



An
Bord
Pleanála

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

Inspector's Report ABP-306413-20

Strategic Housing Development

342 no. residential units (185 no. houses, 157 no. apartments), childcare facility and associated site works.

Location

Lands at Rosshill Road, in the townlands of Roscam, Merlin Park and Murrough, Rosshill Road, Galway, Co. Galway.
(www.rosshillmanorshd.ie)

Planning Authority

Galway City Council

Applicant

Kegata Ltd.

Prescribed Bodies

Irish Water; An Taisce; Iarnrod Eireann; TII

Observer(s)	See Appendix 1
Date of Site Inspection	18 th April 2020
Inspector	Una O'Neill

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1.1. The subject site (10.06 ha in area) is located in the eastern suburbs of Galway City, in the townland of Roscam, immediately south of the Galway to Dublin railway line. The site is located between the existing residential suburbs of Roscam (850m to the northeast), which comprises a new area of houses and apartments and Murrough (1.2km to the northwest), with these developments north of the railway line. On the immediate northern side of the railway line/northeast and proximate to the lands there is a residential development of 16 houses under construction with a new public footpath, opposite which are public amenity woodlands/'city park'. Oranmore train station is approx. 3km to the east (approx. 1km beyond the city development boundary). Merlin Park Hospital is located approx. 2km north of the site.
- 2.1.2. The wider area south of the railway line/Roscam peninsula, is characterised by woodland, grazing farmland and a number of detached one-off rural dwellings. The western boundary of the site adjoins a woodland, which extends into the site and is 5m from Galway Bay Complex SAC (000268). The western boundary is formed by a stone wall and line of beech trees. 97m to the southeast is the Inner Galway Bay SPA (004031). The Galway Bay Complex pNHA covers the same area of the SPA and SAC proximate to the site. 500m west of the site boundary, adjoining the other side of SAC boundary, are the undeveloped Murrough LAP lands (identified as a strategic location in the RSES). To the southwest is an existing dwelling and south are pasture lands related to Rosshill Stud Farm and a number of detached rural dwellings / ribbon development. Lands to the south and east are zoned Low Density Residential, with lands proximate to the coast zoned Agriculture/High Amenity. A folly, set within an octagonal walled enclosure, is located immediately southeast of the site boundary - this is a Recorded Monument and Protected Structure (RMP No. GA094-070/RPS 8803).

- 2.1.3. The proposed development is bounded to the north by the Rosshill Road and the Galway-Dublin Rail Line. The Rosshill Road veers north underneath the railway line 200m from the northeast corner of the site, and the railway directly adjoins the boundary over a distance of 300m to the northwest corner. The Rosshill Railway Bridge (RPS 8806, NIAH 30409423) is a protected structure. The eastern boundary of the site is formed by Rosshill Stud Farm Road, a rural road, which meets Rosshill Road at a t-junction at the northeast corner. The R338/Old Dublin Road runs approx. parallel to the north of Rosshill Road, with the railway line and a woodland in between. Rosshill Road connects to the Old Dublin Road/R338 800m to the northwest of the site. There is a pedestrian only path proximate to the junction leading onto the R338, which appears to have been an old road junction, and this connects in front of the Galway Crystal building to an existing small neighbourhood centre at Murrough. Rosshill Road connects from the site 1.2km to the north-east to the R338/Old Dublin Road, with the footpath poorer on this section of the Rosshill Road. On the northern side of the junction with the R338 is a newer housing and apartment development at Roscam. There is a neighbourhood centre at Roscam. The R338, travelling west, connects to Galway City Centre and travelling east connects to the N67/N6 Ring Road around Galway. There is a bus lane along the R338.
- 2.1.4. The site is a greenfield agricultural site, with a mixture of hedgerows and stone walls and a number of mature and semi-mature trees. The site was formally in use as a par 3 golf course. There are no watercourses on site. There are no ecological or environmental designations on site. In the centre of the site is an old farmstead in ruins and a modern silage storage pit. Levels generally fall gently west across the site, however, there is a steep slope running north-south to the west of the ruined farmstead in the centre of the site, with a gradient of up to 31.25%. The lowest point can be found in the north-western section of the site at approx. 6.70 metres O.D. (Ordnance Datum) and the highest point is along the south-eastern boundary at approx. 22.40 O.D. There are views of Galway Bay to the west from the centre ridgeline.

3.0 Proposed Strategic Housing Development

- 3.1. The proposal, as per the submitted public notices, comprises the following:

The development will consist of:

- (a) Residential development consisting of 342 no. units comprising 185 no. houses and 157 no. apartments, including a ground-floor community space, office, café, retail unit
- (b) A two-storey childcare facility
- (c) The provision of public realm landscaping including shared public open space and play areas, public art, public lighting, resident and visitor parking including car rental bays, electric vehicle charging points and bike rental spaces
- (d) Pedestrian, cyclist and vehicular links throughout the development
- (e) Access road and junction improvements at Rosshill Road/Old Dublin Road
- (f) Provision of all associated surface water and foul drainage services and connections including pumping station
- (g) All associated site works and ancillary services.

A Natura Impact Statement ('NIS') and Environmental Impact Assessment Report ('EIAR') have been prepared and accompany this application.

The application is also accompanied by a Statement of Material Contravention of the Development Plan.

Planning permission is sought for a period of seven years.

3.1.1. The following tables set out some of the key elements of the proposed scheme:

Key Figures

Site Area Net	9.53 ha
No. of Residential Units	342
Density	36 units per hectare
Plot Ratio	0.37:1
Site Coverage	15.34%
Childcare Facility	398.8 sqm

Other Uses – community space and café; retail	Café/community space 97.9sqm / retail 285.4sqm / office space 90.9 sqm
Public Open Space	21,533 sqm / 22.57%
Height	2-4 storeys
Part V	10% / 34 units

Unit Mix

	1 bed	2 bed	3 bed	4 bed	Total
Apartments/Duplexes	38	119			157
Houses		6	136	43	185
					342
As % of total	11%	36%	40%	13%	100%

Parking Provision

Car Parking	595 spaces (Apartments – 1 space and 1 visitor space per every 4 apartments; Dwellings – 2 spaces per dwelling; commercial element 11 spaces, with overlap of use with apartment anticipated; 16 crèche spaces)
Bicycle Parking	361 for the apartments (1 per bedroom and 1 visitor space per two apartments) and 10 to serve the childcare facility.

- 3.2. The primary vehicular access to the site is proposed from the eastern boundary with Rosshill Farm Stud Road, which is proposed to be realigned from its current junction with the Rosshill Road to within the lands to form a new junction with improved sightlines.
- 3.3. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An Irish Water Pre-Connection

Enquiry in relation to water and wastewater connections was submitted with the application, as required. It states that subject to a valid connection agreement being put in place and conditions listed, the proposed wastewater connection to the Irish Water network can be facilitated. It also notes that the pumping station at Merlin Park needs to be upgraded to accommodate the full development proposed. 102 units and the crèche (Phases 1 and 2) can be accommodated without the upgrade works. The upgrade works are at design stage and planning permission or wayleaves have not yet been applied for. The timeline for the upgrade is 2024, however, this is subject to change.

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

- EIAR
- NIS
- Planning Report and Statement of Consistency
- Response to ABP's Opinion
- Statement of Material Contravention
- Architectural Design Statement and Schedule of Accommodation
- Civil Works Report
- Flood Risk Assessment
- DMURS Report
- Stage 1 Road Safety Audit
- Traffic and Transport Assessment
- Building Lifecycle Report
- CGIs
- Mechanical and Electrical Report
- Rosshill Tree Survey Report
- Construction Demolition Waste Management Plan
- Rosshill Archaeological Assessment

4.0 Planning History

Subject site:

05/352 – Permission refused for the construction of a 137 unit residential development consisting of 16 no. 4-bed detached houses, 15 no. 5-bed detached houses, 26 no. 2-bed townhouses, 73 no. 3-bed townhouses, 7 no. 4-bed townhouses, a crèche (215 sq. m.) a shop (215 sq. m.), a new access to Old Dublin Road and all associated external and site development works. Permission was refused by GCC for five reasons, as follows:

- 1. The proposed development will be in conflict with the policies and objectives of the Galway City Development Plan relative to the LDR zoning and Outer Suburbs neighbourhoods. In particular in that it does not achieve 'a balance between the reasonable protection of the residential amenities of outer suburbs and the protection of the established character and the need to provide for sustainable residential development' and in that it does not have sufficient regard to the prevailing pattern, form and density of the existing area.*
- 2. The proposed development by virtue of layout, housing design, house types, private open space provision and lack of regard to existing landscape characteristics would result in a substandard unacceptable development.*
- 3. The proposed development, would result in a traffic hazard owing to insufficient sight lines at the junction of the access road with the Old Dublin Road.*
- 4. The drainage arrangements consisting of pumping and an associated rising main have been deemed inappropriate in the context of the overall planning and development of the area as they are not part of a strategic drainage resolution which would service this development and other future developments in Roscam.*
- 5. The proposed development has failed to achieve specific development objectives for this site as indicated in Figure 11.11 of the City Development Plan, in particular with regard to traffic, drainage and the protection of the sylvan character of the area.*

06/816 – Permission GRANTED (now expired) for the construction of (i) a 99 unit residential development (18,871 sqm) consisting of 43 no. 5-bed detached houses,

16 no. 4-bed detached houses, 25 no. 2-bed apartments, 2 no. 3-bed apartments, 12 no. 2-bed duplexes, 1 no. 3-bed end terrace house, (ii) a crèche (350 sqm), (iii) a new access to the Rosshill Road, (iv) an upgraded junction onto the Old Dublin Road, (v) ESB Substation, (vi) Pumping house, (vii) Car parking (225 no. spaces at surface level and 60 no. spaces underground) and (viii) all associated external and site development works.

5.0 Section 5 Pre Application Consultation

5.1. Pre-Application Consultation

5.1.1. A section 5 pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on 27th September 2019 (ref ABP-305195-19) in respect of a proposed development of 350 residential units, crèche, community space, and ground floor commercial space. The main topics discussed at the meeting were –

- Residential Density – local policy provisions and core strategy
- Sustainable Transport – public transport, cycling and walking
- Urban Design and Layout – setting, topography and hierarchy of open space
- Natural and cultural heritage
- Pump Station Upgrades (Merlin Park No. 1) – timeframe and IW engagement
- Any other matters

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

5.2. Notification of Opinion

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

1. Design and Layout

Further consideration/justification of the documents as they relate to the layout of the proposed development, in particular the documentation should demonstrate a thorough appreciation and assessment of the overall site context as the starting point in designing a distinct place. In this regard the applicant is required to revisit the 12 criteria set out in the 'Urban Design Manual' which accompanies the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009) and the 'Design Manual for Urban Roads and Streets' (March 2013).

Particular attention should be paid to on site features of value or merit, topography and significant tree stands. Justification for, or amendments to, the layout of the apartment blocks proposed throughout the application site. The layout and relationship of these blocks relative to one another, the site topography and relative to the open spaces should be fully justified and/or reconsidered. The nature and functionality of the intervening space created between all apartment buildings, parking areas and streets should also be fully considered and justified.

Consequently, matters such as the arrangement and hierarchy of streets; configuration of the layout; connectivity with adjoining lands; provision of quality and usable open space and the creation of character areas within a high-quality scheme should be given further consideration. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

2. Open space

Further consideration/amendment of the documents as they relate to the provision of high quality, safe and usable public open space. Particular attention is drawn to the size and location of open spaces in terms of topography and existing site features, and rationale for same, the potential for passive supervision of open spaces and play areas, the design of the streets, associated on-street parking and the creation of building edges/street frontages that reflect a clearly defined street hierarchy within the scheme, the location and design of bin and secure bicycle storage also requires greater consideration. The application of the principles of the Design Manual for Urban Roads and Streets and the advice provided by the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') is advised. Further consideration of these issues may require amendment to the documents and/or design proposals submitted.

3. Car Parking

Further consideration/amendment of the documents as they relate to the provision and design of car parking within the proposed development. The documentation submitted at application stage should provide a robust rationale for the amount of car parking that is proposed. This should have due regard to the pattern of demand for travel that is likely to arise from the occupation of the proposed development, as well as to the likely demand from households to have access to private transport even where it does not provide the primary mode for travel to work or school. The documentation should also take proper account of the advice concerning car parking and cycle parking provided for in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities – 2018 and the design and layout of car parking outlined in the Design Manual for Urban Roads and Streets.

4. Connectivity and Public Transport

Further consideration/justification of the documents as they relate to existing and proposed pedestrian and cycle facilities connecting the development with the Dublin Road (R921) to the north, illustration of existing transport services such as rail and bus and future connections to adjoining residentially zoned land to the south of the site. The applicant should consider the preparation of a robust and achievable mobility management plan for the site that highlights the availability of existing and planned sustainable modes of transport such as walking, cycling and public transport. The further consideration of these issues may require an amendment to the documents and/or design rationale submitted.

5. Public Road Interface

Further consideration of the documents as they relate to the layout of the proposed development particularly the relationship to the Old Dublin Road and Rosshill Road. The documents should clearly show acceptable design solutions that tackle differences in level between the site and public road without the need for incongruous and heavy engineering solutions. Layout, contiguous elevations and section drawings should detail the relationship between the buildings and the public realm, existing and proposed. In particular, drawings should show the full suite of facilities that would be expected in any urban context; such as but not limited to; footpaths, landscaped margins, appropriate boundary treatments and the provision

of passive supervision of these new public spaces. Any development that integrates with the public realm either existing or modified should accord with the best practice principles of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated 'Urban Design Manual') and the Design Manual for Urban Roads and Streets, that seek to provide better and safe pedestrian and cyclist environments. Further consideration of these issues may require amendment to the documents and/or design proposals submitted.

6. Water Services

Further consideration of documents as they relate to the water supply network, the foul sewer network and required pumping station upgrades to the Merlin Park number 1 wastewater pump station. An outline of the necessary works to address the constraints and what party or parties will be responsible for such works. In addition, there should be clarity as to whether such works would be the subject of a separate consent process and or compulsory purchase process. Timelines for the delivery of any works is required relative to the delivery of the proposed development. Given the existing deficiencies in the provision of adequate sewerage infrastructure, the applicant should satisfy themselves that the proposed development would not be premature pending the delivery of required infrastructural improvements. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

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

1. A layout drawing at an appropriate scale that details permitted development in the vicinity and specifically any road and footpath improvements, if any, and how they will integrate with the development as proposed. Specific reference should be made to the configuration and alignment of the local road network to the immediate east of the subject site along the Rosshill Road up to the point of a new junction with the Old Dublin Road.
2. A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority. Streets should be shown up to the boundaries of the site and facilitate future access.

3. Details, including photographic samples, of the materials, colours and textures of all the external finishes to the proposed buildings, having regard to the need for low maintenance/high quality finishes that take account of the climatic characteristics of the area. A building lifecycle report for apartment buildings in accordance with section 6.13 of the 2018 Apartment Design Guidelines is also required.
4. Landscaping proposals including an overall landscaping masterplan for the development site and a site layout plan indicating the full extent of tree retention and removal if proposed. Details of proposed tree protection measures during construction. Details pertaining to the quantity, type and location of all proposed hard and soft landscaping including details of play equipment, street furniture including public lighting and boundary treatments should be submitted. Sections should be submitted at key locations where the public open spaces interface with proposed residential units.
5. A construction and demolition waste management plan.

5.3. Applicant's Statement

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

Item 1 Design and Layout:

- The rationale resulting in the layout proposed is set out.
- The western boundary is formed by a stance of mature beech trees, considered at the outset of the design process to be an asset, which have been retained and positively addressed through the creation of a walking route in the design proposals.
- The northern boundary comprises a mix of trees and tree groups and is again considered an area of merit not simply for amenity/recreational purposes, but for the ability to enhance the overall ecology of the site. The intended design response is to bring this area into active use by way of an active walk through the woodland, and proposed woodland management strategy to enhance it for future generations.

- Apartment blocks are located close to significant positions, nodal points and significant open spaces.
- The Design Statement (O'Neill O'Malley, 2019) which accompanies the application is structured around the 12 Urban Design Criteria of the Urban Design Manual.
- The path network around the site ensures ease of connectivity and the network is naturally surveilled from the central spine road and through the layout of streets and buildings. Each apartment block benefits from immediate strong pedestrian routes which connect into the public open spaces and wider network.
- The landscape architectural design implements hedgerows, bush and tree planting as a buffer to communal parking areas to reduce the visual impact of car parking area. It is considered that the resulting layout achieves a high quality environment for both the open space and for necessary car parking requirements.

Item 2 Open Space:

- Retention of existing features and making use of the sites topography were noted as assets in the development of the initial design concept for the site. The north and western boundaries of the site were considered of importance, containing woodland and mature beech trees. The central green space where the level changes within the site was considered and the approach to this area revised over the course of the design process. Underpinning the design approach was to protect and enhance, but also ensure the positive use of hard and soft landscaping and encourage movement throughout the site.
- Dedicated open space areas range in size and layout from circa 355sqm – 3,714sqm.
- Two dedicated open space recreational areas are provided in the site, one on the upper level and one on the lower. The central open space is characterised by a large playground with terraced seating, making use of the existing site contours.

- The layout achieves perpendicular dwellings to the sylvan boundary where roads are not barriers to open spaces and connections are easily reached and safe. The connections around the site ensure ease of connectivity and natural surveillance. A hierarchy of routes is illustrated in drawing 18128-3020, including primary, secondary, tertiary and pedestrian routes.

Item 3 Car Parking:

- The site is located within 5km of the city centre and within 1 – 2km of local shops and services.
- The development is required to provide 595 no. car parking spaces across both houses and apartments and is in accordance with Sustainable Urban Housing Design Standards for New Apartments.
- Go Car spaces and Electric Vehicle charging are provided for.
- Car parking forms an integral part of the public realm and has been positioned to be understated and not visually dominant. The use of a landscape planting scheme as part of the proposals assist in achieving this aim.

Item 4 Connectivity and Public Transport:

- The Traffic and Transport Assessment ('TTA') which accompanies the application includes an audit of the existing infrastructure in the vicinity of the development site.
- The existing bus stop located to the immediate north of the site is currently not in service however as part of this application the applicant has opened discussions with an operator to have this stop reinstated should planning consent be granted. The bus stop benefits from an existing footpath connection west and south bordering the site, which would be enhanced under the development proposals.
- There are several services which run along the main roads to the north of the site. The active 404 and 409 bus routes serve Newcastle-Eyre Square-Oranmore & Eyre Square-GMIT-Parkmore respectively. Bus stops exist west on the Dublin Road (R338) Kingsvalley Hotel, and east at Castlegar Complex on the Dublin Road (R338). The 404 is a half-hourly service, running seven days a week. The 409 which also runs along the Dublin Road stops closest to

the site on the western side at Galway Crystal and east at the Coast Road Junction. The 409 is a 10-minute service (weekends and public holidays differ), and is also a seven-day service. These stops are within 1.3km walk of the subject site making them wholly accessible to future residents of the site.

- The number 434 bus which runs from Galway Bus Station - Market Square, Gort has 12 stops and operates on weekdays only. This stops to the east of the site on the Dublin Road (R338) at GMIT, and west of the site on the Dublin Road (R338)/Rosshill Road.
- The footpath network is broken in places to these bus stops. The applicant proposed improvements, including the creation of a new pedestrian footpath, 2m in width to connect the proposed development at Rosshill Farm Road north to Rosshill Road on the southern side of the carriageway, thus linking with the footpath to be created under application 16/228. Maintenance works on the existing footpath on the northern side of the carriageway is also proposed. Taken together these improvements will significantly enhance the usership of the pedestrian network and in turn encourage use of existing (and possible new) public transport.
- The existing Oranmore train station on the Galway-Dublin line is located 2.8km away from the site and is accessed via the R338 Coast Road.
- There are no existing cycling facilities along the R338 Dublin Road. However, there is a bus lane along the westbound carriageway which cyclists are permitted to use. There are no existing cycling facilities along the R338 Coast Road, however there is a hard shoulder in both directions which cyclists are permitted to use.

Item 5 Public Road Interface:

- The ramp and step access originally proposed along the northern boundary and discussed at the meeting has been removed and replaced with a pedestrian step access from the northeastern boundary.
- The development is set back from the public road to the north and east, and the proposed building layouts, orientation and landscape treatment all assist in the creation of a successful place.

- A boundary drawing, drawing 18128-3022, has been submitted.
- Bin stores and bicycle stores have been carefully designed to be functional but not visually dominant.
- The connectivity within and through the site for road users, pedestrians, residents and recreational users has been carefully interwoven with the necessary technical and safety aspects of development.
- Clear delineation of spaces through materials and landscape planting is proposed, along with a robust landscape plan which incorporates clearly defined public play and recreational areas.
- The integration of the development with the public realm is ultimately found to accord with the best practice principles of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) and the Design Manual for Urban Roads and Streets.

Item 6 Water Services:

- The existing pumping station at Merlin Park has sufficient capacity for phase 1 and phase 2 of the proposed Rosshill SHD development – ie 106no. units, including the creche.
- Constraints on the pumping station are two-fold; firstly storage and secondly the network. Phases 1 and 2 of the development can be served under the existing storage and network without any upgrade works. Irish Water are, as part of their capital works programme, upgrading the pump station and network. These works are required primarily to facilitate the planned growth of the Ardaun area of the City. The project is part of the Irish Water’s Capital Investment Plan and scheduled for completion in 2024. We understand that designs are being progressed within IW and that potential transfer of land to accommodate additional storage is being investigated.
- The storage aspect of the upgrade works is expected to require planning permission which will be sought from Galway City Council. Allowance has been made in Irish Water’s overall timeline of 2024 for this process.

- The timelines for the delivery of works relative to the delivery of the proposed development at Rosshill are as follows, assuming a grant date in June 2020:

Phase 1 – 63 – occupation Dec 2021

Phase 2 – 44 - occupation Dec 2022

Phase 3 – 147 – occupation Dec 2024

Phase 4 – 88 – occupation June 2025

- Irish Water has confirmed that phases 1 and 2 can be accommodated in the current network. Phase 3 will be ready for occupation in line with the operational upgraded Merlin Park pumping station. Phase 4 will have access to the operational upgraded pumping station.
- On the basis of our discussions with Irish Water and on the agreed phasing set out above, the proposed development would not be premature pending the delivery of the upgrade works. Irish Water has demonstrated and continue to demonstrate commitment to bringing the upgrade to fruition and into operation by 2024.

The specific information required in the Opinion issued to the applicant has also been submitted.

6.0 Relevant Planning Policy

6.1. National Policy

6.1.1. Project Ireland 2040 - National Planning Framework

The government published the National Planning Framework in February 2018. Objective 2a is that half of future development will be focussed on existing five cities and their suburbs. Objective 3b is that 50% of new homes would be within the footprint of existing City settlements. Objective 27 is to ensure the integration of safe and convenient alternatives to the car into the design of communities. Objective 33 is to prioritise the provision of new homes where they can support sustainable development at an appropriate scale.

6.1.2. Section 28 Ministerial Guidelines

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

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2018)
- Urban Development and Building Height Guidelines for Planning Authorities (December, 2018)
- Design Manual for Urban Roads and Streets (December 2013)
- Architectural Heritage Protection – Guidelines for Planning Authorities (2011)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)

6.2. Regional Policy

6.2.1. Regional Spatial & Economic Strategy for the Northern & Western Regional Assembly (RSES) (2020)

- 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), which provides a framework for development plans and investment prioritisation over the plan period.
- The MASP reiterates the significant population growth targets which are set out in the National Planning Framework and the RSES, which are that the

population of Galway MASP to grow by 27,500 to 2026 and by a further 14,500 to 2031 with the population of the city and suburbs accommodating 23,000 to 2026 and a further 12,000 to 2031; and to deliver at least half (50%) of all new homes that are targeted within the MASP to be within the existing built-up footprint.

- 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, including the Murrough LAP lands (500m west of the application site).
- The Galway Transport Strategy (GTS) will be implemented as an objective of the MASP. The GTS supports opportunities that will reduce congestion and car dependency through increased capacity of reliable and sustainable public transport and the promotion and facilitation of cycling and walking, which in turn promotes the reduction of greenhouse gas emissions. The strategy includes traffic management, giving priority to walking, cycling and bus movements, modifications to the traffic network, management of parking activities and heavy goods vehicles, improvements to the public realm and use of ‘smarter mobility’.

6.3. Local Planning Policy

6.3.1. Galway City Development Plan 2017-2023:

The site is subject to zoning objective

- **LDR:** To provide for low-density residential development, which will ensure the protection of existing residential amenity.
- A small portion on the western margins are zoned **G Agriculture and High Amenity:** To provide for the development of agriculture and protect areas of visual importance and/or high amenity.

The adjoining land to the south and west and lands to the east are also zoned LDR, with the lands closest to the coast zoned G.

There are specific development objectives for LDR lands subject of this application, shown in Fig. 11.13 of the CDP, entitled LDR ‘Roscam Pitch and Putt and adjacent

lands'. These specific objectives are 'subject to design, environmental assessments, water and wastewater services and traffic safety. Communal open space and recreational facilities may be a requirement in certain circumstances':

- The maximum plot ratio density of 0.2:1 shall only be considered following agreement on an overall layout of the area.
- This layout will have regard to the sylvan character of the site and where appropriate the protection of existing trees and the Roscam Folly.
- Development will only be considered where it accords with strategic main drainage proposals.

Policy 2.9 Low Density Residential Areas of the CDP states that it is the policy of the Council to:

'protect the character of these areas by ensuring new development has regard to the prevailing pattern, form and density of these areas' and to 'protect the characteristics of these areas through development standards and guidelines'.

Map Based Objectives:

- Public Transport Corridor is identified along the northern side of the railway line, adjoining the site – the public transport corridor is zoned RA (Recreational and Amenity). This corridor is identified in the GTS as a potential greenway corridor as part of the proposed cycle network for the city.
- Indicative Greenway Cycle Network - a small section of this route passes through the south western corner of the site. This proposed route is positioned along the coast to the city.
- An arterial bus route (as identified by the Galway Transport Study) is highlighted along the R338/Old Dublin Road.

A folly structure located to the south of the site is recorded on the RPS with the reference number – 8803 (Roscam Folly) and is also a recorded monument.

Rosshill Railway Bridge (RPS 8806, NIAH 30409423) is a protected structure.

In addition, 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
- Chapter 11 Land Use Zoning Objectives and Development Standards and Guidelines

6.4. **Designated sites**

- 6.4.1. The site is not located within a Natura 2000 site. The western boundary of the site is 5m from Galway Bay Complex SAC (000268) and 97m to the southeast is the Inner Galway Bay SPA (004031). The Galway Bay Complex pNHA covers the same area of the SPA and SAC proximate to the site.

6.5. **Applicant's Statement of Consistency**

- 6.5.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 guidelines and the Development Plan. A Material Contravention Statement has been submitted in respect of plot ratio.

7.0 **Third Party Submissions**

- 7.1. In total 49 submissions were received, which may be broadly summarised as follows, with reference made to more pertinent issues within the main assessment:

Zoning and Material Contravention

- The proposed development represents a material contravention of the current City Development Plan 2017-2023 in terms of plot ratios and density zoning and is contrary to 37(2) of the Planning Act.
- Contrary to Policy 2.9 of the City Development Plan.

- Contrary to the requirements of Fig 11.13 Roscam Pitch and Putt and adjacent lands of City Development Plan.
- The SHD application is invalid given the presence of RA zoned lands within the site boundary.
- Proposal is contrary to NPF, specifically the unsustainable outward expansion of the urban area contrary to national policy objectives (NPO) 3a, 3b, 33 and 23; sustainable mobility and NPO objective 27 of NPF; and NSO7 and NPO60 as regards the conservation and enhancement of amenities and natural and cultural heritage of Ireland in a manner appropriate to their significance.
- The proposed development is likely to exacerbate the growth legacy issues identified for Galway Metropolitan Area in MASP in terms of waste water management, traffic congestion, energy emissions and environmental sustainability.

Density, Design and Layout

- Development is out of scale with an isolated semi-rural site not attached to any existing urban area, and at the scale of the local rural road.
- Development fails to have regard to the pattern of development, permissions granted and the need to preserve the sense of place, protect the significance of the landscape, neighbouring protected structures and monuments and visual amenities.
- Development proposed on the highest site on the northern end of the Roscam Peninsula and proposed apartment blocks will sit obtrusively, intruding negatively on visual amenity, and injurious to residential amenities of adjoining dwellings to the south and west.
- There is no hierarchy of open spaces, or linkage between open spaces provided, any open spaces provided are effectively the perimeter areas around apartments blocks and the central open space area is effectively a swale and will be subject to surface water pooling during rainfall events.
- Not in compliance with 12 criteria set out in the Urban Design Manual. The layout is dominated by cul-de-sacs and chicanes on the main estate roads;

design typology is out dated and inappropriate and makes for car based unsustainable schemes not a mixed and inclusive neighbourhood.

- Substandard in form and layout and fails to provide high quality usable open space, fails to establish a sense of place and would result in a substandard form of development lacking in variety and distinctiveness, all of which would lead to conditions injurious to the residential amenities of future occupants.
- No examination provided regarding the capacity of schools.
- The proposed development has caused fear of loss of community, agricultural way of life, serenity felt once rush traffic is gone, damage to local historical structures, destruction of wildlife.
- Applicant does not consider the impact of development including the proposed kick about area, apartment block no. 2, noise and traffic on adjacent stud farm and its economic viability.
- Negative noise impacts on existing residential amenity of adjoining and nearby properties.
- No mitigation proposed for noise generated during the construction phase.
- Noise mitigation should be applied along entire southern boundary of the site.

Traffic and Transportation

- No realistic connectivity via alternative modes of transport to employment areas, services, facilities and amenities in the wider area, no choice but to use private car transport contrary to national policy, integrated communities and best practice guidelines, cites similar examples refused by ABP.
- The traffic generated by the proposed development will aggravate the vehicular free flow of traffic on the heavily trafficked R338 at Rosshill junction.
- Rosshill Road, which is a minor road substandard in both width and alignment, cannot accommodate the development.
- Road seriously lacking in cyclist and pedestrian facilities.
- The site does not benefit from an active bus service in the proximity.

- The only bus stop in service and in the vicinity is past Galway Crystal some 1.5km distant, access to same involves walking along a narrow, heavily trafficked unlit road with limited footpaths. No details of public lighting on road.
- The proposal that cyclists share carriageway with heavy vehicular traffic and bus lanes is not appropriate and impacts negatively on cyclist safety.
- Bicycle parking proposals are non-compliant with Apartment Guidelines.
- No commitment regarding the re-opening of the bus stop on Rosshill road.
- The modal split in the Traffic and Transport Report is unachievable.
- Sightlines concerning the new road re-alignment are not on the drawings.
- Compromises cattle herd movements in this rural agriculture area, no barriers have been provided in the plan for the protection of livestock.
- Notes Road Safety Audit states in Collision Data Section 2.1 states that zero collisions have been recorded since 2010 but notes in 2011 a fatal collision occurred at Rosshill on the Old Dublin Road, news report of same provided.
- Road Safety Audit refers to equestrians but no design change is shown.
- The introduction of approx. 1217 persons proposed at the sole egress of the peninsula will have major impact on the character of the area with approx. 69 LDR pattern stand-alone residential dwellings.
- Any upgrades proposed to footpaths are merge, comprehensive upgrade works to the footpaths should be included in proposal.
- Footpath under railway bridge would be premature development without advance provision of traffic calming as on a hazardous blind bend.

Archaeology/Built Heritage

- Fails to address the potential impact associated with protected structure Railway Bridge (RPS 8806).
- Roscam folly is not integrated in the master plan to ensure that it contributes to the generation of space and sense of place, in terms of its physical layout and character.

- The ruined farm buildings which are to be removed are part of the protected folly including beebowls, kerbing, cart house and dovecot.
- Outer buildings not farmhouses but accommodation buildings dating from 1840's.
- Notes the discovery of ancient harbour in 2011 in Rosshill, a major centre of economic activity linked to metal working in Bronze Age and research to commence in summer 2020.
- Development will dominate the skyline previously landmarked by the Roscam round tower and church.

European Sites/Natural Heritage

- Height of apartment block will impact on the flight paths of protected Annex I and Annex II birds associated with the SPA. The high density development will occupy the whole site lessening the efficacy of any buffering of flight initiation distances associated with SPA that currently exists.
- Increased anthropogenic disturbance (light, noise pollution and increased activities) arising from the development will likely impact on SAC and SPA.
- Poor working practices, accidental leakage or spillages, noise, vibrations of digging out over 300,000m³ has not been considered in the EIA.
- Will have a significant effect on local biodiversity areas, ecological habitat networks, wildlife corridors and steeping stones.
- The applicant cannot guarantee with certainty proposed mitigation measures.
- The applicant should have consulted with NPWS regarding the conservation status of individual species protected under the Habitats Directive noting that no review of Galway Bay SAC has taken place since 2013.
- The NIS submitted does not establish the absence of adverse effects on the integrity of protected sites, in relation to the karstified nature of the site and its context on a regionally important aquifer, construction silt in surface water run-off, oil spills associated with the construction period, cement contamination, contamination of surface water, overflow of foul water (in

particular no guarantee of infrastructure in place for phases 3 &4, no indication of design life of foul and storm water pipes, leak risk).

- The NIS assessment is incomplete, as it does not address all species and the most recent data by the NPWS to highlight the raised threat of Annex I, II and IV species including otter, pochards and white herons on the Roscam Peninsula.
- The site acts as a forging habitat and ecological corridor between Merlin Park Woods and Roscam Tower for bat populations. Development will involve the loss of habitat, forging and flight paths having a negative impact on bat populations.
- Mitigation measures proposed for the bat population currently forging on site are not appropriate as they do not meet the conservation objective of the Habitat Directive.
- Assessment on the impact on bat populations inadequate and only considers the issues of lighting and not impact of pesticides, removal trees/hedges and chemical use in timber.
- Species protected under the Wildlife Act have been recorded on site, badgers, pine marten and red squirrels and also other non-protected species such as pheasants and foxes, development would cause disturbance of these species.
- Sea birds use fields of peninsula to feed and shelter including curlews, dunlin, redshank and Brent geese, grey heron and lap wings and others.
- Owls have not been given appropriate consideration in the EIAR.
- AA and EIAR does not thoroughly assess landscape fragmentation in the area specifically as a cumulative effect with other projects/developments.
- The AA screening and NIS focused on the SCIs/OIs and not thoroughly on the wider scope of the conservation objectives of European Sites.
- The NIS relies on best practices only as mitigation rather than fulfilling the conservation objectives of the EU protected sites and CJEU case law.
- The development will result in the loss of 151 of existing trees, questions this loss of trees and the quality of the tree survey report submitted.

Water Services Infrastructure

- Development located c.50m from designated high probability coastal flood zone. Site is subject to pluvial flooding.
- The receiving environment's analyses presented is incomplete and lacks geological and hydrogeological details relating to the site and its proximity to existing three karst springs and underground tidal cave to the west and south and pathway to Galway Bay Complex SAC.
- Development of the scale proposed would result in an excessive concentration of storm water percolation zones in a sensitive water environment and high groundwater vulnerability and pathway to adjoining European Sites.
- The assessment of the proposed development should take account of underlying hydrology of the area is complex and unpredictable, no tracing was conducted, the cumulative impact of proposal on the SAC and SPA, the absence of any assessment of the impact of surface water from the site and mitigations measures for its management, and the effect of the excavation of a large area on groundwater vulnerability and pathways.
- The current Merlin wastewater pumping station cannot support the proposed development, it can only support less than 30% of the units proposed. Applicant has failed to demonstrate the development would not be premature pending the delivery of required infrastructural improvements.
- Mutton Island sewerage treatment plant is currently at full capacity and there is no capital funding available to upgrade it.
- No mention in technical submission by Kegata regarding the saturation of soakways during normal rain events therefore rendering proposed soakways unable to cope with extreme rain event noting climate change and the increase in instance of the latter.

Noise and negative impact on agricultural activities in the area

- Total disregard given to the existing rural community and agricultural activities including herding of cattle in this area.

- Will impact negatively on economic viability and herd movements of commercial dairy farm.

Other Matters

- Fails to notes planning applications in the vicinity of the development, a planning application referenced in application pl. ref. no. 19/95 is located 2km from site.
- Inaccuracies in planning documents regarding names of roads, absent sight lines and incorrect details of travel options in the area.
- Plan shows two future roads access through stud farm lands this land is subject to legal dispute, the claim of interconnectivity indicated on drawings between SHD site, through the adjoining stud farm and the lands to the south is not correct.
- The development will depreciation the value of property in the vicinity.
- Lack of consultation and transparency with local community, all plans should be easily accessed by public.

8.0 Planning Authority Submission

8.1. Overview

8.1.1 In compliance with section 8(5)(a) of the 2016 Act, Galway City Council submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 11th March 2019. The report notes the policy context, site description, planning history, summary of third party submissions, and summary of views of the relevant elected members. The submission includes several technical reports from relevant departments of Galway City Council. The Chief Executive's Report concludes that it is recommended that permission be refused. The CE Report from Galway City Council is summarised hereunder.

8.1.1. Summary of Inter-Departmental Reports

Transportation Report:

- Given the lack of pedestrian, cycling and public transport infrastructure in the area it is considered that the scale of development in this location is

premature. There is concern that the development will not encourage sustainable transport options and will result in high levels of commuting by car causing further traffic congestion in the area. This concern is reflected in the junction analysis carried out for the Old Dublin Road / Rosshill Road junction which shows significant increase in delays and queueing at the junction due to traffic generated by the development.

- There are existing vehicular accesses to a commercial and residential premises on the eastern side of the proposed realigned Rosshill Farm Stud Road road. Further clarity is required regarding the proposed road realignment and its relationship with the existing infrastructure and vehicular accesses.
- The applicant has submitted drawing no. 106902-2014 rev B outlining the proposed pedestrian and cycle linkage between the proposed development and the Dublin Road. It is noted that the applicant has proposed to provide footpaths to the south of Rosshill Road. It is also proposed to carry out maintenance work on existing sub-standard footpaths along Rosshill Road as required.
- The number of cycle spaces per location or type of cycle parking is not clear. It is considered that cycle parking should be covered and secure and integral to the design of the development.
- There is an existing bus stop on Rosshill Road. It is noted that this bus stop is not in use at present. The Galway Transport Strategy does not propose any bus routes along Rosshill Road. The applicant is currently in talks with a local transport provider to provide a route along Rosshill Road.

Water Services Section:

- A foul pump station is to be constructed on the site. Irish Water have confirmed that the foul connection into Merlin Park 1 Pump Station will be facilitated once an Irish Water Capital Infrastructure project to upgrade that facility is complete.
- The surface water drainage design consists of 12 number soakaway's to cater for a 1 in 100 return period with 10% extra for climate change. The design

also includes an open swale design in the North West area of the site with an average design depth of 1.2m. The plan area of the swale is part pond and part linear shaped. Pedestrian pathways run through this area. The detailed design needs to risk assess the hazards given that this will normally be an area used by public but will be a water hazard in flood events.

Parks Section:

- The Sylvan Character of the area will no longer be retained and the sustainability of TG2 tree group is also in doubt given its proximity to the Rosshill Road/Old Dublin Road Junction which will inevitably be widened as may be the Old Dublin Road to the Rail Bridge Section.
- The Developer is proposing new planting to provide woodland features (lands to the North of the Development); these however are very limited as the width of land proposed is very narrow and will not function as woodland, siting a Roadway, two apartment building and a pumping station further undermines this proposal.
- A condition in our view on this matter should apply; that, a woodland zone of a minimum between 15-20 metres on the north, east and south of the site should be an essential aspect of the Proposal to meet the Development Plan guidelines (to retain its Sylvan Character) and to offset the higher density of development than that provided for the in the Development Plan as LDR.
- A condition shall also apply regarding agreement on the Design, Specification & Management of the proposed woodland.
- A condition shall apply for the detailed agreement and receipt of plans to conserve and retain trees listed for retention.
- A condition shall apply that the Applicant shall enter to a vesting agreement to Transfer the Woodland and old pathway on the Eastern part of the site or alternatively to enter into an agreement to provide a full Public Right of Way over these lands.
- A condition shall apply requiring the Applicant to provide a full Public Right of Way on pavements proposed through the proposed Woodlands.

- The proposed level drawings issued do not show proposed levels for any of the open spaces; they are not included on the landscape Architects drawings; the applicant must be conditioned to provide detailed Landscape Plans with proposed finish levels accompanied by section drawings. We are particularly concerned with levels in respect to the boundary to the Irish Rail Lands where there is a severe escarpment and high stone retaining wall.
- The public lighting ducting and the siting of public lighting columns may be at variance with planting proposals.
- The Landscape Plans prepared are outline and any grant of permission should be subject by condition to the provision of a detailed design.
- Use of the kickabout areas should be specified with one to be a mini natural grassed pitch and the other a multi-use games area.
- Some of landscape species may not suit climate at this location.
- It is cited that a dedicated Dusk Time Bat Survey was undertaken in April 2019 and Mature Trees on the site may have potential for Bat Roosting. Given that a large majority of the existing mature trees are proposed for felling there will be an impact on Bat Populations and other fauna. Furthermore undertaking a Dusk only survey of Bats in April will not provide reliable data. Bats are most active between Dusk up to Dawn and they are more active in tandem with numbers of aerial insect species that peak between mid-July to Mid-September. I have observed in the County that they are very active in local hedgerows after Dusk. I would be concerned therefore to base the impact on the analysis provided.

8.1.2. **Summary of View of Elected Members:**

- Principle of housing is accepted, but not density of housing proposed in view of the location and context.
- Proposed density and level of housing proposed represents a material contravention of the City Development Plan 2017-2023.
- Public transport is required to service this proposed development.
- The existing bus route service 409 is at capacity.

- Proposal not in keeping with the character of the area.
- Proposed cycling and walking provision and facilities are not woven adequately through the development, current provision does not follow natural desire lines.
- Absence of bus and cycle lanes, no infrastructure and supporting services in the area.
- An increased buffer zone should be incorporated at the south side of the development.
- Concerns about the concentration of housing around Doughiska and Ardaun and the associated need to provide supporting services.
- Represents a car dependent development which is contrary to DMURS.
- Concerns over impact of additional traffic upon the existing road network.
- Existing City Development Plan 2017-2023 has already the capacity to deliver up to 9,000 units notably Ardaun phase 1 (1000 units). The proposal is therefore contrary to Housing Strategy of the Development Plan.
- Significant agricultural activity occurs on Rosshill Road, this development will impact on local farmers' movements of dairy herds.
- Development does not address existing site's context notably the development of six blocks of four storey apartments, which would be not in keeping with the character of the area.
- Proposed public transport improvements along Dublin Road should be taken in account.

8.1.3. Planning Analysis

Context, Density and Urban Form

- The proposed development in terms of its urban form and plot ratio density, is contrary to the specific development objective for Fig. 11.13 LDR Roscam Pitch and Putt and adjacent lands, as per the Galway City Development Plan.
- The density, urban form and layout of the proposed development is not responsive to its transitional, low density and environmentally sensitive

context, does not protect the sylvan character of these lands, and is more suited to an urbanised and centralised higher density residential location.

- The layout proposed is not optimal for this greenfield site, notably an urban form of linear cells of housing is not responsive to context or reflects the aim to protect the sylvan nature of these lands. The urban form displays a retrograde linear cul-de-sac dominated layout.
- A sense of a distinct place is not instilled in the design.

Open Space

- Open space is marginalised to the edges of the site, save for open space near apartment block no. 4 and many areas of open space occurring at the edge of the linear sections of housing, notably along the southern and northern boundaries of the site. The dwellings in the eastern section of the site are removed from any useable / functional piece of open space.
- The proposed development does not provide good qualitative and quantitative open space, as set out in section 11.3.3(c) of the development plan and having regard to projected population of 930 persons.
- The placement of pumping station on open space also is an issue, see also Water Services report.
- The principal and larger open space area for the development in phase 3 is effectively a swale for collection of surface water in view of its topology. The functional and amenity value of this space is therefore greatly reduced.
- Housing cells nos. 01, 02, 03 do not provide adequate active urban edge and streetscape to the arterial road.
- In terms of finishes, the palette of colours should reflect colours that are in keeping with the natural landscape, local geology, built environment and maritime legacy of the city. It is considered that the mottled buff brick proposed should be revised accordingly.
- Apartment block nos. 02, 03, and 04 addresses a public realm predominately dedicated for car parking purposes, this is not acceptable, as such an

arrangement does not create an attractive good quality living residential environment.

Phasing

- The current waste water network can accommodate phase 1 and 2 consisting of 102 units and a crèche subject to the developer putting in place a pumping regime for discharge to IW waste network. The development has not been designed to reflect the servicing reality and related unit threshold. Phase 1 and 2 have a distinctive lack of amenity open space and relies heavily on later phases, phase 3 and 4, for amenities and open space. The development, as part of an overall development scheme is therefore premature and if advanced, would result in substandard form of development and open space layout.

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

Galway City Council Chief Executive's Report recommends a refusal based on the following reasons:

1. Having regard to its density, scale and layout of the proposed development, with poorly configured public open spaces, it is considered that the proposed development would constitute overdevelopment of this sylvan site, and would be significantly out of character with the established pattern of development in the area and fails to respond appropriately to this sylvan site and surrounding low density residential and adjoining agriculture, recreation and high amenity G and RA zoned lands context and the surrounding rural environment. This would be contrary with the Galway City Council Development Plan 2017 - 2023 policies under Chapter 2 Housing and Sustainable Neighbourhoods, Chapter 8 Built Heritage and Urban Design and Chapter 11 Land Use Zoning Objectives and Development Standards and Guidelines including Policy 2.9 *Low Density Residential Areas* and Fig. 11.13 *LDR Roscam Pitch and Putt and adjacent lands*, which seeks to protect the character of Low Density Residential areas by ensuring new development has regard to the prevailing pattern, form and density of these areas. The proposed development would, therefore, be contrary to the policies of the City Development Plan and be contrary to the proper planning and sustainable development of the area.

2. It is considered that the scale and density of development proposed at this location is premature by reference to the existing deficiency of pedestrian, cycling and public transport infrastructure on the road network serving the area of the proposed development which would result in high levels of commuting by car causing traffic congestion in the area and would render that network unsuitable to carry the increased road traffic likely to result from the development and the period within which the constraints involved may reasonably be expected to cease, as indicated in the junction analysis carried out for the Old Dublin Road / Rosshill Road junction which shows significant increase in delays and queuing at the junction due to traffic generated by the development. The proposed development would, therefore, be contrary to the policies of the City Development Plan 2017-2023 and be contrary to the proper planning and sustainable development of the area.
3. It is considered that the proposed development would in its entirety be premature by reference to the deficiency of the existing wastewater network and the need for additional storage at Merlin Park no. 1 Pumping Station exists and the period within which the constraints involved may be reasonably be expected to cease. The proposed development would, therefore, be contrary to be contrary to the proper planning and sustainable development of the area.
4. The phasing of the development scheme, where only phase 1 and 2 can proceed due to restrictions in the servicing of this site, would be considered to be an inappropriate form of development, as the layout relies upon the provision of communal amenity open spaces in later phases and any consideration of a limited 'phased' stand-alone development consisting of phase 1 and 2, would result in a piecemeal development reliant on future phases to cater for the amenity needs of residents and in this instance the limited phased development would present a substandard form of open space layout and would be injurious to the residential amenities of future residents of the development. The development therefore would be contrary to the policies under Chapter 2 Housing and Sustainable Neighbourhoods, Chapter 8 Built Heritage and Urban Design and Chapter 11 Land Use Zoning Objectives and Development Standards and Guidelines including Section 11.3.1 (c) Amenity

Open Space Provision in Residential Developments and Section 2.5 Neighbourhoods: Outer Suburbs - Open Space and Amenities”, and would be contrary to the proper planning and sustainable development of the area.

8.2.1. The Chief Executive’s Report recommends conditions in the event of a grant of permission. The following are noted:

C2: (a) Housing Cells no. 01, 02 and 03 shall be redesigned to provide an urban edge and streetscape frontage along the arterial road into the site; (b) Apartment Block no. 03 (27no. apartments) and associated car parking spaces shall be omitted in full and the area remaining dedicated to communal amenity open space; (c) Apartment Block no. 02 (20 no. apartments) shall be redesigned and re-orientated to overlook communal open space and optimise sunlight to apartments as recommended in Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities March 2018 (DHPLG).

C3:...(b) The proposed mottled buff brick finish shall be revised and an alternative brick colour finish which reflects the natural palette and geology of this area of Galway shall be submitted for the written agreement of the planning authority.

9.0 Prescribed Bodies

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

- Irish Water
- Minister for Culture, Heritage and the Gaeltacht
- Heritage Council
- An Taisce
- Transport Infrastructure Ireland
- Iarnród Éireann - Railway Operator
- Commission for Railway Regulation
- The Galway County and City Childcare Committee

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

- 9.1. Irish Water: Upgrades to the public water and waste water infrastructure is required for the proposed development. The current waste water network can accommodate phase 1 and 2 consisting of 102 units and a crèche subject to the applicant putting in place a night time pumping regime for the discharge to the Irish Water waste network. In order to accommodate the proposed connections for phase 3 and 4, totalling 240 units, upgrades are required to Merlin Park No. 1 waste water pump station. Irish Water is progressing a Capital Works project to provide additional storage at the pump station through the Irish Waters Capital Investment Plan which is scheduled to be completed by 2024 (subject to change). This capital works project is currently at design stage. Construction will commence when wayleaves and planning permission has been agreed.

The water connection point for the proposed development should be made to an existing 200mm north of the railway bridge on the Coast Road. An extension to the public water network is required to facilitate the connection for the proposed development. The works will be undertaken in the public road by Irish Water requiring only a road opening licence from the local authority. The cost of the water network extension will be borne by the applicant.

A condition is recommended.

9.2. An Taisce:

- Recommends the proposed development should be refused as it is a material contravention and would set a precedent for high density on low density residential land and agriculture/high amenity land.
- Proposal will have a significant effect on adjacent EU Natura 2000 sites; will likely have a significant effect on local biodiversity areas and ecological habitat networks, wildlife corridors, and stepping stones.
- Concerns raised that certain assessments/evaluations and conclusions within AA and EIAR are insufficient in respect of Article 10 of the Habitats Directive.
- Pg 9 of the An Taisce submission reviews a number of sections of the submitted EIAR.

- Proposal did not thoroughly assess continual landscape fragmentation, esp. as a cumulative effect.
- Concern raised in relation to use of only Flight Initiation Disturbance for measuring anthropogenic disturbance, mostly pedestrians, and without due consideration to existing and continuing disturbance thresholds/regimes with no thorough assessment of existing and continuous disturbance thresholds.
- Existing environmental problems and trends (traffic chaos, human disturbance adjacent to SAC/NHA, disturbance of coastal areas and woodland area adjacent to SAC/NHA and the SPA (for eg Merlin Woods)) were not thoroughly addressed.
- No delineation of buffers was assessed with regard to the full operation of the development and human habitation/urbanisation of the proposed development site.
- Despite an evaluation of significant adverse effects on habitat suitability for Annex IV Terrestrial Mammals (Bats), proposed mitigation measures regard only lighting.
- Development will be severely underserved by existing infrastructure such as poor/insufficient public transportation access and linkage. Contrary to NPO objectives 72b and 72c of the NPF.
- Proposal contrary to NPF two tiered approach towards land zoning. The lands cannot be considered as a tier one serviced zoned land for high density residential development.
- Irish Water cannot cater for the entire development, only phases 1 and 2.
- The Rosshill area is on a peninsula and is cut off from direct access and linkage by the railway line and associated infrastructure.

9.3. Transport Infrastructure Ireland: Proposed development shall be undertaken in accordance with recommendations of the TTA and RSA submitted.

9.4. Irish Rail: In the interests of safety, a number of conditions are proposed.

10.0 Assessment

10.1. Introduction

10.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the application, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Zoning
- Density and Plot Ratio
- Development Strategy and Urban Design
- Future Residential Amenity
- Impact on Amenity of Neighbouring Properties
- Traffic, Transportation and Access
- Infrastructural Services, including Flooding Issues
- Other Matters
- Appropriate Assessment

These matters are considered separately hereunder.

10.1.2. I have carried out an Environmental Impact Assessment and Appropriate Assessment Screening in respect of the proposed development, as detailed later in this report.

10.2. Each section of the report is structured to guide the Board to the relevant section of the EIAR, AA, relevant policy, substantive issues raised in the submissions / observations and the applicant's response as appropriate.

10.3. Zoning

10.3.1. The site is zoned Low Density Residential (LDR), the objective of which is 'To provide for low-density residential development which will ensure the protection of existing residential amenity'. Uses which are compatible with and contribute to the zoning objective include residential, local shops, building for community use, and childcare facilities. The proposed residential development with supporting retail and

childcare facilities complies in principle with the residential zoning. The issue of density is discussed separately hereunder.

- 10.3.2. A small section of the site (0.192 ha) to the northeast is zoned Agriculture and High Amenity (G), the objective of which is 'to provide for the development of agriculture and protect areas of visual importance and/or high amenity'. In accordance with the zoning objective, 'uses which may contribute to the zoning objectives, dependent on the G development, for example', include 'outdoor recreation with small scale associated facilities'. Open space is proposed on the G zoned lands as part of this development and this is in accordance with the zoning objective.
- 10.3.3. Having regard to the nature and scale of development proposed, namely an application for 342 residential units located on lands primarily within zoning objective LDR, with a small section of proposed public open space on lands zoned G, I am of the opinion that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and is acceptable in principle subject to the detailed considerations hereunder in this report.

10.4. **Density and Plot Ratio**

- 10.4.1. In accordance with a specific development objective of the Galway City Development Plan relating to the application lands, 'the maximum plot ratio density of 0.2:1 shall only be considered following agreement on an overall layout of the area'. The applicant is proposing a ratio of 0.37:1. The applicant states that a plot ratio of 0.2:1 would result in approx. 200 units and a net density of approx. 20 units per hectare. It is contended by the applicant that the development plan objectives are contradictory and do not support national policy for the efficient and sustainable development of zoned lands within this metropolitan area, as supported by the NPF, the RSES and Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009). The applicant has submitted a statement of Material Contravention in accordance with Section of 8(1)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 10.4.2. Section 37(2)(b) of the Act of 2000 (as amended) states that where a proposed development materially contravenes the development plan, the Board may grant permission where it considers that:

(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 spatial and economic strategy 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.

10.4.3. The proposed development has a net density of 36 units per hectare. The proposed density is supported by the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) which refer to providing net residential densities in the general range of 35-50 dwellings per hectare on outer suburban/greenfield sites, which relates to this application site. The guidelines state that development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares. The proposed density of 36 units per hectare is appropriate within the national policy context.

10.4.4. I note the Material Contravention Statement and the arguments put forward by the applicant in favour of the development. I am satisfied that the Board is not precluded from granting permission in this instance with regard to the provisions of section 37(2)(b)(iii).

10.4.5. With regard to third party concerns in relation to the development being too dense and out of character with the existing area, I note that the site is at present in somewhat of a transitional area being in an existing low density semi-rural environment between two large suburban areas. The land is however zoned for residential development and is within the Galway Metropolitan Area, 5km from

Galway city centre. The scale of the development proposed is appropriate for this outer suburban/greenfield site given the site's locational context and the density proposed is in accordance with national policy.

10.5. Development Strategy and Urban Design

Description of Site Layout

- 10.5.1. The site is accessed from the eastern boundary with Rosshill Stud Farm Road. I note this is not the official road name but what it is called in the submitted documentation, with the road known locally as the Rosshill Road/Rosshill Peninsula Road. For ease of reference and clarity, I will refer to it as the Rosshill Stud Farm Road in my report and that section of road along the northern boundary as the Rosshill Road. The parallel road north of Rosshill Road, I will refer to as the R338/Old Dublin Road.
- 10.5.2. It is proposed to remove the existing t-junction with Rosshill Stud Farm Road and Rosshill Road and to realign it to within the site to create a new junction with improved sightlines. A public footpath is proposed from the entrance of the development up to the new junction with two pedestrian entrances from the eastern boundary in addition to the vehicular entrance. This new footpath is to continue along the northern boundary of the site connecting into a new footpath being constructed as part of a 16 house development to the north (just beyond the railway bridge), with these new footpath elements connecting ultimately to the R338/Old Dublin Road, via an existing footpath on the opposite side of the road. An existing stone wall south of the proposed entrance to the site and along the boundary with the road is 'to be made good and supplemented where required'. The footpath proposed south of the entrance is to traverse the linear open space proposed inside the existing boundary wall, with a pedestrian entrance at the southeast corner from the public road connecting to this path.
- 10.5.3. The Design Statement submitted with the application states one of the key tenants of the layout adopted is the protection of higher quality trees on the site, in particular the Beech trees at the western boundary, with the layout and open space strategy designed around the existing environment. A western woodland public open space is proposed with development set back from the boundary. The street layout at this end of the scheme is stated to take the form of cul-de-sacs in order to maximise visibility and access to the woodland area. A linear woodland is proposed along the northern

boundary of the site connected to this western woodland public open space, and connected to a central open space located along the existing central ridgeline. A 'kickabout' open space is positioned at the southern boundary with the adjoining folly with the aim of protecting the setting of the folly. It is stated that a number of other pocket open spaces are positioned across the scheme at easily accessible locations.

- 10.5.4. An east-west street, 5.5m wide, is proposed from the entrance of the site across the scheme, off which eight 'housing cells'/blocks and six apartment blocks are located. Two of the north-south streets (5.5m wide) accessed off the central east-west access street are interconnected vehicular routes, with the remaining being cul-de-sacs.

Character Areas

- 10.5.5. The Design Statement indicates the development is to contain four 'character areas' defined through landscape, building forms, uses and architecture, with character areas not being defined by traditional approach of change of material or colour of facades which can appear disjointed.

- 10.5.6. While the proposed apartment blocks introduce some variety in terms of form, I note there is little variation in the house design, other than the level of mix of brick/render. Housing cells 1, 2, 3, 4 and 5 at the eastern end of the scheme/entrance area are largely the same with only one through route in this area, the rest being cul-de-sacs. At the western end of the scheme the remaining housing cells are also largely the same in architecture and form.

- 10.5.7. In my opinion while the backdrop of the perimeter woodland and Galway Bay contributes to the character of the area, the development lacks clear identifiable and distinguishable character areas with particular regard to the form and design of the semi-detached dwellings.

House Design and Definition of Public Realm

- 10.5.8. The Design Statement indicates that 'turn the corner' units have been incorporated into the scheme to address the public realm on corner units throughout the site. I note house types E and F along the northeastern boundary of the scheme successfully address the open space particularly at the northern end of the cell 2, however, this design is not replicated on the southern end of this cell onto the public open space or in other perimeter housing cells, with the 'turn the corner' units

presented on the southern end of cell 2 and other corner/prominent locations unsuccessful in providing for active frontages and passive surveillance, with windows on the 'secondary' elevations limited to non-habitable rooms, entrances not in the majority of cases reoriented to the side elevation to maximise activity, and the extent of garden walls dominate (see cross sections and Site Boundaries drawing submitted). This overall results in poorly defined streets/public realm, with limited passive surveillance. This is particularly evident along the access route into the scheme. There is a dominance of boundary walls/poor elevations to the street at the southern end of cells 1, 2 and 3 (see site context elevation A-A). I note the crèche at the entrance to the scheme is set back on one side with open space and parking on the northern side of the entrance presenting a poorly defined entrance/sense of arrival. Site no.s 154 and 167 similarly present poor frontages to the street and open spaces, as do the dwellings at the western end of the scheme adjoining the public open space, particularly site no.s 306, 307 and 246.

10.5.9. Apartment Blocks 2 and 3, positioned centrally within the scheme, are set back from the street and do not successfully address the street or create a sense of enclosure. The positioning of the public open space adjoining Blocks 2 and 3 at the streets edge furthermore weakens the quality of these spaces which are bound on three sides by streets, one of which is the main access street, as is also the case with the pocket open space adjoining housing cell no. 2. The kickabout area to the south is poorly overlooked along its northern edge from Block 2 and the southern end of cell 5, with the total number of units overlooking this relatively large space limited.

10.5.10. I note the central open space is broken up with the positioning of car parking and bin/cycle stores serving Blocks 3 and 4 within it. The positioning of the bin/cycle stores and the car parking in my opinion diminishes the quality and the passive surveillance of this open space, with the parking directly abutting the open space resulting in potential conflict with users. Furthermore the tree group proposed to be retained in this area is compromised by the positioning of these parking spaces and bin/cycle stores.

10.5.11. The western edge to the open space/woodland area at the western end of the scheme is poorly defined and overlooked. I specifically refer to the end units of cell no. 9 and cell no. 7 which provide limited and poor natural surveillance of this large open space area with sections of high boundary wall. The positioning of the short

end of apartment Block 6 onto the open space and its associated bin/cycle store, further weakens this edge; limits the amount of natural surveillance of this large open space; and does not maximise on the benefits an east-west orientation would have had for future occupants (see fig. 55 of Design Statement for image of this elevation and Site Boundaries drawing for extent of walls - there is no site context elevation of this edge). While I note the applicant's rationale for provision of cul-de-sacs at this end of the site was to provide visual and direct connectivity to this amenity space with the space to be defined by buildings rather than streets, the weakness of the boundary edge between the three cul-de-sacs onto the public open space seriously undermines the quality of the space in terms of definition and passive surveillance.

Open Space and Sylvan Character of the Site

10.5.12. The applicant indicates 22.57% of the site has been reserved for public open space, which equates to 21,533 sqm (see drawing no. 3021). This is greater than the development plan requirement for 15%. This quantum is satisfactory, however, as mentioned above a number of the open spaces are in my view poorly overlooked and the amenity of some of the smaller spaces is comprised by their location adjoining the main access street. I note the Parks Section report considers the play facilities for the scale of development proposed to be poor and ill-defined across the spaces proposed.

10.5.13. The landscape plan proposes to retain trees along the western and the northern boundaries within linear open spaces, with trees along the southern boundary to be retained within rear gardens. Some trees and scrub area along the northern boundary are to be removed. The avenue of Beech trees to the west is considered the most significant on the site and is to be fully retained. I note these trees are a continuation of the woodland to the west within Galway Bay SPA. I note no annex 1 habitats are recorded on the site and the area of woodland adjoining the site within the SAC was examined and determined to not conform to Annex 1 status being an oak-ash-hazel woodland. An access path is proposed through the woodland section within the site, using a non-dig method with a combination of timber sleepers, cellweb system and gravel to ensure increased access to the root protection areas of the trees occurs in a manner not detrimental to the trees. It is also proposed to retain the stone wall here and adjoining the woodland along the northern boundary of the site. The indicative route of a proposed coastal cycle route

on the development plan zoning map is incorporated within the southwestern corner of the site. The retention of these trees and incorporation of the indicative future cycle route are welcome elements of the proposed development. However I have serious concerns in relation to the extent of tree loss across the north/northwestern boundary, which is discussed further hereunder.

10.5.14. The submitted Tree Survey by Cunnane Stratton Reynolds states 56 trees, 7 tree groups and one hedgerow were recorded as part of the survey. The documentation submitted states the tree survey report details that the vast majority of trees to be removed are of 'low to moderate value' with the scheme prioritising the retention of higher quality existing trees. Tree groups TG6 and TG7 are identified as High Quality within the tree survey. The habitat map of the EIAR identifies TG6 as 'Oak-Ash-Hazel Woodland'. The western end of TG6 comprises woodland scrub, hedgerow and treeline habitats. While of lower quality the EIAR states that this area helps maintain links and ecological corridors between features of higher ecological value and are likely to be used by commuting and foraging bats. The eastern section of TG6 is 'Oak-Ash-Hazel Woodland'. This type of woodland in TG6 and TG7 are rated of Local Importance (Higher Value) and the EIAR states that while small in area they help maintain links to nearby larger areas of wood. The tree report states that woodland blocks or trees groups have a higher cumulative rating than the constituent trees within them as trees are often more valuable as collective groups for visual and ecological reasons. The EIAR states the loss of these areas is relatively small (TG7, 0.09ha of oak-ash-hazel woodland; TG6 0.08 ha of scrub). It is stated the impact will be a permanent moderate negative impact, which will be mitigated through replacement planting to maintain connectivity to the western woodland.

10.5.15. A number of submissions have raised concerns in relation to the loss of the sylvan character of the site and the resultant impact on biodiversity as well as amenity. The report from the Parks Section of Galway City Council notes it is proposed to fell 151 trees varying from valuable mature trees to juvenile regenerative plantations. 149 of these trees are listed for felling because of conflict with design proposals, two due to condition. It is considered that the woodland section planting proposed along the north of the boundary is too narrow to function as a woodland and the siting of the pumping station and apartment block within this section

compromises it. The Parks Report recommends a woodland zone of a minimum between 15-20 metres on the north, east and south of the site to meet the Development Plan guidelines (to retain its Sylvan Character) and to offset the higher density of development.

10.5.16. I acknowledge there can be a conflict between providing residential development on zoned lands and retaining natural features such as hedgerows and trees. I consider the retention of the significant avenue of Beech trees along the western boundary, adjoining the Galway Bay Complex SAC, to be necessary and a significant asset to the scheme. I do not consider a blanket 15-20m woodland zone around the perimeter of the site is warranted to retain the sylvan character, however, I do have serious concerns regarding the removal of tree group TG7 and a significant section of TG6 from the development (Tree Protection and Removal drawing, 19112_T_103). Within the western scrub/treeline section of TG6, it is proposed to place a cul-de-sac, pumping station, and apartment Block 5. TG7 is proposed to be fully removed although a large section of this area is proposed as public open space. I note Block 4 is outside the area of the trees although some of its parking/bin/cycle stores are in the area of the trees.

10.5.17. Having regard to the proposed site layout, with its proposed turning head at the northwestern corner, onto which the proposed pedestrian path merges due to lack of space, the cul-de-sac itself, and narrowness of the area of replacement trees north of the pumping station and apartment Block 5, in addition to the objective to have regard to sylvan character of the site, I consider the mitigation proposed as part of the landscaping plan in relation to removal of TG7 and sections of TG6 to be inadequate. I consider both TG6 and TG7 contribute greatly to the sylvan character of this area, as well to biodiversity and as ecological corridors to the woodlands to the west (within and beyond the site boundary), and would be a significant amenity resource for the future development. I consider TG7 could be fully retained given it is mainly identified for public open space, and a greater extent of TG6 could also be retained, through reconsideration of the positioning of Block 5 within the scheme (for example Block 5 could be relocated to the area of cell 9) and reconsideration of the street layout. I note there may be less scope to reconsider the positioning of the pumping station, however this required further examination. I further consider the positioning of the bin/cycle stores and parking spaces north of the stone wall

(relating to apartment Blocks 3 and 4, see site layout plan) compromises unnecessarily this tree group, as does the positioning of Apartment Block 3.

10.5.18. These are issues which cannot in my view be overcome by condition given the overall impact on the layout of the scheme.

Height

10.5.19. The proposed development is predominantly 2 storey with apartment blocks of mainly 4 storeys. I note that a number of concerns have been raised by third parties regarding the proposed apartments and that the proposed heights are incongruous with the existing pattern and scale of development in the vicinity, with apartment Blocks 3 and 4 at a high point of this peninsula.

10.5.20. I have reviewed the CGIs submitted and the Visual Impact Assessment (see section 12.6 of this report). SPPR 4 of the Guidelines for Planning Authorities on Building Heights and Urban Development 2018 sets out that it is a specific planning policy requirement that the future development of greenfield or edge of city/town location must include minimum densities as required under the Sustainable Residential Development in Urban Areas Guidelines, a greater mix of building heights and typologies and that mono type building typologies (e.g. two storey or own door houses only) should be avoided. The proposed apartments are located at the eastern entrance of the site, to the north-west and in the centre of the development. I consider that a density in the range of 35-50 units per hectare is appropriate for this site and thus greater height is appropriate. Whilst the Board will note that I have concerns regarding the design and positioning of the proposed apartment blocks, I have no objection in principle to the heights (or density) proposed at the locations identified having regard to the sites location and context and the specific provisions of SPPR 4.

Dwelling Mix

10.5.21. The dwelling mix caters for a range of 1, 2, 3 and 4 bed units in a range of unit types, from semi-detached/terraced houses, to duplex units and apartment blocks. I consider this mix to be reasonable and supportive of national policy.

Childcare Facility and Community Facilities

10.5.22. The development proposes one childcare facility. The Childcare Facilities Guidelines for Planning Authorities recommends a minimum provision of 20 childcare places per 75 no. dwellings. The applicant indicates that the proposed childcare facility will have a gross floor area of 398.8 sqm and will cater for 94 children (guidelines require space for 91 children). Having reviewed the information submitted and having regard to the sites location, I consider the childcare facility to be of an appropriate size to cater for the proposed development and is suitably located at the entrance of the scheme with sufficient parking provided.

10.5.23. While I note there are a number of schools in the wider area, the applicant has not included an assessment of the capacity of local schools to accommodate the proposed development, as per section 11.3.1 of the development plan.

10.5.24. I note the site is proximate to the suburban centres of Murrough and Roscam which comprise neighbourhood centre facilities and services.

10.6. Landscape and Visual Impact

10.6.1. The relevant section of the EIAR which addresses landscape is chapter 4 'landscape and visual impact' with photomontages included. I refer to section 11 of my report hereunder. I accept the EIAR assessment which concludes that the proposed development when complete will not have a significant negative effect on visual amenity given the topography and short distance views of the site from the surrounding area. While noting I consider the sylvan character is affected by the loss of trees along the northern boundary, I consider overall that the visual impact of the apartment blocks and housing is acceptable and not unexpected given the zoning of the lands. The retention of significant trees groups to the west and in the centre of the scheme, in addition to the existing wider woodland area, sufficiently mitigates the visual impact of the development on the wider landscape. However, the Board will note my concerns in relation to the sylvan character of the site and biodiversity which are discussed in section 10.5.12 above and in section 12.7 of the EIA hereunder.

10.7. Future Residential Amenity

10.7.1. The proposed development provides for a range of house types, primarily semi-detached dwellings (114 houses), with a limited number of terraced (69) and detached (2) dwellings, in addition to apartments (157) of primarily four storey blocks.

Design Standards for New Apartments

- 10.7.2. The Guidelines for Planning Authorities on Design Standards for New Apartments issued by the minister in 2018 contain several Specific Planning Policy Requirements (SPPRs) with which the proposed apartments must comply. Schedules were submitted to demonstrate compliance with the standards. I note in particular that the apartment blocks have been designed to comply with the floor areas as per SPPR3 and appendix 1.
- 10.7.3. SPPR4 relates to dual aspect ratios and states that in suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme. While the overall total number of dual aspect apartment units in the development equates to 57%, I consider the layout of Apartment Block 1 could be improved. In particular the location of bin storage areas for the commercial element as well as the apartments at the northern edge of the block, on the opposite side of the proposed public footpath, proximate to the pedestrian entrance from the eastern boundary, is poor in terms of residential and visual amenity, with the level of passive surveillance and activity at the ground level onto this footpath generally poor. The view from Rosshill Road adjoining the northern boundary (which is at a lower level) will be of bin/cycle stores at ground level.
- 10.7.4. SPPR 5 requires a minimum of 2.7m ground level apartment floor to ceiling heights. This requirement is complied with. SPPR 6 specifies a maximum of 12 apartments per floor per core. This requirement is complied with.
- 10.7.5. Section 3.7 of the guidelines stipulate that no more than 10% of the total number of units in any private residential development may comprise two-bedroom, three-person apartments. I note 24 out of the 157 apartments cater for two bed three persons, which equates to 15%, which is contrary to the guidelines. I note the table submitted with the Architects Design Statement calculates it at 7.1%, basing it on the total number of units in the scheme, while in my view the apartment guidelines are referring to the total number of apartment units within a scheme and the traditional houses should not be included in the calculation. The Board may wish to consider this issue further.
- 10.7.6. A Building Lifecycle Report has been submitted.

- 10.7.7. Car parking provision is considered acceptable. Issues raised by the planning authority in relation to details of numbers and type of storage provision for bicycle parking could be addressed by condition.
- 10.7.8. The proposed development overall would provide an acceptable standard of amenity for the occupants of the proposed apartments.

House Designs

- 10.7.9. There are no section 28 guidelines that provide minimum standards in the design and provision of floor space with regard to conventional dwelling houses. However, best practice guidelines have been produced by the Department of the Environment, entitled 'Quality Housing for Sustainable Communities'. Table 5.1 of these guidelines sets out the target space provision for family dwellings. I am satisfied that the internal accommodation meets or exceeds the specifications of Table 5.1. The rear gardens associated with dwellings vary in shape and area but provide a satisfactory amount of private amenity space and achieve adequate separation distances to adjacent dwellings. Overall I consider the proposed dwellings would provide an acceptable level of amenity for future occupants.

10.8. Impact on the Amenities of Neighbouring Properties

- 10.8.1. Concerns are raised by residents in relation to loss of outlook, privacy, amenity and noise as a result of the proposed development.
- 10.8.2. The closest detached dwellings to the site are located to the southwest, the southeast and on the opposite side of the Rosshill Farm Stud Road. I note also the a stud farm adjoins the southern boundary.
- 10.8.3. In terms of construction impacts, the submitted documentation provides for screening to be provided to the dwelling at the southeast of the site to address noise issues which may arise during construction. In terms of operational impacts, I note the dwellings proposed in the southeast corner of the development are approximately 4m from the southeast boundary, with the existing dwelling 10-12m off this boundary. Given the orientation of the site to the north of the dwelling, separation distances involved and given the design of the two dwellings which gable onto the boundary, I do not consider the proposed development will result in a significant loss of outlook, privacy or amenity for the existing dwelling.

- 10.8.4. Given the separation distances from proposed apartment block 1, I do not consider the proposed roof garden will be seriously injurious to residential amenity of the area.
- 10.8.5. I note the transportation section of the planning authority request additional elements of the realigned road to be agreed to ensure all impacts in terms of existing residents are dealt with. This could be addressed by condition should the Board be minded to grant permission.
- 10.8.6. Given the evolving urban character of this area and given separation distances from boundaries, I do not consider the proposal will seriously injure the residential amenities of the existing neighbouring properties in terms of overlooking, overshadowing, loss of outlook, or noise, nor would it detract from existing private open space in the area. The issue of traffic is addressed hereunder as well as in section 12 of this report and noise is also referred to in more detail in section 12, with consultation with the stud farm proposed, and mitigation in terms of a new boundary for the dwelling opposite the site entrance.
- 10.8.7. I have no information before me to believe that the proposed development would lead to the devaluation of property in the vicinity. Having regard to all of the information before me, including the layout and separation distances involved, I consider that impacts on the residential amenity of the wider area would not be so great as to warrant a refusal of permission.

10.9. Traffic, Transportation and Access

- 10.9.1. In relation to Transport, the relevant section of the EIAR is Chapter 12, which details the methodology in relation to the Traffic and Transport Assessment undertaken and examines the existing context. I refer the Board to section 12.12 of my report hereunder.
- 10.9.2. Baseline traffic data was gathered and junction surveys were carried out at five junctions, namely:
- Junction 1: R338 Dublin Road – Rosshill Rd Jct
 - Junction 2: R338 Dublin Road – R338 Coast Road Jct (signal controlled)
 - Junction 3: R921 Old Dublin Road – Doughiska Road
 - Junction 4: R338 Coast Road – Rosshill Road Junction

- Junction 5: Rosshill Road – Rosshill Farm Road Junction

10.9.3. A traffic count was undertaken at a similar residential development to calculate trip rates as Galway City Council indicated the use of TRICS was not acceptable. While concern is raised in relation to this approach in third party submissions, I accept the methodology adopted and consider it reasonable. A total of 233 trip movements in the AM peak (181 outbound; 52 inbound) and a total of 187 trip movements in the PM peak (135 inbound; 52 outbound) are expected.

10.9.4. The following road network improvements are proposed as part of the development:

- Junction of Rosshill Road and Rosshill Farm Stud Road to be closed off and a new realigned junction provided within the boundary of the site.
- A 2m wide footpath is proposed along the eastern boundary of the site with Rosshill Farm Stud Road, which is to be extended along the northern boundary to connect under the railway line to a 2m wide footpath which is currently under construction as part of permission ref 16/228 for 17 houses north of the railway line, opposite the northwest portion of the site. A reservation of RA zoned land directly adjoining the northern side of the railway line was incorporated into the layout of that development (identified as a greenway and cycle route in the Galway Transport Study), which is directly opposite the application site. Beyond this point, the footpath continues along the northern side of the road only (1.5-1.8m wide), connecting to the R338/Old Dublin Road, where an existing 1.5m wide footpath exists.

I note the existing footpaths along the Rosshill Road within the ownership of Galway City Council require improvement to the surface treatment and are narrow in sections at 1.5m with some sections missing. The TTA states that is also proposed to repair existing footpaths, however no detail is presented in relation to the extent of area to be repaired along the road. I consider the footpath network improvements to be an important element of the scheme to ensure this is not solely a car driven development.

10.9.5. The Traffic and Transportation Assessment (TTA) submitted states there will be an increase in traffic volumes as a result of the proposal, with junction 1 predicted to fail with or without the development, with it deteriorating more rapidly with the development in place and Junction 3 will operate above acceptable limits, although

the development is not predicted to have a significant impact. Junction 2, 4 and 5 will operate satisfactorily. It is stated that this is the worst case scenario and a Mobility Management Plan will be implemented and the Galway Bypass will ultimately reduce traffic in the area.

- 10.9.6. The TTA suggests measures to improve modal split in line with smarter travel objectives, including proposed footpath improvements and connection to bus stops, and provision for a car sharing club. I note road signage would also be important in this area to ensure awareness for all road users, including local farms. I note reference is made to the potential for a new railway station proximate to the site however, neither the Iarnrod Eireann submission nor the CE report identifies this as part of any future plan/proposal nor has the applicant submitted any documentation in relation to the feasibility of such a proposal. I note the current bus stop adjoining the northern boundary of the site is not functional. The applicant states they have been in contact with local operators with a view to ascertaining the feasibility of commencing an active route and provision for the bus stop is being retained, however no commitment or plan for a bus service has been agreed to.
- 10.9.7. Concerns have been raised by observers regarding traffic congestion, poor quality of local roads, lack of public transport infrastructure and lack of footpaths. I note the Transportation Section of the planning authority considers that given the lack of pedestrian, cycling and public transport infrastructure in the area it is considered that the scale of development at this location is premature. There is concern that the development will not encourage sustainable transport options and will result in high levels of commuting by car causing further traffic congestion in the area, specifically at the Old Dublin Road / Rosshill Road junction which shows significant increase in delays and queueing at the junction.
- 10.9.8. The concerns raised are well founded given the level of car use in the area, however, I consider congestion to be a characteristic of urban areas and should not in itself be a reason to prohibit further development. I note that it is predicted in the TTA that the junctions in the area will without the development continue to grow and operate over capacity. The Transport Report does not suggest junction improvements are required, but rather a focus on walking/cycling and public transport. The development site is located approx. 1.2km (at its closest point) to the R338/Old Dublin Road where there are existing bus services, one of which operates

every 10 mins and the Galway Transport Study (GTS) identifies the R338 as one of the key arterial routes into the city, with improvements proposed to this service. The applicant proposes works to the existing disjointed pedestrian network which will link the site to the R338. Improvements are also proposed to the footpath at the existing development to the northwest are noted. This will cater for pedestrians and assist in promoting the use of more sustainable modes of transport over the car, including cycling. While I note there is not a dedicated cycle way along the R338 it does have a bus lane which is utilised by cyclists. The development plan objective for a greenway route along the Coast to Galway City Centre is noted and its indicative alignment has been incorporated into the southwest corner of the site. I note that along the northern side of the railway line there is a development plan objective for a transport corridor reservation, which the GTS has identified as a potential cycle greenway. A section has been retained as such as part of the housing development to the northwest of the site.

10.9.9. I am of the view that, overall, development will support consolidation and densification in this area of Galway City and ultimately support a more integrated public transport system and greenway network. This is an urban area, where growth is to be expected in accordance with national and regional estimates and it is the management of this growth into the future through the development of sustainable communities, which will support the sustainable development of this land. I consider that, subject to the proposed mitigation and management measures, a development of the scale proposed at this site can be accommodated within the existing city road/street network and I do not consider the proposal would give rise to a traffic hazard or be seriously injurious to the residential amenity of those in the immediate area of the site.

Internal Street Design and Parking

10.9.10. A Road Safety Audit has been undertaken and its results stated to be incorporated within the design presented. A DMURS compliance statement has also been submitted.

10.9.11. I note there are a number of cul-de-sacs proposed within the development, which is contrary to DMURS, particularly along the southern section of the site which impedes movement around the site. However, there is a high level of permeability

across the northern section for pedestrians with an east-west 'woodland' corridor connecting to the open space along the western boundary of the site.

10.9.12. In my view the section of footpath within the open space south of the entrance should be adjoining the road, located within the public realm in the interests of accessibility and connectivity, with this connecting into the proposed public footpath north of the entrance. The lands to the south of this site are also zoned LDR. I note there are constraints at this location due to trees to be retained as well as the existing wall, however, this is not elaborated upon in the documentation and in my view the stone wall could be potentially be sensitively relocated to behind the tree line, while protecting the trees, and a footpath created where the wall is located.

10.9.13. With regard to car parking, 595 spaces are proposed - one space per apartment and one visitor space per four apartments, with two parking spaces provided for each dwelling. 11 spaces are proposed for commercial use with an element of dual-usage with the apartment spaces during the day anticipated. This is acceptable.

10.9.14. 175 cycle parking spaces are proposed to serve the apartments and 10 to serve the crèche and retail units. One cycle space per bedroom and one visitor space for every two apartments is proposed, as per the apartment guidelines. This is acceptable. I note the Transportation Report from Galway City Council notes that location of the quantum proposed is unclear. This is an issue that could be addressed by condition, should the Board be minded to grant permission.

Construction Traffic

10.9.15. I note the concerns raised by some parties regarding construction stage impacts. An outline construction management plan has been submitted by the applicant, including provisions in relation to the haulage route to protect the railway bridge, which is a protected structure. Potential construction impacts will be short term and temporary in nature and I am satisfied that they can be appropriately mitigated through good construction management and practice. I recommend that a final traffic management plan is submitted to and agreed with the Planning Authority prior to the commencement of works, should the Board be minded to grant permission. This plan should also take account of existing farms in the area which use the roads for movement of cattle.

10.10. Infrastructural Services including Flooding Issues

- 10.10.1. It is proposed to connect the development to the public water and foul sewer network in the area.
- 10.10.2. A connection point from the existing development to the existing watermain north of the railway bridge on the Coast Road is required, which Irish Water in their submission notes can take place within the public road, with the cost to be borne by the applicant.
- 10.10.3. In terms of surface water, this is proposed to be discharged to the ground. There are no watercourses on the site and the surface water currently discharges directly to the ground. Within the development, surface water is proposed to pass through oil/petrol interceptors before being directed to one of twelve proposed cellular-storage soakaways located across the site and stormwater will soak away through the underlying fractured rock/boulders. The soakaways will also attenuate storm water during and post storm events. Additional storage is provided in the form of a swale to the northwest corner of the site which is indicated to be prone to occasional pluvial flooding. I note the report of the water services section of the planning authority raises no issues with the surface water strategy for the site or the calculations submitted in relation to the proposed soakaways. Concern is raised in relation to the design of the swale across the northern section of the site and potential risk to pedestrians.
- 10.10.4. In terms of the foul network, the development provides for a pumping station to the northwest corner of the site, which will discharge via a rising main to an existing Irish Water pump station located at Merlin Park. The pumping station is to be designed in accordance with Irish Water standards. Irish Water require a night time pumping regime at this location. The submitted documentation from the applicant states that Irish Water has indicated that the proposed connections to the Irish Water Network can be facilitated. However, I note the report from Irish Water indicates there is capacity at the Merlin Park pumping station for 102 of the proposed units and the proposed crèche, subject to the applicant putting in place a night time pumping regime for the discharge to the Irish Water waste network. In order to accommodate the proposed connections for the remainder of the development, (ie phases 3 and 4 totalling 240 units) upgrades are required to Merlin Park No 1 waste

water pump station. Irish Water in their report state they are progressing a Capital Works project to provide additional storage at the pump station through the Irish Waters Capital Investment Plan which is scheduled to be completed by 2024, subject to change. This capital works project is currently at design stage. No planning permission or wayleave agreements are in place.

- 10.10.5. The applicant is seeking a 7 year permission, ie to 2027 and considers that given Irish Water's commitment to bringing the upgrade works to fruition, the proposed development is not premature and will be phased in accordance with the infrastructure available. However, the timeline indicated by Irish Water is not fixed and I note no planning permission or wayleave agreements are in place. I consider that it would be premature to grant permission for the proposed development until such time as there is greater clarity in relation to the timeline for the proposed works and until Irish Water is in a position to facilitate a connection to the wastewater network for the entirety of the development. As highlighted in the CE Report submitted, there are issues in terms of the layout where phase 1 and 2 only to go ahead. I recommend that permission be refused on the basis of prematurity.

Flood Risk Assessment

- 10.10.6. A FRA was undertaken by Tobin Consulting Engineers. There are no rivers or streams in the vicinity of the site. The Western CFRAM Study indicative flooding mapping of the area does not show the site as liable to fluvial flooding. It is stated that there is no evidence of groundwater flooding based on a review of the PFRA study and GSI mapping of karst features in the area. Pluvial modelling undertaken indicates the site may be subject to pluvial flooding and mitigation measures are set out in this regard, including limitation of runoff to greenfield runoff rates; storm networks in the western portion of the site to cater for a 1 in 1000 flood event; landscaping and topography to provide safe exceedance flow path in the event of extreme flood events; and in the event of an extreme weather event, overflow from the attenuation tank will exit via a high level overflow to a detention basin located to the northwest, and during extreme rainfall events any surface water runoff which exceeds the underground site drainage capacity, shall be permitted to flow through a defined flow path to the detention area. In terms of Coastal Flooding, based on the proposed levels at the site, the development is not predicted to flood during a 1 in 1000 year MFRS coastal flood event. The FRA concluded that the risk of flooding the

proposed residential development will be minimal, and it is predicted that the development will not increase the risk of flooding elsewhere.

10.11. Archaeology

- 10.11.1. There are no protected structures within the site. Roscam Folly, protected structure RPS 8803, is located immediately southeast of the proposed development site. It comprises a high ivy-covered stone wall, having an octagonal plan, and measuring c. 60m in diameter. There is a circular structure with cruciform extensions in the centre of the folly. There is also a railway bridge, RPS 8806, approx. 32m to the north of the site.
- 10.11.2. Concerns are raised in the submissions in relation to the impact of the development on the folly and loss of outbuildings within the site.
- 10.11.3. With regard to the folly, the plans for the development show housing units occurring outside the Zone of Notification for the folly, with proposed landscaped open space adjacent to the folly, which is located to preserve the visual amenity of the folly. I consider the layout proposed will not impact negatively on the visual setting of the folly. I note the boundary is largely open at present, with proposals for a 1.8m high plastic coated chainlink fence supported by landscaping/hedging. I consider this acceptable. The proposed development site is located at a sufficient remove from the railway bridge and will not constitute a visual impact on the protected structure.
- 10.11.4. There are three outbuildings within the site which are proposed to be removed and have been assessed as part of the EIAR. The outbuildings are of interest due to their connection with the small nineteenth century estate associated with Rosshill House. The presence of a dovecote in the east gable of the southern building as well as the elliptical arch below the dovecote is consistent with the design of farm buildings within a planned estate. The question of the conservation of the farm building within the proposed development has been considered but the poor preservation of the range of buildings indicates that the conservation of the masonry structures would involve a reconstruction of the buildings rather than the conservation of the historic outbuildings themselves. As the overall original form of the buildings are not recorded, this would involve conjecture and the rebuilding would not be an authentic representation of the original form.

10.11.5. In terms of mitigation, it is recommended that the outbuildings to be removed are fully recorded, particularly the remains of the dovecote, which is now overgrown with ivy. Monitoring of topsoil stripping of the site by a qualified archaeologist is recommended. I am satisfied that the proposed development would not have any unacceptable direct or indirect impacts on archaeology, architectural or cultural heritage.

10.12. Other Matters

10.12.1. Site investigation has identified invasive alien plant species within the site (Spanish Bluebell). The plan sets out construction management measures to be undertaken. I am satisfied that this matter could be addressed by way of condition should the Board be minded to grant permission.

10.13. Planning Assessment Conclusion

10.13.1. To conclude, I consider the principle of residential development and density proposed to be acceptable on this site. This is a zoned and serviceable site within the development boundary of Galway City. However, I consider that the proposed development is premature pending the upgrade of the Merlin Park No 1 pump station within a reasonable timeframe. In addition, I am not convinced that the development achieves a satisfactory standard of design and layout and I consider that the development does not comply with the criteria set out in the Urban Design Manual – A Best Practice Guide 2009, in particular criteria nos. 4 Variety, 6 Distinctiveness and 7 Layout, with regard to the layout, design and positioning of the apartment blocks and the housing relative to streets, footpaths, and public open space, and with regard house design, in addition to the level of tree removal from the northern section of the site. I also consider that the development is not compatible with the specific development objective of Galway City Development Plan 2017-2023, as set out in chapter 11 and fig. 11.13 relating to this site in that the layout has not had sufficient regard to the sylvan character of the site and the protection of existing trees. I do not consider it appropriate to address these issues by condition as it would result in fundamental alterations to the overall layout of the development. The proposed development would, therefore, seriously injure the residential amenities of future occupants and would be contrary to the aforementioned Ministerial Guidelines. I therefore recommend that the Board refuse permission in this instance.

11.0 Appropriate Assessment

11.1. Introduction

11.1.1. I have had regard to the Natura Impact Statement prepared by McCarthy Kelville O'Sullivan Ltd.

11.2. Stage 1: Appropriate Assessment Screening

11.2.1. The proposed development is for 342 residential units, a ground floor community space, office, café and retail unit, and a two storey childcare facility. An underground pumping station is proposed to the northwest of the site/west of apartment Block 5. Appendix 1 of the submitted Natura Impact Statement comprises an Appropriate Assessment Screening Report prepared by MKO consultants.

11.2.2. There are no watercourses on the subject site, all water discharges directly to the ground. The proposed development will be connected to a public water and foul sewer network. A connection point from the existing development to the existing watermain north of the railway bridge on the Coast Road is required, which Irish Water in their submission notes can take place within the public road.

11.2.3. In terms of surface water, this is proposed to be discharged to the ground, with surface water passing through oil/petrol interceptors before being directed to one of twelve proposed soakaways located across the site. The soakaways will also attenuate storm water during and post storm events. Additional storage is provided in the form of a swale to the northwest corner of the site, which is prone to occasional pluvial flooding.

11.2.4. In terms of the foul network, the development provides for an underground pumping station to the northwest corner of the site, which will discharge via a rising main to an existing Irish Water pumping station located at Merlin Park. Merlin Park pumping station is on the Irish Water list of proposed upgrades. The NIS states that Irish Water has indicated that the proposed connections to the Irish Water Network can be facilitated. However, I note a report from Irish Water indicates there is capacity for 102 of the proposed 342 units and the proposed crèche, in the existing network and not the full development, subject to the applicant putting in place a night time pumping regime for the discharge to the Irish Water waste network. The upgrading of the Merlin parking pumping station is a capital works project under the Irish Waters

Capital Investment Plan. It is at design stage, with no planning permission or wayleave agreements in place. The work is scheduled to be completed by 2024 (subject to change).

11.2.5. The site is not designated for any European Site, but it is 5m from the boundary of Galway Bay Complex SAC (site code 000268), with the boundary of the site proximate to the SAC consisting of a mature beech treeline and stone wall. The site is c. 95m northeast, at its closest point, of the Inner Galway Bay SPA (site code 004031). The shoreline of Galway Bay is separated from the development by woodland, treelines and agricultural fields.

11.2.6. The screening assessment lists twelve European Sites which may be impacted by the development.

Site Name (Code)	Distance/ Direction	Qualifying Interests/Special Qualifying Interests
Galway Bay Complex SAC (000268)	5m west	1140 Mudflats and sandflats not covered by seawater at low tide 1150 Coastal lagoons* 1160 Large shallow inlets and bays 1170 Reefs 1220 Perennial vegetation of stony banks 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts 1310 Salicornia and other annuals colonising mud and sand 1330 Atlantic salt meadows (Glauco-Puccinellietalia maritimae) 1410 Mediterranean salt meadows (Juncetalia maritimi) 3180 Turloughs* 5130 Juniperus communis formations on heaths or calcareous grasslands

		<p>6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites)</p> <p>7210 Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i>*</p> <p>7230 Alkaline fens</p> <p>8240 Limestone pavements*</p> <p><u>Species</u></p> <p>1365 Harbour Seal (<i>Phoca vitulina</i>)</p> <p>1355 Otter (<i>Lutra lutra</i>)</p>
Inner Galway Bay SPA (004031)	95m southwest	<p>Great Northern Diver (<i>Gavia immer</i>) [A003]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Grey Heron (<i>Ardea cinerea</i>) [A028]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus</i></p>

		<p>ridibundus) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Sandwich Tern (<i>Sterna sandvicensis</i>) [A191]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Wetland and Waterbirds [A999]</p>
Lough Corrib SAC (000297)	4.1km	<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelleteauniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130]</p> <p>Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. [3140]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]</p> <p><i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p> <p>Depressions on peat substrates of the <i>Rhynchosporion</i> [7150]</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]</p>

		<p>Petrifying springs with tufa formation (Cratoneurion) [7220] Alkaline fens [7230] Limestone pavements [8240] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Bog woodland [91D0] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Austropotamobius pallipes (Whiteclawed Crayfish) [1092] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Salmo salar (Salmon) [1106] Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303] Lutra lutra (Otter) [1355] Drepanocladus vernicosus (Slender Green Feather-moss) [1393] Najas flexilis (Slender Naiad) [1833]</p>
Lough Fingall Complex SAC [000606]	10.4km	<p>Turloughs [3180] Alpine and Boreal heaths [4060] Juniperus communis formations on heaths or calcareous grasslands [5130] Semi-natural dry grasslands and</p>

		<p>scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]</p> <p>Limestone pavements [8240]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p>
Rahasane Turlough SAC [000322]	13.1km	Turloughs [3180]
Kiltiernan Turlough SAC [001285]	13.2km	Turloughs [3180]
Castletaylor Complex SAC (000242)	13.5km	<p>Turloughs [3180]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Juniperus communis formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Limestone pavements [8240]</p>
East Burren Complex SAC [001926]	14.2km	<p>Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. [3140]</p> <p>Turloughs [3180]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260] Alpine and Boreal heaths [4060]</p>

		<p>Juniperus communis formations on heaths or calcareous grasslands [5130]</p> <p>Calaminarian grasslands of the Violetalia calaminariae [6130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates</p> <p>(Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis) [6510]</p> <p>Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Caves not open to the public [8310]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Euphydryas aurinia (Marsh Fritillary) [1065]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p> <p>Lutra lutra (Otter) [1355]</p>
Ardrahan Grassland SAC (002244)	14.5km	<p>Alpine and Boreal heaths [4060]</p> <p>Juniperus communis formations on heaths or calcareous grasslands [5130]</p> <p>Limestone pavements [8240]</p>
Cregganna Marsh SPA (004142)	3.7km	A395 Greenland White-fronted Goose (Anser albifrons flavirostris)

Lough Corrib SPA [004042]	6.5km	Gadwall (<i>Anas strepera</i>) [A051] Shoveler (<i>Anas clypeata</i>) [A056] Pochard (<i>Aythya ferina</i>) [A059] Tufted Duck (<i>Aythya fuligula</i>) [A061] Common Scoter (<i>Melanitta nigra</i>) [A065] Hen Harrier (<i>Circus cyaneus</i>) [A082] Coot (<i>Fulica atra</i>) [A125] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Common Gull (<i>Larus canus</i>) [A182] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395] Wetland and Waterbirds [A999]
Rahasane Turlough SPA (004089)	13km	Whooper Swan (<i>Cygnus cygnus</i>) [A038] Wigeon (<i>Anas penelope</i>) [A050] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395] Wetland and Waterbirds [A999]

11.2.7. I note the scale and nature of the proposed development, the location of the site, the habitats on the site and the information contained in the Screening Assessment, in particular the specific conservation objectives and the source-pathway-receptor related to those specific European sites listed above. I consider it reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development,

individually or in combination with other plans or projects would not be likely to have a significant effect on the following European sites:

- Lough Corrib SAC (000297)
- Lough Fingall Complex SAC [000606]
- Rahasane Turlough SAC [000322]
- Kiltiernan Turlough SAC
- Castletaylor Complex SAC (000242)
- East Burren Complex SAC [001926]
- Ardrahan Grassland SAC (002244)
- Cregganna Marsh SPA (004142)
- Lough Corrib SPA [004042]
- Rahasane Turlough SPA (004089)

11.2.8. On the basis of the information contained on the file, distances from the site and the potential for indirect effects on qualifying interests, the possibility of significant effects of the proposed development on the following European sites cannot be ruled out:

- Galway Bay Complex SAC (000268)
- Inner Galway Bay SPA (004031)

11.2.9. I conclude therefore that it is necessary to undertake Appropriate Assessment as further detailed below.

11.3. **Stage 2: Appropriate Assessment**

11.3.1. Section 177V of the Planning and Development Act 2000 (as amended) requires that an Appropriate Assessment in respect of a development carried out by An Bord Pleanála shall include a determination under Article 6(3) of the Habitats Directive as to whether or not a proposed development would adversely affect the integrity of a European site. This is the case where the possibility of significant effects on a European Site cannot be excluded under Section 177U.

11.3.2. The screening stage concluded that Appropriate Assessment of the implications of the proposed residential development, alone and in combination with other relevant plans and projects on the following European sites is required in view of their conservation objectives and proximity to the site:

- Galway Bay Complex SAC (000268)
- Inner Galway Bay SPA (004031)

11.3.3. The submitted NIS sets out details of the desk study and field surveys which resulted in the specified Qualifying Interests for each of the European Sites being selected. Both European sites have site specific conservation objectives and associated supporting documents and habitats and species datasets, published by the NPWS.

Galway Bay Complex SAC (000268)

11.3.4. In relation to Galway Bay Complex SAC (000268), it is stated that this is 5m from the site at the closest point. The wooded western boundary of the site merges with the woodlands within the adjoining SAC. The habitats within the SAC neighbouring the site consist of oak-ash-hazel woodland, which do not conform to Annex I status.

11.3.5. The Conservation Objective relating to the site is to maintain the favourable conservation condition of the Habitats and Species associated with the site, which are set out above. The targets and attributes for the relevant habitats and species are set out in the Galway Bay Complex SAC Conservation Objectives Series by the NPWS, which are set out in appendix 8 of the submitted NIS. The full list of qualifying interests has been set out above and those which have the potential to be impacted upon are listed as follows:

- Mudflats and sandflats not covered by seawater at low tide [1140]
- Large shallow inlets and bays [1160]
- Reefs [1170]
- Coastal lagoons [1150]
- Lutra lutra (Otter) [1355]
- Phoca vitulina (Harbour Seal) [1365]
- Salicornia and other annuals colonising mud and sand [1310]

- Atlantic salt meadows (*Glauco-Puccinellietalia maritima*) [1330]
- Mediterranean salt meadows (*Juncetalia maritima*) [1410]

11.3.6. Site specific pressures and threats have been identified by the NPWS in relation to Galway Bay Complex SAC. Pollution to surface waters and diffuse pollution to surface waters due to household sewage and waste waters are identified as risks.

11.3.7. The submitted NIS states there is no potential for direct impacts, but potential for indirect effects have been identified in the form of deterioration of water quality resulting from pollution during the construction and operational phases of the development.

11.3.8. Taking a precautionary approach, a potential pathway for effects on harbour seal and otter via disturbance during the construction and operational phases was also identified.

Inner Galway Bay SPA (004031)

11.3.9. With regard to the Inner Galway Bay SPA, the conservation objective is to maintain the favourable conservation condition of the Habitats and Species associated with the site, and the NPWS has published a conservation objectives supporting document (which is included in appendix 8 of the submitted NIS), within which the following objectives are specified:

- Obj 1: To maintain the favourable conservation condition of the waterbird Special Conservation Interest species listed for Inner Galway Bay SPA.
- Obj 2: To maintain the favourable conservation condition of the wetland habitat at Inner Galway Bay SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.

A list of attributes and targets are set for each objective. The full list of qualifying interests/special qualifying interests is as set out in the above table.

11.3.10. Site specific pressures and threats have been identified by the NPWS in relation to Inner Galway Bay SPA, namely habitat modification, anthropogenic disturbance and ex-situ factors, whereby several of the listed waterbird species may at times use habitats situated within the immediate hinterland of the SPA or in areas ecologically connected to it. It is noted that the scope of Objective 1 covers the need

to maintain, or improve where appropriate, the different properties of the wetland habitats contained within the SPA.

11.3.11. The submitted NIS states there is no potential for direct effects, however, a potential pathway for indirect effects on the surface water dependent Qualifying Interests 'Wetlands and Waterbirds [A999]', in the form of deterioration of surface water quality resulting from pollution associated with the construction and operational phases of the development.

11.3.12. As part of a desk survey, section 3.1.5 of the submitted NIS reviews the Inner Galway Bay conservation objectives supporting document (NPWS, 2013) and notes that the subsite Rosshill (ref OG496), which is the subsection closest to the site was surveyed with data indicating the subsite is among the species poor of the subsites, with mean numbers of 9 and a peak of 12 species on one low tide occasion. I note no seasonal bird surveys have been undertaken of the development site, with two bird surveys and habitats surveys undertaken in April and July, outside the timeframe when wintering flocks would be at the estuary. I note third party submission reference bird sitings in the area of the site and the flight path of wintering birds over the site to Oranmore.

Mitigation Measures

11.3.13. Mitigation measures in relation to indirect impacts on water quality during construction and operation relating to Galway Bay Complex SAC and Inner Galway Bay SPA are set out in section 4.3 of the submitted Natura Impact Statement (NIS). I note there are no waterbodies within the boundary of the site and the risk is from pollution through overland flow of surface water. The mitigation relates to best practice environmental control measures for the construction phase and the operation phase. These are considered acceptable.

11.3.14. It is stated that IW has confirmed there is adequate capacity in the Mutton Island Wastewater Treatment Plant, which has been upgraded. However, there are existing wastewater capacity issues at the Merlin Park Pumping Station, which can only cater for 102 units and the proposed crèche, pending the plant being upgraded. An indicative timeframe of 2024 is proposed by Irish Water. I note this is subject to change, given the project is at design stage and no wayleave or planning permissions have been obtained yet, however, the development will be subject to an

IW connection agreement which will not be forthcoming if there is no capacity. An underground pumping station is proposed on the site. This is not referenced within the NIS. I note it is designed with a 24 hour storage capacity, and subject to best practice in relation to maintenance, I do not consider this an issue.

11.3.15. Surface water runoff from the completed development would be attenuated to replicate the existing discharge regime with petrol interceptors that would prevent hydrocarbons being emitted to the soakaway areas across the site. The proposed development would not be likely to cause significant disturbance to the habitats and species in the SAC, subject to implementation of the best practices mitigation measures identified in the NIS.

11.3.16. Potential for disturbance and displacement relating to otters and harbour seals connected to Galway Bay Complex SAC has been considered. Based on evidence gathered, the potential for adverse impacts on the integrity of the otter population associated with the Galway Bay Complex SAC can be excluded. Nonetheless best practice disturbance limitation measures are proposed during the construction phase, such as no artificial lighting to be used to illuminate work areas, all vehicles and plants to be fitted with exhaust silencers and maintained in good working order and acoustic enclosure will be used around plant such as generators or pumps which are required to work outside of normal working hours.

11.3.17. Disturbance and displacement of birds relating to Inner Galway Bay SPA are examined in section 4.3.2.3.2 of the submitted Natura Impact Statement (NIS). None of the listed SCI species of Inner Galway Bay SPA were recorded utilising habitats within the development site during the site visits undertaken in April 2019 and July 2019. The site does not consist of any wetland habitat and does not support suitable breeding habitat for any of the breeding SCI species for which the SPA is designated. Furthermore, the submitted NIS notes the SPA is extensively buffered from the development site by woodland, residential dwellings and agricultural grassland. The submitted NIS considers only indirect impacts from water quality. The potential for ex-situ and anthropogenic impacts were excluded. I note seasonal bird surveys were not undertaken, with only two bird surveys undertaken during site visits in April and July. I consider the lack of compilation of seasonal bird surveys is a serious gap in the information provided and the bird surveys undertaken cannot be taken as evidence as to the absence of SPA wintering species given the timeframe.

11.3.18. With regard to anthropogenic issues, the submitted NIS states no significant disturbance to SCI bird species is anticipated during construction or operation, however taking a precautionary approach, an assessment of the distance at which birds respond to human disturbance (flight initiation distance or FID) was undertaken for each of the SCI species, as set out in table 4-3 of the submitted NIS. However, I note the NIS submitted considers only the impact of disturbance at the site on birds 95m away and has not considered disturbance from people leaving the site and accessing the SPA. I note there is no direct pathway at present from the site to the SPA, however, this issue has not been fully considered in the NIS nor have mitigation measures been proposed.

11.3.19. I am, overall, not satisfied that there is adequate information available in respect of baseline conditions to clearly identify the potential impacts on any European site, and to determine if likely significant effects on the Inner Galway Bay SPA (004031) alone or in combination with any other developments can be excluded.

11.3.20. On the basis of the information provided with the application, including the Natura Impact Statement, and in light of the assessment carried out above, I am not satisfied that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of European site No. 004031 (Inner Galway Bay SPA), in view of the site's Conservation Objectives. The Board, therefore, cannot be satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans and projects, would not adversely affect the integrity of the European site No. 004031 (Inner Galway Bay SPA), in view of the site's conservation objectives and qualifying interests. The Board is, therefore, precluded from granting planning permission for the proposed development.

12.0 Environmental Impact Assessment

12.1.1. This section sets out an Environmental Impact Assessment (EIA) of the proposed project. The development provides for 342 residential units, community space, office, café, two retail units and a crèche, on a site area of 10.069 ha. The site is located within the area of Galway City Council.

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

i) Construction of more than 500 dwelling units

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

12.1.3. The applicant has submitted an EIAR accordingly.

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

- Material Assets – Traffic and Transport
- Landscape and Visual Impact
- Biodiversity
- Water Infrastructure

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

12.1.5. The EIAR is laid out in two volumes. Volume one includes a non-technical summary and the Environmental Impact Assessment Report. Volume two includes all the appendices.

12.1.6. Chapter 1 relates to the non-technical summary. Chapter 2 sets out a description of the site and context, planning history, policy context, alternatives and cumulative impact assessment methodology and other projects included. Chapter 3 describes the proposed development, including construction and operational aspects and associated mitigation. Chapter 13 examines potential of interactions between the various factors. While a description of mitigation and monitoring measures is

provided within each chapter assessing the specified factors to be assessed, I note there is no summary or schedule of mitigation measures included in the documentation.

- 12.1.7. As is required under Article 3(1) of the amending Directive, the EIAR describes and assesses the direct and indirect significant effects of the project on the following factors: (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape. It also considers the interaction between the factors referred to in points (a) to (d). Article 3(2) includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered.
- 12.1.8. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR adequately identifies and describes and the direct, indirect and cumulative effects of the proposed development on the environment, and complies with article 94 of the Planning and Development Regulations 2001, as amended.
- 12.1.9. This EIA has had regard to the application documentation, including the EIAR, and the observations received, as well as to the assessment of other relevant issues set out in section 10 of this report above. This EIA Section of the report should therefore, where appropriate, be read in conjunction with the relevant parts of the Planning Assessment.

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

- 12.2.1. The requirements of Article 3(2) of the Directive include the expected effect deriving from the vulnerability of the project to risks of major accidents and/or disaster that are relevant to the project concerned.
- 12.2.2. The EIAR addresses this issue in chapter 4 on population. I note that the development site is not regulated or connected to or close to any site regulated under the Control of Major Accident Hazards Involving Dangerous Substances Regulations i.e. SEVESO and so there is no potential for impacts from this source. There are no significant sources of pollution in the development with the potential to cause environmental or health effects. Chapter 7 and Appendix 7-1 of the EIAR

addresses the issue of flooding and the site is not in an area at risk of flooding or prone to natural disasters. I am satisfied that the proposed use, i.e. residential, is unlikely to be a risk of itself. Having regard to the location of the site and the existing land use as well as the zoning of the site, I am satisfied that there are unlikely to be any effects deriving from major accidents and or disasters.

12.3. Alternatives

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

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

12.4. Consultations

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

12.5. Assessment of the Likely Significant Direct and Indirect Effects

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

- Population and human health
- Biodiversity, with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC
- Land, soil, water, air and climate
- Material assets, cultural heritage and the landscape;
- The interaction between the factors referred to in points (a) to (d).

12.5.2. With respect to cumulative impacts it is stated that they have been considered for each environmental topic. The results of the cumulative impact assessment for each environmental topic are presented within each chapter.

12.5.3. My assessment is based on the information provided by the applicant, including the EIAR, in addition to the submissions made in the course of the application, as well as my site visit.

12.6. **Population and Human Health**

12.6.1. Chapter 4 of the EIAR addresses population and human health. The methodology for assessment is described as well as the receiving environment.

12.6.2. The assessment examines likely and significant impacts and associated mitigation measures in relation to construction and operational phases.

12.6.3. For the construction phase, mitigation measures are proposed in relation to health and safety including a site specific Health and Safety Plan; noise with mitigation including best practice measures; dust and air quality and traffic (with further mitigation referenced in section 12 of the EIAR). Effects overall are considered following mitigation to not be significant. No significant effects are considered to arise in relation to employment and investment, population, tourism, landuse, and economic activity.

12.6.4. During the operational phase, impacts in terms of health and safety, employment and investment, population, tourism, landuse, noise, dust and air quality, and traffic are considered, in addition to vulnerability of the project to a natural disaster. Mitigation is proposed in terms of traffic. No significant negative effects are anticipated in relation to each area considered and any potential adverse impacts arising e.g. from traffic, will be mitigated to an acceptable level by the measures detailed in the EIAR and associated appendices.

12.6.5. I am satisfied that while some cumulative effects may arise from the proposed development particularly in relation to traffic, these would be avoided, managed and mitigated by the measures which form part of the proposed development and through suitable conditions.

12.6.6. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation

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

12.7. Biodiversity

- 12.7.1. Chapter 5 of the EIAR addresses biodiversity. The biodiversity chapter details the methodology of the ecological assessment. It is noted that a Natura Impact Statement has been submitted as part of the application and a Stage 2 Appropriate Assessment undertaken. I refer the Board to section 11 above of this report in relation to AA issues.
- 12.7.2. The lands in question are located adjacent/within 5m of the Galway Bay Complex Special Area of Conservation (SAC) (Site Code 000268) and located 95m from Inner Galway Bay Special Protected Area (SPA) (Site Code 004031). The boundary between the site and the SAC consists of a mature beech treeline and stone wall. The habitats within the SAC adjacent to the development consist of Oak-Ash-Hazel woodland and do not conform to Annex 1 status.
- 12.7.3. In terms of the receiving environment, habitat and fauna surveys were undertaken. A bird survey was undertaken during two field walkovers (April and July 2019) where a number of common species were identified (section 5.5.7.2) and bat surveys (appraisal of bat habitat; dusk activity surveys; and static detector surveys) were undertaken in April and September 2019 (section 5.5.7.1.2). A tree survey was also undertaken.
- 12.7.4. The habitats are stated to be typical of low intensity grazing and agricultural abandonment. The development site was a former golf course. The majority of the site comprises a network of semi-improved, species poor Dry neutral grassland (GS1), with a small area of poorly-drained grassland at the north-west of the site was classified as Wet grassland (GS4). The tree survey identified the exceptionally high value of the beech trees along the site's western boundary, which it is proposed to retain. There will be loss of sections of treeline along the site's southern and eastern boundaries and within the lands. Other trees lost consist of a mix of mature and semi-mature ash, sycamore and beech to the southwest. The development will include the loss of a number of native and non-native scattered trees in the south-eastern corner of the site and also in the permanent loss of a small area (0.09ha) of

oak-ash-hazel woodland consisting of a mix of native and non-native species close to the northern boundary of the site as well as 0.08 ha of scrub (and associated treeline) to the west of the woodland.

- 12.7.5. None of the habitats within the site correspond to those listed on Annex I of the EU Habitats Directive. No Red Listed vascular plants or Flora Protection Order species, including those species identified in the desk study, were recorded at the development site during the site visits undertaken in April 2019 and July 2019. The non-native invasive species, Spanish Bluebell (*Hyacinthoides hispanica*) was recorded growing at one location close to the southern boundary of the development site (Plate 4.9). This species is listed on the 'Third Schedule' of Regulations 49 and 50 of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. 477 of 2011).
- 12.7.6. In terms of bats, all bat species are listed on Annex IV of the EU Habitats Directive. The linear landscape features, including treelines and hedgerows, as well as mature trees within the site, provide suitable commuting/foraging areas for bat species and are likely to be utilized by a bat population of Local importance (higher value). No evidence of roosting bats was identified, however, a number of mature trees/groups of trees on the site have the potential to support roosting bats, which are identified on figure 5.4 in the EIAR. I note that there is no figure 5.4 in this chapter of the EIAR, therefore it is not clear to me what tree groups are referenced. The EIAR states that it is proposed to retain the majority of these trees, however there will be small scale loss of woodland and treelines within the site.
- 12.7.7. Pine marten is listed on Annex V of the EU Habitats Directive and is also protected under the Irish Wildlife Act. The site is likely to be utilized by a local population of Local importance (higher value). The site and surrounding area provide habitat and structural diversity for a wide range of common bird, small mammal and invertebrate species and provide biodiversity in the local context. This assemblage of species is assigned Local Importance (Higher Value).
- 12.7.8. There are no adjacent natural or man-made watercourses within the proposed development boundary. The nearest watercourse, the Carrownmoneash River is approx. 1.5km southeast of the proposed site, on the opposite side of Oranmore Bay.

- 12.7.9. Inner Galway Bay SPA is located approximately 95m from the proposed development and is designated for a number of wintering and reproducing wetland bird species. The EIAR states the site does not contain any supporting wetland habitat and it does not support suitable breeding or roosting habitat for any of the SCI species for which the SPA is designated. The SPA is buffered from the development site by woodland, residential dwellings and agricultural grassland. No wetland bird species were recorded within the development site during the site visits undertaken in April and July 2019. I note the surveys undertaken were during the breeding season when the majority of wintering birds would have departed and no seasonal bird surveys were undertaken. I refer the Board to section 11 of my report.
- 12.7.10. The site was assessed for suitable marsh fritillary habitat during the site visits in April and July 2019. The site was searched for devil's bit scabious (*Succisa pratensis*), the host plant for marsh fritillary. No devil's bit scabious was recorded within the proposed development site and no suitable habitat for marsh fritillary was recorded.
- 12.7.11. Otter (*Lutra lutra*) and harbour seal (*Phoca vitulina*) are the only two faunal species of Qualifying Interest for the SAC. Harbour Seal is a marine species and no suitable habitat for the species exists within 100m of the proposed development. Any such habitat is separated from the site of the proposed development by woodland and residential dwellings. There is no potential for disturbance effects on this species.
- 12.7.12. Mitigation measures during the construction phase are set out in 5.6.2 of chapter 5 of the EIAR in relation to impacts on fauna, loss of faunal habitat, impacts on water quality and invasive species and include, inter alia, a landscape plan, vegetation clearance to be undertaken in line with the provisions of the Wildlife Acts (as amended) 1976-2017, an additional pre-construction survey for bats in accordance with NRA guidelines, and a Construction Environmental Management Plan. No significant residual impacts are anticipated. Mitigation measures during the operational phase include a site lighting plan to minimise impact of lighting on bat habitat, including adjacent woodland. All wastewater is to be treated at Galway Mutton Island Wastewater Treatment Plan, where there is capacity, before discharge to Galway Bay.

12.7.13. Cumulative impacts have been fully considered and no potential for cumulative impacts when considered in-combination with other plans and projects are anticipated. I am, therefore, satisfied that the issue of cumulative impacts does not arise.

12.7.14. I have considered all of the written submissions made in relation to biodiversity. I am generally satisfied with regards the level of information before me in relation to biodiversity. Notwithstanding this, I refer the Board to my assessment in section 10.5 above in relation to the removal of trees at the development site and the proposed landscaping scheme. I am not satisfied that this issue been appropriately addressed in terms of the application and the information submitted by the applicant and I am not satisfied that no significant adverse direct, indirect or cumulative effects on biodiversity are likely to arise. I draw the Boards attention to the AA section of my report (section 11) where the potential impact of the proposed development on the designated European sites in the area is discussed in greater detail, in particular the lack of seasonal bird surveys.

Land, Soil, Water, Air and Climate

12.8. Land, Soils and Geology

12.8.1. Chapter 6 of the EIAR addresses land, soils and geology.

12.8.2. The overall local topography generally slopes from east to west, towards the shoreline located approx. 500m southeast of the proposed site. A topographically high area is located toward the centre of the site, the ground slopes steeply to the west of this section, before becoming relatively flat. The dominant land use on the bordering land is agricultural and woodland, with Rosshill Farm Stud located approx. 200m south of the site.

12.8.3. Geology maps, local hydrology maps, and soil maps are provided. The site is dominated by deep, well drained, mainly basic mineral soils (BminDW), with areas of shallow, well drained, mainly basic soils (BminSW) located towards the northwest of the site. The majority of the site is underlain by Tills derived from Limestone with some smaller areas of karstified bedrock outcrop/subcrop (KaRck) towards the south of the site. In terms of bedrock geology, the site is underlain by the Burren Formation which is described as pale grey clean skeletal limestone. The limestones are classified by the GSI as a Regionally Important Aquifer – Karstified (conduit) (Rkc).

- 12.8.4. In terms of designation sites immediately to the west of the proposed site is the Galway Bay Complex SAC (Code: 000268), and drainage from the site enters the Inner Galway Bay SPA (Code: 004031) approximately 500m downstream (west) of the proposed site. The Galway Bay Complex is also listed as a proposed NHA.
- 12.8.5. The main impacts on soil and geology are identified as being within the construction phase, with development works having potential impact relating to: subsoil excavation and bedrock excavation; and contamination of soil by leakages and alteration of soil geochemistry.
- 12.8.6. Mitigation measures are described for the construction phase, which are in the main related to best practice construction methods and are set out in section 6.5.2. It is stated that no significant impacts post mitigation are anticipated. During the operational phase, no significant adverse impacts on the soils and geology of the lands are envisaged. I am satisfied that subject to the proposed mitigation and management measures that significant negative impacts would not arise.
- 12.8.7. The potential residual impacts associated with soil or ground contamination and subsequent health effects are considered to be imperceptible. No cumulative effects on geology and soils resulting from the proposed development in conjunction with other developments in the area are predicted. I am, therefore, satisfied that the issue of cumulative impacts does not arise.
- 12.8.8. I have considered all of the written submissions made in relation to geology and soils. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of land and soils.

12.9. **Water**

- 12.9.1. Water is addressed within chapter 7 of the EIAR. This chapter describes the surface water and groundwater regime. Water services have been described and assessed under the planning assessment in Section 10.12 of this report and are summarised hereunder.

- 12.9.2. The site does not contain field drains or natural watercourses and it is likely that much of the rainfall that falls on the site drains through the soils i.e. percolates to ground. The hydrology of the study area is characterised by low surface water runoff rates and high groundwater recharge rates, given the large coverage of well-draining mineral soils and relatively flat ground. The site is also relatively close to the coast and all drainage from the site will ultimately end up in Galway Bay. It is stated that small stream channels can be seen along the Roshill beach which emerges approx. 100m west of the western boundary of the site. It is likely that runoff is flowing along field boundaries and discharging to the Galway Bay at this point. The site is over a Regionally Important Aquifer with bedrock having a high transmissivity and low storativity. The vulnerability rating of the aquifer within the overall site is classified as “Extreme (X –rock at/near surface)”.
- 12.9.3. Separately a Flood Risk Assessment has been carried out. The Flood Risk Assessment provides mitigation measures. A summary of the flood risk assessment is set out in section 10.12.6. It is estimated that the risk of flooding the proposed residential development will be minimal, and it is predicted that the development will not increase the risk of flooding elsewhere.
- 12.9.4. It is proposed that the development will drain via gravity to 12 no. soakaways proposed on site, which are described in detail in section 10.12 of this report. The proposed on-site foul sewers will discharge by gravity to a pumping station to the northwest of the site, and the foul waste will discharge from this pumping station via pumped rising main to the adjacent public (Irish Water) foul sewer network. The site will connect via a pipeline to the existing network. I note this chapter of the EIAR does not reference the Irish Water report, which indicates the Merlin Park Pumping Station requires upgrading to accommodate the entire development.
- 12.9.5. Potential impacts during construction phase are detailed, including stripping of soil and potential run off from bare soil and soil storage areas into surface waters, impacts from shallow excavation dewatering, potential release of hydrocarbons during construction, construction wastewater disposal, release of cement based products, potential impacts on hydrologically connected designated sites. Potential impacts during the operational phase, include increased downstream flood risk due to increased hardstanding area, and potential impact on hydrologically connected designated sites.

- 12.9.6. There is no direct surface water connectivity between the site and any European sites. Surface water can carry suspended sediment via overland flow, however due to the site topography it is stated that the pathway for overland flow is limited and surface waters are expected to stay within the boundary and percolate through the soil/subsoil. All surface water arising on site will drain via soakaways to ground, with no proposed outfall. Towards the northwest of the site, where there is a risk of pluvial flooding, a retention swale for storm overflow is proposed.
- 12.9.7. Construction phase mitigation measures are described and include measures which will minimise potential impact on the surface water and groundwater environs, such as, inter alia, provision of silt fencing, use of perimeter swales, silt bags, daily monitoring and inspection of site drainage and implementation of good construction practices. There will be no direct discharge to any water body therefore there is no risk of hydraulic loading or contamination. An emergency plan will form part of the Environmental Management Plan.
- 12.9.8. During the operational phase, groundwater quality risks are reduced by use of hydrocarbon interceptors and silt traps prior to discharge to the soakaways. The risk of pluvial flooding is minimised by the use of soakaways for drainage management. I am satisfied that subject to the proposed management practices for a development site such as this, that significant negative impacts would not arise.
- 12.9.9. With regard to cumulative impacts, no significant cumulative impacts on the water environment are anticipated.
- 12.9.10. I have considered all of the written submissions made in relation to water and the relevant contents of the file including the EIAR. I am satisfied with the level of information submitted, however, having regard to the submission received from Irish Water in relation to the Merlin Park No 1 pump station, I am not satisfied that this issue has been satisfactorily addressed in the application and that the waste water infrastructure required to service the entire site can be delivered within a reasonable time frame.

12.10. Air Quality and Climate

- 12.10.1. Air and climate are addressed in chapter 8 of the EIAR. The methodology and receiving environment are addressed.

- 12.10.2. The primary sources of potential impacts on air quality during construction and operational phases are assessed, including dust, machinery and plant emissions, with the primary climate change impacts relating to the use of machinery during construction.
- 12.10.3. Mitigation measures during construction are detailed including dampening down the dust at source, use of debris netting on scaffolding, and wheel wash facilities and additional good management practices. For the operational phase, climate mitigation measures include the proposed landscape plan and compliance with the building regulations. The impacts to air quality and climate during the construction phases are predicted to be imperceptible negative and during the operational phase the impact on climate is considered to be imperceptible. I am satisfied that subject to the proposed mitigation and management measures that significant negative impacts would not arise.
- 12.10.4. Cumulative impacts are considered and no significant impacts are predicted.
- 12.10.5. I have considered all of the written submissions made in relation to air quality and climate. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of air quality and climate.

12.11. Noise and Vibration

- 12.11.1. Chapter 9 of the EIAR evaluates noise and vibration associated with the construction and operational phases of the development.
- 12.11.2. The northern site boundary adjoins the railway line into the city. At the northeast corner of the site, the railway line is separated from the site by Rosshill Road. The elevation of Rosshill Road decreases as it passes underneath the railway line, with the development site sitting above the road at the northeast boundary. Along the northwest corner of the site the railway runs at and slightly above the site, with the railway runings on a substantial embankment extending to a height of 5-6m above surrounding ground level at the northwest corner of the site. It is noted that Rosshill Road sees heavy traffic at commuting times between Oranmore and the city.

- 12.11.3. A baseline noise survey was undertaken across the development with four noise monitoring points established (N1-N4) and noise sensitive receptors were identified. The main sources of noise relate to road traffic and railway traffic.
- 12.11.4. Potential noise impacts during construction are described. Mitigation measures are detailed for the construction phase in section 9.5.6.1, including provisions for construction phase acoustic hoarding panels or quilt fencing at the dwelling outside the southeast corner of the site, as shown in Figure 9-22. Prior to the commencement of construction, it is proposed to liaise with the operators of Rosshill Stud Farm to identify noise control measures specifically required by the stud farm. Identified measures will be included in a construction phase noise management plan. Construction phase traffic noise impacts are not expected to be significant.
- 12.11.5. During the operational phase, the noise survey indicates that the northern margins of the site, from the northeast corner to approximately 50 m west of the road underpass, receives more than 10 LAFmax events >60 dB during night-time hours, and that this zone extends approximately 50 m into the site. The Inward Noise Assessment proposes mitigation in the form of glazing with a minimum Rw value of 35dB for north facing bedroom facades in units in cell 2, and east and north facing bedrooms at apartments in the commercial block (Block 1). It will be necessary to install a wall on the northern side of the rear garden at dwelling type C4 at the northeast corner of cell 03. The wall height will be 2.4 m. At the proposed crèche, LAeq 16 h levels received at the northern and eastern facades will reach 61 dB, thus exceeding the 51-55 dB range suggested by Technical guidance document TGD-021-5, and appropriate mitigation measures will be required here. It will be necessary to install glazing so as to ensure that internal ambient LAeq 30 min levels do not exceed 35 dB. A minimum RW value of 37 dB is recommended to ensure that internal ambient LAeq 30 min levels do not exceed 35 dB.
- 12.11.6. While increase in noise levels are stated to be minor, it is noted that there will be an increase of 5-7dB at peak times at a dwelling opposite the site entrance. It is recommended that, during the proposed road alignment works on Rosshill Stud Farm Road, the occupants of the dwelling be offered the opportunity to have an acoustic barrier installed on the western boundary of the property in order to attenuate traffic noise arising between the site entrance and the T junction. Any such structure will be

required to extend to a minimum height of 2 m, and should run the length of the western boundary of the garden in order to attenuate traffic noise arising between the site entrance and the T junction.

12.11.7. I am satisfied that subject to the proposed mitigation and management measures that significant negative impacts would not arise in terms of noise.

12.11.8. Cumulative impacts have been considered and none are identified. Cumulative noise impacts with the railway line are not considered significant.

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

Material Assets, Cultural Heritage and the Landscape

12.12. Material Assets - Traffic and Transport

12.12.1. Chapter 12 of the EIAR details the Traffic and Transport assessment. The Board is referred to section 10.11 of my report above in respect of impacts in relation to traffic and transport. A Traffic and Transport Assessment and a Road Safety Audit have been submitted with the application.

12.12.2. Mitigation measures proposed in the EIAR are described both during construction and operational stages. It is stated that mitigation measures related to construction activities will be implemented in accordance with a Traffic Management Plan (TMP) and include measures in relation to the haulage routes and restrictions, including the height restriction where the railway line goes over Rosshill Road. This will ensure the railway bridge will be protected. Impacts are considered to be short term imperceptible and negative to local traffic during the construction phase.

12.12.3. In terms of operational phase traffic this will have an impact on two traffic junctions in particular. The EIAR states the proposed Galway Bypass will ultimately reduce traffic flow at these junctions. Also, with the implementation of the Operational Phase mitigation measures, such as the footpath improvements, public

transport and cycling measures, a shift in the modal split can be accomplished resulting in a reduction in the impact on the junction capacities.

12.12.4. While the proposed development will contribute to existing congestion on the local road network in the short term, I consider the proposed development, of itself, will not result in such significant additional traffic as to warrant a refusal nor will its refusal cease existing congestion from worsening. I am of the view that, overall, development will support consolidation and densification in this area of Galway City and support a more integrated public transport system as well as development of greenway routes in the longer term. Improvements to the pedestrian network in the short term are considered acceptable. I am satisfied that subject to the proposed mitigation and management measures that significant negative impacts would not arise.

12.12.5. Cumulative impacts have been considered, including the 16 house development to the north of the site. The result is stated to be a long term imperceptible negative cumulative impact on local traffic. I am satisfied that while some cumulative effects may arise from the proposed development together with existing and permitted developments, these would be avoided, managed and mitigated by the measures which form part of the proposed development and through suitable conditions.

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

12.13. Material Assets - Utilities

12.13.1. Section 12.3 of Chapter 3 of the EIAR evaluates the impacts on material assets required to facilitate the development, including electricity, telecommunications, water supply networks, land use and waste management.

12.13.2. Mitigation measures are proposed to ensure that no damage or service interruption would arise during the construction phase through specific measures set out in a Construction and Environmental Management Plan. A project specific Waste

Management Plan (WMP) is proposed to address issues in relation to waste and reference is made to section 3.6.1 of the EIAR which also addresses waste. No significant residual or cumulative impacts are anticipated.

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

12.15. **Archaeological, Architectural and Cultural Heritage**

12.15.1. Chapter 11 of the EIAR addresses cultural heritage. I refer the Board also to section 10.13 of the planning assessment above.

12.15.2. A desktop study and field inspection were carried out as part of the assessment of the site.

12.15.3. There are no protected structures within the site to be impacted visually by the proposed development. Roscam Folly, protected structure RPS 8803, is located immediately southeast of the proposed development site. It comprises a high ivy-covered stone wall, having an octagonal plan, and measuring c. 60m in diameter. There is a circular structure with cruciform extensions in the centre of the folly. There is also a railway bridge, RPS 8806, approx. 32m to the north of the site.

12.15.4. In terms of mitigation, it is recommended that the outbuildings to be removed are fully recorded, particularly the remains of the dovecote, which is now overgrown with ivy. Monitoring of topsoil stripping of the site by a qualified archaeologist is recommended.

12.15.5. In terms of cumulative impacts and residual impacts, none are identified.

12.15.6. I have considered all of the written submissions made in relation to archaeology, architectural and cultural heritage. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am, therefore, satisfied that the proposed development would not have

any unacceptable direct or indirect impacts on archaeology, architectural or cultural heritage.

12.16. Landscape and Visual

- 12.16.1. Chapter 10 of the EIAR addresses Landscape and Visual Impact. The EIAR notes the policy context and existing visual character. The applicant has submitted photomontages of the development from various viewpoints.
- 12.16.2. A Visual Impact Assessment incorporating photomontages has been submitted to assess the impact on specific viewpoints. I note the content of this report and am satisfied the issue has been adequately assessed.
- 12.16.3. The predicted visual impact during the construction phase and during the operational phase is examined. It is stated that the predicted impact during construction will arise from vegetation removal, earthworks and a subsequent change in character. These effects will include permanent negative effects, where vegetation is removed, and the land is re-graded, and short-term effects such as the activities of machinery, noise and dust in the landscape. Construction phase visual effects include potential negative effects on the nearby visual receptors as a result of the vegetation removal, earthworks and machinery. These visual effects will be most pronounced in the immediate vicinity of the site, where there are several residential areas. The effects will be short term in duration. Operational phase impacts arise from the change in character from agricultural fields and woodland to a built-up residential area with areas of open space, resulting in relatively localised negative effects on the character of the landscape.
- 12.16.4. Mitigation during construction includes the implementation of appropriate site management procedures. Mitigation in the form of a landscape design is also proposed. It is stated that the overriding principle of the proposed scheme's landscape design philosophy is to retain the best of the existing trees present on the site. The EIAR states that the tree survey identified the exceptionally high value of the beech trees along the site's western boundary and made their retention and protection a project priority. Other areas prioritised for retention include native boundary trees and areas of contiguous woodland scrub with ecological value. The alteration from a rural area on the edge of the city into suburban area will have an effect on the character and fabric of the site and immediate vicinity. Overall, the

predicted landscape impact is considered to be Long Term, Slight, as a result of the level of screening provided, however the overall character of the area will be slightly affected.

12.16.5. No cumulative impacts are predicted. No mitigation measures are proposed.

12.16.6. I have considered all of the written submissions made in relation to landscape and visual impact. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the layout and design of the proposed scheme, and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on the landscape or on visual impact.

12.17. Significant Interactions

12.17.1. Chapter 13 of the EIAR comprises a matrix of significant interactions between each of the disciplines.

12.17.2. The various interactions have been described in the EIAR and have been considered in the course of this EIA. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis.

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

12.18. Reasoned Conclusion on the Significant Effects

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

- Biodiversity Impacts which will be mitigated by landscaping and compensatory planting; tree protection measures; survey of trees that are potential bat

roosts; Construction Management Plan; surface water management measures during construction and for the completed development.

- Water impacts, which will be mitigated by construction management measures, surface water management and monitoring.
- Landscape and visual impacts, which will be mitigated by construction management measures and by the retention and enhancement of existing trees and new landscaping.
- Traffic and transportation impacts, which will be mitigated by construction traffic management, by the provision of pedestrian facilities and works to existing pedestrian facilities.

12.18.2. The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. Although the assessments provided in many of the individual EIAR chapters are satisfactory, I am not satisfied with the information provided in relation to biodiversity and wastewater infrastructure to enable the likely significant environmental effects arising as a consequence of the proposed development to be satisfactorily identified, described and assessed.

13.0 Conclusion

I recommend that the Board refuse permission with regard to the planning assessment conclusion set out in section 10.13 above, in addition to issues raised in relation to Appropriate Assessment, as set out in section 11 above.

14.0 Recommendation

I recommend that permission be REFUSED for the reasons and considerations set out below.

15.0 Reasons and Considerations

1. The proposed development would be premature having regard to the existing deficiencies in the wastewater network in the area, specifically the Merlin Park

No 1 Pump Station and the period within which this constraint may reasonably be expected to cease.

2. Having regard to the proximity of the subject site to the Inner Galway Bay SPA (004031), the factors that can adversely affect the achievement of the conservation objective to maintain favourable conservation conditions of the special conservation interest species listed for the designated site, namely anthropogenic disturbance and ex-situ factors, and having regard to the information provided with the application, including the Natura Impact Statement and the absence of seasonal bird surveys for the site, in light of the assessment carried out the Board cannot be satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans and projects, would not adversely affect the integrity of Inner Galway Bay SPA (004031), in view of the site's conservation objectives and qualifying interests. In such circumstances the Board is precluded from granting planning permission for the proposed development.
3. The "Urban Design Manual – a Best Practice Guide" issued by the Department of the Environment, Heritage and Local Government in 2009, to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, includes key criteria such as context, connections, variety and distinctiveness. It is considered that the proposed development results in a poor design concept for the site that would be substandard in its form and layout, with poorly defined and overlooked streets and open spaces, a high number of cul-de-sacs, and a lack of variety and distinctiveness in the design of the dwellings, which would overall result in a substandard form of development, which would be seriously injurious to the residential amenities of future occupants and contrary to the provisions of the Urban Design Manual – a Best Practice Guide in particular criteria no 4 Variety, no. 6 Distinctiveness and no. 7 Layout. It is also considered that the development fails to integrate existing trees/woodland satisfactorily into the layout of the development and, as such, would be contrary to specific development objectives for the site as set out under chapter 11, figure 11.13 of the Galway City Development Plan 2017-2023 which seeks to retain the sylvan character of the landscape. The proposed development would, therefore, seriously injure the residential amenities of future occupants, would be contrary

to these Ministerial Guidelines and would be contrary to the proper planning and sustainable development of the area.

16.0 Recommended Draft Order

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 17th day of January 2020 by McCarty Keville O’Sullivan Consultants on behalf of Kegata Ltd.

Proposed Development

This application is for a development consisting of 342no. units on a 10.06 hectare site with a developable area of 9.53ha, in the eastern suburbs of Galway City. The development will consist of:

- (a) Residential development consisting of 342no. units comprising 185no. houses and 157no. apartments, including a ground-floor community space, office, café, retail unit.
- (b) A two-storey childcare facility.
- (c) The provision of public realm landscaping including shared public open space and play areas, public art, public lighting, resident and visitor parking including car rental bays, electric vehicle charging points and bike rental spaces.
- (d) Pedestrian, cyclist and vehicular links throughout the development.
- (e) Access road and junction improvements at Rosshill Road/Old Dublin Road.
- (f) Provision of all associated surface water and foul drainage services and connections including pumping station.
- (g) All associated site works and ancillary services.

A Natura Impact Statement (‘NIS’) and Environmental Impact Assessment Report (‘EIAR’) have been prepared and accompany this application.

Planning permission is sought for a period of seven years.

The application contains a statement setting out how the proposal will be consistent with objectives of the Galway City Development Plan 2017-2023.

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 other than in relation to the zoning of the land.

Decision

Refuse permission for the above proposed development 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

1. The proposed development would be premature having regard to the existing deficiencies in the wastewater network in the area, specifically the Merlin Park No 1 Pump Station and the period within which this constraint may reasonably be expected to cease.
2. Having regard to the proximity of the subject site to the Inner Galway Bay SPA (004031), the factors that can adversely affect the achievement of the conservation objective to maintain favourable conservation conditions of the special conservation interest species listed for the designated site, namely anthropogenic disturbance and ex-situ factors, and having regard to the information provided with the application, including the Natura Impact Statement and the absence of seasonal bird surveys for the site, in light of the assessment carried out the Board cannot be satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other

plans and projects, would not adversely affect the integrity of Inner Galway Bay SPA (004031), in view of the site's conservation objectives and qualifying interests. In such circumstances the Board is precluded from granting planning permission for the proposed development.

3. The "Urban Design Manual – a Best Practice Guide" issued by the Department of the Environment, Heritage and Local Government in 2009, to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, includes key criteria such as context, connections, variety and distinctiveness. It is considered that the proposed development results in a poor design concept for the site that would be substandard in its form and layout, with poorly defined and overlooked streets and open spaces, a high number of cul-de-sacs, and a lack of variety and distinctiveness in the design of the dwellings, which would overall result in a substandard form of development, which would be seriously injurious to the residential amenities of future occupants and contrary to the provisions of the Urban Design Manual – a Best Practice Guide in particular criteria no 4 Variety, no. 6 Distinctiveness and no. 7 Layout. It is also considered that the development fails to integrate existing trees/woodland satisfactorily into the layout of the development and, as such, would be contrary to specific development objectives for the site as set out under chapter 11, figure 11.13 of the Galway City Development Plan 2017-2023 which seeks to retain the sylvan character of the landscape. The proposed development would, therefore, seriously injure the residential amenities of future occupants, would be contrary to these Ministerial Guidelines and would be contrary to the proper planning and sustainable development of the area.

Una O'Neill
Senior Planning Inspector

20th April 2020

Appendix 1

1. Aine Walsh
2. An Taisce Galway
3. Anne Leahy and Thomas Farrell
4. Cllr Owen Hanley
5. Dan Clabby
6. Declan Ashe
7. Deirdre Hogan
8. Denise Kearney
9. Dermot McLoughlin
10. Donna Long
11. Eamon Hogan
12. Eanna King
13. Edward McNally
14. Galway Cycling Campaign
15. Gareth Coffey
16. Gerard Smith
17. Grainne O'Connell
18. Hetty Keane
19. Irish Rail
20. Irish Water
21. James and Miriam McCormack
22. James McCarthy
23. Jane Shimizu
24. Jarlath O'Connell
25. Joan McLoughlin
26. Joe and Paulene Kennelly
27. John and Deirdre Grealish
28. Joseph and Maura Long
29. Joseph and Nuala Cosgrove
30. Martin J Fahy
31. Mary Walsh
32. Maureen King
33. Michael and Anne Burns
34. Noel and Derek Connolly
35. Pat King
36. Pauline Quigley
37. Ray and Sylvia Weldon
38. Renmore Residents Association
39. Residents of Rosshill Road JMcIntyre and P Dillon
40. Robert J Coughlan
41. Rosshill Roscam Residents Association
42. Sharon Long
43. Sophie Cacciaguidi Fahy
44. TII
45. Tony Neary
46. Tony O'Dwyer
47. Yutaka Shimizu
48. Michael O'Connor
49. Diarmuid Lynch