



An
Bord
Pleanála

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

Inspector's Report ABP-307344-20

Strategic Housing Development

Demolition of building, removal of fifth storey of main building, extension of main building to provide 920 no. student bedspace accommodation and associated site works.

Location

Cuirt na Coiribe, Dun na Coiribe, off Headford Road, Terryland, Galway.
(www.courtnacoiribeshd.ie)

Planning Authority

Galway City Council

Applicant

Exeter Ireland Property III Limited.

Prescribed Bodies

1. Irish Water.
2. Transport Infrastructure Ireland.

Observer(s)

1. Derrick & Mary Hambleton.
2. Dun na Coiribe Management Company Ltd.
3. Enda Howley & Fiona Kearney.
4. Galway Cycling Campaign.
5. John Gaynor.
6. Louise Clancy.
7. Michael & Maureen Madden.
8. Martina O'Connor.

Date of Site Inspection

30th August 2020.

Inspector

Karen Kenny

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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. The site is located in the townland of Terryland, Galway in the Dun na Coiribe residential area.
- 2.2. There is an existing student accommodation complex on the site called 'Cuirt na Coiribe'. This complex comprises 6 no. interconnected blocks of four-storeys in height and a separate 2-storey service building. The development contains 88 no. student apartments and 405 no. student bed spaces.
- 2.3. The adjacent residential developments, Gort na Coiribe and Dun na Coiribe, contain a mix of housing and student accommodation in blocks of 2-4 storeys. This area is served by a single access road from the Headford Road (N6) that terminates in a cul-de-sac to the west of the site. There is an amenity area to the south east of the site that forms part of the Terryland Forrest Park. The Terryland River curves through this area. The Irish Water waterworks site is to the north west.
- 2.4. The site located in the established suburbs of Galway at a location that is to the north and west of the N6 National Primary Route. The area is c. 1 km to the north of Eyre Square and c. 1 km to the east of the NUI Galway campus. This area is characterised by medium density housing in blocks of 2-4 storeys. There are retail and entertainment facilities along the Headford Road to the east and south of the site.

3.0 Proposed Strategic Housing Development

- 3.1. Permission is sought to alter and extend an existing student accommodation development. The existing development contains 405 no. student bed spaces and associated floorspace (GFS 11,114 sq.m) in two buildings of 2-4 storeys. The proposed development would consist of 920 no. student bed spaces and ancillary floorspace (GFS 24,693 sq.m) in a single building of 2-6 storeys (GFA 24,693).

3.2. The proposed development involves demolition of an existing services building (582 sq.m) and of the attic level of the main block (1,123sq.m) and the alteration and extension of the main building. The development would increase the height of the main block and the overall footprint of development at ground and basement levels.

Key Details:

	Existing	Proposed
No. Apartments	88	151
No. Bedrooms	404	868
No. Bed spaces	405	920
Commercial	Restaurant (172 sq.m); Shop (c. 60 sq.m)	Restaurant (172 sq.m); Café / Restaurant (123 sq.m)
Internal Amenity	59.55 sq.m (laundry and reception)	1,565 sq.m* (gym/fitness studio, games room, library / study spaces, multi-functional spaces, and student lounge spaces)
GFA	11,114 sq.m (ex. basement car parking and services areas)	24,693 sq.m (ex. basement car parking and service areas)
Car Parking	150 no. spaces (135 no. basement; 15 no. surface).	59 no. spaces (43 no. basement; 16 no. surface).
Cycle Parking	200	656 (576 no. long-stay; 80 no. short-stay).
Height	4-storey (+ attic level) +15.46 m	2-6 storeys +26.38

*Submitted documents refer to 1,688sq.m inc. new café/restaurant that is listed above under commercial.

3.3. Unit Types:

Unit Type	No. Apartments	No. Bed Spaces
5 bed	66	382
6 bed	47	282
7 bed	20	140
8 bed	14	112
	151	920

3.4. The development is contained within 9 interconnected blocks as follows:

Block No.	Height (storeys)	Description
1	5-6	21 no. apartments (1 no. studio; 118 no. bedrooms; 128 no. bed spaces).
2	5-6	22 no. apartments (1 no. studio; 123 no. bedrooms; 134 no. bed spaces).
3	4-6	21 no. apartments (130 no. bedrooms; 136 no. bed spaces).
4	5-6	21 no. apartments (123 no. bedrooms; 128 no. bed spaces).
5	5-6	21 no. apartments (1 no. studio; 118 no. bedrooms; 128 no. bed spaces).
6	5-6	21 no. apartments (1 no. accessible studio; 118 no. bedrooms; 128 no. bed spaces).
7	5	4 no. apartments (24 no. bedrooms; 24 no. bed spaces).
8	2-6	7 no. apartments (50 no. bedrooms; 50 no. bed spaces).
9	5	9 no. apartments (64 no. bedrooms; 64 no. bed spaces).

3.5. The submitted documents include a Natura Impact Statement.

4.0 Planning History

4.1. SHD Site:

PA Ref. 00/249: Permission granted for 88 no. residential apartments to include use for student and tourist accommodation. The proposal included 139 no. car parking spaces and additional surface car parking, maintenance storage, shop, launderette, reception / office and ancillary works. Permission granted for minor alterations / additions under PA Ref. 02/919; PA Ref. 03/400; PA Ref. 03/422; PA Ref. 04/118; PA Ref. 06/508; and PA Ref. 06/526.

PA Ref. 18/340: Permission granted for renovation and upgrade works to existing student accommodation development to provide for a total of 22 no. bedrooms and other alterations.

4.2. Other Student Accommodation in Galway

NUIG Lands

There have been a number of planning applications for student accommodation on NUIG lands which are summarised below:

ABP Ref. 303846-19: Permission granted by the Board to NUIG under SHD for a student accommodation development comprising 674 no. bedspaces with commercial/retail space on the NUIG northern campus.

Ref.15/221 (ABP-PL61.246079): Permission granted by the Board in May 2016 to NUIG for student accommodation comprising 429 bedspaces in 57 units in 5, 4 & 3 storey blocks on campus.

PL61.232557/ Ref. 08/539: The Planning Authority decision to grant permission for a residential development of forty units to NUIG was overturned following a third party appeal in October 2009. The reason for refusal related to conflict with the designation and zoning of the lands according to the Development Plan for institutional use for the future use of the university facilitating the long term strategic development of the campus.

PL61.204700/Ref. 03/410: The Planning Authority decision to grant permission for student accommodation development including social and commercial buildings, tennis courts and roads and services was upheld following appeal in February 2004. The development was not implemented.

Refs.91/848 and 92/213: Permission was granted in February 1992 and May 1992 for student accommodation at the Corrib Village.

Ref. 89/820: Permission granted for 109 student apartments and staff housing. This was the initial Corrib Village development.

4.2.1. Other Student Accommodation Developments

PA Ref. 20184: Mixed use development on lands within the Galway Retail Park to the south including 254 no. student bed spaces. Decision pending.

ABP-301693-18: Permission granted by the Board in September 2018 for 394 bed spaces within 63 apartments at the site of the Westwood House Hotel. Permission granted by the Board in July 2020 under ABP-307039-20 for temporary alteration of condition no. 2 to permit partial occupation for tourist and visitor use in the academic year from 1st September 2020 to 31st May 2021.

PL61.246807 (Ref. 16/40): Permission granted in October 2016 for redesign and change of use of 3 storey office building over basement car park to provide 4 storey building over basement car park comprising 77 student and self-catering holiday apartment suites. This site is located at Sandyfort Business Centre, Bohermore, Galway.

PL61.247406 (Ref. 16/156): Permission granted in February 2017 for a five storey block of managed student accommodation (147 bedspaces/46 units) modifying/superseding previously permitted apartments under planning register reference 13/306 at Fairgreen Road, Galway.

ABP-300613-18 (Ref. 17/121) – Permission granted by the Board in August 2018 for predominantly student accommodation scheme (c. 10,747 sq. m.) provided in 2 blocks (consisting of a total of 345 no. bedrooms) at Queen Street/Dock Road, Galway.

5.0 Section 5 Pre Application Consultation

5.1. A Section 5 pre-application consultation took place at the office of An Bord Pleanála on the 26th August 2019. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting. The main topics raised for discussion at the tripartite meeting were as follows:

- Open space strategy.
- Existing and future amenities - overshadowing, visual impact, overlooking, daylight and sunlight access, density justification, overbearing impact.
- Architectural design - architectural response, external material(s) and building height.
- Surface water drainage, foul drainage and water supply.
- Any other business.

A copy of the Inspector's report and Opinion is on the file for reference by the Board. A copy of the record of the meeting Ref. ABP-304929-19 is also available on the file.

5.2. Notification of Opinion

The An Bord Pleanála opinion stated that it is of the opinion that the documents submitted require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála. The issues raised in the opinion can be summarised as follows:

- Further consideration of the design strategy and overall layout of Blocks 8 and 9 adjacent to the north east boundary and Blocks 3 and 4 adjacent to the western boundary, having regard to scale, massing, overlooking and the amenities of neighbouring sites.
- The following further details were also sought: Student Demand and Concentration Report, Landscape Master Plan showing pedestrian / cycle permeability and connectivity to the wider area; details of materials and finishes; a report addressing residential amenity and potential for overlooking, overshadowing and overbearing impacts; flood risk

assessment; management plan for the development; details of areas to be taken in charge; and details of public lighting.

5.3. Applicants Response

- The scheme has been amended subsequent to the pre-application consultation.
- Changes to height and massing of accommodation blocks including the omission of a floor on parts of Blocks 1, 2 and 3 along the south west boundary and part of Block 8 along the north east boundary (Fig 3.2 refers). The scheme has been amended from 4-6 storeys to 2-6 storeys.
- Windows have been reoriented in Blocks no. 3-4 and 8-9 to reduce the potential for overlooking of existing properties.
- Bicycle parking has been expanded from 480 no. spaces to 656 no. spaces.
- Underground car parking has been reduced from 69 no. spaces at pre-application stage to 43 no. spaces. A further 16 no. spaces will be provided at surface level.
- The proposed cladding and materials on external elevations are amended.
- The application is accompanied by a Student Demand and Concentration Report, a Landscape Masterplan that addresses open spaces and connectivity, the Architectural Design Statement addresses materials and finishes and amenity and overbearing impacts, a Daylight / Sunlight and Shadows report, a Flood Risk Assessment, taking in charge details and details of public lighting.

6.0 Applicant's Statement

- 6.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and

objectives of Section 28 guidelines, the County Development Plan and regional and national planning policies. The following points are noted:

National Guidance

- Consistent with NPF 2018 and RSES 2020. Reference to policies relating to population and economic growth; compact growth in urban areas including Galway; quality of development; energy performance and climate change; management of water, waste and other environmental resources; sustainable mobility and access to education.
- Consistent with Pillar 3 and 4 of Rebuilding Ireland, Action Plan for Housing and Homelessness 2016 – highlights a need for student accommodation.
- Consistent with the 12 Criteria set out in the Urban Design Manual (accompanying document to the Sustainable Residential Development in Urban Areas Guidelines 2009).
- Consistent with design guidance set out in DMURS 2013.
- Consistent with Smarter Travel – A Sustainable Travel Future 2009-2020. Reference to proximity of the site to Galway City Centre, NUIG, bus services and the number of cycle parking spaces proposed.
- Consistent with Urban Development and Building Height Guidelines 2018. Proposals assessed against the development management criteria for taller buildings set out in Section 3.0 of the guidelines.
- Consistent with guidance set out in The Planning System and Flood Risk Management Guidelines 2009. Application is accompanied by a Flood Risk Assessment.

Galway City Council Development Plan 2017-2023

- The site is zoned 'Residential' and a small section is zoned 'Recreational Amenity'. The student accommodation use is established on site since the early 2000's.
- Consistent with Urban Design Policy 8.7. The Design Statement sets out detail of the design approach.

- Consistent with Policy 9.3 relating to Flood Risk Assessment. Refer to submitted Flood Risk Assessment and Infrastructure Report.
- Consistent with Policy 9.5 Sustainable Building Design and Construction. Refer to submitted Energy Statement.
- Consistent with Policy 9.8 relating to SUDS. Infrastructure Report sets out details in relation to SUDS.
- Consistent with Building Height criteria (Section 8.7 refers). Refer to Design Statement, Landscape and Visual Impact Assessment and Daylight and Sunlight Analysis and to the SPPR3 of the Building Height Guidelines.
- Consistent with policy in relation to Student Accommodation. Table on p64-65 considers proposed development against criteria for Student Housing in Section 11.29 of the Development Plan.
- Section 11.4.2 states that “in general for new development, the maximum plot ratio permitted will be 2:1”. These policies were prescribed prior to the adoption of the Urban Development and Building Heights – Guidelines for Planning Authorities – 2018.

7.0 Relevant Planning Policy

7.1. National Policy

- 7.1.1. Objective 2a of the National Planning Framework 2018-2040 is a target that half of future population growth will be in the cities or their suburbs. Objective 13 is that, in urban areas, planning and related standards including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. Objective 27 is to provide alternatives to travel by private car and to prioritise walking and cycling in development. Objective 35 is to increase residential density in settlements through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building height. Objective 8 of the framework sets ambitious growth targets for Galway, proposing a c.50% growth in population to 120,000 by 2040. In achieving this it places an emphasis on compact growth requiring a concentration of development

within the existing built up area, including increased densities and higher building formats. At Section 6.6, dealing with housing, the framework refers specifically to student accommodation. It notes that accommodation pressures are anticipated to increase in the years ahead and indicates preferred locations for purpose-built student accommodation proximate to centres of education and accessible infrastructure such as walking, cycling and public transport. It also notes that the National Student Accommodation Strategy supports these objectives.

7.1.2. The National Student Accommodation Strategy issued by the Department of Education and Skills in July 2017 aims to ensure an increased level of supply of purpose-built student accommodation. Key national targets include the construction of at least an additional 7,000 bedspaces by end 2019 and at least an additional 21,000 bedspaces by 2024. It states that 3,230 spaces were available in Galway 2017 and projects that 6,652 would be needed in 2024. A progress report issued in Q3 2019 reported that 429 bedspaces had been provided in Galway between 2016 and 2019 by NUIG.

7.2. Regional Policy

7.2.1. The Regional Spatial and Economic Strategy for the Northern and Western Region made in 2020 includes a strategic plan for the Galway metropolitan area at section 3.6. It states that it is an objective of the plan is to support the provision of purpose-built student accommodation both on and off-campus at appropriate locations. Delivery of this type of accommodation can be met on a variety of mixed zoned sites and is beneficial in freeing up existing private house stock within existing housing developments. This type of accommodation also has the potential to meet tourism accommodation demands outside term time.

7.3. Section 28 Ministerial Guidelines

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

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') 2009.
- 'Design Manual for Urban Roads and Streets' (DMURS) 2013.

- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') 2009.
- Urban Development and Building Heights, Guidelines for Planning Authorities Consultation Draft August 2018.

6.2.2 The following documents are also considered relevant:

- 'Report on Student Accommodation: Demand and Supply' published by the Higher Education Authority in 2015.
- Dept. of Education and Science 'Guidelines on Residential Developments for 3rd Level Students Section 50 Finance Act 1999' (1999).
- Dept. of Education and Science 'Matters Arising in Relation to the Guidelines on Residential Developments for 3rd Level Students Section 50 Finance Act 1999.' (July 2005).

7.4. Local Policy

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

- The site is zoned 'Residential' for the most part with an objective '*to provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods*'. A small section of the site relating to the amenity lands to the south east of the site is zoned 'Recreational Amenity' with an objective '*to provide for an protect recreational uses, open space, amenity uses and natural heritage*'. The 'Recreational Amenity' lands include a symbol denoting a woodland.
- In the amenity area there are walking trails along the Terryland River which curves through the area. These trails are identified on the map for upgrade to a Greenway.
- The N6 to the east and south of the site includes a mapped based objective for 'Primary Cycle Network'.
- The CDP includes specific policy support for student accommodation both on campus and through private student accommodation schemes in Policy 2.2 Housing Strategy.

- Section 2.4 encourages the development of sustainable residential neighbourhoods, which will provide for high quality, safe, accessible living environments which accommodates local community needs. It is the policy of the Council to ensure that new development will not adversely affect the character of these areas.
- Policy 2.6 of the plan refers to established suburbs. The policy seeks to ensure a balance between the reasonable protection of the amenities and character of those suburbs and the need to provide for sustainable residential development.
- Policy 8.7 refers to urban design. It states *inter alia* that proposals for buildings which are taller than the prevailing benchmark heights will only be considered where they do not have an adverse impact on the context of historic buildings, Architectural Conservation Areas, residential amenity or impinge upon strategic views.
- Policy 9.3 sets out a requirement for Flood Risk Assessment and Policy 9.8 relates to Sustainable Urban Drainage.

7.5. Chapter 11 sets out Specific Development Standards.

Section 11.3.2 outlines general development standards for residential development in Established Suburbs. Section 11.32 of the plan refers to outer suburbs and states that higher residential densities may be appropriate for new residential development which has regard to the prevailing pattern, form and density of those areas.

Section 11.29 of the plan refers to student accommodation. It states that the City Council supports the provision of high quality, professionally managed, purpose built student accommodation on and off campus at appropriate locations in terms of access to sustainable and public transport modes and third level institutes in a manner that respects the residential amenities of the surrounding area. The following criteria will be considered when assessing planning applications: location and accessibility to educational facilities, public transport and cycle routes; impact on residential amenities, provision of amenity areas / open space; quality of onsite facilities; architectural quality inc. height and relationship to adjacent structures; concentration of facilities in the area; and nature and extent of use outside of term time.

8.0 Third Party Submissions

8.1. A total of 8 no. third party submissions have been received from local residents, an estate management company, an environmental group, an elected representative and another interested parties. The main points made in submissions can be summarised as follows:

- Overdevelopment of the site – excessive density, height and concentration of student accommodation in contravention of GCDP 2017-2023.
- Students from existing Cuirt na Coiribe use the adjacent Dun na Coiribe housing estate as a short-cut to NUIG. Dun na Coiribe is a private estate and the students have no permission to use it as a short-cut. Dun na Coiribe management company may restrict access.
- Increased impact on adjoining Dun na Coiribe estate. Increase in pedestrian traffic through, noise, nuisance and incidents of anti-social behaviour. Impact on costs associated with estate management, upkeep and repair.
- Overlooking of existing residential properties due to new windows in the south west elevation and from additional two floors.
- No assessment of visual impact from existing residential properties.
- Light studies inadequate as not conducted in wintertime when light is greatly diminished.
- Noise impacts from activities during occupational phase.
- Concern in relation to impact of short-term letting on the area.
- The potential impacts on local residents, walkers and cyclists during the construction phase not addressed.
- No environmental impact assessment in relation to proposed drainage discharge to Terryland River and the potential for impacts on Terryland Woodland and River and on the downstream SAC.
- Constraints at Mutton Island WWTP and the impact of increased loading on the environment and on public health not addressed. Reference to untreated discharges from pipe outlets into the estuary of the River Corrib.

- Failure to address cumulative effects of increased sewage discharges on SAC's in Galway Bay. Needs to be established beyond all reasonable doubt that the subject proposal will not adversely impact any Natura 2000 sites and based on the application of the precautionary principle.
- The impact of a short let during holiday periods not considered. Implications for car parking, traffic flows, pedestrians and cyclists and use of public transport. Likely to be high access by private vehicle.
- Lack of car parking for residential and commercial aspects of the development. Potential for overspill onto adjacent roadways.
- Inadequate provision for emergency access, turning areas and set-down.
- Need for a Stage 1 Traffic Safety Audit as per TII requirements.
- Concerns in relation to the overall quantum of cycle parking and in relation to the quality, security and accessibility of the spaces. The level of provision does not meet the standards set out in the National Cycle Manual, NTA, 2011. GCDP standards are minimum. 5% of cycle parking should be designed for non-standard use.
- Concern over use of a shared vehicular / cycle ramp to access cycle parking at basement level.
- Concerns regarding safety of cycle routes to NUIG. Development will double number of students commuting from the complex to NUIG. Cycling, walking and disability access from Dyke Road and Quincentennial bridge poor with no footpath on Dyke Road, no designated crossing points or cyclist route east to west on Dyke Road. Upgrades should be required as a condition of planning permission.
- Concern in relation to access to retail and amenity destinations to the east and south of the site via the vehicular entrance to Dun na Coiribe on the Headford Road. Recommended that the developer should provide improved cycling facilities at the Headford Road entrance to Dun na Coiribe.

- Existing road junctions entering the site should provide improved priority and minimal inconvenience for pedestrians crossing the junction. The junctions should include raised footways.
- Question need for additional student accommodation in context of Covid 19 and move to online learning. Significant increase in student accommodation schemes in Galway.
- No reference to 254 no. student bed spaces at site in Galway Retail Park to the south of the site.

9.0 Planning Authority Submission

9.1. Galway City Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016 on 20th July 2020. It summarises observer comments as per section 8(5)(a)(i) and the views of the relevant elected members of the Area Committee, as expressed on 8th June and 22nd June 2020. The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows.

PA Comment on Principle of Development

- Acceptable in principle and accords with trust of national policy in relation to the provision of purpose-built student accommodation.
- The proposed development is not located within any protected view of special amenity area.

PA Comment on Plot Ratio

- The proposed development has a stated floor area of 24,693 sq.m on a developable area of 11,350 sq.m. This equates to plot ratio of 2.17:1. The applicant refers to a lower plot ratio of 1.95:1. The plot ratio is in excess of the plot ratio (0.46:1) for residential zoned lands and in excess of the plot ratio (1.0:1) for mixed developments on major roads in the Established Suburbs. A plot ratio of 2.0:1 is permissible on City Centre zoned lands only.

PA Comment on Open Space / Communal Amenity

- GCC normally require play / MUGA facilities for schemes with significant holiday letting capacity.
- Existing courtyards deficient in size and do not meet BRE guidelines for sunlight.
- Level quality and quantum of internal amenity areas.

PA Comment on Design

- The design is bland and is exacerbated by the dense nature of the layout.
- Poor quality design that is exacerbated by density nature of layout and low standard in elevational specification.
- Development would overlook adjacent properties due to setback of windows from the boundary.
- The proposed development constitutes an overdevelopment of the site and would result in overbearing form, poor design quality with an industrial type finish and lack assimilation to adjoining development.
- Close relationship to the boundary to north west would reduce potential development value of adjacent lands.

PA Comment on Concentration and Quality of Accommodation

- Concerns in relation to proportion of ensuite rooms, size of rooms (many < 9.0 sq.m) and the predominance of 6/7/8 person units.
- The quantum of accessible bedrooms (19 no. bedrooms) is inadequate.

PA Comment on Environmental Impact

- The PA is satisfied that the Flood Risk Assessment has been carried out appropriately and that the conclusions are satisfactory.
- The report of the Water Services section indicates that the proposed drainage arrangements are acceptable.

PA Conclusions and Recommendation

- The proposed development reduces open space provision, impacts adjacent developments, provides inadequate communal facilities and would result in a

disproportionate concentration of student occupancy when combined with the adjacent student accommodation, at one location. It is not therefore in accordance with the provisions of the GCDP 2017-2023.

- The proposal by reason of its height, massing, and monolithic appearance, exacerbated by the proposed metal cladding finish results in a detrimental impact on adjoining properties and the character of the area and is unacceptable and contrary to the proper planning and sustainable development of the area. Given that the density is more than twice that allowed in the GCDP for a mixed development in this area and the extent of the planning authorities concerns it is not considered that the extent of overdevelopment can be rectified by omitting a significant element of the development and that it would materially contravene the plan.
- The report of the Recreation and Amenity Section indicates concerns in relation to the removal of trees. The report recommends that a financial contribution of €2000 is paid per tree removed and that a bond is applied for the protection of trees on site. Concern in relation to detail in the landscaping plan.

10.0 Prescribed Bodies

10.1. Irish Water

Confirmation of feasibility issued for 275 no. additional units. The confirmation of feasibility relates to the capacity of the IW wastewater and water networks only.

The existing development is served by a private sewer network and pumping station that connects to the IW public network.

- The applicant will be required to secure all consents to connect to the private wastewater treatment infrastructure;
- The applicant will be required to confirm that the private infrastructure has capacity and is operationally and structurally adequate to cater for the proposed development.
- The applicant will be required to provide evidence, prior to connection application stage, that the private pumping station and rising main do not

cause any septicity issues to the IW network and that the increased loading arising from the proposed development would not cause any septicity issues.

The existing development is served by a private water main network which connects to the IW 200mm diameter watermain which runs along the Cuirt na Coiribe / Gort na Coiribe spine access road.

- The applicant will be required to provide evidence, prior to connection application stage, that the private infrastructure serving Cuirt na Coiribe has capacity and is operationally and structurally adequate to cater for the proposed development.

Confirmation of feasibility does not extend to fire flow requirements. The applicant will need to provide adequate fire storage capacity within the development.

10.2. Transport Infrastructure Ireland

Rely on the PA to abide by official policy in relation to development on / affecting national roads as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities 2012.

- Proposed development shall be undertaken in accordance with the recommendations of the Transport Assessment and any recommendations arising should be incorporated as conditions of permission, if granted.
- TII request that the council has regard to the provision of Chapter 3 of the Spatial Planning and National Roads Guidelines in the assessment and determination of the application.

11.0 Assessment

11.1. Having considered all of the documentation on file, the PA's Chief Executive Report, the submissions from prescribed bodies and third-party submissions (including a submission from an elected representative), I consider that the planning issues arising from the proposed development can be addressed under the following headings:

- Principle and Quantum of Development
- Visual Impact

- Quality of Development
- Impact on Residential Amenity
- Transport, Access and Mobility
- Water Services and Flood Risk
- Other Issues

These matters are considered under separate headings below. Furthermore, Environmental Impact Assessment and Appropriate Assessment are addressed in Sections 12.0 and 13.0 below.

11.2. Principle and Quantum of Development

Principle of Development

- 11.2.1. The site is subject to two zoning objectives in the Galway City Development Plan (GCDP) 2017-2023. Most of the site is zoned 'R' with an objective 'to provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods'. Amenity lands in the south east section of the site are zoned 'RA' with an objective "to provide for and protect recreational uses, open space, amenity uses and natural heritage". The proposed student accommodation blocks are confined to the 'R' zoning. Residential and residential institution uses are deemed to be compatible with this zoning objective (CDP Section 11.2.8 refers). A SUDS feature and an associated drainage connection is proposed on the 'R' zoned lands. I am satisfied that the proposed student accommodation development is compatible with the zoning objectives pertaining to the site.
- 11.2.2. The National Planning Framework and the RSES support the provision of purpose-built student accommodation at suitable locations. The Galway City Plan also supports the provision of high quality, professionally managed, purpose-built student accommodation at appropriate locations that are accessible to third level institutions. Section 11.29 sets out criteria for assessing student accommodation developments. The applicant has set out a response to the criteria in the Statement of Consistency and in a Student Demand and Concentration Report as follows:

- In terms of accessibility the site within a 15-minute walking distance or a 10-minute cycle from NUIG.
- In relation to concentration of facilities, there are a number of student accommodation facilities close to the site. The Gort na Coiribe complex immediately adjacent to the site has 660 no. student bed spaces.
- The use of the development for short-term letting outside of term times is supported by government policy and is a normal part of student accommodation developments.
- The applicant includes a Student Management Plan that addresses the overall management of the scheme.
- Other matters relating to the impact on amenity and the architectural quality of the development are addressed separately below.

11.2.3. The site is located close to NUIG and is within walking and cycling distance of the campus. The site therefore meets locational and accessibility criteria. Several third-party submissions received from local residents raise concerns in relation to the concentration of student accommodation at this location. I would note that the proposed development when taken in conjunction with the student accommodation in the adjacent Gort na Coiribe development would increase the number of student bed spaces from 1065 to 1,580 no. spaces. While I acknowledge the concerns raised, the concentration at this location would appear to be proportional to the proximity of the area to NUIG. There is a demonstrable need for student accommodation in Galway with the National Student Accommodation Strategy (2017) referring to a need for 3,422 no. additional bedspaces in Galway by 2024. It is reasonable to expect that this demand would be met on suitable sites that are within walking and cycling distance of the campus.

Quantum of Development

11.2.4. The application site is located within the 'established suburbs' of Galway in an area that is characterised by medium density housing in blocks of 2-4 storeys. The consideration of density under the GCDP is derived solely by means of plot ratio. In the established suburbs the indicative maximum plot ratio is 0.46:1 for residential development and 1:1 for commercial development on major roads. Higher densities

can be considered when new development has regard to the prevailing pattern, form and density of the area. I would note that a number of the third-party submissions express concern in relation to the density of development proposed.

11.2.5. The existing development on the SHD site has a plot ratio of c. 1:1 and already meets the indicative maximum plot ratio for commercial development. The proposed development seeks to more than double the quantum of development on the site. The applicant states that the proposed plot ratio is 1.95:1 and argues that this is acceptable based on the maximum plot ratio of 2:1 set out in Section 11.4.2 of the City Plan. The PA note that the standard in Section 11.4.2 (referenced by the applicant) relates to City Centre sites and is not applicable in this instance. In addition, the PA argue that plot ratio should be based on the stated gross floor space of 24,693sq.m (ex. car parking and services areas) and that the plot ratio of the development is 2.17:1. The plot ratio in this instance is twice the maximum allowed for a mixed development in this area. The GCDP does allow for higher densities where development has regard to the prevailing pattern, form and density of the area. In this instance the overall quantum of development is higher than the prevailing density. However, as the scale of development is relatively modest in the context of the wider urban area, and having regard to the sites accessible urban location, I consider that refusal would not be warranted on the basis of density alone. Issues relating to scale and massing and the impact of the proposed development on the surrounding area are discussed in detail below.

11.3. **Visual Impact**

11.3.1. The proposed development exceeds the prevailing 2-4 storey building heights at this location. The GCDP does not identify maximum building heights. However, in the case of buildings that are taller than the prevailing benchmark heights the plan states that consideration will be given to the impact on built and natural heritage, residential amenity, legibility, views and character; and to the promotion of higher densities at a centres / nodes, on large infill sites and along public transport corridors (Policy 8.7 refers). In this regard I would note that there are no built or natural heritage designations or protected views within the immediate area. The main issues for consideration relate to the impact of the proposed development on views and on the character and amenities of the area.

- 11.3.2. The PA and a number of third parties raise concerns in relation to the height and scale of the proposed development. The CE's Report recommends that permission is refused on the basis that: "*The proposed development by reason of its height, massing and monolithic appearance, exacerbated by the proposed metal cladding finishes results in a detrimental impact on adjoining properties and the character of the area and is unacceptable and contrary to the proper planning and sustainable development of the area*". The recommendation states that it is not considered that this extent of overdevelopment can be rectified by omitting a significant element of the development and that it would materially contravene the development plan.
- 11.3.3. The application is accompanied by a Landscape and Visual Impact Assessment and photomontages. The photomontages illustrate existing and proposed views from 13 no. viewpoints (see LVIA Appendix 1.2 for no's 12 and 13). I have considered the LVIA, photomontages, and observed the site from a range of viewpoints. While there is no restriction in the City Plan in relation to building height, I would note the substantial increase in scale and massing proposed relative to the existing housing blocks to the north east and south west of the site. The transition in scale and massing is evident in short to medium range photomontage views from the Dun na Coiribe access road and from the amenity lands to the south, from within the Dun na Coiribe development and from the N6 national road corridor and Terryland Forest Park to the south (Viewpoints No. 1, 5, 6, 7, 8, 9, 11, 12 and 13 refer). In terms of finishes, a metal cladding system is proposed on all elevations, comprising grey panels with coloured panels at upper levels. The PA argue that the cladding is commercial in character and that it exacerbates the scale and massing of the development. The proposed cladding is not a typical material within this suburban context, and I would concur that its extensive use is not effective in modulating or reducing the visual scale of the development. While a degree of transition in scale and character is to be expected within any urban area, what is of primary importance in my view, is that the proposed development provides a quality addition to the streetscape and the skyline and that it does not unduly dominate or undermine the wider character of the area. The proposed development would be visually dominant within its local context in my view, due to the scale, massing and materiality of the blocks sited in close proximity to existing housing. I consider that the proposed development would alter the established character of this area to an undue extent

and that it would be contrary to the design criteria set out in Section 3.2 of the Urban Development and Building Heights Guidelines in relation to design at a district level. On this basis, I recommend that permission be refused. This is consistent with the recommendation of the Planning Authority as set out above.

11.4. Impact on Residential Amenity

- 11.4.1. The proposed development is close to neighbouring housing along the north east and south west boundaries of the site. Some of the third party submissions argue that the proposed development will have a negative impact on the amenity of the neighbouring dwellings. The main concerns raised relate to overlooking; loss of sunlight and daylight; overshadowing and overbearing impacts. A number of submissions also expressed concern in relation to the potential for noise and disturbance during the construction and operational phases of the development.
- 11.4.2. The proposed development maintains a setback of c. 18 metres and over from the closest housing blocks to the north east and steps down to 2 storeys at the closest point. Along the south west boundary, the proposed development would maintain a setback of 20.5 metres and over from the closest housing blocks. The lands to the north west are undeveloped.
- 11.4.3. In relation to overlooking the windows in elevations closest to the site boundaries are orientated away from the existing housing blocks. A minimum separation of over 22 metres is maintained in all instances between opposing windows and the duplex blocks on neighbouring sites. On this basis, I am satisfied that the issue of undue overlooking does not arise.
- 11.4.4. The issue of visual impact is discussed in detail in Section 11.3 above. The overall scale of the elevations proposed along the north east and south west boundaries, coupled with the proximity to the boundary is substantial and would significantly alter the outlook from amenity areas and dwellings in the adjoining estates.
- 11.4.5. In relation to sunlight and daylight impacts, I refer the Board to the submitted Daylight and Sunlight Analysis prepared by 3D Design Bureau. The submitted daylight and sunlight report assesses the impact on neighbouring units to the north east and south west. BRE guidance indicates that a Vertical Sky Component of 27% or greater gives reasonable light and that below 27% special measures are usually needed to provide daylight. If the VSC value drops below 27% and is less than 80%

of the existing value, there would be a noticeable impact on the amount of daylight. Most windows have existing VSC's that exceeds 27% indicating a good level of sunlight access. The greatest impacts arise in the case of units to the north east. The level of impact varies. In the case of 4 no. windows (2-12 Gort na Coiribe) the VSC would drop below 27% and to less than 80% of the existing values representing a notable impact. In other cases, VSC's fall below 27%. To the south west the impacts would be less significant.

11.4.6. Shadow diagrams show that the proposed development would overshadow private open spaces to the rear of the duplex blocks to the north from c. 13.00 hours on 21st March. On June 21st the overshadowing appears to occur in the morning period between 6.00 and 8.00 hours. These open spaces would still meet the BRE standard of 50% of the area receiving more than 2 hours of sunlight on 21st March.

11.4.7. Concerns raised by third parties in relation to noise and disturbance during occupation are noted. However, the proposed development is residential in nature and would be managed in accordance with a management plan. Issues in relation to anti-social behaviour fall outside of the Boards considerations under the subject application.

11.4.8. Some of the submissions received express concern in relation to potential construction phase impacts. While the construction process will create noise, dust and disturbance the submitted Construction Management Plan outlines a range of measures to address these issues. The impacts associated with the construction phase are temporary in nature and subject to the implementation of the proposed environmental and traffic management measures, I am satisfied that significant adverse impacts would not arise. I recommend in the event of a grant of permission that a condition is included to limit the hours of construction.

11.4.9. Residential Amenity Conclusion

The submitted assessments and details indicate that there will be impacts on the amenities of existing properties to the north east and south west as a result of reduced daylight, overshadowing and overbearing impacts. Having regard to the substantive reason for refusal in relation to the scale and massing of the development, I do not propose to include a reason for refusal in relation to residential amenity. I consider

these issues to be interrelated. However, I consider that the matters set out above would need to be addressed in any revised scheme.

11.5. Standard of Accommodation

- 11.5.1. A total of 151 no. apartments are proposed accommodating a total of 868 no. bedrooms and 920 no. bed spaces.
- 11.5.2. There are no national design standards for student accommodation other than the standards in the Guidelines on Residential Development for 3rd Level Students issued by the Department of Education and Science under Section 50 of the 1999 Finance Act. While these are not Section 28 Planning Guidelines, Section 11.29 of the GCDP states that proposals for student accommodation should comply in general with these standards. The guidelines set out the following general standards:
- Student accommodation should be grouped as 'house' units, with a minimum of three and maximum of eight bed spaces.
 - GFA's should range from 55 sqm to 160 sqm.
 - Shared kitchen/dining/living room space is to be based on a minimum of 4 sq. m per bed space in the unit.
 - The minimum areas for bedrooms are: 8sq.m for a single study bedroom; 12 sq.m for a single study bedroom with ensuite; 15 sq.m for a twin study bedroom; 18 sq.m for a twin study bedroom with ensuite; and 15 sq.m for a single disabled study bedroom with ensuite.
 - Bathrooms shall serve a maximum of 3 bed spaces.
- 11.5.3. The development contains 66 no. 5 bed apartments, 47 no. 7 bed apartments, 20 no. 7 bed apartments, 14 no. 8 bed apartments and 4 no. studio units. All apartments have shared kitchen / living / dining areas. There is a combination of ensuite rooms and shared bathrooms. Within the apartments there is a combination of single bedrooms, twin bedrooms, single accessible bedrooms, and studio units. The units vary in size from 101 sq.m to 206 sq.m.
- 11.5.4. In terms of ancillary services and facilities, student services are proposed at basement and ground levels. A total of 1,688.15 sq.m of internal common areas are proposed including a cinema room, party/function room, gym/studio space, games

room, laundry room, multi-functional space, combined library / study space, student reception, 2 no. café / restaurant spaces and a student lounge / coffee dock. There will also be external landscaped spaces in the 3 no. courtyards with a total area of 1,393 sq.m. The main student reception is located close to the principal entrance.

- 11.5.5. The location of the development proximate to retail and other facilities along the Headford Road means that the development will have access to a wide range of facilities and amenities in the general area.
- 11.5.6. The submitted daylight and sunlight analysis indicates that ground level rooms meet BRE guidance. The outdoor amenity areas would not receive two hours sunlight on 21st March and on this basis do not meet BRE guidance. However, given the extent of parkland to the south of the site and the short-term nature of occupancy for student accommodation I would suggest that refusal is not warranted on the basis of this shortfall.
- 11.5.7. The Planning Authority have suggested that children's play be incorporated into the development to serve the summer letting of the development for families. I would not consider this necessary for a student scheme with short-term letting outside of term time.
- 11.5.8. The PAs CE Report expresses concerns in relation to the quality of accommodation provided questioning the size of bedrooms, the lack of ensuite rooms and the quality and overall quantum of communal amenity space. While I note the concerns raised, I am satisfied that the proposed development meets the minimum standards set out in the 1999 guidelines and on this basis I consider the overall quality of the development to be acceptable.

11.6. **Transport and Mobility**

- 11.6.1. The site is accessed via a link road from the N6 / Headford. The link road serves the Gort na Coiribe, Cuir na Coiribe and Dun na Coiribe developments and ends in a cul-de-sac to the west of Dun na Coiribe. The site is a 15-minute walk or 10-minute cycle from NUIG and is also proximate to bus services on the Headford Road. The 407 Bus Eireann Route has a frequency of 30 minutes during peak times. The Galway Transport Strategy 2016 proposes a primary cycle route along the N6 to the east and south of the site and a feeder route on Dyke Road to the west. In addition, it is proposed to upgrade the bus route along the Headford Road to a core bus route.

11.6.2. The submitted transport strategy envisages that initially 90% of students will walk to NUIG, 9% will cycle and 1% will drive. In year five it is envisaged that 10% will cycle and 0% will drive. The targets set out have regard to student travel data from NUIG and CSO census data for the area. On the basis that the site is within comfortable walking and cycling distance of NUIG it is reasonable to expect that travel between the proposed development and the college would be weighted in favour of walking and cycling. A total of 59 no. car parking spaces are proposed, with 43 no. spaces to serve the residential units (0.28 spaces per unit). Submissions received from third parties express concern in relation to the quantum of car parking and suggest that there could be overspill onto adjoining roads. I am satisfied that the level of car parking provision is acceptable given the proposed use and the general accessibility of the site within the urban area.

11.6.3. The existing vehicular access points to the basement car park and to surface carping are to be retained. Visibility splay and auto-track drawings have been submitted. I am satisfied that the entrances are designed to an acceptable standard.

11.6.4. A submission received from the Galway Cycling Campaign raises concern in relation to the number of bicycle parking spaces stating that the standards contained in the NTA's National Cycle Manual should be applied. There are 80 no. short stay spaces at surface level and 576 no. secure spaces at basement level. The manual seeks provision at a rate of 2 secure spaces per 100 sq.m of development and 1 space per two units (Section 5.5.7 refers). Based on the residential floor area this would equate to c. 440 no. spaces. The level of provision exceeds this. The submission also raises concerns in relation to the design of cycle parking spaces and the lack of a dedicated basement access. I would concur that clarity is needed in relation to the design of cycle parking and the provision of safe and segregated access to cycle storage areas at basement level. These matters can be addressed by condition.

The submitted transport assessment indicates that the proposed development would have a negligible impact on the surrounding road network. I accept the findings of this assessment. During construction traffic will be managed in accordance with a traffic management plan. I recommend, in the event of a grant of permission, that a traffic management plan is submitted to the PA for agreement prior to the commencement of works.

11.6.5. Conclusion Traffic and Transport

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

11.7. **Water Services and Flood Risk**

Wastewater

11.7.1. It is proposed to connect to private wastewater and water supply networks that serve Gort na Coiribe, Dun na Coiribe and Cuir na Coiribe and in turn connect to the Irish Water network serving the Terryland area. Irish Water have issued a confirmation of feasibility for connection to the IW wastewater and water supply networks. However, the submission states that the applicant will be required to secure all consents required to connect to the private infrastructure from the owners. The applicant will be required to confirm that the private infrastructure has capacity and is operationally and structurally adequate to cater for the proposed development. The applicant will be required to provide evidence, prior to connection application stage, that the private wastewater pumping station and rising main serving the area do not cause any septicity issues to the Irish Water network and that the increased loading arising from the proposed development would not cause any septicity issues. In addition, the submission notes that confirmation of feasibility does not extend to fire flow requirements. I would note these matters were raised by Irish Water in a response to the applicants pre connection enquiry dated January 2019.

11.7.2. The Infrastructure Report states that the main line wastewater sewer serving the site outfalls to a pumping station in Gort na Coiribe through a series of manholes close to the pumping station. The extent of the private networks and points of connection to Irish Water networks are not indicated on the submitted water supply and drainage layouts. In relation to the condition of the private infrastructure, the Report states that the existing infrastructure within Cuir na Coiribe has been surveyed using CCTV and that the applicant is satisfied that it remains in good condition. There is no comment in relation to the condition or capacity of the wider private networks. The Report states that a section of the wastewater network within the subject site conveys wastewater from Dun na Coiribe, downstream to the pumping station in Gort na Coiribe. It is proposed to provide a new gravity sewer in the road to collect

wastewater from Dun na Coiribe and bypass the subject site. It is proposed to provide a new wastewater pumping station and 24-hour storage tank within the SHD site to serve the proposed development. This pumping station and rising main will discharge wastewater to the new gravity sewer in the roadway and wastewater generated by the proposed development will continue to discharge to the existing pumping station within Gort na Coiribe. The Infrastructure Report states that the required storage will be available within the SHD site.

11.7.3. The applicant proposes to alter the nature of the existing connection to the private wastewater and water supply networks serving the area and to alter a section of the network. In relation to consent, a copy of a Memorandum of Agreement between the original developers of the area dated November 1996 and a supplementary agreement dated February 1997 is included as an appendix to the Infrastructure Report. The agreements appear to relate to the development of common services to support the development of the area and to the maintenance of services until such time as they were taken in charge. I would note that the roadway serving the area is identified as a right of way on OSI drawings. The agreements do not detail the current ownership and management arrangements for the common services and it is not clear, on the basis of the submitted information, that the applicant has sufficient legal estate or interest in the services to undertake the proposed works. In addition, the applicant has not addressed the issues raised by IW in relation to the capacity and operational and structural condition of the private networks serving the area. I consider that it would be prejudicial to public health to permit the proposed development in the absence of clarity in relation to the capacity and operational and structural condition of the private wastewater and water supply networks.

11.7.4. Surface Water

There is an existing surface water drainage network on site that drains via an outfall to the Terryland River. There is no surface water attenuation associated with the existing development. It is proposed to upgrade the existing on-site surface water drainage network and to construct a detention basin (277m³) in the amenity area to the east of the development that will control the rate of run off to greenfield levels and provide alleviation for the 1 in 30 year flood event. Surface water from the detention basin will drain via a new outfall to the Terryland River. The report of the

Water Services section indicates that the proposed drainage arrangements are acceptable.

11.7.5. Flood Risk Assessment

I refer the Board to the Flood Risk Assessment (FRA) submitted with the application. CFRAM mapping shows that the eastern section of the site is in Flood Zone B. The flood zone encompasses the amenity lands and parts of the access road. The CFRAM maps show an undefended scenario from the Terryland River, however, the area has the benefit of flood defences in the form of maintained embankments and channels. The residual risk of flooding is, therefore, low. The site is not at risk from tidal flooding and no significant risk of pluvial flood or ground water flooding is identified.

The CRAMS flood depth maps show flood depths of 6.01m OD in Flood Zone B with the potential to increase by 20-30% in the medium and high range climate change scenarios. The FFL's of the proposed buildings and the basement entrance will be above the Flood Zone B water level. The main access road serving the area is above the Flood Zone A flood depths for the area and is therefore acceptable.

The Planning System and Flood Risk Management Guidelines classify residential development as a highly vulnerable development class (Table 3.1) and indicate that such development can only be considered in Flood Zone A or B, where it meets the criteria of the Development Management Justification Test (in Chapter 5). Section 5.2 of the submitted Stage 2 FRA addresses the criteria. I set out the following assessment:

Development Management Justification Test

Criteria	Assessment
<i>Lands zoned or otherwise designated for the particular use or form of development in an operative development plan, which has been adopted or varied taking account of these Guidelines.</i>	The lands are zoned for residential use in the GCDP 2017-2023. The GCDP was subject to SFRA.

<i>The development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk.</i>	No. Building footprint located within Flood Zone C. The development would not result in significant loss of fluvial flood storage or restrict flood flow.
<i>The development proposal includes measures to minimise flood risk to people, property, the economy and the environment as far as reasonably possible.</i>	Mitigation measures outlined in Section 5.4 of the submitted State 2 FRA.
<i>The development proposed includes measures to ensure that residual risks to the area and/or development can be managed to an acceptable level as regards the adequacy of existing flood protection measures or the design, implementation and funding of any future flood risk management measures and provisions for emergency services access.</i>	Mitigation measures outlined in Section 5.4 of the submitted State 2 FRA.
<i>The development addresses the above in a manner that is also compatible with the achievement of wider planning objectives in relation to development of good urban design and vibrant and active streetscapes.</i>	I am satisfied that this is achieved.

11.7.6. On the basis of the assessment above, I am satisfied that the proposed development passes the Development Management Justification Test and that the level of residual risk to the proposed development from flooding is low, having regard to its position within a defended urban area. Furthermore, I am satisfied that the area has a long history of urban development and that it is reasonable to expect that flood defences along the Terryland River will be maintained.

12.0 Screening for Environmental Impact Assessment

12.1.1. The site (1.414 ha) is in a residential area that is situated c. 1 km north of Galway City Centre. The proposed development relates to the alteration and extension of an existing student accommodation development. The existing development comprises

405 no. student accommodation bedspaces and ancillary floorspace contained in two blocks of 2-4 storeys (GFA 11,128sq.m ex. car parking). The proposed development involves the alteration and extension of the existing development on site to provide 920 no. student bed spaces and ancillary floorspace at basement and ground floor (GFA 24,521sq.m ex. car parking). The proposed development would be 2-6 storeys in height and have an extended footprint.

12.1.2. The development is within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations. An environmental impact assessment would be mandatory if the development exceeded the specified threshold of 500 dwelling units or 10 hectares, or 2ha if the site is regarded as being within a business district. The site is zoned residential for the most part, and drainage works, and connections extend into the adjoining amenity zoned lands. The predominant use in the area is residential and student accommodation. It is therefore reasonable to conclude that the site is not within a business district. In any case the proposal for 151 no. student apartments with a total of 920 bed spaces on a site of 1.414 ha is below the mandatory threshold for EIA both within and outside of a business district.

12.1.3. The criteria at schedule 7 to the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. The application is accompanied by an EIA Screening Report which includes the information required under Schedule 7A to the planning regulations. The nature and the size of the proposed development is well below the applicable thresholds for EIA. The residential and commercial uses proposed would be similar to existing land uses on the site and in the area. The proposed development will not increase the risk of flooding within the site. The development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The development is served by municipal drainage and water supply accessed via a private network. The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance. It is, however, close to the Terryland River, which flows into the River Corrib and where there are a number of downstream Natura 2000 sites. The Appropriate Assessment in Section 13.0 concludes that the potential for significant effects on Natura 2000 sites can be excluded.

12.1.4. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA screening assessment report submitted with the application.

13.0 Appropriate Assessment

13.1. Appropriate Assessment Screening

The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

13.2. Compliance with Article 6(3) of the Habitats Directive

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

The applicant has submitted a Screening Report for Appropriate Assessment and a Natura Impact Statement as part of the planning application. These documents have

been prepared by JBA Consulting. The Screening Report provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. The AA screening report concludes that:

“following an initial screening...it can be concluded that in the absence of appropriate mitigation measures, significant impacts are anticipated during the construction phase, via surface water and groundwater pathways on the following sites:

- *Louth Corrib SAC*
- *Galway Bay Complex SAC*
- *Inner Galway Bay SPA”.*

The report declares that the proposed project must progress to the next stage Stage 2 Appropriate Assessment.

Having reviewed the documents and submissions, I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

13.3. Need for Stage 1 AA Screening

The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites to assess whether it may give rise to significant effects on any European Site.

13.4. Brief Description of the Development

The applicant provides a description of the project in Section 2 of the Screening Report. The development is also summarised in Section 3 of this Report. The development relates to the alteration and extension of an existing student accommodation development that would increase the scale of the development to 920 no. student bed spaces – GFA 24,521 sq.m plus basement car parking and plant areas of 2,615 sq.m.

The site (1.414 ha) comprises an existing student accommodation development contained in two blocks of 2-4 storeys set within a landscaped site. The site also

includes part of the main access road serving the area and an amenity grassland. The site is serviced by private water and drainage networks that connect to the Irish Water networks. Surface water from the development will drain to a new detention basis in the amenity grassland and in turn to the Terryland River via a new outfall. There are no watercourses within the site but the site adjoins the Terryland River. The dominant habitat is buildings and artificial surfaces in the development area. There is also amenity grassland, hedgerows and riparian habitat at the interface with the Terryland River. No flora or fauna species for which Natura 2000 sites have been designated were recorded on the application site.

13.5. Submissions and Observations

The submissions and observations from the Local Authority, Prescribed Bodies, and third parties are summarised in sections 7, 8 and 9. A number of submissions refers to concerns in relation to the potential impact on Natura 2000 sites. It is noted that no environmental impact assessment has been undertaken in relation to proposed drainage discharge to Terryland River and the potential for impacts on Terryland Woodland and River and on the downstream SAC. One submission refers to constraints at Mutton Island WWTP and the failure to address cumulative effects of increased sewage discharges on SAC's in Galway Bay. This submission highlights the need to establish beyond all reasonable doubt that the subject proposal will not adversely impact any Natura 2000 sites and based on the application of the precautionary principle.

13.6. Zone of Influence

A summary of European Sites that occur within the vicinity (5km radius) of the proposed development is presented in Section 4 of the applicant's AA Screening Report. The Lough Corrib SAC [Site Code 000297] is situated c. 0.38 km east of the site at the closest point, Galway Bay Complex SAC [Site Code 000268] is located c. 1 km south of the site, Lough Corrib SPA [Site Code 004042] is located c. 2.5 km north of the site, and the Inner Galway Bay SPA [Site Code 004031] is located c. 1 km south of the site.

The applicant's screening report identifies potential impacts associated with the proposed development taking account of the characteristics of the proposed development in terms of its location and scale of works, examines whether there are

any European sites within the zone of influence, and assesses whether there is a risk of a significant effect or effects on European sites, either alone or in combination with other plans or projects.

The issues examined include the possibility of a hydrological connection to Natura 2000 sites in Lough Corrib and Galway Bay through surface water and ground water connections; the possibility of indirect impacts on habitats and species due to air and land impacts including loss of habitat, emissions and other disturbance. The NIS addresses the possibility of a hydrological connection between the proposed development and sites in Galway Bay via foul water connections. This is discussed further below.

Surface water run-off from the site drains to the Terryland River, which in turn drains to the River Corrib in the area of the Lough Corrib SAC, before discharging to Galway Bay. The groundwater aquifer underlying the site is classified as having 'high' vulnerability and as it shares the same groundwater body with parts of Lough Corrib and the River Corrib and interfaces with Galway Bay the potential for connection is not excluded. The applicants Screening Assessment concludes that due to the site location and the nature and scale of the proposed project, impacts via surface water and ground water pathways to the River Corrib SAC, Galway Bay Complex SAC and Inner Galway Bay SPA are anticipated and that Stage 2 AA is required. The AA Screening Report does not address the potential for connection to Natura 2000 sites via foul water discharges. However, I would note that the site drains to the Mutton Island WWTP via private and public networks, which in turn discharges treated water to Galway Bay. This potential connection to sites in Galway Bay is identified in the NIS and it is concluded that likely significant effects on Natura 2000 sites due to the wastewater connection can be excluded. The Screening Report excludes the potential for impacts on Natura 2000 sites due to loss of habitat. However, the NIS identifies the potential for impacts arising from the loss or disturbance of riparian habitat along the Terryland River associated with the construction of the proposed outfall. The potential for impacts on Otter a QI of the Galway Bay Complex SAC and on all QI Bird Species of the Inner Galway Bay SPA is identified.

On this basis the Lough Corrib SAC [Site Code 000297], Galway Bay Complex SAC [Site Code 000268], Lough Corrib SPA [Site Code 004042] and the Inner Galway

Bay SPA [Site Code 004031] are considered to fall within the zone of influence of the proposed development due to potential surface, ground and wastewater connections and the potential for direct or indirect impacts on QI's arising from habitat clearance.

I am satisfied that all other Natura 2000 Sites can be screened out for further assessment at a preliminary stage based on a combination of factors including the intervening minimum distances, the lack of suitable habitat for qualifying interests and the lack of hydrological or other connections.

13.7. Screening Assessment

The Conservation Objectives (CO) and Qualifying Interests of these sites as follows:

Lough Corrib SAC (000297) - c. 0.38 km east of the proposed development.
Mutton Island WWTP outfalls into this SAC.

CO - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

Qualifying Interests/Species of Conservation Interest: Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*) [3110], Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or *Isoeto-Nanojuncetea* [3130], Hard oligo-mesotrophic waters with benthic vegetation of *Chara* spp. [3140], Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation [3260], Semi-natural dry grasslands and scrubland facies on calcareous substrates (*Festuco-Brometalia*) (* important orchid sites) [6210], *Molinia* meadows on calcareous, peaty or clayey-silt-laden soils (*Molinion caeruleae*) [6410], Active raised bogs [7110], Degraded raised bogs still capable of natural regeneration [7120], Depressions on peat substrates of the *Rhynchosporion* [7150], Calcareous fens with *Cladium mariscus* and species of the *Caricion davallianae* [7210], Petrifying springs with tufa formation (*Cratoneurion*) [7220], Alkaline fens [7230], Limestone pavements [8240], Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles [91A0], Bog woodland [91D0], *Margaritifera margaritifera* (Freshwater Pearl Mussel) [1029], *Austroptamobius pallipes* (White-clawed Crayfish) [1092], *Petromyzon marinus* (Sea Lamprey) [1095], *Lampetra planeri* (Brook Lamprey) [1096], *Salmo salar* (Salmon) [1106], *Rhinolophus hipposideros* (Lesser

Horseshoe Bat) [1303], *Lutra lutra* (Otter) [1355], *Najas flexilis* (Slender Naiad) [1833], *Hamatocaulis vernicosus* (Slender Green Feather-moss) [6216]

Galway Bay Complex SAC Site No. 000268 – c. 1 km south of the proposed development. Mutton Island WWTP outfalls into this SAC.

CO - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

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

Lough Corrib SPA (004042) – c. 2.50 km north of the site.

CO - To maintain the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

Qualifying Interests/Species of Conservation Interest: Gadwall (*Anas strepera*) [A051], Shoveler (*Anas clypeata*) [A056], Pochard (*Aythya ferina*) [A059], Tufted Duck (*Aythya fuligula*) [A061], Common Scoter (*Melanitta nigra*) [A065], Hen Harrier (*Circus cyaneus*) [A082], Coot (*Fulica atra*) [A125], Golden Plover (*Pluvialis apricaria*) [A140], Black-headed Gull (*Chroicocephalus ridibundus*) [A179], Common Gull (*Larus canus*) [A182], Common Tern (*Sterna hirundo*) [A193], Arctic Tern (*Sterna paradisaea*) [A194], Greenland White-fronted Goose (*Anser albifrons flavirostris*) [A395], Wetland and Waterbirds [A999]

Inner Galway Bay SPA (004031) - c. 1 km from the site. Mutton Island WWTP outfalls into this SAC.

CO – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

Qualifying Interests/Species of Conservation Interest: Black-throated Diver (*Gavia arctica*) [A002], Great Northern Diver (*Gavia immer*) [A003], Cormorant (*Phalacrocorax carbo*) [A017], Grey Heron (*Ardea cinerea*) [A028], Light-bellied Brent Goose (*Branta bernicla hrota*) [A046], Wigeon (*Anas penelope*) [A050], Teal (*Anas crecca*) [A052], Red-breasted Merganser (*Mergus serrator*) [A069], Ringed Plover (*Charadrius hiaticula*) [A137], Golden Plover (*Pluvialis apricaria*) [A140], Lapwing (*Vanellus vanellus*) [A142], Dunlin (*Calidris alpina*) [A149], Bar-tailed Godwit (*Limosa lapponica*) [A157], Curlew (*Numenius arquata*) [A160], Redshank (*Tringa totanus*) [A162], Turnstone (*Arenaria interpres*) [A169], Black-headed Gull (*Chroicocephalus ridibundus*) [A179], Common Gull (*Larus canus*) [A182], Sandwich Tern (*Sterna sandvicensis*) [A191], Common Tern (*Sterna hirundo*) [A193], Wetland and Waterbirds [A999].

13.7.1. Consideration of Impacts on Lough Corrib SAC [Site Code 000297], Galway Bay Complex SAC [Site Code 000268], Lough Corrib SPA [Site Code 004042] and the Inner Galway Bay SPA [Site Code 004031]:

- There is nothing unique or particularly challenging about the proposed urban development, either at construction phase or operational phase.
- There are no surface water features within the site. The Terryland River adjoins the site at the point of a proposed surface water outfall. The Terryland River flows c. 500 metres at the closest point before discharging to the River Corrib at a location that is within the designated area of the Lough Corrib SAC. The River Corrib in turn discharges to Galway Bay. This surface water connection creates a potential surface water connection to the Lough Corrib SAC, and for a more distant and interrupted connection to the Galway Bay Complex SAC and Inner Galway Bay SPA. Lough Corrib SPA is located over 2 km upstream of the point of entry to the River Corrib and as such, surface water connections

to this site are excluded. In relation to groundwater, while the site sits above a highly vulnerable aquifer the potential for a hydrological connection via groundwater is slim in my view given the dept of soil underlying the site (Geotechnical Report, AECOM consulting refers). The applicants AA Screening Report concludes that in the absence of appropriate mitigation measures, significant impacts are anticipated during the construction phase, via surface water and groundwater pathways on the Lough Corrib SAC, Galway Bay Complex SAC and Inner Galway Bay SPA and that the project must progress to Stage 2 Appropriate Assessment so that mitigation measures may be outlined and incorporated into the proposed construction works in order to safeguard the Natura 2000 sites from any adverse significant impacts. I consider that the conclusions of the applicants screening report in respect of surface and ground water are not well founded. The submitted 'Natura Impact Statement' in Section 6 describes what it calls mitigation measures to avoid likely significant effects arising from potential surface and ground water pathways. During the construction phase standard pollution control measures are to be used to prevent sediment or pollutants from leaving the construction site and entering the surface and ground water systems. During the operational phase clean, attenuated surface water will discharge to the Terryland River in small and controlled volumes. (See Infrastructure Report and Outline Construction Management Plan). The pollution control measures to be undertaken during both the construction and operational phases are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. Furthermore, in the context of the potential for likely significant effects, and having regard to the circumstances of the site and the characteristics of the proposed development including the possible loading of any hazardous materials, it is highly unlikely that contaminated surface water runoff or groundwater from the construction or occupation phases of the proposed development would reach the River Corrib or Galway Bay. Even if an unlikely pollution event were to occur and contaminants from the site reached the designated area of a Natura 2000 site, the volume of the runoff means that there is no realistic prospect that it could

have a significant effect that would hinder the achievement of the conservation objectives of any of the Natura 2000 sites. I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Lough Corrib and Galway Bay can be excluded given the nature and scale of the development, the distant and interrupted hydrological connections via surface and ground waters, and the volume of water separating the application site from Natura 2000 sites in Lough Corrib and Galway Bay (dilution factor). On the basis of the foregoing, I am satisfied that the potential for likely significant effects or cumulative effects on sites in Lough Corrib and Galway Bay due to surface or ground water connections can be screened out.

- The foul discharge from the proposed development would drain, via private and public networks, to the Mutton Island WWTP for treatment and ultimately discharge to Galway Bay. There is potential for an interrupted and distant hydrological connection between the site and sites in Galway Bay due to the wastewater pathway. However, foul discharge from the proposed development is negligible in the context of the overall capacity of the Mutton Island treatment plant (170,000 PE) and thus its impact on the overall discharge would be negligible. Concerns have been raised by a third party in relation to a lack of capacity at the Mutton Island WWTP and in relation to overflows along the network. In this regard, I would note that the Mutton Island WWTP operates under EPA licence (D0050-01) and that the overall network is required to meet environmental standards. The Annual Environmental Report 2017 indicates that the plant is compliant with emission limit values and is operating within its capacity. On the basis of the foregoing, I conclude that the proposed development will not impact the overall water quality status of Galway Bay and that there is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of European sites in or associated with Galway Bay due to foul water discharges.
- The installation of the proposed surface water outfall pipe will involve removal / disturbance of riparian habitat along the bank of the Terryland River. The submitted 'NIS' suggests that this could directly impact Otter a QI of the Galway Bay Complex SAC; and bird species that are QI's of the Inner Galway Bay SPA.

The potential for impacts on QI's associated with the Lough Corrib SPA can be screened out due to the level of separation. The submitted 'Natura Impact Statement' describes what it calls mitigation measures to avoid likely significant effects on Otter and Bird Species (inc. QI's of the Inner Galway Bay SPA) arising from the removal or disturbance of riparian vegetation during the construction phase. I would concur that the measures outlined include measures intended to reduce or avoid significant effects on QI's of European sites in Galway Bay. The potential for effects on QI's of the Galway Bay Complex SAC and the Inner Galway Bay SPA cannot, therefore, be excluded in the absence of mitigation. The implications for the Conservation Objectives of those sites needs to be considered and Appropriate Assessment is therefore required.

13.8. Screening Determination

13.8.1. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the potential for significant effects on two European Sites within Galway Bay as a result of the project individually or in combination with other plans or projects cannot be excluded in view of the Conservation Objectives of those sites, and Appropriate Assessment is therefore required for the following sites:

- Galway Bay Complex SAC [000268]
- Inner Galway Bay SPA [004031]

13.8.2. The possibility of significant effects on other European sites has been excluded on the basis of objective information. The following European sites have been screened out for the need for appropriate assessment.

- Lough Corrib SAC [000297]
- Lough Corrib SPA [004042]

13.8.3. Measures intended to reduce or avoid significant effects on European sites have not been considered in the screening process.

Stage 2 Appropriate Assessment

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

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

Galway Bay Complex SAC Site No. 000268 - 1 km south of the site.	
Conservation Objectives and Qualifying Interests / Special Conservation Interests	Potential Impacts
<p>CO - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p>Qualifying Interests/Species of Conservation Interest: Mudflats and sandflats not covered by seawater at low tide [1140], Coastal lagoons [1150], Large shallow inlets and bays [1160], Reefs [1170], Perennial vegetation of stony banks [1220], Vegetated sea cliffs of the Atlantic and Baltic coasts [1230], Salicornia and other annuals colonising mud and sand [1310], Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330], Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410], Turloughs [3180], <i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130], Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210], Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210], Alkaline fens [7230], Limestone pavements [8240],</p>	<p><u>Direct Effects:</u> No direct effects due to separation distance.</p> <p><u>Indirect Effects:</u> No adverse impacts due to hydrological connections via surface, ground and wastewater pathways. See screening above.</p> <p>Removal / disturbance of riparian habitat during construction phase may temporarily affect Otter through direct impact or disturbance. Could affect population trends / distribution. This could impact on the conservation status of this QI.</p>

Lutra lutra (Otter) [1355], Phoca vitulina (Harbour Seal) [1365]	
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Inner Galway Bay SPA Site No. 004031 – 1 km south of the site.	
Conservation Objectives and Qualifying Interests / Special Conservation Interests	Potential Impacts
<p>CO – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p> <p>Qualifying Interests/Species of Conservation Interest: Black-throated Diver (<i>Gavia arctica</i>) [A002], Great Northern Diver (<i>Gavia immer</i>) [A003], Cormorant (<i>Phalacrocorax carbo</i>) [A017], Grey Heron (<i>Ardea cinerea</i>) [A028], Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046], Wigeon (<i>Anas penelope</i>) [A050], Teal (<i>Anas crecca</i>) [A052], Red-breasted Merganser (<i>Mergus serrator</i>) [A069], Ringed Plover (<i>Charadrius hiaticula</i>) [A137], Golden Plover (<i>Pluvialis apricaria</i>) [A140], Lapwing (<i>Vanellus vanellus</i>) [A142], Dunlin (<i>Calidris alpina</i>) [A149], Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157], Curlew (<i>Numenius arquata</i>) [A160], Redshank (<i>Tringa totanus</i>) [A162], Turnstone (<i>Arenaria interpres</i>) [A169], Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179], Common Gull (<i>Larus canus</i>) [A182], Sandwich Tern (<i>Sterna sandvicensis</i>) [A191], Common Tern (<i>Sterna hirundo</i>) [A193], Wetland and Waterbirds [A999].</p>	<p><u>Direct Effects:</u> No direct effects due to separation distance.</p> <p><u>Indirect Effects:</u> No adverse impacts due to hydrological connections via surface, ground and wastewater pathways. See screening above.</p> <p>Removal / disturbance of riparian habitat during construction phase may temporarily affect all QI bird species through direct impact or disturbance. Could affect population trends / distribution. This could impact on the conservation status of this QI.</p>

13.8.5. Evaluation of Effects

The NIS in Section 6.4 details mitigations measures to be employed during the construction phase of the development aimed at avoiding significant adverse effects arising from disturbance / removal of immature riparian woodland / scrub habitat.

Measures include undertaking most clearance works outside of the bird breeding season to avoid impact to nests and where further clearance is required during the bird breeding season, an experienced ecologist will be employed to check all areas for the presence of nesting birds. In the event that nests are encountered exclusion zones will be put in place to safeguard the nests. An experienced ecologist will check for Otter or Otter crouching sites immediately prior to the commencement of works. The NIS concludes that subject to the mitigation measures outlined any adverse effects on the Galway Bay Complex SAC and the Inner Galway Bay SPA as a result of land-based disturbance are not likely to occur. I consider that the proposed mitigation measures are clearly described, are reasonable, practical and enforceable. I am also satisfied that the measures outlined fully address any potential impacts arising from the proposed development and that it is reasonable to conclude on the basis of objective scientific information, that the proposed development would not be likely to have a significant effect on the Galway Bay Complex SAC and the Inner Galway Bay SPA.

13.8.6. Cumulative and In-Combination Effects

I do not consider that there are any specific in-combination effects that arise from other plans or projects. Given the negligible contribution of the proposed development to the wastewater discharge from Mutton Island, I consider that any potential for in-combination effects on water quality in Galway Bay can be excluded. Furthermore, other projects within the Galway Area which can influence water quality in Galway Bay via rivers and other surface water features are also subject to AA. In this way in-combination impacts of plans or projects are avoided.

13.8.7. AA Conclusion:

The proposed strategic housing development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended. Having carried out screening for Appropriate Assessment of the project, it was concluded that the likelihood of significant effect on the following sites could not be excluded:

- Galway Bay Complex SAC [000268]
- Inner Galway Bay SPA [004031]

13.8.8. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the 2 no. European sites listed above, or any other European site, in view of the site's Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

14.0 Recommendation

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

15.0 Recommended Draft Board 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 17st of June 2020 by Exeter Property Ireland III Limited, care of Thornton O'Connor Town Planning, No. 1 Kilmacud Road Upper, Dundrum, Dublin 14.

Proposed Development: The development will consist of the demolition of the two storey building (582 sq m) at the entrance to the scheme towards the eastern boundary of the site and the removal of the fifth storey (attic) level (1,123 sq m) of the main building; and the provision of horizontal and vertical additions to and extensions of the main existing building providing 920 No. bedspaces (an additional 515 No. student accommodation bedspaces) in 868 No. bedrooms; ancillary student accommodation spaces at basement and ground floor level measuring 1,688 sq m and including gym/fitness studio, games room, library/study spaces, multi-functional spaces, café/restaurant, and student lounge spaces; all provided in a single building in 9 No. linked blocks ranging in height from 2 No. to 6 No. storeys (gross floor space of 24,693 sq m plus basement car-parking (2,443 sq m)).

The scheme also proposes 59 No. car-parking spaces (43 No. basement and 16 No. surface spaces); 656 No. cycle parking spaces; 5 No. motorcycle parking spaces;

external student amenity spaces; hard and soft landscaping; attenuation pond/wetland area; boundary treatments; plant; diversion of services and all associated works above and below ground.

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

A Natura Impact Statement has been prepared in respect of the proposed development.

Decision

Refuse permission for the above proposed development based on the reasons and considerations 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.

16.0 Reasons and Considerations

1. It is considered that the proposed development due to its scale, massing and materiality, does not provide an acceptable design solution having regard to the sites locational context and that it would impact negatively on the urban character of the area. The proposed development would, therefore, be contrary to design criteria set out in Section 3.2 of the Urban Development and Building Heights, Guidelines for Planning Authorities, (2018) in relation to design at a district level and would be contrary to the proper planning and sustainable development of the area.
2. The Board is not satisfied on the basis of the submissions made in connection with the planning application, that the private wastewater and water supply networks serving the site have the capacity and are operationally and structurally adequate to cater for the proposed development. To permit the

proposed development in such circumstances, would be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

Note: The applicant is advised that the Board is not satisfied that the applicant has sufficient legal estate or interest in the private wastewater and water supply networks serving the area to carry out the proposed works, or the approval of the person who has such sufficient legal estate or interest.

Karen Kenny
Senior Planning Inspector

21st September 2020