act 2000, as amended. The requirements of Section 37(2)(b) of the Act are as follows:

- i. The proposed development is of strategic or national importance,
- ii. There are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or
- iii. Permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy

directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or

iv. Permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

13.1.8. Regard being had to the foregoing, I am of the opinion, that the shortfall in open space is not material and that exemptions set out in Section 37 (2)(b) (i) and (iii) could be relied upon in this instance with respect to car parking shortfall. The newspaper notice states that the application 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.

13.2. Environmental Impact Assessment

13.2.1. EIA is not mandatory for the proposed project and I do not consider that there is a sub-threshold requirement. The Environmental Impact Assessment Screening Report is noted and considered acceptable. The report concluded that the requirement of an EIAR is not required in respect of the proposed development as it is sub threshold.

13.2.2. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

13.3. Appropriate Assessment (AA)

13.3.1. A Natura Impact Statement has been prepared by Woodrow Sustainable Solutions Ltd in support of this proposal. The NIS concludes that significant effects to the Natura 2000 network are not likely to arise, either alone or in combination with other

plans or projects. I consider that the information submitted is sufficient to allow the Board to carry out an AA.

13.3.2. A total of 8 Natura 2000 sites were identified as located within the potential zone of impact of the Project. See Table 1 of the submitted NIS. The site lies within proximity of SPA's for birds which can forage at distances greater than 15 km. However, the Proposed Development Site was found during surveys in 2018 and 2019 to have unsuitable habitat for foraging waders given that it supports rough grassland and scrub habitat, in addition to disturbance from residential properties in close proximity to this site.

13.3.3. Given the potential for hydrological impacts upon two of the eight identified European Sites, the following SAC and SPA have been screened in for further assessment within the Appropriate Assessment process:

13.3.4. Galway Bay Complex SAC [000268] located c. 1.85 Km distant and Inner Galway Bay SPA [004031] located c. 1.95 Km distant.

Galway Bay Complex SAC [000268]

13.3.5. "The Galway Bay Complex is a very large, marine-dominated, site situated on the west coast of Ireland. The inner part of the south bay is protected from exposure to Atlantic swells by the Aran Islands and Black Head. Subsidiary bays and inlets (e.g. Poul-na-clough, Aughinish and Kinvara Bays) add texture to the patterns of water movement and sediment deposition, which lends variety to the marine habitats and communities. The terraced Carboniferous (Visean) limestone platform of the Burren sweeps down to the shore and into the sublittoral. West of Galway city, the bedrock geology is granite. The long shoreline is noted for its diversity, with complex mixtures of bedrock shore, shingle beach, sandy beach and fringing salt marshes. Other habitats which occur in small amounts include lagoon, fen, turlough, dry grassland, wet grassland and deciduous woodland.

Qualifying Interests being assessed further

13.3.6. Potentially affected Qualifying Interest (QI) (QI Code):

- Mudflats and sandflats not covered by seawater at low tide [1140]

- Coastal lagoons [1150]
- Large shallow inlets and bays [1160]
- Reefs [1170]
- Perennial vegetation of stony banks [1220]
- Salicornia and other annuals colonising mud and sand [1310]
- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330]
- Mediterranean salt meadows (*Juncetalia maritimi*) [1410]
- Turloughs [3180]
- Calcareous fens with *Cladium mariscus* and species of the *Caricion davallianae* [7210]
- Alkaline fens [7230]
- *Lutra lutra* (Otter) [1355]
- *Phoca vitulina* (Harbour Seal) [1365]

13.3.7. There is considered to be no likely significant effects upon the following 4 no. QI's as a result of the proposed development - given their lack of hydrological connectivity to either groundwater or surface water, specifically attenuated water discharged to Galway Bay through storm water drainage, from the Proposed Development Site:

- Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]
- *Juniperus communis* formations on heaths or calcareous grasslands [5130]
- Semi-natural dry grasslands and scrubland facies on calcareous substrates (*Festuco-Brometalia*) (* important orchid sites) [6210]
- Limestone pavements [8240]

Inner Galway Bay SPA [004031]

13.3.8. "Galway Bay SPA is a very large, marine-dominated, site situated on the west coast of Ireland. The inner bay is protected from exposure to Atlantic swells by the Aran Islands and Black Head. Subsidiary bays and inlets (e.g. Poul-na-clough, Aughinish and Kinvarra Bays) add texture to the patterns of water movement and sediment deposition, which lends variety to the marine habitats and communities. The terraced Carboniferous (Viséan) limestone platform of the Burren sweeps down to the shore and into the sublittoral. The long shoreline is noted for its diversity, with complex

mixtures of bedrock shore, shingle beach, sandy beach and fringing salt marshes. Intertidal sand and mud flats occur around much of the shoreline, with the largest areas being found on the sheltered eastern coast between Oranmore Bay and Kinvarra Bay. Seagrass beds lie off Finavarra Point. A number of small islands composed of glacial deposits are included, such as Deer Island, along with some rocky islets.

13.3.9. Galway Bay is one of the most important ornithological sites in the western region. It supports internationally important wintering populations of *Gavia immer* and *Branta bernicla hrota* and regularly occurring nationally important populations of an additional 16 species, most notably *Mergus serrator* (6.7% of national total), *Charadrius hiaticula* (3.3% of total), *Anas clypeata* (2.9% of total) and *Limosa lapponica* (2.5% of total). It supports the largest and the most regular population of *Gavia arctica* in the country. The bay is an important wintering site for gulls, and is of national significance for at least *Larus canus*. Breeding birds of note are *Phalacrocorax carbo*, *Sterna sandvicensis* and *Sterna hirundo*. The site provides both feeding and roost sites for most of the species, though some birds commute to areas outside of the site. The birds of Galway Bay have been monitored annually since 1980/81. The site has one of the largest populations of *Phoca vitulina* in the country.”

Qualifying Interests within the zone of influence

13.3.10. The following QI's of the Inner Galway Bay SPA [004031] could potentially be affected by impacts such as a largescale pollution event which might adversely affect groundwater or surface water in the environs of the proposed development:

- Great Northern Diver (*Gavia immer*) [A003] – Wintering
- Cormorant (*Phalacrocorax carbo*) [A017] – Breeding
- Grey Heron (*Ardea cinerea*) [A028] – Wintering
- Light-bellied Brent Goose (*Branta bernicla hrota*) [A046] – Wintering
- Wigeon (*Anas penelope*) [A050] – Wintering
- Teal (*Anas crecca*) [A052] – Wintering
- Shoveler (*Anas clypeata*) [A056] – Wintering
- Dunlin (*Calidris alpina*) [A149] – Wintering
- Bar-tailed Godwit (*Limosa lapponica*) [A157] – Wintering
- Curlew (*Numenius arquata*) [A160] – Wintering
- Redshank (*Tringa totanus*) [A162] – Wintering
- Turnstone (*Arenaria interpres*) [A169] – Wintering
- Black-headed Gull (*Chroicocephalus ridibundus*) [A179] – Wintering
- Common Gull (*Larus canus*) [A182] – Wintering

- Red-breasted Merganser (*Mergus serrator*) [A069] – Wintering
- Ringed Plover (*Charadrius hiaticula*) [A137] – Wintering
- Golden Plover (*Pluvialis apricaria*) [A140] – Wintering
- Lapwing (*Vanellus vanellus*) [A142] – Wintering
- Sandwich Tern (*Sterna sandvicensis*) [A191] – Breeding
- Common Tern (*Sterna hirundo*) [A193] – Breeding
- Wetland and Waterbirds [A999]

13.3.11. There are no European Sites which are connected to the proposed site via direct habitat or surface water connectivity. However, the surface water drainage system proposed for this site will eventually drain into the Galway City Council sewerage system, which ultimately flows into Galway Bay at stormwater drainage points located at Ballyloughane and Murrough (Pers. comm. AECOM and the Drainage department in Galway City Council).

13.3.12. The Galway WWTP, which shall treat foul effluent from the proposed development, currently has sufficient capacity to treat the foul effluent in the Galway City Sewered Area, including the anticipated 1,512 PE (approx. at Peak Flow) of this proposed development (Irish Water, 2017).

13.3.13. There are no watercourses on the site. In addition, the hedgerows on site are either defunct or have low species diversity / dominated by ornamental conifers. The site is not well connected to areas of woodland e.g. Merlin Woods in the south given that the hedgerows are dissected and a number of the boundaries are old stone walls with no woody vegetation. Given its location within an urbanised area and the lack of watercourses on or near the site, it is not deemed to support Otter. The site is considered too disturbed by local anthropogenic activity and too disconnected to suitable woodland habitat to offer any suitable locations for otter holts, and no evidence of otter was recorded on this site during the surveys in 2018 and 2019. As such there is no potential for direct impacts upon any of the Qualifying Interests (QI's) of the Galway Bay Complex SAC [000268]. However, indirect (or secondary) impacts via the potential for a largescale pollution event which might impact upon groundwater or the downstream surface water drainage network could not be ruled out.

13.3.14. The site is located within a relatively small 1.86 Ha field, comprised of improved rough grassland (GSi1 – Dry calcareous and neutral grassland (improved)) growing on shallow soils which occur on sloping ground. There is an area of dense

scrub (WS1 – Scrub) within the central area, and there are boundary features on all sides of the site, including an old stone wall along the centre of the field (BL1 - Stone walls and other stonework). Given the topography and the type of habitats on the site, the Proposed Development Site is deemed to be unsuitable for use as a foraging or roosting area for the Special Conservation Interest (SCI) birds of any of the Special Protection Area (SPA) sites within 15km of the proposed site. The closest SPA site to the Proposed Development Site is the Inner Galway Bay SPA [004031], which is c.1.95km away. The site lies within a largely urbanised area on the eastern outskirts of Galway city, and the habitats on the site are unsuitable for foraging or roosting waders. It is considered that the site does not offer habitat that is integral to any SPA sites in the wider area.

13.3.15. There is some low potential for impacts to arise as a result of groundwater pollution, or due to the potential linkage within the proposed drainage system to the Galway City Surface Water Network which eventually discharges to this bay, and could also theoretically affect feeding grounds for the SCI birds that are listed for the Inner Galway Bay SPA [004031], in the event of a largescale pollution event occurring at the development site.

13.3.16. The impacts identified were the potential for adverse effects upon groundwater quality as a result of pollution at the Proposed Development Site (which, according to the EPA mapping, is connected to Galway Bay through an 'At risk' aquifer in an area of 'Extreme' groundwater vulnerability). In addition, it was considered that there is potential for polluted attenuated surface water to reach Galway Bay through the local surface water network in the event of a storm surge which might result in water from the site (in-combination with other plans or projects) reaching the SAC / SPA at the Galway City storm water discharge points in Ballyloughane and Murrrough.

13.3.17. As such, the aforementioned two European Sites have been screened in for further assessment within the Appropriate Assessment process. Taking a precautionary approach, both of these sites could potentially be significantly affected by a large-scale pollution event entering groundwater and/or through the associated pollution of attenuated surface water on the site which eventually discharges to the bay from the local Galway City Council surface water drainage network.

13.3.18. The NIS sets out the 'Attributes', 'Targets', 'Source of Potential Adverse Impact from Development' and 'Required Mitigation'. Mitigation for potential impacts for both sites is stated as: 'though prevention of hydrocarbon release and avoidance of nutrient level increases within attenuated water discharging from the storm water attenuation at this site'. And additionally, for the Galway Bay SPA 'Taking the precautionary approach, mitigation has been included within the proposed design to ensure that the Proposed Development has not significant impacts upon the long-term population trend for any of the SCI's of this SPA'.

13.3.19. It has been established in the NIS that unmitigated, the proposed development poses some risks to the Qualifying Interests for the Galway Bay Complex SAC [000268] and the Inner Galway Bay SPA [004031]. The impact of the proposed development upon these sites would be dependent on the occurrence, magnitude and frequency of a large-scale pollution event.

13.3.20. These impacts are considered to be unlikely, however, if they occurred in the absence of mitigation – pollution such as sediment, nutrients and/or hydrocarbons could theoretically reach the bay through groundwater infiltration or through overflow from attenuated surface water on the proposed development site, which might then discharge to Galway Bay through the storm water discharge points and Ballyloughane and/or Murrrough.

13.3.21. I note that section 7 of the NIS sets out mitigation measures to eliminate the Potential for Adverse Effects on the identified European Sites, and their potentially affected QI's / SCI's that lie within the zone of influence of the Proposed Development. Measures include:

- Mitigation of Water Quality Impacts during Operation
- Mitigation of Sediment Pollution during Construction
- Mitigation of Hydrocarbon / Chemical Pollution during Construction
- Mitigation of Cement Pollution during Construction
- Mitigation of Water Quality Impacts during Operation

13.3.22. I consider that the proposed mitigation measures are clearly described, and would be reasonable, practical and enforceable. I conclude that the proposed development would not be likely to have any significant effects on any Natura 2000

site, either directly or indirectly or in combination with other plans and projects. This conclusion is consistent with the NIS submitted with the application.

AA Screening Conclusion

13.3.23. Having regard to the works proposed during construction and operational phases, and subject to the implementation of best practice construction methodologies and the proposed mitigation measures, I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the European site No's Galway Bay Complex SAC [000268], Inner Galway Bay SPA [004031], Rahasane Turlough SPA [004089], Lough Corrib SPA [004042], Creganna Marsh SPA [004142], Rahasane Turlough SAC [000322], Lough Fingall Complex SAC [000606] and Lough Corrib SAC [000297], or any other European site, in view of the site's Conservation Objectives.

14.0 Recommendation

14.1.1. I recommend that permission be **granted** for the proposed development subject to the following conditions:

15.0 Recommended Draft Board Order

Planning and Development Acts 2000 to 2019

Planning Authority: Galway City Council

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 20th day of December 2019 by Trean Meadow Limited, Ballybane More Road, Ballybrit, Doughiska, Co. Galway.

Proposed Development:

15.1. A planning permission for strategic housing development on a site of 2.060 hectares at Ballybane More Road, Ballybrit, Doughiska, Galway. The site is located in Ballybrit, Co. Galway in the eastern outskirts of Galway City, approximately 6 – 7

kilometres from the city centre. The subject site fronts onto the Ballybane More Road which is the former Ballybrit Road, and currently is a minor road with a speed limit of 50kph. The Ballybane More Road connects the Briarhill District Centre, east of the appeal site, to the R339. The R339 provides direct access to the city centre. The Ballybane More Road provides a divide between suburban type development situated to the north and rural land uses to the south. The suburban development to the north is predominately two-storey and single storey housing developments however there are some single storey bungalows on individual sites located to the north of the Ballybane More Road. The appeal site, which is located to the immediate south of the Ballybane More Road, is rural in character. There are one-off houses located to the immediate east and west of the appeal site.

15.2. The proposed development will consist of the construction of 102 no. residential units comprising:

- 8 no. House Type A.1 (2-Bed)
- 2 no. House Type A.2 (1-Bed)
- 3 no. House Type B.1 (3-Bed)
- 1 no. House Type B.2 (3-Bed)
- 2 no. House Type C.1 (4-Bed)
- 1 no. House Type C.2 (4-Bed)
- 17 no. Apartment Type D.1 (2-Bed)
- 16 no. Apartment Type D.2 (2-Bed)
- 1 no. Apartment Type D.2A (2-Bed)
- 16 no. Apartment Type D.3 (2-Bed)
- 1 no. Apartment Type D.3A (2-Bed)
- 2 no. Apartment Type E.1 (1-Bed)
- 1 no. Apartment Type E.1A (1-Bed)
- 3 no. Apartment Type E.2 (1-Bed)
- 2 no. Apartment Type E.3 (2-Bed)
- 1 no. Apartment Type E.3A (2-Bed)
- 3 no. Duplex Apartment Type E.4 (2-Bed)
- 3 no. Duplex Apartment Type E.5 (2-Bed)
- 4 no. Duplex Apartment Type F.1 (3-Bed)

- 4 no. Duplex Apartment Type F.2 (2-Bed)
- 2 no. Apartment Type G.1 (1-Bed)
- 2 no. Apartment Type G.2 (1-Bed)
- 7 no. House Type H.1 (2-Bed)

2. Development of a Childcare facility (230.9 sqm.)

3. New vehicular and pedestrian accesses from the Ballybane More Road

4. Provision of a footpath connectivity link along Ballybane More Road

5. Provision of shared communal and private open space, site landscaping, car parking, electrical vehicle charging points, cycle parking, services and all associated site development works.

15.3. The application contains a statement setting out how the proposal will be consistent with the objectives of the relevant development plan.

15.4. The application 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. This is stated in the Newspaper Notice.

15.5. A Natura Impact Statement has 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 site's location on lands with zoning objective 'R' for 'Residential Use' with the objective 'to provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods', as per the statutory Galway City Development Plan 2017-2023:
- (b) the sites setting designated as 'Outer Suburbs' within c. 5 Km of Galway City Centre, proximity to good quality public transport links and also the proximity of the site with regard to cycling and walking distances to economic and social amenities.
- (c) the nature, scale and design of the proposed development which is consistent with the provisions of the Galway City Development Plan and appendices contained therein, and National Planning Guidance.
- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- (e) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013
- (f) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (g) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018

- (h) Urban Development and Building Heights, Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in 2018,
- (i) to Section 37 (2)(b) (i) and (iii) of the Planning and Development Act 2000, as amended
- (j) the Planning System and Flood Risk Management for Planning Authorities (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009,
- (k) the nature, scale and design of the proposed development,
- (l) the pattern of existing and permitted development in the area and
- (m) to the submissions and observations received,
- (n) the report of the Inspector.

Appropriate Assessment Screening

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for the nearby European sites including: Galway Bay Complex SAC [000268], Inner Galway Bay SPA [004031], Rahasane Turlough SPA [004089], Lough Corrib SPA [004042], Creganna Marsh SPA [004142], Rahasane Turlough SAC [000322], Lough Fingall Complex SAC [000606] and Lough Corrib SAC [000297],, in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the appropriate assessment, the Board considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,

- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the conservation objectives for the European sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European site, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of European sites in view of the sites' conservation objectives.

Environmental Impact Assessment

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development on an urban site served by public infrastructure,
 - (b) the absence of any significant environmental sensitivities in the area,
 - (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),
- the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

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 residential density in this zoned, 'outer suburbs' location, which would, subject to condition, not seriously injure the visual amenity of the area, would, subject to condition, be acceptable in terms of urban design, height and quantum of development and would, subject to condition, 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. 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be, as submitted with the application, unless otherwise agreed in writing with, the planning authority/An Bord Pleanála prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

3. The final landscape plan and specification shall be agreed in writing with the planning authority prior to the commencement of works on site.

(a) The landscaping and earth works scheme shown on Drg no. PDFI-01

Landscape Masterplan, as submitted to An Bord Pleanála as part of this application shall be carried out within the first planting season following substantial completion of external construction works. In addition to the proposals in the submitted scheme, the following shall be carried out:

- (i) The site shall be landscaped, using only indigenous deciduous trees and hedging species, and shall include:
- (ii) The plan shall take cognisance of the national biodiversity strategy and the national pollinator plan and shall be proofed against any underground service plans and overhead structures including public lighting.
- (iii) Details of all tree / root protection measures shall be submitted for written agreement of the planning authority prior to the commencement of any development on site.
- (iv) The exact details of the design and specification of the multi-use games area and the playground shall be agreed in writing with the Parks and Recreation Section of the planning authority prior to the commencement of development.

(b) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

4. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this

application, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

5.

(a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities, for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

6. 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. 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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods

and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;

- a) Location of areas for construction site offices and staff facilities;
- b) Details of site security fencing and hoardings;
- c) Details of on-site car parking facilities for site workers during the course of construction;
- d) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- e) Measures to obviate queuing of construction traffic on the adjoining road network;
- f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- g) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- h) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- i) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- j) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

- k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- l) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

8. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

9.

(a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. 105 No. clearly identified car parking space shall be assigned permanently for the residential development and shall be reserved solely for that purpose.

(b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car parking shall be continually managed.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units.

10. 150 no. bicycle parking spaces shall be provided within the site. Details of the layout, marking demarcation and security provisions for these spaces shall be agreed in writing with, the planning authority prior to commencement of development.

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

11. Prior to the opening/occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

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

12. A minimum of 10% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

13. The following requirements in terms of traffic, transportation and mobility shall be incorporated and where required, revised drawings / reports showing compliance

with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:

- (a) Traffic calming measures.
- (b) All signage and road markings shall be provided in accordance with the Traffic Signs Manual published by the Department of the Environment and local government and guidelines for setting and managing speed limits in Ireland, March 2015 edition, or later.
- (c) The recommendations of the Road Safety Audit shall be implemented to the satisfaction of the Transportation Planning Section.
- (d) The developer shall obtain a road opening licence from the Transportation Section of Galway City Council prior to undertaking any works to the public road.
- (e) Dropped kerbs shall be provided to the footpaths at all junctions and crossing points. The height between edge of kerb and carriageway surface at the pedestrian crossings shall not be greater than 6mm to facilitate the mobility impaired, and tactile paving shall be installed to warn the visually impaired of the change in surface.
- (f) All works shall be carried out at the expense of the developer to the written satisfaction of the Planning Authority.

Reason: In the interest of traffic and public safety.

14. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development/installation of the lighting. The agreed lighting system shall be fully implemented and operational, before the proposed development are made available for occupation.

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

15. 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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity

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

Reason: In the interest of public health.

17. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

18. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

Reason: To ensure the satisfactory completion and maintenance of this development.

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

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

20. The glazing to the all bathroom and en-suite windows shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

Reason: In the interests of residential amenity.

21. The developer shall prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining property(s) as a result of the site construction works and repair any damage to the public road arising from carrying out the works.

Reason: In the interests of traffic safety and residential amenity.

22. The development shall be carried out on a phased basis, in accordance with a phasing scheme submitted with the planning application, (unless otherwise agreed in writing with the planning authority/An Bord Pleanála prior to commencement of any development.)

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

23.

- a) Prior to the commencement of development on site, the developer shall agree in writing with the details of all screen walls within the development i.e. walls that adjoin and are visible from public areas and which screen

from view the rear gardens of dwellings. Screen walls shall be constructed of local natural stone.

- b) All retaining walls should be re-designed to incorporate features that allows for animation, which shall include a variety of external materials and be so designed to ensure maximum levels of safety. These details shall be submitted for written agreement with the Planning Authority, prior to any works occurring on site.
- c) All rear garden walls shall be 1.8 metres in height above ground level and shall be concrete block or concrete post and panel, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

24. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

25. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open

space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

26. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Fiona Fair

Senior Planning Inspector

25.03.2020