



Development	Demolition of an ESB enclosure and construction of a seven/eight storey development comprising 4 retail units, a gymnasium and student accommodation (254 beds). A Natura Impact Statement (NIS) was submitted as part of this application.
Location	Headford Road, Townparks, Galway.
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	20184
Applicant(s)	Cleverson Ltd
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	An Taisce Galway Association
Observer(s)	Galway Cycling Campaign.
Date of Site Inspection	11 th June 2021

Inspector

Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.4285 hectares, is located to the north of Galway City Centre and on the western side of the R866 (Headford Road). The appeal site is irregular in shape and is made up of an area of waste ground, the site of ESB substation and a car parking area with access off the R866. Adjoining development include a retail park to the north with the gable of an existing cinema building adjoining the north western boundary of the site. To the west and south west of the site is a large car parking area with access off the Dyke Road. The area is characterised by commercial structures including retail warehousing. To the south east of the site on opposite side of the R866 is a five-storey structure with retail and commercial uses (Lidl).

2.0 Proposed Development

- 2.1. Permission sought for demolition of an ESB unit enclosure and construction of a seven/eight storey development including 4 no. retail units, a gym and student accommodation (254 no. student beds) The proposed development include a vehicular access onto Headford Road via a double height void over ground floor, extension of footpath at Headford road to facilitate landscaping and street furniture, 25 no. external bicycle parking spaces, 114 no. internal bicycle parking spaces over two levels, bin storage areas, 11 no. car parking spaces, outdoor setting area, loading area, substation, telecoms, water pump, switch room, firefighting store emergency generator signage, landscaping and all ancillary site development works and services.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 28 conditions. The conditions are standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning Report (02/09/20): Further information required including reconsideration of design and scale, submission of management and operational plans, comment regarding existing infrastructure, address overlooking issues, the issues raised by the Transportation Section.

Planning (09/02/21): The proposal was considered acceptable in the context of the proper planning and sustainable development of the area. A grant of permission was recommended subject to the conditions set out above.

3.2.2. Other Technical Reports

Environment Enforcement Officer (13/08/20): No objection subject to conditions.

Transportation Section (31/08/20): Further information required including details of public lighting, clarification of area to be taken in charge and incorporation of road alignment provided by the Council.

Drainage Section (13/01/21): No objection.

3.3. Prescribed Bodies

An Taisce: Excessive scale of development, inappropriate form of development and concentration of student accommodation, flood risk, negative impact and wastewater infrastructure.

Dept of Culture, Heritage and the Gaeltachct (26/08/20): Site is within 90m of the Lough Corrib SAC. A condition should be applied requiring implementation of all mitigation measures outlined in the NIS.

3.4. Third Party Observations

3.4.1 Submission from the Galway retail management Company.

The issues raised were as follows...

- Excessive scale, insufficient car parking, lack of clarity regarding infrastructure and consent required to connect to existing services in the adjoining retail park.

4.0 Planning History

19/153: Permission refused for alteration and extension of temporary car park granted under ref no. 17/267.

17/267: Permission granted for temporary use of car park for public use.

17/143: Permission granted for a three-storey mixed use development.

15/212: Permission granted for extension of duration of permission ref no. 10/339.

14/232: Permission granted for a four-storey mixed use development.

13/221: Temporary permission granted to retain use of car park for public use.

10/339: Permission granted for a four-storey mixed use development.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the Galway City Development Plan 2017-2023. The appeal site is zoned Commercial/Industrial (CI) with a stated objective “to provide for enterprise, light industry and commercial uses other than those reserved to the CC zone”.

Under the Development Strategy Section of the GCDP it is stated that “regeneration plans for the Headford Road have been examined through the framework plan process and will be brought forward as a statutory Local Area Plan in the near future”.

5.2. National Policy and Regional Policy

5.2.1 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.

5.2.2 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 bed spaces by end 2019 and at least an additional 21,000 bed spaces 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 bed spaces had been provided in Galway between 2016 and 2019 by NUIG. 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.

5.2.3 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.

5.2.4 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).

5.3 Natural Heritage Designations

Lough Corrib SAC [Site Code 000297] is situated c. 7.4 km from the site

Galway Bay Complex SAC [Site Code 000268] is located c. 0.698 km from the site

Inner Galway Bay SPA [Site Code 004031] is located c. 0.709 km from the site

5.4 EIA Screening

5.4.1 Having regard to the nature and scale of the development which consist of 4 no. retail units, a gym and student accommodation providing for 254 bed spaces and all associated site development works. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal has been lodged by An Taisce-Galway Association. The grounds of appeal are as follows...

- The proposal is premature provision of a Local Area Plan for the area.
- The proposal is premature pending a Density and Buildings Height Study.
- There is deficiencies in the wastewater network with unacceptable levels of untreated sewage being discharged to the Lough Corrib SAC and flowing into the Galway Bay SAC.

6.2. Applicant Response

Response by MKO on behalf of the applicants Cleverson Ltd.

- The lack of Local Area plan has not precluded development in the area with several precedent for development permitted and identified by the appellant in the area. The proposal is consistent with Policy Objectives for the area as set out under the City Development Plan.
- There is housing demand justification for the proposal and such is identified in the Report on Student Accommodation: demand and Supply published by the Higher Education Authority in 2015.
- The height and scale is consistent with current national, regional and local polices. The appeal submission includes an architectural response detailing

how the proposal is an appropriate in terms of design, scale and architectural character at this location.

- In relation to wastewater capacity the application was accompanied by a Pre-Connection enquiry confirmation letter from Irish Water and based on such it is reasonable to conclude there is sufficient capacity to accommodate the proposal. The Mutton Island Wastewater Treatment Plan was subject to a major upgrade between 2014-2015 including providing increased capacity

6.3. Planning Authority Response

6.3.1 Response by Galway County Council (08/04/21)

- The issues raised by the appellant have been given due consideration as part of the planning assessment.

6.4. Observations

6.4.1 An observation has been submitted by Galway Cycling Campaign.

- The number of cycle parking spaces is insufficient given the location of the development with the location of outdoor spaces hazardous due to proximity to a loading bay.
- More detail of how the proposal will link to future walking and cycling infrastructure.
- Clarification is required in relation to cycling access.
- There should be a pedestrian crossing provided on Headford Road.

6.5. Further Responses

6.5.1 No response.

7.0 Assessment

7.1. Having inspected the site

Principle and quantum of the proposed development

Visual Impact

Adjoining Amenity

Standard of Accommodation

Transport and Mobility

Water Services and Flood Risk

7.2 Principle and quantum of the proposed development:

Principle

7.2.1 The site is subject zoned CI under the Galway City Development Plan (GCDP) 2017-2023. The CI zoning objective is 'to provide for enterprise, light industry and commercial uses other than those reserved to the CC zone'. Under this zoning compatible uses are identified and also uses which may contribute to the zoning objectives, dependant on the CI location and scale of development. Included under the second category is "residential content of a scale that would not unduly interfere with the primary use of the land for CI purposes and would accord with the principles of sustainable neighbourhoods outlined in Chapter 2". In this regard I would consider that student accommodation would be permissible within the zoning objective subject to satisfactory design, quality and impact on adjoining lands. The retail aspect of the proposal would be consistent with the zoning objective.

7.2.2 I am satisfied that the proposed student accommodation development is compatible with the zoning objectives pertaining to the site. 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.

- In terms of accessibility the site within a 15-minute walking distance or a 10- minute cycle from NUIG.

- 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.

7.2.3 The site is located close to NUI Galway and is within walking and cycling distance of the campus. The site therefore meets locational and accessibility criteria. 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 bed spaces 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. The applicant submitted a cumulative assessment of student accommodation schemes identified the concentration of such. The assessment shows that there is not an overconcentration of such development in one area and the appeal site is one of more accessible locations in terms of proximity to the campus facilities.

7.2.4 One of the main issue raised in the appeal relates to an objective of the GCDP to provide for an LAP for the Headford Area with the view express that the proposal is premature pending such. Under the Development Strategy Section of the GCDP it is stated that “regeneration plans for the Headford Road have been examined through the framework plan process and will be brought forward as a statutory Local Area Plan in the near future”.

7.2.5 There is no Local Area Plan in place for this area, however such is part of the urban area of Galway City and within the development boundary identified in the zoning map associated with the Galway City Development Plan. The appeal site is zoned CI with a stated objective to provide for enterprise, light industry and commercial uses other than those reserved to the CC zone”. Given the zoning of the land under the GCDP, I can see no reason why the proposed development cannot be assessed on

its merits on the basis of the criteria under the GCDP and that the objective to provide an LAP of the area does not preclude consideration of development at this location. The development is being assessed on its merits under various categories.

7.2.6 The appellants also indicated that the proposal is premature pending a Density and Buildings Height Study. I would reiterate that the site is within the defined development boundary of Galway City as set out under the GDCP and that there is sufficiently robust development plan policy to allow for the proposal be assessed on its merits under existing development Plan policy. The issue of height, density and quantum of development is assessed further in later sections of this report.

Quantum of Development

7.2.7 The consideration of density under the GCDP is derived solely by means of plot ratio. On lands zoned CI the permissible plot ratio under the CDP is 1.25:1. The proposed development has a plot ratio of 3.1:1. The Development Plan standard for site coverage is 0.8/80% with the proposed development having site coverage of 50%. 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.

7.3 Visual Impact:

7.3.1 The area is characterised by commercial development with an existing retail park to the north and a five-storey commercial development on the opposite side of the Headford Road. The proposed development exceeds the prevailing 2-5 storey building heights at this location. The GCDP does not identify maximum building heights. 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.

7.3.2 The application is accompanied by a photomontages illustrating the overall visual impact of the proposed development in the surrounding area. The design of the proposal is for 2 no. blocks one eight-storeys and one seven-storeys with a glazed link on the upper floors. The larger of the two blocks has three-storey portion where it adjoins the existing cinema development. The design of the block is contemporary in nature and features external finishes of brick, stone detailing, metal cladding, aluminium window frames and a high degree of glazing. The site is in an area that is lacking in a strong or well defined urban character due to the commercial nature of the area and it has a combination of retail warehousing/commercial structures as well as a significant level of surface car parking. The area is also defined by the Headford Road/R866, which is a wide and busy thoroughfare.

7.3.3 I would be of the view that the overall design and scale of the proposed development would be acceptable in the context of the visual amenities of the area and the provision of a structure of more forceful character in the area would be beneficial at this location. I am satisfied that the photomontages illustrate that the design and scale of the proposed development could be absorbed at this location without any adverse impact on visual amenity or the architectural character of the area. The applicant has submitted a contextual drawings illustrating the height of the proposal relative to other permitted and existing structures of similar height or more in the Galway City Area. I am of the view that the provision of structures of this scale at this location is appropriate. As noted earlier there is no Development Plan policy restricting height and the criteria for taller buildings is set down under Section 3.2 of

the Urban Development and Building Heights Guidelines in relation to design at a district level.

“At the scale of district/ neighbourhood/ street

- The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape.
- The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.
- The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).
- The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.
- The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood”.

I am satisfied that the proposal does comply with the criteria set down under Section 3.2 of the guidelines. On this basis, I recommend that permission be granted.

7.4 Adjoining Amenity:

7.4.1 The appeal site is currently an ESB substation and is an underutilised piece of land. Immediately adjoining development including a retail park to the north as well as a large car park off Dyke Road to the west and north west. The Headford Road runs along the eastern boundary of the site. The appeal site is within a commercial area is well removed from existing residential development so as to have no impact on the residential amenities of existing properties in the area. The nearest existing structure is the IMC cinema premises to the north west of the appeal site with the existing structure close to the boundary of the site. The block proposed adjacent this boundary is eight-storeys in height but does transition in height to a three-storey

portion to have regard to the existing structure on the adjoining site. The remainder of lands adjoining the site are defined by a large car parking area and the Headford Road. I would be of the view that design has adequate regard to the amenities of adjoining properties.

7.5 Standard of Accommodation:

7.5.1 A total of 254 no. bed spaces are proposed. 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.

7.5.2 The development contains 254 no. bed spaces provide for within 74 no. units. This includes

20 no. 1 bed studios,

14 no. 2 bed twin studios,

6 no. 4 bed units,

23 no. 5 bed units,

5 no. 6 bed units

5 no. 7 bed units.

Each of the bed spaces measure a minimum of 12sqm. Each of the units have a communal kitchen/dining/living area with a study space (32sqm) provided on each floor except level 7. A common room (86sqm) is provided at level 2 with access to an amenity space of 437sqm is also provided. Storage rooms (14sqm) are provided on all levels and bicycle parking for 114 no. bicycles is provided at level 0.5 and 1.5. All bedrooms are ensuite apart from the ones in the twin studio units.

7.5.3 I would be of the view that the standards of the accommodation is sufficient in quality and compliant with guidelines referred to above. All bedrooms are at least 12sqm in area, all units have communal kitchen, living and dining areas with the largest units having 7 bedrooms. The level of communal space serving each unit meets the requirement for 4sqm per bed space for all units. In addition to such communal space there are additional communal areas including a common room on level 2 and study spaces on each floor in addition to an external amenity area on the roof of the three-storey portion of the block.

7.6 Transport and Mobility:

7.6.1 The site is accessed via a new vehicular entrance off the Headford (there is currently a vehicular entrance serving a small car park on site). 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.

7.6.2 The proposal is for 254 student bed spaces, 4 no. retail units and a gym premises. The proposal provides for limited car parking on site in the form of 12 no. spaces, a

loading bay, bicycle parking. The nature of the proposal is such that the parking demand for the student accommodation should not be excessive. The proposal does provide for 114 bicycle parking spaces within the buildings proposed. The observers have questioned whether such is sufficient. With no guidelines regarding such it is unclear what the requirement should be for such. I would be of the view that there should be some increase in the level of bicycle parking provided and such could be dealt with by way of condition with it recommended that at least a level of 50% of the max occupancy of the student accommodation be provided for.

7.6.3 In terms of retail use, I am satisfied that there is a sufficient degree of public parking available adjacent the site (Dyke Road car park) which provides for all day parking to cater for the traffic demand generated by the proposed retail units. Having regard to the nature of the use and the provision of existing parking facilities in the area, I am satisfied that the traffic impact of the proposal would be acceptable at this location and that there is already an existing vehicular access serving the site and a car parking area at this location.

7.7 Water Services and Flood Risk:

7.7.1 The proposal entails connection to existing public infrastructure with details of pre-connection agreement with Irish Water submitted with the application. In relation to flood risk a Flood Risk Assessment was submitted with the site being identified being partially in Flood Zone A and Flood Zone B, but in an area protected by OPW flood defence works carried out in the area.

8.0 **Appropriate Assessment**

8.1 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.

8.2 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 MKO Planning and Environmental Consultants. 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:

“the following European Sites were identified as having the potential to be significantly affected by the proposal:”:

- *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.

8.3 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.

8.4 Brief Description of the Development

The applicant provides a description of the project in Section 2 of the Screening Report. The development relates to the provision of four no. retail units, gym and student accommodation consisting of 254 no. beds with ancillary communal development. The site is serviced by private water and drainage networks that connect to the Irish Water networks. There are no watercourses within the site and no flora or fauna species for which Natura 2000 sites have been designated were recorded on the application site.

8.5 Zone of Influence

A summary of European Sites that occur within the vicinity of the proposed development is presented in Section 3 of the applicant's AA Screening Report. Lough Corrib SAC [Site Code 000297] is situated c. 7.4 km from the site Galway Bay Complex SAC [Site Code 000268] is located c. 0.698 km from the site Inner Galway Bay SPA [Site Code 004031] is located c. 0.709 km from 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 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 possible 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. On this basis the Lough Corrib SAC [Site Code 000297], Galway Bay Complex SAC [Site Code 000268] 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, groundwater connections. 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.

8.6 Screening Assessment

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

Site Code, Site Name and Designation	Approx. Distance form Site	Conservation Objectives; Qualifying Habitats and Species	
000297 Lough Corrib SAC	7.4 km from the site	To maintain or restore the favourable conservation condition of the habitats and species listed as Special Conservation Interests for this SAC:	

		<p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]</p> <p>Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p> <p>Depressions on peat substrates of the Rhynchosporion [7150]</p> <p>Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Bog woodland [91D0]</p>	
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		<p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Najas flexilis (Slender Naiad) [1833]</p> <p>Hamatocaulis vernicosus (Slender Green Feather-moss) [6216]</p>	
004031 Inner Galway Bay SPA	0.709 km from the site.	<p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservations Interests for this SPA:</p> <p>Black-throated Diver (Gavia arctica) [A002]</p> <p>Great Northern Diver (Gavia immer) [A003]</p> <p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Grey Heron (Ardea cinerea) [A028]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Wigeon (Anas penelope) [A050]</p> <p>Teal (Anas crecca) [A052]</p>	

		<p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Sandwich Tern (<i>Sterna sandvicensis</i>) [A191]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Wetland and Waterbirds [A999]</p>	
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000268 Galway Bay Complex SAC	0.698 km from the site.	<p>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>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p>	
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		<p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Turloughs [3180]</p> <p><i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Phoca vitulina</i> (Harbour Seal) [1365]</p>	
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8.7 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.
- 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.

- There are no surface water features within the site and no direct surface water connection between the site and the designated sites. In relation to groundwater, while the site sits above a highly vulnerable aquifer the potential for a hydrological connection via groundwater is slim. The applicants AA Screening Report concludes that in the absence of appropriate mitigation measures, significant impacts are possible 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.

The potential for effects on QI's of the Lough Corrib SAC, 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.

8.8 Screening Determination

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 three 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:

- Lough Corrib SAC [Site Code 000297]
- Galway Bay Complex SAC [000268]
- Inner Galway Bay SPA [004031]

8.8 Stage 2 Appropriate Assessment

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

Lough Corrib SAC Site No. 000297 – 7.4km from the site

Conservation Objectives and Qualifying Interests / Special Conservation Interests	Potential Impacts
CO - To maintain or restore the favourable conservation condition of the habitats and species listed as Special Conservation Interests for this SAC:	<p>Direct Effects</p> <p>No direct effects due to separation distance.</p> <p>Indeircet Effects</p> <p>Potential impacts due to hydrological connections via surface and ground pathways. See screening above.</p>

<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130]</p> <p>Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. [3140]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]</p> <p><i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p> <p>Depressions on peat substrates of the <i>Rhynchosporion</i> [7150]</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]</p> <p>Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220]</p> <p>Alkaline fens [7230]</p>	
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<p>Limestone pavements [8240]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Bog woodland [91D0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Najas flexilis (Slender Naiad) [1833]</p> <p>Hamatocaulis vernicosus (Slender Green Feather-moss) [6216]</p>	
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Galway Bay Complex SAC Site No. 000268 - 1 km south of the site.

Conservation Objectives and Qualifying Interests / Special Conservation Interests	Potential Impacts
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	Direct Effects: No direct effects due to separation distance.

<p>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 (<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 davalliana</i> [7210], Alkaline fens [7230], Limestone pavements [8240],</p> <p>Direct Effects: No direct effects due to separation distance. Indirect Effects: No adverse impacts due to hydrological connections via surface, ground and wastewater pathways. See screening above. Removal / disturbance of riparian habitat during construction phase may temporarily affect Otter through direct impact or disturbance. Could affect population trends /</p>	<p>Indirect Effects: Potential impacts due to hydrological connections via surface and ground pathways.</p>
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<p>distribution. This could impact on the conservation status of this QI. ABP-307344-20 Inspector's Report Page 47 of 51 <i>Lutra lutra</i> (Otter) [1355], <i>Phoca vitulina</i> (Harbour Seal) [1365]</p>	
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<p>Conservation Objectives and Qualifying Interests / Special Conservation Interests</p>	<p>Potential Impacts</p>
<p>CO - To maintain or restore the favourable conservation condition of the bird species listed as Special Conservations Interests for this SPA:</p> <p>Black-throated Diver (<i>Gavia arctica</i>) [A002]</p> <p>Great Northern Diver (<i>Gavia immer</i>) [A003]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Grey Heron (<i>Ardea cinerea</i>) [A028]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p>	<p>Direct Effects: No direct effects due to separation distance.</p> <p>Indirect Effects: Potential impacts due to hydrological connections via surface and ground pathways.</p>

<p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Sandwich Tern (<i>Sterna sandvicensis</i>) [A191]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Wetland and Waterbirds [A999]</p>	
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8.9 Evaluation of Effects

The submitted 'Natura Impact Statement' in Section 3 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 the proposal is connected to the Irish Water drainage infrastructure. The proposal incorporates Sustainable Urban Drainage systems (SUDS) to reduce runoff and improve water quality including the provision of green roofs. 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.

The NIS in Section 3.3 details mitigation measures to be employed during the construction phase of the development aimed at avoiding impacts on surface water and groundwater. The NIS concludes that subject to the mitigation measures outlined any adverse effects on the Lough Corrib SAC, 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 has been demonstrated based on the information in the submitted Natura Impact Statement that with implementation of mitigation measures including construction management and operational measures that the proposed development, individually or in combination with other plans and projects would not adversely affect the Lough Corrib SAC (Site Code 000297), Galway Bay Complex SAC (Site Code 000268) and the Inner Galway Bay SPA (Site Code 004031).

8.10 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.

8.11 AA Conclusion

The proposed 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:

- Lough Corrib SAC [000297]
- Galway Bay Complex SAC [000268]
- Inner Galway Bay SPA [004031]

8.12 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, I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the Lough Corrib SAC (Site Code 000297), Galway Bay Complex SAC (Site Code 000268) and the Inner Galway Bay SPA (Site Code 004031), in view of the sites' Conservation Objectives.

9.0 Recommendation

9.1. I recommend a grant of permission subject to the following conditions.

10.0 Reasons and Considerations

Having regard to:

- (a) The provision of the Galway City Council Development Plan 2017-2023,
- (c) The existing pattern of development at this location,
- (d) The design, scale and layout of the proposed development, and
- (e) The submissions and observations on file,

It is considered that, subject to the compliance with the conditions set out below, the proposed development would be in accordance Development Plan policy, would not detract from the visual amenities of the area, would be acceptable in the context of the amenities of adjoining properties, be satisfactory in the context of traffic safety and convenience, and would be acceptable in the context of flood risk management and surface water drainage. The proposed development would therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment:

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Lough Corrib SAC (Site Code 000297), Galway Bay Complex SAC (Site Code 000268) and the Inner Galway Bay SPA (Site Code 004031) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura impact statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the Lough Corrib SAC (Site Code 000297), Galway Bay Complex SAC (Site Code 000268) and the Inner Galway Bay SPA (Site Code 004031), in view of the sites' conservation objectives.

The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii) the mitigation measures which are included as part of the current proposal, and
- iii) the conservation objectives for the European Site.

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

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

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and as amended by the further plans submitted on the 18th day of December 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. (a) The proposed development hereby permitted shall only be occupied as student accommodation, in accordance with the definition of student accommodation provided under section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act 2016, and shall not be used for any other purpose without a prior grant of planning permission for change of use.

(b) Full details of the hours of operation of the proposed coffee shop / restaurant unit shall be submitted to and agreed in writing with the planning authority prior to the

commencement of development. The unit shall not be used for the sale of hot fast food or intoxicating liquor for consumption off the premises.

Reason: In the interest of residential amenity and to limit the scope of the proposed development to that for which the application was made.

4. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

5. Prior to the occupation of any of the retail unit, the details of the intended occupier shall be submitted to the Local Authority and agreed in writing prior to the commencement of development.

Reason: In the interests of orderly development.

6. Prior to the commencement of development the applicant shall submit revised plans providing for bicycle parking to cater for at minimum 50% of the full occupancy level of the proposed student accommodation.

Reason: In the interests of orderly development.

7. The development constructed and/or completed on foot of this permission shall comply with the standards and specifications set out in of the Design Manual for Urban Roads and Streets (DMURS) issued in 2013. All streets shall be local streets as set out in section 3.2.1 of DMURS whose carriageway shall not exceed 5.5m in width. Where perpendicular parking is provided on those streets the additional width required for vehicles to manoeuvre shall be incorporated into the spaces in accordance with figure 4.82 of DMURS.

Reason: In the interests of road safety and to ensure that the streets in the authorised development facilitate movement by sustainable transport modes in accordance with the applicable standards set out in DMURS.

8. Prior to the commencement of development the applicant/developer shall consult with the Planning Authority and submit for the written agreement details of any alterations to the public roads surrounding the site including road layout, traffic markings, pedestrian crossings and cycle path provision.

Reason: In the interests of orderly development and traffic safety.

9. The materials, colours and finishes of the permitted buildings and the treatment of streets and open spaces shall be in accordance with the details submitted with the application including the retail design guidelines, unless the prior written agreement of the planning authority is obtained to minor departures from those details.

Reason: In the interests of visual amenity.

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

Reason: In the interests of public health.

11. The applicant or developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

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

Reason: In the interests of visual and residential amenity.

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

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

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

Reason: In the interest of residential amenity.

15. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

(a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and on-site car parking facilities for site workers during the course of construction and the prohibition of parking on neighbouring residential streets;

(b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(e) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

(f) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority. The developer shall provide contact details for the public to make complaints during construction and provide a record of any such complaints and its response to them, which may also be inspected by the planning authority.

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

16. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

17. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

18. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:-

notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and employ a suitably-qualified archaeologist prior to commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:-

the nature and location of archaeological material on the site, and the impact of the proposed development on such archaeological material.

A report containing the results of the assessment shall be submitted to the planning authority with any application for permission consequent on this grant of outline permission. Details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to the commencement of construction work, shall be determined at permission consequent stage.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

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

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

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

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

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

Colin McBride
Planning Inspector

16th June 2021