



An
Bord
Pleanála

Inspector's Report ABP 310568-21

Development

Redevelopment of lands to rear of Ceannt Train Station, Galway for mixed use development including residential, retail services, cafes/restaurants, a hotel, civic/cultural uses, offices, refurbishment and extension of protected structures and open space.

Location

Site bounded by Eyre Square, Ceannt Railway/Bus Station, Lough Atalia Road, Forthill Cemetery, Bothar na Long, Queen Street and Victoria Place, Galway.

Applicant

Seagullpoint Ltd.

Type of Application

Planning permission.

Appellants

An Taisce, Galway Branch
Brendan Mulligan
Seagullpoint Ltd.

Observers

None

Prescribed Bodies

1. National Transport Authority
2. Transport Infrastructure Ireland

Dates of Site Inspection

8th August 2022 and 14th October, 2022

Inspector

Mary Kennelly

Appendices

1. Report of Inspectorate Ecologist 10th February 2023
2. Photographs of Site and surrounds
3. Extracts from Galway City Development Plan 2023-2029

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1.0 Site Location and Description

- 1.1.1. The site, which has a stated area of 3.46 hectares, comprises almost an entire urban block located in the heart of Galway City Centre. It is largely in the ownership of Coras Iompair Eireann (3.3ha) with the remainder in the ownership of Galway City Council and Galway Harbour Company. The site is bounded to the north-east by the train station terminus and mainline rail line, to the south-east by Lough Atalia Road, and to the south-west by Forthill Cemetery (Protected Structure). The site adjoins the western elevation of Ceannt Station, which is the central train/bus station and is primarily used as a parking area and storage/maintenance area associated with the train station. With a limited frontage to Eyre Square South and a substantial road frontage to Lough Atalia Road, the site forms a significant site in the centre of the city linking the city core area with the harbour.
- 1.1.2. The site is currently accessed from Eyre Square between No. 16 Eyre Sq. and the Hardiman Hotel (both Protected Structures), and from Lough Atalia Road (used by CIE only but is currently used as a construction access to the Bonham Quay development). The site is predominantly covered in tarmac with some railway sidings, together with several railway associated buildings scattered throughout the site. The western side of the railway terminus building dominates the northern boundary, but does not address the site, with boarded up or shuttered openings along this elevation. There is a ramp and external stairs leading to a single pedestrian entrance to the station. There is a masonry railway goods shed, known as the 'Train Shed' in the central section of the northern part of the site, which is a Protected Structure. A further Protected Structure is located along the western edge of the site, 'The Stables', which is at a significantly lower level (c. 2 storeys).
- 1.1.3. The topography of the site incorporates a significant variance in ground levels. The majority of the site lies at the same level as the railway tracks, which is stated to be +10.0 to +11.0 metres above sea level. Lough Atalia Road is said to be 3-4 metres below this level, whilst Eyre Square is also approx. 3 metres below existing ground levels on the site. There is a much steeper drop in ground levels (c. 5-6m) to the south-west of the site, where the 'Stables Building' is located. As a result, the developer has named the various levels proposed within the development as +5.0m OD, +10.0m OD etc., instead of Ground Floor, First Floor etc.

- 1.1.4. The Hardiman Hotel (formerly Meyrick Hotel) was extended in the past with a modern structure cantilevered over the entrance accessway from Eyre Square. Immediately to the west of the entrance is a Protected Structure, No. 16 Eyre Square which, together with its rear garden and rear extension, forms part of the site. The rear of this site is at a lower level than the entrance (and remainder of the site) and is bounded by a masonry wall which runs alongside the access to the site. The southern boundary of 16 Eyre Square is with the Victoria Hotel, which is a six-storey building and fronts onto Victoria Place/Queen Street. This hotel is also at a lower level than the appeal site and is separated from the site by a stone wall which is at the station carpark level. There is a Presbyterian Church (PS) on Queen Street which immediately abuts the Victoria Hotel and backs onto the appeal site adjoining the Stables building. The recently permitted Queen Street Student Housing Scheme (2 blocks fronting Queen St) is situated to the west of the Presbyterian Church and this scheme abuts the north-western site boundary. The remainder of Queen Street and Victoria Place contain a mix of houses, commercial buildings and the Bonham Quay development, which are all at the lower level of the Stables Building.
- 1.1.5. Forthill Cemetery which has substantial historic masonry walls enclosing it, is also a Protected Structure and a Recorded Monument, and the northern boundary walls form part of the site of the proposed development. This is a substantial historic structure which was formerly enclosed by fortified walls as part of a star fort. The appeal site boundary abuts the cemetery along the northern and western edges of the burial grounds but at a much higher ground level, whilst the eastern cemetery boundary fronts directly onto Lough Atalia Road. A long, narrow vacant site (formerly a coal-yard) abuts the southern boundary of the cemetery and is wedged between the substantial masonry walls of the cemetery on one side and the former fortress walls that surrounded the cemetery on the other, which form the interface with Bothar na Long. This site is the subject of a current application/appeal for an eleven-storey hotel.
- 1.1.6. There is a limited roadside frontage to the appeal site adjoining the cemetery to Bothar na Long (secondary access point to south-west). The western boundary of the coal-yard site abuts the appeal site at the access point where it meets Bothar na Long. The recently commenced Bonham Quay development, (4 no. office blocks on site bounded by Bothar na Long and Queen St.), bounds the north-western side of

the access point. This development is under construction with two blocks nearing completion at the time of my inspection.

- 1.1.7. The vicinity of the site is characterised by a varied mix and intensity of uses. Mixed use, retail and restaurant uses predominate to the west with the docks and associated uses to the south, including a marina, some hotels, Galway Enterprise Park and the Aran Island Ferries terminus. Lough Atalia Road is dominated by the impenetrable boundary of the site on its western side, with low scale/density uses such as a petrol filling station, convenience store and car park on the opposite side. The Harbour Hotel is located opposite the cemetery on Bothar na Long. The surrounding area is in a state of transition, particularly to the west, south and east with new buildings, (e.g. Bonham Quay and student apartments), which are under construction.

2.0 Proposed Development

2.1. Introduction

- 2.1.1. The proposal entails both demolition, adaptive reuse and new build to provide for a mixed use scheme of primarily residential and retail uses, supported by a range of offices, cafés and restaurants, licenced premises, a hotel, civic/cultural use, with a cinema, outdoor performance spaces, a multi-storey carpark, large scale cycle parking provision, electric vehicle charging areas all of which will be interconnected by areas of new public realm including pedestrianised streets, squares and plazas as well as a central landscaped open space. Vehicular access (apart from deliveries) is confined to Lough Atalia Road (multi-storey car park). The proposed development is arranged across ten blocks, some of which are in the form of conjoined towers. The mixed uses are distributed both vertically and horizontally across the site.
- 2.1.2. The Board is advised that a detailed description of the development, as originally submitted and as altered by the FI submission of the 19/03/21, is provided in the public notices submitted with the planning application (as revised) and in the Planning Reports (Stephen Little dated 21/02/20 and 19/03/21) and is referenced in several other documents on file including the EIAR and revised EIAR. I would refer the Board to these documents for a full and detailed description of the development

as originally submitted and as altered by the FI response of the 19/03/21. In brief, it comprises the following main elements:

2.2. Proposed Development

- 2.2.1. The proposal comprises a mixed-use urban regeneration development on a 3.64ha site which is arranged over 10 blocks including 6 residential towers above four of the blocks. The gross floor area of the proposed mixed use development, exclusive of the multi-storey carpark, the basement service area and the access ramp is stated to be 101,327sq.m. The overall proposed gross floor area is 128,080 sq.m. The mix of uses (as originally submitted) includes residential (376 apartments); retail use (26,449m²) over 1-3 levels comprising 28 retail units and 2 department stores; a 189-bedroom hotel (9,010m²); cafes and restaurants principally contained within the adapted and extended Protected Structures of the Train Shed and the Stables, as well as in the Dining Terrace; offices, a 6-screen cinema and other uses including a multi-use cultural space and community facilities.
- 2.2.2. The mix of uses is distributed across different levels both horizontally and vertically, apart from the adaptations to the Protected Structures, with the lower levels generally given over to the public realm and retail/restaurant uses. The retail uses are spread over three levels (Podium Levels 1-3) with leisure, cultural and community uses above and the residential uses are also located above the podium levels. One of the main external retail 'streets' will be covered with latticed timber and glazing to provide shelter from inclement weather. The upper podium level includes a range of restaurants, cafes and terraces with views over the development and/or Galway Bay.
- 2.2.3. **Layout of blocks**
- Block 1 – 16 Eyre Square (PS) – rear extension - office use
- Block 2 – Hotel – comprising 2 no. conjoined towers - Pin 7, Pin 8 (to SE of Block 1)
- Block 3 – Refurbished Train Shed as restaurant (PS) – central northern section site
- Block 4 – Multi-storey carpark – between Train Shed and buildings on Lough Atalia
- Block 5 – Residential (Pin 06) over retail adj. to Stables Building to west (redbrick)
- Block 6 – Mainly retail with sky garden at roof level in centre of site (gold building)

Block 7 – 21-storey residential tower at SE corner fronting Lough Atalia Rd.

Block 8 – 2 no. residential towers (Pin 02, Pin 03) over podium LA Rd.

Block 9 – 2 no. residential towers (Pin 04, Pin 05) over podium (adj. cemetery)

Block 10 – Enterprise (office) building to W of cemetery nr entrance from B na Long

2.2.4. Residential element

The residential development comprises 376 apartments, of which 248 are Build-to-Rent units and are contained within Blocks 5, 7, 8 and 9 respectively. This represents a density of 109 units/ha. The apartments are provided within six 'tower blocks' which sit over the podium levels and are referred to as 'Pin 01' to 'Pin 06' consecutively (reference to the 'Twelve Pins'). A summary of the overall layout of the residential accommodation is as follows:

Block 5 – 43 Independent Living units contained within '**Pin 06**'. This represents 6 floors of the proposed redbrick building in the central western part of the site (adjacent to the Stables building), which would be positioned over Podium 03 with an overall height of 10 storeys. Accommodation comprises 6 no. 1-bed units and 37 no. 2-bed units. Private amenity space in the form of balconies, terraces and winter gardens. Communal space at podium level and at roof level.

Block 7 – 85 apartments contained within '**Pin 01**' - a single tower fronting directly onto Lough Atalia Road at the south-eastern corner of the site. It is Part 10 storeys and part 16 storeys over Podium 04, which results in an overall height of 21 storeys. Accommodation includes 3 no. studio units, 14 no. 1-bed, 55 no. 2-bed and 13 no. 3-bed units. Private amenity space in the form of balconies, terraces and winter gardens. Communal space at podium level and at roof level.

Block 8 – 146 Build-to-Rent apartments within 2 towers '**Pin 02**' and '**Pin 03**'. This block faces onto Lough Atalia Road to the west of Block 7 and comprises 8 floors and 12 floors respectively over Podium 04, giving an overall height of 17 storeys. Pin 02 contains 57 units of which 13 no. are 1-bed, 42 no. are 2-bed and 2 no. are 3-bed. Pin 03 contains 89 units of which 20 no. are 1-bed, 67 no. are 2-bed and 2 no. are 3-bed. Private amenity space in the form of balconies, terraces and winter gardens. Communal space at podium level and at roof level.

Block 9 – 102 Build-to-Rent apartments within 2 towers '**Pin 04**' and '**Pin 05**'. This block is adjacent to the Forthill Cemetery and comprises 8 floors and 11 floors over

Podium 04. Pin 04 contains 42 units of which 13 no. are 1-bed and 29 no. are 2-bed. Pin 05 contains 60 units of which 11 no. are 1-bed and 49 no. are 2-bed. Private amenity space in the form of balconies, terraces and winter gardens. Communal space at podium level and at roof level.

Part V – the proposed development will include 10% of the units (37) under Part V, social and Affordable Housing.

2.2.5. **Office use**

Offices (3,787m²) are accommodated within the refurbished and adapted PS, No. 16 Eyre Square and in Block 1, a 3-storey extension to the rear. A further office development (Block 10) is provided near the Bothar na Long entrance. This will be adjacent to the Bonham Quay development which is currently under construction and consists of multi-storey office buildings with retail/restaurant at ground floor level.

2.2.6. **Retail use**

The proposed gross retail floor space is stated to be 26,449sq.m (18,514sq.m net) which includes a range of types of retail uses including anchor stores such as department stores, as well as medium sized and small sized units. They are spread throughout the development with particular emphasis on the pedestrian routes through the site. The retail provision at Level 01 (+5m OD) is mainly centred around a proposed East-West arterial pedestrian street - Ceannt Street. At Level 02, (+10.0m OD) the retail provision is more dispersed and at Level 03, (+15m OD), it is concentrated at Blocks 2, 5, 6, 8 and 9.

The main retail area is focused on the proposed Ceannt Street and Merchant's Square. It is proposed to provide a 'roof canopy' over these retail areas, which would be framed by Blocks 6, 7, 8 and 9. The proposed timber lattice structure would be glazed, thereby providing shelter for pedestrians in an external environment.

2.2.7. **Hotel, Cafes and Restaurants**

The Stables building (PS) provides the restaurant/café space at Level 01 and within the ground floor of Block 5 opposite. Restaurant/café space at Level 02 will be provided within the refurbished and extended Train Shed, which would benefit from the proximity to the rejuvenated Ceannt Station (under separate permission) and the public plaza (Connaught Square), with further active uses proposed at podium level

of Block 2 (hotel) fronting onto the plaza. The Train Shed Protected Structure (to the SE of the main terminus) is to be carefully renovated and refurbished and opened up with new glazed elements and an additional building is to be constructed alongside it to the immediate north. This will form a central element in the proposed active uses at Level 02 at the northern end of the site.

It is proposed to provide a 'Dining Terrace' at Level 03 (+15m OD). This will be across Blocks 6, 8 and 9 with panoramic views towards the harbour area. The hotel (Block 2) is 9-10 storeys in height with two towers joined by a glazed screen over a 2-storey pediment with hotel and retail uses. The area to the west of the hotel will have provision for cycle parking and the area to the north will comprise a new street with steps leading to Ceannt Station.

2.2.8. Entertainment and cultural facilities

The facilities include a proposed 6-screen cinema (2,777m²) a multi-use cultural space (2,203m²) and community facilities (1,428m²). The community facilities include a cycle hub/sustainability hub, a childcare facility and a centrally located landscaped open space (sky garden).

2.2.9. Open Spaces

- A total of 15,465sq.m of public open space is proposed to be provided throughout the scheme.
- New pedestrianised streets as well as several public squares/plazas throughout the site
- Surface level public open space are provided at 'Festival Square' and 'Merchant's Square'
- Enhanced public space is provided at 'Connaught Square' beside the 'Train shed'.
- Communal open space is provided for the proposed apartments in the form of courtyards and roof terraces with a total of 3,490sq.m. Private open space is provided in the form of balconies and winter gardens

2.2.10. Car and cycle parking

Multi-storey carpark with a total of 572 spaces, of which 110 spaces designated for residential, 332 spaces for commercial uses and 130 spaces for Ceannt Station.

A total of 1,157 bicycle parking spaces are proposed to be provided. This includes 544 spaces for residents and 613 spaces for visitors/commercial uses.

2.2.11. Site Services

It is proposed to discharge foul drainage to a combined sewer in Bothar na Long to the south. The proposed development will be served by a new separate surface water network which will discharge to the public sewer at the junction of Queen Street and Bothar na Long. This will require a new pipe of approx. 130m length with 2 no. new manholes on Bothar na Long. The proposed development will connect to the existing water main on Lough Atalia Road. 24 hour storage is proposed within the site to cater for possible shutdowns.

2.2.12. Phasing

It is envisaged that there will be four phases commencing with the commercial buildings (retail, offices, hotel and multi-storey car park) and two of the residential towers (Pins 05 and 06 comprising 107 residential units). Phase 1 would comprise 66% of the total development and would cover the majority of the footprint of the site. The enabling works and construction of the basement would also comprise the 1st phase with development works progressing from west to east with the construction of the remainder of the residential blocks, Pins 03 and 04 (131 units), followed by Pin 02 (57 units) and then Pin 01 (83 units).

Permission is being sought for 10 years, given the scale and complexity of the project.

2.3. Planning Documentation

The application is accompanied by a total of 43 documents (listed at the back of the Planning Report and includes the following:

- Planning Report (Stephen Little & Associates)
- EIAR
- Appropriate Assessment Screening Report (Aquafact International Services)
- Natura Impact Statement (Aquafact International Services)
- Architectural Design Statement (BDP Architects)

- Masterplan (BDP Architects)
- Landscape Design Report (BDP Architects)
- Schedule of Accommodation (BDP Architects)
- Housing Quality Assessment (BDP Architects)
- Traffic and Transport Impact Assessment & Mobility Management Plan (ILTP)
- Road Safety Audit (ILTP)
- Construction Methodology and Phasing Management Plan
- Infrastructure Report
- Outline Construction and Demolition Waste Management Plan
- Photomontages and a series of Visualisation Sketches
- Plans and Drawings.

2.4. Further Information

A request for further information was issued on the 15/06/20. A response to same was received 19/03/21 and included further details on a wide range of issues including revised plans and documentation. The issues covered included height of buildings, impact on built heritage, density, retail impact, residential development, amenity issues including daylighting and sunlighting, architectural heritage, transportation and Appropriate Assessment.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority issued a **Split Decision** on the 24th May 2021. It was decided to **Refuse Permission** for the Residential Towers numbered Pin 04 and Pin 05 of Block No. 9 for the following reason:

It is considered that these residential towers, by virtue of their excessive height, scale and massing coupled with their unsatisfactory interrelationship with the balance of the development proposed and their extreme proximity to Forthill Cemetery, cannot sympathetically assimilate into the scheme and will have a

detrimental impact on adjoining heritage assets, key views and the character of Galway's townscape. These elements of the proposed scheme are considered contrary to the policies and objectives of the Galway City Development Plan and therefore to the proper planning and sustainable development of the area.

3.1.2. The P.A. decided to **Grant Permission** for the remainder of the development (as modified on 19/03/21) subject to 53 no. conditions. The planning authority carried out an Appropriate Assessment and an Environmental Impact Assessment, the findings of which are set out in the decision. Most of the conditions were of a standard type but others were specific to the development. The most relevant conditions may be summarised as follows:

Condition 2: 10 year permission

Condition 4: Development contribution €4,025,290.00 in accordance with the Galway Development Contribution Scheme.

Condition 5: Bond – completion of services

Condition 6: The permitted portion of Block 9 shall be amended in layout and scale by the relocation of the southern building line a minimum of 4m to the north starting at Podium level shown as +10m in section drawings submitted on 19/03/21 (Drg. No. P2008544). The southern building line shall be taken to be that defined by the supporting structural colonnades. Revised drawings showing the reduction in plan, elevation and section shall be submitted and agreed in writing with the planning authority. The reduction in floorspace shall be taken from the commercial (retail/café and restaurant) element of the scheme. All such details shall be agreed in writing prior to commencement of the development.

Reason: In order to secure a sufficient buffer from Forthill Cemetery, a Protected Structure and Recorded Monument in the interests of protecting the archaeological heritage of the city.

Condition 7: The treatment of the elevation of the southern boundary of Block 9 shall be revised to address the unsympathetically large scale of structural elements of the building, consisting of large vertical colonnades and an extensive, dominant, horizontal band feature.

Prior to commencement of development, revised drawings shall be submitted to the planning authority for written agreement.

Reason: In the interests of visual amenity and to allow for an acceptable interface between Forthill Cemetery.

Condition 8: The development shall be reduced in scale by the removal of the following floors in the respective buildings as shown on drawings submitted on 19/03/21.

(a) Block 8, Pin No. 03, removal of levels (floors) 04, 05, 06, 07 and 08.

(b) Block 8, Pin No. 02, removal of levels (floors) 04 and 05.

(c) Block 5, Pin No. 06, removal of levels (floors) 04 and 05.

Revised drawings showing the reduction in plan, elevation and section shall be submitted to be agreed in writing with the planning authority prior to the commencement of development.

Reason: In order to reduce the impact of the excessive clustering of tall buildings, improve the relationship between buildings in the scheme and to reduce the impact on sensitive areas of architectural character in the city in the interests of visual amenity and built heritage.

Condition 9: The development shall be reduced in scale by the removal of the following floors in the Hotel building as shown on drawings submitted on 19/03/21.

(a) Block 02, Pin No. 07, removal of levels (floors) 01 and level 02.

(b) Block 02, Pin No. 08, removal of levels (floors) 01 and level 02.

Revised drawings showing the reduction in plan, elevation and section shall be submitted to be agreed in writing with the planning authority prior to the commencement of development.

Reason: In order to reduce the impact of the excessive clustering of tall buildings, improve the relationship between buildings in the scheme and to reduce the impact on sensitive areas of architectural

character in the city in the interests of visual amenity and built heritage.

- Condition 10: Build-to-Rent – operate in accordance with definition in Sustainable Urban Housing Design Standards for New Apartment Guidelines (2018) and be used for long term rentals only – no short-term lettings.
- Condition 11: Build-to-Rent – evidence of ownership/operation by an institutional entity for a minimum of 15 years and no units to be sold separately.
- Condition 12: Build-to-Rent – prior to expiration of 15 years, details to be agreed of ownership and management for following period.
- Condition 13: Revised Phasing Plan to include revisions to scheme and to include Block 4 in the first construction phase (Cluster 1); and to include Block 3 (Train Shed) and works to facilitate access off Bothar na Long/Coalyard Walk and all associate landscaping and public realm enhancement in conjunction with Cluster 2.
- Condition 14: Archaeology – Pre-development testing to be carried out under licence.
- Condition 15: Employ a Conservation Architect to supervise all works to the Protected Structures/within curtilages on site. In addition:-
- (a) Submit details of methodology/materials/re-use salvaged materials including walling to rear No. 16 Eyre Sq. and existing stone walling along Lough Atalia Road.
 - (b) Submit revised drawings for southern elevation of Train Shed (Block 3) showing a maximum of 2 no. external openings and restoration of the balance.
 - (c) The chimney to the former Stables Building shall be restored and reinserted in the new roof of the building. Revised drawings/methodology etc. to be submitted.
 - (d) All works to protected structures to be recorded in detail.

- (e) On completion of works, Conservation Architect to submit report certifying compliance with Architectural Heritage Impact Assessment.

Condition 16: Employ qualified archivist – report on industrial heritage of site.

Condition 17: Detailed specification in accordance with Public Realm and Landscape Masterplan to be submitted including details of public access arrangements and management strategy. Subsections of condition require further details and specifications to be agreed. Subsection (f) requires submission of a revised plan for ‘Coalyard Walk’ requiring omission of public art proposal and replacement with “a graded soft landscape area banked onto Forthill Cemetery, inclusion of a smaller form of art work, public seating....”

Condition 18 Management and maintenance of development, including public realm, external fabric of buildings, internal common areas, open spaces, landscaping, roads, paths, parking areas, public lighting, waste facilities and sanitary services shall be the responsibility of a Management Company and details to be agreed with P.A.

Condition 19 Traffic and transport/Mobility Management – in addition to mitigation in EIAR – the link between Eyre Square and Ceannt Station (‘Eyre’s Walk’) and the link between Bothar na Long and the proposed development (‘French Garden’) shall be restricted to pedestrian and cyclists (dismounted) only apart from night-time – deliveries.

Condition 20 Public access at all times to all streets, routes and access points including covered ‘Meadle Street’.

Condition 21 CEMP and Construction Traffic Management Plan.

Condition 26 Details of external finishes including materials, colours and textures to be agreed including a revised brick type for Block 5.

Condition 35 Flexibility to facilitate future amalgamation of small retail units (any 2 units up to a maximum of 8 units).

Condition 36 ‘Coalyard Walk’ (including area formerly dedicated to block 10) to be kept free of development and used only in association with public

open space. Revised plans for replacement sculpture to be submitted and agreed.

- Condition 37 Public Art – tender for competition – 4 no. art work/features
- Condition 38 Cultural space within Block 6 shall not be subdivided – operate as a single space in accordance with CDP – details to be submitted.
- Condition 39 Roof space over Block 6 to be completed and made available prior to occupation of any part of this block
- Condition 40 Community spaces over Blocks 1, 4, 8 and 9 to be completed and made available to local community at not-for-profit cost.
- Condition 41 Enlarged childcare facility – revised plans to increase facility to 80 places.
- Condition 45 All mitigation and monitoring measures in EIAR – Biodiversity chapter – and Bat survey Report (App. 6.2) to be implemented in full and a bat monitoring programme to be put in place to include both construction and operational phases of development.
- Condition 46 no works to prejudice functioning/operation or future development of Ceannt Station.
- Condition 49 Pedestrian crossings – details to be provided.
- Condition 50 Details of management, layout, signage and payment structure for car park to be submitted for agreement. Commercial spaces to be short-term only and longer stays confined to Irish Rail customers.
- Condition 51 Mobility Management Plan to be implemented.
- Condition 52 Part V obligations
- Condition 53 Contact Irish Aviation Authority to agree an aeronautical obstacle warning light scheme for development and notify IAA of intention to commence crane operations. As-constructed co-ordinates to be provided.

3.2. Planning Authority Reports

- 3.2.1. The **initial planner's report (14/06/20)** is a comprehensive document (111 pages) which sets out the planning history of the site and of neighbouring sites, summarises the contents of submissions contained in internal and external technical reports and third party submissions received in both opposition to and in support of the development. The report also highlights the main policies that were relevant to the proposed development in the Galway City Development Plan 2017-2023 (that was operative at the time), the Northern/Western Regional SES, the National Planning Framework and in various S28 Ministerial Guidelines.
- 3.2.2. **Observations** - It was noted that 15 no. submissions had been received of which 8 no. comprised objections and 7 no. comprised support for the scheme.

The **main objections** related to the following matters:

- Excessive height, density and scale
- Impact on visual amenity and on built heritage of city
- Inappropriate design and layout
- Mix of uses – the quantum of retail and the need for a hotel and a cinema
- Residential - Insufficient residential, excessive BTR, inappropriate mix of units, affordability issues, location of Part V in one block
- Amenity – overshadowing and overlooking
- Built heritage – overbearing impact and detriment to archaeology
- Inadequate provision for community facilities and public open spaces
- Traffic and transport - Inadequate assessment and excessive car parking and inadequate cycle provision
- Phasing – front-loading of commercial elements and fears of non-completion of development
- Prematurity – in absence of decision by ABP on harbour extension and due to absence of Masterplan or Local Area Plan
- Climate change – nature of uses will promote private car use and extensive use of concrete will impact negatively on climate change

The **main observations of support** –

- Provision of much needed retail, residential, recreational and hospitality accommodation and job opportunities
- Promote Galway as preferred location for foreign direct investment, retail and lifestyle
- Encourage city centre living and revitalise Galway City Centre
- Significant brownfield regeneration as mixed use development in strategic location in city centre
- Design and layout are well considered in terms of interaction with city core and permeability with high quality public realm improvements, increased residential capacity, attractive cultural amenity areas and access to sustainable transport modes.

3.2.3. **Internal reports**

Transport and infrastructure – FI requested on a range of issues.

Recreation and Amenity – No specific objection but stated inadequate detail on future implementation of hard and soft landscaping. In addition, it was recommended that the proposal be amended to include additional tree planting, further recreational space with particular regard to active facilities and landscaping plans which are more supportive of biodiversity/ecological principles. The opportunity to create a new Lough Atalia Parkland on lands owned by CIE was also highlighted.

Environment Section – no objections and several conditions recommended.

Heritage Officer – concerns raised regarding overall impact on built heritage and archaeology, with advice relating to works to/in vicinity of Protected Structures and Recorded Monuments.

Architects Section – FI requested relating to a number of issues of concern including building height, which would completely change the roofline of Galway City. Concerns also raised regarding the volume and bulk of the proposal which was considered to be out of scale with the existing city and that permeability could be improved.

Housing Section – No definitive agreement reached with applicant during Pre-App consultations regarding Part V. GCC's preference would be for a mix of units over all of the residential blocks.

Building control – No objections.

3.2.4. **External reports**

An Taisce – Significant concerns raised which generally reflect those raised by third party observers. In addition, the Appropriate Assessment contains several lacunae.

Faite Ireland – Letter of support welcomes proposed development with particular reference to inclusion of hotel accommodation and multi-use cultural space.

Irish Water – No objections. Confirmation that connections to watermain and wastewater systems can be facilitated.

Dept. Arts, Heritage, Regional, Rural & Gaeltacht Affairs (Architectural Heritage) – Significant concerns raised regarding height, scale, bulk and massing of development which should be reduced due to unacceptable impact on surrounding environment including historic buildings, open space, public realm and views. FI requested.

Dept. Arts, Heritage, Regional, Rural & Gaeltacht Affairs (Archaeology) – Additional archaeological investigations required. The presence of potential post-medieval archaeological material observed during monitoring was highlighted.

Dept. Arts, Heritage, Regional, Rural & Gaeltacht Affairs (Natural Heritage) – FI requested in respect of the detail and findings in the NIS and EIAR.

Fire Authority – Fire Strategy Plan requested.

Health and Safety Authority – Does not advise against the development.

Irish Aviation Authority – No objection subject to conditions re aeronautical obstacle warning light system.

Iarnrod Eireann – No objections in principle, but a number of conditions recommended in respect of safety issues.

3.2.5. **The Planning Assessment in the initial Planner's Report (14/06/20)** addresses the principle of the proposed development and how it relates to the various policies in the City Development Plan that was in operation at the time (2017-2023), including the requirement to present a 'Masterplan' (sections 7.1 and 7.2), before addressing

the proposed development in detail (7.3), which includes an analysis of the architectural approach and its appropriateness to the site's context, having regard to the policy framework relating to the site. This section also addresses the urban design approach and the appropriateness of the mix of uses.

- 3.2.6. It was concluded (7.1) that the proposed development was acceptable **in principle** as it represent a mixed-use development, with ambition for height and density, on a key regeneration site which will facilitate linkage to the city core area, and includes public realm delivery and restoration of historic structures. It was noted that the proposal was generally in accordance with the objectives set out in the NPF, the North and West RSES and in the Galway City Development Plan (2017-2023, which was in operation at the time), each of which recognise the importance of compact growth, the need for regeneration of brownfield land, for sustainable use of land for housing and employment generation and the need to consider increases in building heights, particularly in city cores with good public transport accessibility.
- 3.2.7. At 7.2, the planning report reviews the '**Ceannt Station Area Masterplan**', which was submitted by the applicant in response to the requirements of the then operational CDP, (which are set out in detail at section 6.1 of the planner's report). The Area Planner noted that Section 10.2.1 of the 2017 CDP required the submission, in advance of the planning application, of a masterplan setting out the strategy that would be adopted for the regeneration of these lands. It was pointed out that the masterplan included lands outside of the development boundary which formed part of 'Ceannt Station Lands' to the north. In addition, regard was had to recent planning permissions on further adjoining lands. These included 2 no. large scale residential buildings (student accommodation) on Queen Street (to west of site – northern end) and Bonham Quay development (commercial/mixed use) to the west of the site – southern end. These applications were submitted on foot of a 'Framework Plan' and the architectural practice involved is the same as for the proposed scheme currently before the Board.
- 3.2.8. It was considered that the CDP Masterplan requirements had been executed in terms of the submission of the document, which addressed the main 'headline' issues of urban design, density and mix, public realm, infrastructure and heights strategy. Certain aspects of the MP were commended such as the overall layout and design, the connection of the development to the existing Galway streetscape and the achievement of permeability throughout the site with activity nodes. However,

criticism was made, inter alia, of the 'Height Strategy' and the approach to 'Landmarks at Strategic Locations'. It was stated that the cumulative impact of a tightly clustered development of tall buildings ranging in height from 1- 21 storeys raised concerns, such that the Height Strategy in the Masterplan was considered to be 'flawed'. Furthermore, it was considered that the sheer number of tall buildings hindered the potential to provide a successful landmark building. It was concluded that it had not been established, based on important views, sense of historic context and overall scale of capacity for change, on this constrained and particularly elevated site, that the scale of development proposed could be tolerated.

3.2.9. The **Planning Assessment** report goes on to address **specific issues** under the following headings:

- **Architectural design approach (7.3)** – assessment of the core elements of design including rationale, layout, permeability and mix of uses. This is followed by a detailed description of each of the building blocks (7.3.6-7.3.15). It was noted that the overall design concept was based on an "Island Masterplan Option" with the "Twelve Pins", (taller elements) which revolved around a central 'island building' – Block 6 and whereby a prominent 'retail circuit' underpins the development. This central block would be a 'landmark building' which would house the main cultural and community uses with a sky garden including outdoor leisure uses. It would be clad with a bronze panelling system which is designed to respond differently to varying light conditions. The design approach was generally considered acceptable with the large scale commercial elements framed within glazed pediments beneath the taller residential elements, and the consistency in appearance being achieved with the use of a variety of similar materials and angled roof designs.
- The distribution of the retail/commercial elements over three floors, exploiting the change in levels within the site, and the inclusion of a significant covered open mall area, was considered to be quite effective and facilitated the provision of a series of interconnecting streets with strong connectivity with both the existing streets outside the site and within the various layers within the site. It was noted that the public realm would include new streets and squares, which would be animated by the provision of retail units, cafes and bars as well as both active and passive open space. The accessibility and

permeability were considered to be well defined and would open up the site providing strong linkage between Eyre Square and Lough Atalia Road and also with Bothar na Long.

- Thus, the P.A. planning officer was satisfied with the overall design approach and that the proposed development would create a new urban quarter incorporating good quality urban design in terms of place making and creating a new sense of identity through the provision of mixed uses and a high-quality, landscaped public realm design. However, it was considered that the functionality and layout of elements of the public open space could be improved. The relationship with Forthill Cemetery, which is a Protected Structure as well as a Recorded Monument, was considered to have been inadequately addressed, and the impact of Blocks 8, 9 and 10 (which were located within 1.8 metres of the boundary of the cemetery), was of particular concern.
- **Scale/height of buildings** (including plot ratio, visual impact etc.) – Section 7.4. It was acknowledged that there was no specific tall buildings strategy in the current CDP (2017-2023), but that the proposal to include such elements was generally consistent with the strategies for tall buildings and compact growth contained in subsequent Government policy contained in the NPF and the Building Height Guidelines (2018). It was also consistent with the regeneration objectives for the Ceannt Station site, due to its strategic location in the city centre and being adjacent to the public transport interchange, provided that the strategy respected the context of the city's historic buildings, its ACAs, residential amenity and strategic views. The masterplan had included a height strategy which envisaged a gradual increase towards the sea with the inclusion of a small number of landmark buildings at key nodes of activity.
- The Height Strategy for the proposed development was believed to be flawed, however, as it was considered that the increase in height away from the city core was quite pronounced and sharp, rather than gradual, and that the proposal sought to incorporate a significant number of tall buildings in a tightly clustered format within the site, which paid insufficient respect to the sensitive historic environment around the site. The P.A. disagreed with the conclusions

of the TVIA which had identified just two sensitive areas where the impact would be significant, (views from Eyre Square ACA – VPs 8-10 and The Long Walk ACA – coastal views from Nimmo’s Pier – VP 33) but had considered these to be positive effects. The P.A. considered the likely impacts on these views to be of serious concern due to the magnitude of change being profound and very significant with the potential for negative impacts on protected views. Furthermore, serious concern was expressed regarding the inadequate assessment of the impact on Forthill Cemetery, which due to both its Protected Structure status and its Recorded Monument status, amounted to a serious omission.

- The P.A. concluded that the proposed scheme would amount to overdevelopment of the site and due to its widespread visibility across the city, would lead to a detrimental impact on visual amenity. It was considered that the scale, form and height of the proposed towers would create a new and dramatic city skyline which would be in significant contrast to the historic low-rise City of Galway and that the cumulative impact of the clustering of the tall buildings would have an overpowering and profound impact on the city. The proposal to incorporate a ‘Landmark’ building(s) was acceptable in principle, but it was pointed out that such elements usually related to a single tall building of high design quality. It was considered that the inclusion of 10 tall buildings effectively defeated the purpose of creating such a feature by not allowing the ‘Landmark building’ to be celebrated and would lead to visual clutter and confusion.
- It was noted that serious concerns were raised by the DCHLG and the P.A.’s Heritage Officer in terms of the failure of the large undifferentiated blocks to integrate successfully with the fine-grain urban context of the sensitive historic city core. The P.A. concluded that there would be a need for a significant reduction in scale and a redesign with reductions in both quantum, mass and height due to the adverse impact on the city skyline, the amenity setting of the city of Galway, the sensitive historic centre and the impact on several protected structures and architectural conservation areas including Eyre Square ACA, the Long Walk ACA and Forthill Cemetery.

- **Impact on archaeological and architectural heritage** – (Section 7.5). The site is located within the Zone of Archaeological Potential of Galway City and there are 9 no. Recorded Monuments within 250m of the site. Further archaeological investigations would be required prior to determination. In terms of Forthill Cemetery (which contains 3 no. RMs and is a PS), it was considered that Blocks 8, 9 and 10, which would surround the cemetery to the West, North and East and would be in close proximity (within 1.8m), would create a continuous perimeter which would be overwhelming and overbearing due to the excessive height, scale, bulk and proximity with no buffer zone, and would, therefore, have a detrimental impact on the setting of the Recorded Monument.
- The restoration and active use of several protected structures within the site was generally welcomed. However, it was noted that objections/concerns were raised by the Heritage Officer and the DCHLG to certain elements of the proposed works to some protected structures. In particular, the proposed works to No. 16 Eyre Square (internal modifications and lowering of basement floor level), were considered to be excessive and too invasive and the proposed extension to the side/rear was considered to have an adverse impact on the architectural heritage of the building. The proposed works to the Goods Shed and the proposed extension to same were considered acceptable, but the proposals to alter and extend the Cut Stone Stores (Stables Building) were considered to be generally too extensive with too many changes to and loss of original fabric and use of inappropriate materials.
- The conclusions of the TVIA regarding the stated positive impacts on both the Eyre Square and Long Walk ACAs were strongly disputed. The visual impacts on the significant and unique historical civic space of Eyre Square were considered quite profound and unacceptable and would require a substantial reduction in scale. The highly valued views towards the sea and the Claddagh which characterise the Long Walk ACA would require significantly greater sensitivity than had been demonstrated. The view composition was considered unsightly and would negatively affect the integrity of the ACA. Significant reductions in scale, height and massing would be required to

render the proposals acceptable in terms of the impacts on both the city skyline and the historic character and setting of the city.

- **Commercial development** including retail impact and economic considerations – (Section 7.7). A lack of clarity regarding the quantum of comparison space relative to convenience space was highlighted, with contradictory statements contained within documents. It was argued that the justification for the level of floorspace proposed appeared to be based on the retail strategy which had underpinned the 2017 CDP, which was considered to be out of date. It was considered that inadequate justification had been provided for the scale and nature of the retail offering and it was not an independently evidence-based assessment of a revised projection of demand. Furthermore, no account had been taken of retail floorspace constructed since the 2017 CDP had been adopted or of the committed floorspace in the interim.
- It was emphasised that whatever commercial development occurs, it should not be at the expense of the viability and vibrancy of the city centre and should not result in any significant trade diversion within the city area. The scale of what is proposed was stated as being significant. Although it was acknowledged that the regeneration areas would provide for an extension of the commercial offer and that this would be complimentary in terms of providing diversity and choice, any material impact on the viability of the city centre or other shopping centres would not be acceptable. Thus, it was considered that a detailed Retail Impact assessment was needed, including the impact of the food and beverage element, as well as an assessment of the impact of phasing of the development. In particular, it was considered important that a significant level of floorspace be provided at Phase 1, but equally that this would allow for future sensitivity to market changes and to the effects of growth. Such an assessment should be carried out by an independent assessor.
- In terms of the broader economic considerations, it is noted that the reports submitted pre-dated the Covid-19 pandemic, and as such various potential scenarios were discussed. Notwithstanding this, the proposed development was acknowledged as having the potential to deliver a significant level of

investment resulting in employment growth and income and exchequer contributions during both construction and operation of the development. It was also acknowledged that the proposal would meet objectives and demands for housing provision, including for older persons, retail, leisure, tourist facilities as identified by CSO statistics. The justification for the proposed development was, however, based on general statistical data and national and regional policy objectives rather than on any detailed analysis of local profile of types/tenures of housing and commercial floorspace, relative to market demand, household incomes, emerging trends etc. Thus, it was considered that a more detailed financial appraisal of the proposed scheme was warranted to justify the quantum and nature of commercial floorspace which should be linked to investment costs and anticipated returns.

- **Residential development** – this included an analysis of the design, layout and mix of units, communal facilities, open space and amenity facilities, adequacy of the independent living units and the Build-to-Rent apartments and adequacy of Part V proposals – (Section 7.8). The planner’s report provides a brief summary of the apartment mix and types, their location in terms of blocks/pins and phase of development (Table 5 page 55).
- The mix of units can be summarised as follows:
 - 3 no. studio units (1% of total)
 - 77 no. 1-bed units (20% of total)
 - 12 no. 2-bed (3 person) units (3% of total)
 - 267 no. 2-bed (4 person) units (70% of total)
 - 25 no. 3-bed (6% of total units)
- The density is stated as 109units/ha, based on 376 units/3.46ha. It was noted that the submitted HQA indicates that all of the apartments met or exceeded the minimum standards contained in the ‘Sustainable Urban Housing : Design Standards for New Apartments’ (2018), (henceforth referred to as the apartment guidelines) including the Specific Planning Policy Requirements (SPPR) 1-7 and Appendix 1. However, it was considered that in respect of the Build to Rent units, insufficient provision had been made for the additional

communal open spaces, communal facilities and residential support facilities within the development as required by SPPR 7 Part (b).

- It was considered that the mix in tenure and unit type was unsatisfactory and would not contribute to a sustainable community as envisaged in the Apartment Guidelines. In particular, it was noted that 248 (66%) of the total number of units would be Build-to-Rent and 73% would be 2-bed apartments. It was considered that the applicant should be requested to review the distribution mix of unit sizes to create a greater mix. It was also considered that further information would be required regarding the proposed Independent Living Unit model to ensure that it would meet the requirements for such accommodation. The private open space provision was considered to be satisfactory.
- **Part V** proposals were noted as the provision of 37 no. units (10%) which would be located within Block 5 (Independent Living Units). However, it was stated that it would be preferable if these units were distributed more evenly across the scheme.
- **Public open space** – (Section 7.9). It was pointed out that the 2017 CDP required a high degree of connectivity between this site and the adjoining streets with good levels of integration, reflection of the existing urban grain and structure and linkages with existing public spaces. It was further noted that the CDP required public access and permeability through the site to be maximised with enhanced linkages and views towards Lough Atalia. Although the proposed array of streets and public spaces was very much welcomed, the P.A. expressed concern regarding the duplication of many of the spaces with thoroughfares, shopping streets and external areas for food and beverage associated with some of the cafes/restaurants, rather than civic spaces in their own right with a primary purpose of providing for passive and active recreation. It was stated that the functionality and design of the spaces, as well as the amount of public open space exclusive of through-ways, retail streets and eating out areas, needed to be reviewed and enhanced.
- **Community Facilities and social infrastructure** – (Section 7.10). It was considered that the range and overall level of provision of community facilities was inadequate to serve a development of the scale proposed. Furthermore,

the nature and range of facilities proposed does not appear to have been based on a review of the social infrastructural needs of the area, together with an assessment of the future needs of the area, which should be addressed.

- **Neighbouring amenity and overlooking** – (Section 7.11) it was noted that the EIAR had identified negative impacts on the amenity of lands adjoining the site in the vicinity of Blocks 1 and 2 (Eyre Square and proposed hotel). It was considered that further mitigation and measures to reduce the impact in terms of shadowing should be required. It was also considered that the potential impacts on undeveloped lands to the south which form part of additional regeneration lands should be addressed.
- **Traffic and transport** – (Section 7.12). The need for further information was identified by the P.A.'s Transportation Section regarding traffic surveys (e.g. need to include weekend traffic, mid-afternoon peak period and traffic that will be generated by Bonham Quay development which is under construction), and traffic generation rates, which were considered to be too low, as well as the methodology/assumptions regarding trip distribution and trip assignment to the street network. In light of this, the traffic impact assessment would need to be reviewed, including the performance of certain junctions.
- The Mobility Management Plan also required revision as it was considered that it was not supported by sufficient data relating to the use of the train station, the car park management plan and the future modal split targets for the development as a whole. The Construction Management Plan was generally considered to be acceptable with haul routes avoiding the city centre, but more detail was required in terms of each phase of construction.
- The Road Safety Audit was considered adequate, and the pedestrian environment and facilities provided was acceptable. The overall provision for cycle parking was acceptable at 1,157 spaces. However, the quantum of cycle spaces to serve the residential element was inadequate and fell well short of the recommendations in the Apartment Guidelines, as there are 713 bedrooms and only 544 spaces, which should be addressed. Access to the spaces was also considered to be deficient and further information on this was required. The cycle hub, although welcomed, should front onto Connaught Square.

- The car parking provision in general is considered acceptable, particularly the rate of 0.3 spaces per residential unit, given the highly accessible nature of the site. In addition, the multi-functional use of the multi-storey car park is generally accepted, but the use of residentially designated spaces by members of the public is considered unacceptable. The designation of 130 spaces for use of rail passengers/staff was stated to be unjustified and it was suggested that these spaces be undesignated, with the option to facilitate a discount for staff/passengers included in the ticketing arrangements. A car park management plan was required.
- **Site Services** including surface water drainage, foul water drainage, water supply and flooding – (Section 7.13). It is noted that the proposed development includes provision for a new independent surface water drainage system which will discharge to the public sewer at the manhole on junction of Queen St. and Bothar na Long. This would be designed to accord with SUDs. Foul drainage will discharge to the existing 450mm public combined sewer in Bothar na Long and water supply will be provided for by means of a new 150mm diameter HDPE ring main within the site, which will connect to the public mains at Lough Atalia Road.
- Flood risk is addressed by means of a Site Specific Flood Risk Assessment as well as reference to the Strategic FRA as part of the CDP. Ceannt station site was not identified as being at risk but a small section of the site towards the southwest (near Bonham Quay) is in Flood Zone B. Although the residential element is technically a more vulnerable use, it is pointed out that this would be located above the podium level and residents can exit at podium level onto Eyre Square. Mitigation is by way of ensuring residential floor levels above potential flood levels and SUDs will ensure no risk of flooding elsewhere. Floor levels and access points also above mid-range climate change scenario levels apart from Stables Building. However, given PS status and sensitive nature of building and the café/restaurant use, it was considered inappropriate to require alterations to floor levels of this building. The basement service area is also surrounded by a waterproof concrete structure. The mitigation measures were considered to be adequate and the CFRAMS Galway Flood Defence Scheme would be likely to further enhance the protection of the site and area in terms of flood risk in the future.

- **Sustainability** – (Section 7.15). the sustainability objectives for the proposed development are set out using the 10 principles and measures designed to meet these objectives. These include achieving a net-zero carbon emissions rate from all building services, use of green lease arrangements with commercial tenants, restrictions on use of materials in buildings to minimise carbon emissions, and minimising car-parking and promoting sustainable transport initiatives.

3.2.10. **Appropriate Assessment** – was addressed at Section 7.14. It was concluded that the NIS was seriously deficient with critical gaps in the information provided. FI was required.

3.2.11. **Environmental Impact Assessment** was addressed under the various chapter headings at Section 8.0.

3.3. Further Information Request 15/06/20

3.3.1. The principle of the proposed development was accepted but it was considered that the proposal as submitted represented overdevelopment of the site, excessive scale and height, massing and form with an unacceptable architectural design which would overpower the unique character of the city including the historic core. Further information was requested on the basis of the assessment as summarised above. For the sake of efficiency and to avoid undue repetition, it is proposed to address the items requested in the FI in conjunction with the responses received.

3.4. Further Information Response 19/03/21

3.4.1. The FI response included a revised EIAR and a revised AA Screening Report/NIS, as well as revised drawings. It also included a comprehensive set of documents in support of the modified scheme including the following :-

- A Planning Report (SLA)
- Architectural Response to Request for Further Information (BDP)
- Landscape Design Statement (BDP)
- CGIs (Model Works)
- Economic Appraisal (Deloitte)

- Retail Impact Assessment (Future Analytics)
- Architectural Heritage Impact Assessment (John Cronin)
- Housing Quality Assessment (BDP)
- Schedule of Accommodation (BDP)
- Traffic and Transport Assessment & Mobility Management Plan (ILTP)
- Road Safety audit (ILTP)
- Childcare Needs Assessment (SLA)
- Community Infrastructure Audit (SLA)
- Assessment of Daylight Access (ARC)
- Sunlight & Daylight Access Impact Assessment (ARC)
- Environmental Impact Assessment Report (SLA)
- Screening for AA and NIS (Aquafact)
- Outline CEMP (Barrett Mahony)
- Outline Construction & Demolition Waste Management Plan (Barrett Mahony)
- Statement on Drainage, Water Supply & Flood Risk (Barrett Mahony)
- Fire Strategy Report (JGA)
- Telecommunications Impact Assessment (Vilicom Ireland)

3.4.2. The P.A. Planner's Report dated 24th May 2021 noted that the FI response was publicised but no new third party submissions were received by the planning authority. However, a submission was received from An Taisce, which raised a number of concerns regarding scale, height, density, overdevelopment of the site, impact on strategic views/visual amenity, lack of community gain, prematurity in the absence of a height study for Galway City, environmental impacts and fire safety concerns. No further issues were raised by Iarnrod Eireann or the Dept. of Arts, Heritage, Regional, Rural and Gaeltacht Affairs (Nature Conservation) and no further response from DAHRRG (Architectural Heritage). However, DAHRRG Archaeological Heritage expressed concern regarding the impact of the revised scheme on the Recorded Monument at Forthill Cemetery.

3.4.3. It is further noted that the internal departmental reports from the Heritage Officer and the Architectural Dept. had considered that the proposed modifications had not addressed the concerns raised in terms of scale, height and massing or the identified impacts on protected structures and the architectural heritage of the city, and remained concerned about the overwhelming impact on Forthill Cemetery.

3.4.4. **Item 1 - Height/Tall Buildings**

1a. Required – Significant reduction in scale, (quantum, height and mass)

FI Response March 2021 to Item 1a

The development has been revised with an overall reduction in scale, and in the height and massing of individual buildings. In summary:

Block 01 – massing of rear extension to No. 16 Eyre Sq. has been reduced. A greater separation distance is now provided between No. 16 Eyre Sq. and the rear building line of the modern extension.

Block 02 – one storey removed from the overall height of the proposed hotel.

Block 03 – the maximum height of Block 03 will be reduced by c.1.3m (proposed modern extension to Goods Shed). The roof profile has also been revised, which results in reduced massing.

Block 04 – the Stables Building has been revised with a number of new architectural design treatments. Reductions in scale were not considered as Block 04 is a Protected Structure which is to be retained.

Block 05 – one storey has been removed from the overall height of this building.

Block 06 – the overall massing of the island block has been reduced, including a reduction of 434m² in the block's overall floor area and a reduction of c.120m² of the block's footprint.

Block 07 – the overall massing and height of the block has been reduced, including a reduction of c.6,014m² in the overall floor area, a reduction of c.400m² in the block's footprint and a reduction in maximum height of the multistorey car park element of the block by 2 no. storeys.

Block 08 – the overall massing and height of the block has been reduced, including a reduction of c.1,579m² and a reduction in maximum height of Pin 03 by one storey.

The changes will result in an increased distance between this block and Forthill Cemetery at Podium level.

Block 09 – the overall massing and height of this block has been reduced, including a reduction in overall floor area of c.1,325m² and a reduction in maximum height of Pin 05 by 2 storeys. The separation distances between Pins 04 and 05 has been increased by c.6.6m as a result.

Block 10 – this block, which was up to 8 storeys in height and had an overall floor area of c.3,060m², has been removed from the scheme entirely.

Reference is made to accompanying documents including the ‘Response to Request for Further Information’ document prepared by BDP Architects and the ‘Architectural Heritage Impact Assessment’ prepared by John Cronin and Associates, as well as revisions to relevant chapters of the EIAR, where comprehensive analysis is provided of the issues relating to the above noted amendments. It was concluded that these modifications are significant and will facilitate the ready assimilation of the project into Galway’s existing heritage and that it represents an appropriate contemporary expansion of the City Centre of Galway.

P.A. Response 24/05/21 to Item 1a

The Planner’s Second Report (24/05/21) presents the main changes in terms of heights and storeys in Table 1, (page 4 of report). It was noted in the first instance that the reduction in scale was mainly in the form of a reduced height, apart from some floor area reduction in respect of Blocks 6, 7, 8 and 9 and the omission of Block 10. It is further noted that most of the blocks retain the same number of levels/heights, with some increasing by a further storey (e.g. Block 5), and others are reduced in height by a marginal amount (generally 1-2m), whilst Pin 2 (Block 8) has been increased in height by 1 metre. The most significant changes relate to Block 7 – MSCP element, which is reduced by 2 storeys and Pin 5 (Block 9) which is reduced by 6.6m, and the omission of Block 10 (8 storeys).

It was concluded that whilst the overall reduction in scale, height and massing was welcomed, it was considered that the changes were ‘nominal’ and did not address the issue of overdevelopment and unacceptable height/scale/massing in relation to the grain and townscape of the city.

Conclusion 1a.: Not adequately addressed.

1b. required – Revision to design approach of towers with more variety and enhanced architectural design

FI Response March 2021 to Item 1b

Detailed response in BDP Architect's document. However, it is pointed out that in addition to the reduction in scale of the 'Pins', the material finishes for the residential pins have been modified as follows:

- A more varied palette of bricks, metals, concrete and stone was used to distinguish between the architectural design of the individual residential pins.
- Each tower façade has been developed with its own unique motif.
- The roof profile of each building cluster has been developed, with Blocks 07, 08 and 09 adopting unique approaches and characters.

P.A. Response 24/05/21 to Item 1b

It was considered that the modifications had resulted in improvements to the architectural quality and integrity of each building, which would have design merit if each building was in a stand-alone setting. However, given the overall cumulative visual impact of the proposed development, it was considered that the revision to the design approach of the buildings was inadequate.

Conclusion 1b.: Not adequately addressed.

1c. required – Revision to design approach of Landmark Building 07 with more distinctive architectural design statement and improved inter-relationship with other proposed buildings

FI Response March 2021 to Item 1c

Block 07 now offers a more cohesive design and includes additional architectural features including a colonnade, pergola and fluted piers, which breaks up the uniformity of appearance and provides a distinctive design at different levels. The scale of the block has also been reduced substantially as outlined in response to 1a above, with a reduction in floor area of 6,014sq.m and a significant reduction in height of both the residential block and the multi-storey carpark. These modifications have facilitated the introduction of additional public realm elements such as 'Lough Atalia Way', which will provide a direct pedestrian connection between the proposed development and Lough Atalia Road.

P.A. Response 24/05/21 to Item 1c

It was considered that the lowering of the MSCP section of the building by 2 floors together with the use of tapered, angled piers and colonnades to the lower base and the provision of a landscaped public open space at ground level, all combine to allow the building to stand out with a clearer grounding of the structure and a better presentation to Lough Atalia Road. The elaborate detailing of the upper levels and more slender side elevations were considered appropriate for a landmark building at this location, but the poor relationship with the remainder of the buildings is still unsatisfactory, due to their significant height and scale and close proximity to the landmark building. The impact of the cluster of tall buildings on the landmark status of Block 7 together with the adverse impact on Eyre Square and Forthill Cemetery would result in visual clutter and overwhelming visual impact which would compromise the heritage value of the Eyre Square ACA and the Long Walk ACA, as well as the protected cemetery.

The height of Block 8 (Pins 2 and 3) at 56.7m (13 storeys) and 66.2m (16 storeys) respectively, are excessive and counteract the effect of the landmark building (Pin 1) at 82.2m (21 storeys). It was considered that these buildings would adversely impact the legibility and undermine the prominence of Pin 1, which effects would be exacerbated by Block 9 (Pins 4 and 5), at 55.7m (15 storeys) and 58.2m (14 storeys), respectively. Furthermore, views towards the landmark building would be obscured by these tall buildings in the foreground, particularly in coastal views of the site. In addition, Blocks 2 and 5 are considered to feature prominently from Eyre Square as they measure 43m and 46m in height, (10-11 storeys), respectively. Thus the proposed development would fail to integrate sensitively and successfully into the character, townscape and skyline of the city.

Conclusion 1c: Not adequately addressed.

1d. required – Submit contiguous section drawings showing details of existing fabric of city expressed through a section drawing from Nun’s Island through Shop Street to assist with understanding the scale and massing of the project

FI Response March 2021 to Item 1d

Reference made to Drg. No. AHG-BDP-A-PL-20-00-2103 ‘PROPOSED CONTIGUOUS ELEVATIONS – 1:1000’. It is stated that the drawing illustrates the

urban grain of Galway City and helps to highlight the ways in which the proposed development endeavours to accord with the urban grain. The drawing, it is submitted, shows that the city evolves gradually from low rise at the historical core, to high rise towards the waterfront edge of the city centre, where the inner harbour regeneration lands are located.

P.A. Response to Item 1d

Although it is acknowledged that the required drawings have been submitted, the P.A. disagrees with the applicant that the drawings demonstrate a gradual evolution from low rise at the historic core to high rise towards the waterfront, as set out in the Masterplan. It is considered that the increase in height starts at a level that is not sufficiently graduated and continues rising to a height that is discordant with the height of Pin 1. Thus, it creates an imbalanced relationship between these buildings whilst also providing an excessive and overbearing impact on Forthill Cemetery.

Conclusion 1d: Drawing provided but interpretation disputed.

3.4.5. **Impact on Built Heritage**

Item 2a Required – Demonstrate that proposed taller buildings will not have an adverse impact on the context of historic buildings, ACAs, residential amenity or impinge on strategic views

FI Response March 2021 to Item 2a

Detailed response set out in AHIA by John Cronin & Associates which includes a critical analysis of tall buildings on the site in the context of the city core and surrounding buildings/areas. The existing historic buildings within the site will be retained and restored to a contemporary use whilst conserving their historic character. Conservation of the retained historic fabric to the perimeter of the site, combined with sensitively designed new structures and surfaces, will minimise any limited visual impact. Specific changes to scheme:-

- Step back from Forthill Cemetery by reducing the podium volume.

- Removal of Block 10
- Reduced height to Blocks 02, 03, 05, 06, 07, 08 and 09
- Additional design considerations to Eyre Square entrance
- Alterations to each dominant building façade and roofline, reducing homogeneity and providing a more organic proposal.

Eyre Square ACA – the design and built form of Eyre Sq. contributes to the assimilation and significant reduction in any potential visual impact. The ‘physical remove’ from the taller buildings will be similar to the existing impact of the former ‘Meyrick Hotel’, which fronts directly onto the square. The only change in views to SE of ACA will be *“a slight reduction in the area of visible sky and replacement of this existing changeable backdrop with the diverse, but coherent selection of façade treatments and materials on new buildings that are informed by the historic land uses on the site as well as the existing urban grain.”* In addition, the proposal will positively impact Eyre Square by providing new interconnected public spaces and an enhanced interface with the square through the new side extension to 16 Eyre Sq.

Long Walk ACA – there will be no notable visible impact on the Long Walk ACA as only parts of the ‘Pins’ will be peripherally visible within the important views from this ACA. The proposed revisions to the design will further reduce any potential impacts.

Ceannt Station – the proposed development will have a positive impact on Ceannt Station as it will enhance its setting through provision of a high-quality public space with improved access to the southern side of the station.

P.A. Response 24/05/21 to FI Item 2a

Eyre Square ACA

The description of Eyre Square as being predominantly characterised by the Meyrick (or Hardiman) Hotel building is disputed as it is considered to be an essential element in the historic built form of the city with its own unique identity comprising a civic square bounded on all sides by historic buildings, and is a civic space with a high amenity value in terms of both passive and active recreation. It is, therefore, considered to constitute a very sensitive environment that is susceptible to change in terms of both the physical form of the square and the surrounding urban fabric. The argument that Blocks 02 and 05 would have a similar impact on the Square as the

Hardiman Hotel is rejected, as is the similar argument in the EIAR that 'Eyre Square can withstand external change without undue effects on its own integrity, due to its strong definition and character'.

The P.A. accepts that the design concept of gradually increasing height towards Lough Atalia has merit but disagrees that this is what has been presented. It is considered that Blocks 2, 5, 8 and 9 would feature prominently in views from Eyre Square as seen to the side of the Hardiman Hotel in VPs 48, 49 and 53, and that Pins 3 and 5 would be visible behind them. Each of these buildings are of significant height rising to 45m and 46m (Blocks 2 and 5) to 66.2m and 58.2m (Blocks 8 and 9). It is considered that the varying roof height/planes of these buildings result in a visually complex group of buildings that incorporate competing elements. It is accepted that the Landmark building would be highly visible, protruding above the Hardiman Hotel, but it was considered that as a sole landmark building of distinctive high-quality design and architectural excellence, it could be tolerated in the context of signalling the regeneration site and presence of the multi-modal transport hub. However, this would be dependent on the reduction in height of the blocks in the intermediate space between the tower and Eyre Square.

The findings of the TVIA were strongly disputed in that the 'Townscape impact' on Eyre Square would be profoundly negative due to the cumulative impact of a number of tall buildings clustered together. In terms of the 'Visual Impact', it was concluded that the viewpoint sensitivity is 'high' and that the magnitude of change is 'high', resulting in a 'very significant' and 'negative/adverse' effect on Eyre Square ACA, which would have to be mitigated through a reduction in height and scale to render it positive/neutral.

Long Walk ACA

It was considered that the difference between the original scheme and the modified one is minimal in terms of the impact on the Long Walk ACA. It was accepted that the form and massing of the individual buildings had been revised, but the overall scale and height of the buildings remained 'starkly visible in the background to the Long Walk ACA'. It was considered that the 'abrupt rise in height' of this group of buildings in the skyline behind this sensitive view would 'result in a dominant feature in the Long Walk ACA vista, which would ultimately detract from its visual integrity and value as a heritage asset'. Figs 1 and 2 on page 11 of the report incorporate

original and revised versions of the viewpoint in question. It was concluded that whilst the view could absorb a singular landmark building of high architectural quality, such as the modified Block 7 (Pin 1), the inclusion of the 'subsidiary buildings', which are excessively high and obscure views of and detract from the landmark building, need to be reduced in scale and height to render the scheme to be more acceptable in this view.

The findings of the TVIA were strongly disputed in that the 'Visual Impact' was considered to be Very High, as the sensitivity of the viewpoint is 'High' but that the magnitude of change is also 'High' (not 'Medium'), resulting in a 'Very Significant' and 'negative/adverse' effect on Long Walk ACA, which would have to be mitigated through a reduction in height and scale to render it positive/neutral. It was pointed out that Bonham Quay development is not visible from this viewpoint, despite this development representing a significant departure in terms of height in the city.

Conclusion 2a.: Not adequately addressed.

Item 2b Required – Demonstrate that proposed alterations and conservation works to individual Protected Structures will not be too invasive, represent over-restoration or harm the special character of the buildings

FI Response March 2021 to Item 2b

No. 16 Eyre Square – the scale of the extension has been reduced, providing greater separation from the historic building and the materiality of the extension has been amended to create greater visual connection with the RPS. The lowering of the basement by 0.8m will not result in the loss of any significant historical fabric. The removal of built fabric at GF, FF and SF levels will not result in any significant impacts to the RPS and the introduction of contemporary materials to facilitate the modern extension is appropriate. Any loss of historic fabric arising from the removal of the rear boundary wall will be off-set by the re-use of the rubble elsewhere on site. In addition, part of the boundary wall with the Victoria Hotel will be retained and repaired, which enhances the RPS. Overall, the impacts on this RPS will be slight and positive.

Former Goods Shed – the modifications to Block 03 include revisions to the roof profile, which reduces the massing, as well as a reduction in height of the proposed extension by c.1.3m and a revised façade treatment, with additional glazing. The

extension will not detract from the listed building as it is modern in design and distinct from it and the RPS will remain the dominant feature. The loss of historic masonry is of a minor nature and will be mitigated by the building's re-use.

Stable Building/Gate Lodge – modifications to Block 04 include new architectural design treatment on the external elements and a revised design of extension incorporating larger entrance doors and additional glazing, which will improve the relationship with the RPS. The existing roof is a modern addition and its replacement will replicate the existing roof profile. The glazing above the arches will display the conserved historic fabric. The adjacent Gate Lodge will be retained in situ with masonry repairs undertaken in accordance with best conservation practice.

P.A. Response 24/05/21 to FI Item 2b

No. 16 Eyre Square – The Heritage Officer raised serious concerns regarding the proposed works to this building and considered it to represent 'over restoration' and an excessive loss of original/historic fabric, as well as the inappropriate nature of the extension, which would be contrary to the 'Architectural Heritage Protection Guidelines'. However, the Planning Officer considered that notwithstanding the loss of some historic fabric, the proposed development would include a significant amount of conservation/restoration works which would allow the building to remain in use and to evolve as part of the wider regeneration project, whilst respecting the character and setting of the RPS. It was further considered that the contemporary design, form and height of the proposed extension would allow it to be read as a complementary independent building, without detracting from the design/visual appearance of the Georgian building. It was considered that it would represent a positive contribution to Eyre Square ACA and would provide an important legible building, which would mark the entry point to the wider regeneration lands, and would help to reduce the negative visual impact of the existing modern extension to the Hardiman Hotel. A condition regarding external materials was recommended.

Former Goods Shed – the main impacts to the existing building, involving the removal of truncated internal loading platform, the creation of two openings on the northern elevation (beneath high level windows), the reinstatement of 4 no. openings on the southern elevation and some doors on the remaining elevations and the demolition of a modern extension, were generally considered to be acceptable. The HO had raised concerns regarding the creation of square-headed openings which

would result in the loss of some historic fabric and the alteration of several window thresholds including the removal of stone plinths, which was considered to be an excessive level of intervention. The planning officer agreed with the HO comments regarding the thresholds and considered that the dropping of one threshold would be sufficient, but was satisfied with the remainder of the works to Block 3.

Stable Building/Gate Lodge – it was noted that the proposed works to this building had not been altered significantly, but further clarification of the proposed works had been provided. The HO had raised concerns regarding some of the proposed works including the removal of chimneys. However, the planning officer considered that given the poor state of repair and derelict nature of the building and the proposed adaptive re-use of the structure, it would be a positive development overall. The matter of the removal of the chimney stacks was likely to involve further agreement and structural assessment, and as such was not appropriate to be conditioned. On balance, it was considered that the works to the proposed Stables Building and Gate Lodge (Block 4) did not represent significant inappropriate intervention.

Conclusion 2b. - Adequately addressed.

Item 2c Required – Demonstrate assessment of buildings/structures to be demolished by appropriately qualified professionals and that alteration/demolition is appropriate

FI Response March 2021 to Item 2c

No specific response but this matter was addressed in Chapter 18 of revised EIAR. This details the architectural heritage inspections that were undertaken together with recording and photographing of upstanding buildings.

PA Response 24/05/21 to Item 2c

The demolition works and proposed conservation/salvation works were considered to be acceptable and would not give rise to an unacceptable impact on built heritage.

Conclusion 2c: - Adequately addressed.

Item 2d Required – Demonstrate that proposed development will not adversely impact Forthill Cemetery (Protected Structure and Recorded Monument) by virtue of extreme proximity, overwhelming interface and lack of appropriate buffer

FI Response March 2021 to Item 2d

The key improvements to the setting of Forthill Cemetery from the modifications to the scheme include:

- Omission of Block 10 (8-storey office block) and replacement with enhanced public realm.
- Massing and height of Blocks 8 and 9 adjacent to cemetery have been reduced, which results in an increased setback between these blocks and the boundary wall of the cemetery at ground floor and podium levels.

In addition, the proposed scheme will re-integrate the historic cemetery with the city, which has become disconnected from the city centre, and will provide a pedestrian space from which to view the cemetery, which vantage points are currently inaccessible to the public. The adjoining blocks are located to the north, which means no overshadowing of the cemetery, and are considered to be attractive, light in form and colour, with highly articulated facades to reduce their massing. The wide gaps between the Pins would mean that the sense of enclosure is not excessive. The current setting is stated to be dominated by car traffic and would be significantly improved by the proposed development. The cemetery is also shielded from the site of the proposed development by high level shrubs and trees.

P.A. Response to FI Item 2d

The design changes to the massing of buildings along the northern boundary of Forthill Cemetery, which involve the lowering of Block 8 (Pin 3) by one level and Block 9 (Pin 5) by 2 levels, as well as a revised roofline and the modified facades of the blocks were generally acceptable as these changes would break up the massing and provide more architectural expression. However, Block 9 has also been revised with an increased horizontal emphasis on the lower podium levels, which results in a substantial horizontal band sitting on top of the vertical colonnades along Bastion Lane, which is considered to create a visually dominant interface with Forthill Cemetery. This is considered to be overbearing and visually unacceptable. The distances of Block 8 from the northern site boundary of the cemetery were noted as ranging from 9.6m near Lough Atalia Road, to 6.3m at the staircase to Bastion Lane and to 8.2m at the junction of Bastion Lane and Athy Passage. The lower level colonnades of Block 9 would be even closer at 2.2m- 6.2m from the boundary wall. It is acknowledged that the omission of Block 10 would provide for an appropriate buffer along Coalyard Walk.

Although it was accepted that the development would provide a direct link in the form of a high-quality public realm between the city and the cemetery, a sufficient setback has not been provided to allow appreciation of the context and setting of the Protected Structure and Recorded Monument. In addition, Blocks 8 and 9 are simply too large and express an unsympathetically large scale with an insensitive presentation to the cemetery. Thus, having regard to the height, bulk, scale and proximity of Blocks 8 and 9 to Forthill Cemetery, the proposed development would have an overbearing and detrimental impact on the character and setting of the historic Cemetery.

Conclusion 2d. - Not adequately addressed.

Item 2e Required – Reduce the size/scale of scheme to ensure that proposed development will not adversely impact Protected Views and Strategic Views as listed for protection in the CDP

FI Response March 2021 to Item 2e

The Protected Views (as specified in the 2017 CDP, (4.4.3) which was operational at the time) were identified as :-

V.1, V.2, V.3, V.4, V.8, V.13, V.15, V.16 and V.17

The most pertinent Strategic Views were highlighted as ‘The View from Claddagh to Long Walk ACA’ and ‘Views from within Kennedy Park/Eyre Square ACA’. It is noted that the FI response had re-assessed each of the original 45 viewpoints on the basis of the modified design and reduced scale of the project and had also included an assessment of 23 additional views to address the requirements of item 2e. In general, the conclusions were that there would be no significant negative impact on the visual amenity of these views and in many cases, the impact would be positive.

P.A. Response to FI Item 2e

The P.A. was generally in agreement with the findings of the TVIA in terms of the viewpoints except in respect of those referenced on page 21 of the Planner’s report. In particular, the P.A. did not agree that Protected View No. 4 ‘Seascape Views of Galway Bay from Grattan Road, Seapoint, the Salthill Promenade and the Coast’ or from ‘View from the Claddagh to Long Walk ACA’ and views within Kennedy Park or Eyre Square ACA would be positive.

Conclusion 2e.: - Not adequately addressed.

Item 2f Required – Demonstrate that proposed development will promote the protection of the varied industrial heritage of the city and encourage greater public awareness of this archaeological heritage as an educational resource

FI Response March 2021 to Item 2f

Proposed re-use and extension to Gate Lodge as an interpretive centre, which will include information and interpretations of the history of the subject site and its heritage.

P.A. Response to FI Item 2f

P.A. satisfied that the use of the Gate Lodge as an interpretative centre is positive and beneficial.

Conclusion 2f.: - Adequately addressed.

3.4.6. Density/Plot Ratio

Item 3 Required – Plot ratio stated includes lands outside project. Please provide a revised calculation based exclusively on lands in applicant's ownership

FI Response March 2021

Plot ratio is 3.46:1 based on a gross floor area of 114,161sq.m on a 3.3ha site. Given the strategic nature of the site, its highly accessible location and the high quality of the proposed development that delivers numerous benefits for Galway City, it was considered that the proposed plot ratio would be in compliance with the objectives of the Development Plan (2017, which was in place at the time).

P.A. Response (24/05/21) to FI

P.A. satisfied that plot ration clarified as 3.46:1 based on site area of 3.3ha and GFA of 114,161m².

Conclusion 3:- Adequately addressed.

3.4.7. Retail/Economic

Item 4a Required – Clarify the intended type of retail floorspace proposed i.e. comparison and convenience and provide justification for

**quantum of same in terms of compliance with Retail
Guidelines and Development Plan policies**

FI Response March 2021 to Item 4a

A Retail Impact Assessment had been prepared by KPMG Future Analytics. It was noted that the amount of floorspace had been reduced from 26,449m² (based on 30 units, including 2 anchors, and 22 café/restaurants) to 22,613m² (with same number of retail units but no. of café/restaurant units reduced to 19 units with a combined floorspace of 4,319m²). It was further noted that the reduction in retail floorspace of 3,836m² had been reassigned as residential space and the most significant example of this was in Block 5, where a whole retail floor has been changed to residential. The quantum of floorspace was confirmed as 22,613sq.m (total excluding non-retail uses), of which c.4,871sq.m will be for convenience shopping and c.15,736sq.m will be comparison shopping. A robust justification for the quantum of floorspace of each type was provided in the RIA which had been carried out in accordance with the guidelines and had had regard to the relevant national and local policy objectives.

P.A. Response 24/05/21 to FI re Item 4a

The P.A. was satisfied that the quantum of each type of retail floorspace was clarified. It was noted that the applicant had sought flexibility in approach to enable up to 2 units to be amalgamated, if necessary, without the need for a further planning permission. It was further noted that the 'shop' units included other service retail uses such as professional offices, estate agents, hairdressers etc.

Conclusion 4a.: - Adequately addressed.

Item 4b Required – Demonstrate that quantum of retail floorspace will not have an adverse impact on the vitality and vibrancy of the existing city core retail area and carry out a Retail Impact Assessment including justification for the scale of cafes/restaurants proposed

FI Response March 2021 to Item 4b

As stated above, an RIA had been carried out by KPMGFA which included a quantitative, evidence-based assessment of the existing retail market in Galway city. This had concluded that there is significant capacity to accommodate both the Convenience and Comparison elements of the development, leaving €275 million in

residual expenditure available within the catchment. The quantum of restaurants/cafes was also judged to be appropriate.

P.A. Response (24/05/21) to FI

P.A. was satisfied with methodology used for RIA, which was undertaken in accordance with the RPGs, and noted that the current retailing trends had also been analysed but considered that the report should be read in conjunction with the Economic Appraisal Report by Deloitte. It was further noted that RIA had concluded that the proposed development would comply with P.A.'s retail strategy and policies contained in the 2017 CDP (which was in operation at the time) and with 5 key objectives of the RPGs. In this respect, the scheme was considered to be plan-led, city centre located, supportive of regeneration, complimentary to the existing retail offer and in accordance with sustainable travel objectives. The RIA had concluded that the existing stores/prime retail streets would benefit from the complementarity of an increase in footfall and therefore would increase competitiveness between settlements. The P.A. was generally in agreement that the proposal would diversify the retail offering to the consumer and create opportunities for more modern retail formats. As such the proposal would be likely to enhance the vitality and vibrancy of the city centre and support links from this underused site to the existing core shopping area.

The P.A. accepted the conclusions that by the design year of 2030, there would be sufficient additional convenience expenditure available for the 4,871m² as the overall requirement for this type of retail floor space would be 9,672m² in the city. In terms of comparison floorspace, it was noted that the expenditure available for 2030 was estimated at 15,778m² which was within the predicted overall requirement for this type of retailing at 19,707m². It was accepted that the analysis had been undertaken in accordance with the appropriate guidance and retail policies for the city and that this was carried out from an evidence-based perspective.

Conclusion 4b. – Adequately addressed.

Item 4c Required – Submit an independent, evidence-based Economic Appraisal which should demonstrate that proposed development will have both robustness and flexibility to respond to future changing markets and respect the viability of existing prime shopping streets

FI Response March 2021 to Item 4c

An Economic Appraisal has been prepared by Deloitte Ireland LLP under the following headings:

Residential – confirmed attractive nature of central, accessible location for residential institutional investment and funding. In terms of viability, a key element is to maintain the current apartment to core ratio.

Retail – flexibility with facilitation of larger ‘boxes’ will be key to tenant attraction. Large anchor tenant types remain resilient from a trade perspective. No anticipated change to normalised market lease structures, which drives viability of the proposed retail asset class at the scheme.

Office – commercial office space will encourage additional footfall through the scheme and will enhance the retail element. Office space combined with transport hub will also facilitate worker flexibility in future.

Hotel – tourism is a strong staple in Galway’s economy and there is demand for new hotel bedrooms in a prime location such as this. Hotel also boosts overall viability and attractiveness of the scheme.

Cultural – Augustine Hill provides opportunity to enhance Galway’s prominent cultural centre. Cultural offerings attract footfall and spend at other asset classes which drives viability. However, there is a substantial cost associated with provision of the level of cultural space proposed, which will have to be carried throughout the development timeline.

Phasing – Key blocks of residential, office and hotel built in first construction phase to establish scheme as a live/work location. Retail construction to be staggered to allow for growth at a sustainable pace and development of location from a footfall perspective.

P.A. Response 24/05/21 to FI 4c

The P.A. was generally satisfied that an economic appraisal which included a viability analysis has been carried out and that this was allied to a revised construction plan, with development timelines delivered in four clusters (see 4d below). The P.A. seemed to be satisfied with the overall content and findings of the report which considered the scheme to be commercially viable and capable of meeting the current under-provision of development floor space in the city.

Conclusion 4c: - Adequately addressed.

Item 4d Required – Clarify any intention for sub-stage phasing and to comment on the flexibility of the deep plan anchor formats to adapt to other formats if required

FI Response March 2021 to Item 4d

Reference is made to the Construction Management Plan which proposes a revised phasing plan. This involves development in a series of 5 clusters, but incorporates flexibility to allow for changes in market conditions and commercial considerations. The 2 no. anchor department stores have been designed to fully integrate with the proposed development and can be accessed from different elements of the development at multiple levels as well as from the multi-storey car park and from Lough Atalia Road. This design affords the department stores the flexibility to adapt to market trends over time including the potential to be subdivided into smaller units which would still retain active frontage within the proposed development.

P.A. Response to FI

The P.A. was satisfied with the response.

Conclusion 4d:- Adequately addressed.

3.4.8. **Housing/Residential – Item 5**

Item 5a Required – Review the mix and tenure of apartments to reduce the ratio of BTR units and to achieve a greater mix of units to encourage a more diverse range in household types and attract a more balanced community profile

FI Response March 2021 - Item 5a

Residential element has been revised and has been increased overall by 7.5%, with a total of 404 no. units now proposed. The proportion of BTR has also been reduced (from 248 to 235 units) in favour of build-to-sell (from 85 to 107 units) and the number of Independent Living Units has been increased by c. 45% from 43 no. units to 62 no. units. In addition, the number of 2-bedroomed units has been increased. The residential element of the scheme still complies fully with the Apartment Guidelines.

P.A. Response 24/05/21 to FI 5a

It was pointed out in the Planner's report that the Independent Living Units are in fact BTR units (as described in the FI) and as such, the overall number of BTR is now 298 units, which represents 74% of the apartments proposed. It is further noted that 70% of all apartments are 2-bed units. Each of these two issues, i.e. the proportion of BTR and of 2-bed units, remained a cause for concern for the P.A. It was acknowledged, however, that the control of tenure is not generally at the discretion of the planning authority in relation to apartment developments.

Conclusion 5a:- Adequately addressed.

Item 5b Required – Clarify the intended operational model for the Independent Living Units (Block 5) with reference to similar accredited operations in Ireland and demonstrate achievement of accepted standards

FI Response March 2021 - Item 5b

Units designed in accordance with guidance provided by 'Respond' Housing Association and to the National Disability Authority's Universal Design Guidelines for Homes in Ireland. Notwithstanding this, it is requested that a level of flexibility be allowed for in the event that there is a reduced demand for such units in the future.

P.A. Response 24/05/21 to FI

The applicant's response was considered to have satisfactorily clarified the intended operational model.

Conclusion 5b. – Adequately addressed.

Item 5c Required – Revise development to provide enhanced Resident Support Facilities and Resident Services and Amenities for the proposed BTR units in accordance with the requirements of SPPR 7 of the Apartment Guidelines

FI Response March 2021 - Item 5c

Resident Support Facilities – revised scheme includes facilities such as concierges, management offices, waste and maintenance facilities which are provided within each of the 'Pins' and are connected to the main circulation areas, and hence accessible to all residents within the Pin.

Resident Services and Amenities – revised scheme includes internal community amenity areas within each Pin. These areas vary in size and are designed to be flexible in use as function rooms or lounge rooms. Potential uses include leisure, sport, shared lounge, work/study space or function room, to be decided by management in each case.

Community Facilities – a further range of internal communal facilities including a cycle hub, a mobility hub and a sustainability hub and cycle parking, a reflection space, a childcare facility and flexible use community space have been provided throughout the development. In addition, there is a wide range of communal outdoor spaces in the form of roof terraces which exceed the recommended standards in the Apartment Guidelines.

P.A. Response 24/05/21 to FI

P.A. generally satisfied with the range and provision of community and support services for the residential population of the proposed apartments. However, concern remained regarding the size of the proposed childcare facilities which is addressed below.

Conclusion 5c. – Adequately addressed.

Item 5d Required – Review the qualitative and functional adequacy of the communal open space in terms of design, layout, dispersal, functionality, micro-climatic conditions and the dearth of recreational facilities at podium and roof levels

FI Response March 2021 - Item 5d

Design and layout – the communal open space has been designed to be directly accessible to all future residents of each residential Pin. Issues such as ambient lighting and removal of plant associated with cafes etc will ensure good quality environment.

Dispersal – Communal open space areas are located directly adjacent to the relevant residential Pins and sized appropriately.

Functionality – a mix of uses and textures are provided including grass areas, planting, small trees, and play areas etc.

Micro-climatic conditions – with recommended mitigation in place, the communal open spaces will be suitable for their intended purposes.

Provision of Recreational Facilities – a considerable range of recreational opportunities are provided throughout the scheme including play areas. These are designed with flexibility in mind such that they can be used by adults at quieter times. Thus, playable and recreational spaces act as integrated and dynamic parts of the broader public realm.

P.A. Response 24/05/21 to FI

The P.A. was generally satisfied with the enlarged areas of communal open space and with regard to the community and flexible facilities referred to in 5c above. Of particular note was the proposal to omit Block 10 and the removal of two podium levels to the MSCP which results in additional communal open space and 2 no. ground level public amenity spaces at ‘Coalyard Walk’ and ‘Lough Atalia Way’.

Conclusion 5d. – Adequately addressed.

3.4.9. **Social dividend**

Item 6a Required – Provide a contextual overview of the area surrounding the site, a review of the social infrastructure within its catchment and identify the possible future needs of the area with a view to providing for the deficit in appropriate facilities within the development

FI Response March 2021

The Community Infrastructure Audit submitted with the FI found that the local area is well served in terms of existing and permitted social facilities and infrastructure, with no specific deficits identified. The proposed development will, therefore, enhance the variety and availability of social infrastructure in the area.

P.A. Response 24/05/21 to FI

P.A. generally satisfied that having regard to the proposed revisions to the scheme, which includes enlarged open spaces, streets and a range of community facilities, the CIA submitted is acceptable and that the proposed development satisfies the social infrastructure requirements of a development of the size proposed.

Conclusion 6a. – Adequately addressed.

Item 6b Required – Provide a wider range of community facilities within the development over and above cycle parking, sustainability hub and a creche

FI Response March 2021

The revisions to the scheme include provision of most of the cultural space within Block 6 (1,652sq.m), the omission of the cultural space within Block 7 and the provision of additional cultural space within Block 9. The additional elements of community infrastructure have been provided:

- Flexible use community space at Block 09 – potential uses include remote working hub, Gaeltacht Area, Art Studio, Yoga Studio, Gallery, Day-care centre etc.
- Quantity of Public Open Space increased by c. 3,544sq.m with additional activities and sculptures proposed.
- An additional cycle and mobility hub proposed in Block 01 adjacent to Ceannt Station, to include mobility aids etc.
- Gate Lodge to be used as a community space for reflection/mediation.
- Expansion of childcare facilities in Block 08
- An additional 1,852sq.m of cultural space is proposed within the scheme.

A revised phasing plan has been submitted with phases being delivered in ‘clusters’. Thus the first Cluster will include Blocks 1, 2 and 5. The second, Blocks 7 and 9, the third Blocks 6 and 8 and the fourth will incorporate the residential element of Block 7. It is stated that the phases will also overlap and run concurrently as necessary, and that a flexible timetable will be employed in respect of Blocks 3 and 4 (Protected Structures).

P.A. Response (24/05/21) to FI

The P.A. was satisfied that the applicant had listed facilities that formed part of the revised development.

Conclusion 6b. – Adequately addressed.

Item 6c Required – Provide a cultural facility such as that proposed within Block 7 as part of the first phase of the development

FI Response March 2021

An additional 1,852sq.m of multi-purpose cultural/leisure space has been provided. The construction programme is designed to deliver the development in clusters and most of the cultural space will be provided in Block 6 (third cluster), with a smaller element provided within Block 9 (second cluster). The applicant is committed to delivering these cultural spaces at the initial stages of the development.

P.A. Response (24/05/21) to FI

The P.A. noted that the amount of cultural space to be provided appears to have been reduced overall and some concern remained that Block 6 would not be delivered until 'Cluster 3'. However, on balance, it was considered that having regard to the inclusion of new large areas of landscaped open space, a network of new streets and a high quality public realm, the provision of cultural space is adequate. However, condition(s) will be required to ensure public access and usability of these spaces is secured.

Conclusion 6c. – Adequately addressed.

Item 6d Required – *The childcare facility is inadequate to cater for the scale of the development proposed and the applicant is asked to review the childcare provisions within the site having regard to the demands of the residential and commercial uses proposed, the level of existing childcare provision in the area and the site's strategic location and proximity to a public transportation hub*

FI Response March 2021

The childcare facilities have been reviewed following the undertaking of a Childcare Needs Assessment. The proposed development includes the provision of one permanent childcare facility with a combined internal and external gross floor area of c.605sq.m. This will provide at least 53 childcare spaces, which in combination with the existing facilities in the area, will address the childcare demand created by the proposed development.

P.A. Response (24/05/21) to FI

It was noted that the childcare facility as originally proposed has been increased in terms of floor areas by 62m² and the external play area has also been increased by

153m², yet the number of children to be catered for has been reduced from 81 to 53, despite the fact that the number of apartments has been increased overall. The analysis in the 'Childcare Needs Assessment' indicated that several apartment types were excluded from the need for childcare on the basis of policy guidelines. In this regard, the P.A. noted that studio apartments (6 no.), 1-bed apartments (96 no.) and 2-bed independent living apartments (37 no.) were excluded from the calculation, amounting to 139 units which were deemed to have no childcare demand.

The P.A. remained concerned that the childcare facility is inadequately sized to serve a development of the scale proposed. It was considered that insufficient weight had been given to the mixed nature of the development with demands arising from both the residential and the commercial uses, as well as the site's strategic location and proximity to a public transport hub. Thus, the applicant will be requested to increase the number of childcare places to a minimum of 80 spaces.

Conclusion 6d.- Not adequately addressed.

3.4.10. **Public amenity space**

Item 7a. Required - Qualitative aspects of public open spaces to be improved

- i. Connaught Square – Reflect primary purpose as civic space instead of narrow commercially focused street to the south of Building 3 with several pinch points which serves as a shopping thoroughfare and partly as a 'restaurant terrace'.**
- ii. Meadlegate – clearly outline the permitted use of this area which is outside the development boundary of the site but forms part of the Landscape Masterplan. Further information required re timelines for delivery of such spaces.**

FI Response March 2021

Reference made to 'Landscape Design Report' and 'Response to Further Information Request' prepared by BDP Architects for details regarding the design improvements of these spaces. Connaught Square has been redesigned with a large central civic space area to the west of the train shed with seating and planting and has the capacity to function as an occasional small scale outdoor event space. The remaining areas have been enhanced with planting etc.

'Meadlegate' public realm area forms part of the adjacent 'Bonham Quay' development and acts as a thoroughfare between Queen Street and Bonham Quay. Clarification provided that both developments would ensure that the space is accessible to the public. It was noted that Phase 1 of Bonham Quay was underway and Phase 2 of that scheme would deliver 'Meadlegate' by August 2025. Condition 17 attached to the permission for BQ (ABP 300275-17) requires public access to be available to this area, (Ceannt Courtyard is included in Meadlegate).

P.A. Response (24/05/21) to FI

See response to 7b below.

Item 7b. Required - Connectivity between city centre and the seafront to be improved – Meadle St / Meadle Place to connect with Lough Atalia Road at Ground Floor Level (+5.0m)

FI Response March 2021

Revised scheme has provided ground floor connection via a new public space 'Lough Atalia Way'. This space incorporates green space, new street trees and planting whilst retaining public access.

P.A. Response (24/05/21) to FI – Items 7a and 7b

The planner's report noted the revisions and improvements to the two public spaces and to the location of 'Meadlegate' within the Bonham Quay development (as stated above). It was further noted that, as requested, the applicant had revised the scheme such that Meadle Street and Meadle Place connect with Lough Atalia Road at ground level, as an open street. Some concerns remained regarding the availability of access to the public on a 24/7 basis, should these streets be closed off at night. This should be ensured by means of a condition.

Conclusion 7a and 7b – Not fully addressed.

3.4.11. **Neighbouring amenity**

Item 8a. Required – Modifications to Blocks 1 and 2 to reduce impact on amenity of adjoining properties to west particularly re sunlight/daylight.

Item 8b. Required – Modifications to development to reduce shadow-cast impacts on regeneration lands to south of site in terms of future development potential.

FI Response March 2021 to Item 8a and 8b

The analysis of a 3D model did not indicate any likely significant effects on sunlight with respect to the buildings at Eyre Square, Victoria Place, the Hardiman Hotel or Ceannt Station and surrounds or the amenity of Eyre Square. The main areas of potential impact are the United Methodist Presbyterian Church, which would still receive the recommended amount of sunlight as per BRE Guide, and the Victoria Hotel. The sunlight impact on the hotel would be confined to some bedrooms on the north and east facing facades. Similarly, the greatest impact in terms of daylighting would be on east-facing bedrooms in the Victoria Hotel, which would involve very significant impacts.

It was concluded that the potential sunlight and daylight impacts on the hotel were justifiable, given the urban context and to the scale of development envisaged and already emerging in the area, together with the height strategy of a gradual increase towards Lough Atalia. Notwithstanding this, the height of Block 02 has been reduced in the revised scheme by c. 5 metres.

In respect of Item 8b, at the outset, it is clarified that as no shadows will be cast to the south, this issue relates to the lands to the north of the rail line, which form part of the Masterplan lands. It was pointed out that a sunlight and daylight analysis was carried out in respect of a hypothetical development on these lands. This confirmed that all rooms assessed would have adequate access to both daylight and sunlight and that all amenity spaces would have the capacity to receive daylight and sunlight in excess of the recommendations in the BRE Guidelines.

P.A. Response (24/05/21) to FI – Items 8a and 8b

The P.A. generally accepted the arguments advanced by the applicant regarding the nature of the hotel use and the transient population that is catered for and considered that the proposed development would not significantly impact amenity. Regard was also had to the central location of the site and its regeneration potential the development of which is in accordance with the development plan objectives for the area.

Conclusion 8a. and 8b. – Adequately addressed.

3.4.12. Transportation – Items 9 (a-f)

Item 9a. – Pedestrians

Various additional details were required including details of vehicles requiring access to Connaught Square (including autotrack analysis), restrictions on access to this space, pedestrian entrance to Ceannt Station, confirmation that no restrictions on public access to Meadle Street. Revision of the entrance to the multi-storey car park was also required.

PA Response March 2021 to 9a.

Further details provided as requested. Entrance to MSCP amended by reducing access/egress as requested.

Conclusion 9a:- Adequately addressed.

Item 9b. – Cyclists

Various details requested including level of residential cycle parking provided; Request to relocate cycle hub to more accessible location; FI required re access to development for cyclists; and Additional details needed regarding various aspects of proposed cycle parking provision.

FI Response March 2021 to 9b.

Cycle parking requirement for residential use in revised scheme is stated to be 724 no. residential and 202 no. visitor bicycle spaces. The proposed provision is 608 no. residential spaces in dedicated and accessible facilities, which are of a high standard catering for mobility impaired, cargo bikes, trikes and electrical charging for E-bicycles. In addition, the hubs provide a further 220 bicycle parking spaces to serve both residents and visitors. This is in addition to a further 400 cycle spaces for visitors throughout the development. An additional cycle hub is being provided adjacent to Block 01. Details of access to the cycle parking and cycle hubs is provided and is included at Figure 31 of the FI response (page 100). Detailed responses to the specific cycle parking related questions have been provided in the Further Information Response by BDP Architects.

P.A. Response to 9b.

Further information and clarification provided, including revisions to the scheme as requested.

Conclusion 9b:- Adequately addressed.

Item 9c. – Vehicular Access

Various modifications required including reducing width of entrance to MSCP, relocation of disabled spaces, provision of a signalised pedestrian crossing at entrance to 'Coalyard Walk' at Bothar Na Long, details of access, parking and drop-off facilities etc.

FI Response March 2021 to Item 9c

All items addressed including revisions to access by removal of one of the exit lanes, revisions to parking, drop off and service area.

P.A. Response to 9c.

P.A. satisfied that all items addressed as requested.

Conclusion 9c:- Adequately addressed.

Item 9d. – Car Parking

Parking survey required in respect of the proposed 130 spaces with respect to breakdown of occupancy by rail staff, rail passengers and other users; detailed drawings of entry barrier; location of car sharing spaces; separation of residential parking from remainder; and confirmation that no parking spaces for sale. A car park management plan was also required.

FI Response March 2021 to Item 9d.

It was clarified that of the 132 parking spaces, 46 are assigned to Irish Rail staff and 86 for passengers. It was further stated that the demand for parking varies between 80 and 100 and the provision of 130 spaces could be considered an over provision. It is stated that there will be sharing of commercial and residential spaces at night time, that spaces for Go-car have been included and that residential parking spaces will not be sold-off individually.

PA Response to Item 9d

It was noted that the residential parking is to be located on the central floors between the public parking spaces and the train station spaces. However, it was considered preferable to locate the residential spaces on the top floors for ease of management and security. It was agreed that non-residents would be excluded from using resident spaces at all times and that parking for employees would be managed as part of a discounted system rather than specific spaces.

Conclusion 9d. – Adequately addressed except for location of resident spaces.

Item 9e. - Mobility Management Plan

Survey required of current mobility characteristics of passengers and staff using the existing train station. The Mobility Management Plan to be updated to reflect these findings and the carpark management plan and future modal split targets.

FI Response March 2021 to Item 9e.

An updated Mobility Management Plan has been provided which reflects the findings of the updated transport assessment for both Demolition & Construction and for Operational phases of the development. It is stated that this takes account of the survey data on the use of the train station provided by CIE and future modal splits for the entire development.

PA Response to Item 9e

No survey of passengers and staff of the train station undertaken. It was noted that the future modal split targets assigned to vehicular modes seemed to be accurate but that those assigned to pedestrians appeared to be underestimated given the location of the scheme.

Conclusion 9e. – Partly addressed.

Item 9f. – Road Safety Audit

Following the points of FI being addressed, the applicant shall carry out a Stage 1 RSA on the altered design.

FI Response March 2021 to Item 9f

Addressed.

PA. Response to Item 9f.

An updated Road Safety Audit has been prepared and included in the RFI response.

Conclusion 9f. – Adequately addressed.

3.4.13. **Appropriate Assessment**

Item 10a – Incomplete, unprecise information and not based on best scientific knowledge

FI Response March 2021

Revised and updated AA/NIS Report which has been carried out in accordance with the best practice guidelines.

P.A. Response 24/05/21 to FI

Response accepted.

Conclusion 10a :- Adequately addressed.

Item 10b – Need to justify screening in/out of European sites, especially screening out of Lough Corrib SAC and Lough Corrib SPA

FI Response March 2021

Comprehensive rationale provided in revised AA Screening report and Lough Corrib SAC and Lough Corrib SPA screened in.

P.A. Response 24/05/21 to FI

Response accepted.

Conclusion 10b :- Adequately addressed.

Item 10c – Ex situ impacts and justification for screening in/out of QIs required esp. re Atlantic Salt Meadows and Black headed gull

FI Response March 2021

QIs have been comprehensively examined and rationale provided for screening in/out. Ex situ significant effects ruled out with regard to foraging/roosting for otters and harbour seals. No viable pathways for Atlantic Salt Meadows and notwithstanding suitable habitats for Black Headed Gull, likely significant effects ruled out due to flexible habitat use and not considered vulnerable to bird strike.

P.A. Response 24/05/21 to FI

Response accepted.

Conclusion 10c :- Adequately addressed.

Item 10d – Bats not a QI for any of the European sites

FI Response March 2021

Agreed.

P.A. Response 24/06/21 to FI

Response accepted.

Conclusion 10d :- Adequately addressed.

Item 10e – Further detail required re potential for surface water contamination during construction and details of mitigation measures

FI Response March 2021

Risks are identified and assessed in AA/NIS report and detailed mitigation measures proposed. These are in accordance with Best Practice Measures for Construction and Waste Management and are contained in the Outline CEMP.

P.A. Response 24/05/21 to FI

Response accepted.

Conclusion 10e :- Adequately addressed.

Item 10f – Demonstrate that all proposed mitigation measures are effective and feasible together with full details required

FI Response March 2021

Full details of mitigation measures proposed are set out in various documents and drawings (listed) and the manner in which mitigation is incorporated into the design is set out in Section 4 of the AA/NIS report.

P.A. Response 24/05/21 to FI

Response accepted.

Conclusion 10f :- Adequately addressed.

Item 10g – Further analysis of potential for bird strike and details of proposed mitigation required given substantial height of buildings and proximity to SPA

FI Response March 2021

Each QI has been assessed with regard to vulnerability and it was concluded that the likelihood of bird collision is remote. Notwithstanding this, specific mitigation is proposed in terms of bird friendly glazing including windows at lower levels which face onto terraces/green roofs etc.

P.A. Response 24/05/21 to FI

Response accepted.

Conclusion 10g :- Adequately addressed.

Item 10h – Due to substantial height of buildings, assessment of potential effects of overshadowing of European sites in proximity required at certain times of year

FI Response March 2021

Shadow diagrams proposed and provided. Overshadowing on parts of Lough Atalia (part of Galway Bay Complex SAC) likely for part of day at certain times of year. However, Lough Atalia is grossly polluted and of low ecological value. This factor together with the low level of angle of incidence of sunlight at that time of year, and the turbid nature of the lagoon due to flood waters of the R. Corrib, means that no significant impacts on ecology likely to occur.

P.A. Response 24/05/21 to FI

Response accepted.

Conclusion 10h :- Adequately addressed.

Item 10i – Greater analysis of potential impact and proposed mitigation required in respect of air quality, especially with regard to dust during construction

FI Response March 2021

Impact Mechanism 1 includes discharges released during construction. Potential pathways identified to wetland habitats of which three are ruled out of Zone of Influence. The only one with a possible overlap is 'Terrestrial habitat', but significant adverse effects are ruled out. No significant impacts on marine habitats are likely due to low ecological value of Lough Atalia and given that there are no 'in-rive' activities planned. Detailed mitigation measures are set out in the outline CEMP.

P.A. Response 24/05/21 to FI

Response accepted.

Conclusion 10i :- Adequately addressed.

Item 10j – Additional detail required regarding potential impacts on Otter during construction and operational phases

FI Response March 2021

Detailed assessment provided in AA/NIS (3.4). Otters recorded along shoreline and in Lough Atalia with the potential to occur on the development site in the early morning and late evening/night time. Construction will take place outside of these hours and hence no significant effects anticipated.

P.A. Response 24/05/21 to FI

Response accepted.

Conclusion 10j :- Adequately addressed.

Item 10k – Further analysis of potential impacts from lighting, noise and traffic effects and mitigation measures proposed to reduce same

FI Response March 2021

Mitigation measures are set out in the AA/NIS report which will reduce disturbance from lighting, noise, vibration, air quality, traffic etc. on biodiversity. Measures include noise screens, making staff aware of requirements, turning off machinery when not in use, timing of deliveries.

P.A. Response 24/05/21 to FI

Response accepted.

Conclusion 10k :- Adequately addressed.

Item 10l – Further information on cumulative impacts as only two adjacent developments included

FI Response March 2021

A comprehensive analysis of the cumulative effects has been provided in S2.3.2 of the AA/NIS report. This analysis has had regard to relevant permitted development in the area and has concluded that there is no potential likelihood for significant effects in combination with other development.

P.A. Response 24/05/21 to FI

Response accepted.

Conclusion 10l :- Adequately addressed.

It was concluded that adequate information had been provided to carry out a Screening Assessment and to undertake Appropriate Assessment. The detailed

assessment of these issues will be carried out in the Appropriate Assessment section of this report.

3.4.14. **Fire Safety**

Required – FI on means of escape from fire, measures to address internal fire spread and access for fire service personnel

FI Response March 2021

An up to date Fire Strategy has been provided, which was prepared in consultation with GCC's Fire Dept.

P.A. Response (25/05/21) to FI Item 11

It is noted that the Fire authority has reviewed the RFI response and no objection has been raised.

Conclusion Item 11. – Adequately Addressed.

3.4.15. **EIAR - Item 12**

a) Biodiversity

Item 12 a (i) – Bat roosts – additional surveys required

FI Response March 2021

Further to bat surveys carried out by Aquafact in Aug. 2019, additional bat surveys were carried out by Eire Ecology in Aug/Sept. 2020. These included daylight searches, night time walked transects, static monitoring programmes etc. and mitigation was proposed.

Item 12 a (ii) – Bats Protected Species – Demonstrate compliance with Reg. 51 if roosting bats present

FI Response March 2021

The developer has surveyed the site and identified potential roost sites and will apply for a Derogation Licence prior to commencement of works in accordance with Reg. 51.

Item 12 a (iii) – Bat activity – further details required regarding lighting proposals and mitigation measures

FI Response March 2021

Revised/updated Lighting and Landscape Design Statement provided. Potential future corridors/aspirational future corridors, which were informed by the recent bat surveys, have been identified and bat boxes placed close to same. 'Dark corridors' also proposed on site.

Item 12 a (iv) – Bat mitigation measures should include a landscape plan to connect Lough Atalia with Eyre Square to encourage bat activity

FI Response March 2021

Addressed as outlined in response to 12 a (iii) above.

Item 12 a (v) – All mitigation measures to be demonstrated as being effective and feasible and full details to be provided

FI Response March 2021

Details have been provided as requested.

Item 12 a (vi) – Bat monitoring is required by a Bat Ecologist for 5 years

FI Response March 2021

Details of a 5-year monitoring programme has been provided in the Bat survey by Eire Ecology (and Appendix 6.2 of EIAR). The proposed monitoring includes periodic surveying of the proposed mitigation measures, including consideration of further measures as necessary, and reporting to P.A. and NPWS.

Item 12 a (vii) – Assessment of noise impacts on biodiversity during construction and operational phases needs to be expanded and further clarity provided on mitigation measures proposed

FI Response March 2021

Noise impacts during demolition, construction and operation are examined in 6.5 of the EIAR, which include increase in traffic and use of machinery on site. Mitigation is proposed to reduce the impacts on biodiversity with no residual effects identified once mitigation measures are employed. The impact of noise, vibration, air quality and traffic effects on the QIs of the various European sites is examined in the AA/NIS report. The potential for adverse effects on otters and harbour seals was identified and mitigation measures were proposed.

Item 12 a (viii) – Additional analysis of potential impacts in terms of bird strike should be carried out and greater detail of proposed mitigation measures

FI Response March 2021

An analysis of bird strike is provided in Section 6.5.2 of the EIAR chapter on biodiversity. Further detailed analysis of bird strike is provided in 3.4.6 of the AA/NIS report. It was concluded that no significant impacts are likely to arise on bird species of conservation value, but mitigation in the form of bird friendly glazing is proposed. This consists of application of a film containing markings of 5mm dots, spaced 50mm x 50mm apart. This would be applied to glazing above 16m grade and to windows facing terraces/green roofs.

P.A. Response to FI re Item 12 a (i– viii) Biodiversity

Conclusion 12a (i-viii) inclusive :- Adequately addressed.

b) Climate change

Need assessment to include energy management, energy use/efficiency as well as assessment of carbon emissions during construction/demolition

FI Response March 2021

Refer to Chap 9 EIAR which includes an assessment of impact of embodied carbon emissions during both phases of development, which will be short-term, negative and imperceptible following mitigation. In addition, construction materials will be chosen on basis of lower embodied carbon and will include recycled/re-used materials where possible. The sources of energy during operation will be imperceptible and require no mitigation.

P.A. Response to FI

Conclusion 12b :- Adequately addressed.

c) Air (Noise)

Impact on elderly residents of Block 5 from external amenity area

FI Response March 2021

The matter was specifically assessed and it was concluded that the amenity area of Block 6 will not cause any significant impacts on the surrounding residential units, including Block 5.

P.A. Response to FI

Conclusion 12c :- Adequately addressed.

d) Air (Wind)

Clarification regarding various items (i to viii) including meteorological data, how climate change was accounted for, relatively low level of comfort for outdoor seating areas, amphitheatre and private balconies and wind tunnel effects.

FI Response March 2021

Response provided for each item which included some additional data, clarification on certain data, methodologies and likely impacts and associated mitigation measures. However, most of the findings and proposed mitigation/design measures were justified and clarified, with no further amendments put forward.

P.A. Response to FI

Conclusion 12d :- Adequately addressed.

e) Townscape and visual impact

A series of additional supplementary viewpoints from specific locations were requested including 7 VPs from/towards Eyre Square, views from within Forthill Cemetery and Bothermore Cemetery, views along the River Corrib Corridor and views of the Cathedral from University Road

FI Response March 2021

23 no. additional viewpoints provided. These are included in Appendix 14.1 of the EIAR and the views are assessed in Chapter 14 of the revised EIAR. In addition, the 45 original viewpoints have been re-assessed. The key points of the conclusion are summarised on page 121/122 of the FI document. In general, the overall conclusion is that the proposed development would have widespread, significant visual effects but for most of the viewpoints, including

many of the city's Protected Views and Strategic Views, the visual effects have been assessed as positive.

P.A. Response to FI

Conclusion 12e :- Not adequately addressed.

f) Material assets - Transportation

1. *Transport Assessment to be updated to address specific points.*

These related to several items of clarification, revision and further details regarding various items (i to xii) including the following:

- (i) Weekend Transportation Assessment***
- (ii) Early/mid afternoon mid-week peak period***
- (iii) Inclusion of Bonham Quay development traffic***
- (iv) Volume of traffic generated to be revised***
- (v) Parking spaces for Iarnród Éireann to be included in trip generation as public spaces***
- (vi) Parking spaces for residential use should only be used to calculate residential trips***
- (vii) The trip rates assigned to residential element are too low and should be revisited***
- (viii) Projected AADT to be revisited as do not include residential element or Irish Rail parking spaces***
- (ix) Revised TIA to address 'bypass trips' and further analysis of car park entrance***
- (x) TIA to be update to include traffic generated by parking spaces are accessed from Lough Atalia Road only***
- (xi) Further analysis of car park entrance required***
- (xii) Revise the Link and Junction analysis to reflect projected increase in traffic generation associated with proposed development***

FI Response March 2021

The revised TIA included a weekend transportation assessment, the additional midweek/mid-afternoon peak hour, the Bonham Quay development predicted traffic and the additional 20% in predicted traffic flows. Trip generation data was also adjusted to account for Iarnrod Eireann parking spaces, residential spaces only in respect of residential trips, and an increase of 20% to facilitate a more robust analysis and a more realistic AADT. The TIA also took into account a reduction for bypass trips, the Irish Rail traffic was reassigned from Eyre Square to the Lough Atalia entrance and the Link and junction analysis was revised. It was considered that the impact assessment did not support any proposals for traffic signals at the Lough Atalia entrance, but it was confirmed that the new access would be fitted with ducting to facilitate same in the future if required.

2. Construction Traffic Impact Assessment to be updated with a Traffic Management Plan for each phase of the construction (including overlapping of stages). Issues such as the maintenance of pedestrian access to the train station during construction needs to be demonstrated and how parking serving the train station will be provided for, as well as the extent of provision of parking for construction workers and any road/lane closures required

FI Response March 2021

Construction Management Plan by Barrett Mahony Consultants submitted with FI. This includes details of the proposed construction programme and stages of construction, including the duration of each phase and the interaction between the stages. Further details are provided in the Outline CEMP and a more detailed Construction Management Plan will be prepared and agreed prior to commencement of works. Potential impacts and proposed mitigation measures are contained in the submitted documents and drawings. The public pedestrian access to the southern side of Ceannt Station and from Eyre Square will be maintained for the duration of each phase. Measures will be put in place to manage the existing parking associated with the train station and for construction workers (including use of existing multi-storey car parks). No road closures are envisaged.

P.A. Response to FI

Conclusion 12f :- Adequately addressed.

g) Cultural Heritage – Archaeology

Additional archaeological investigation required having regard to the presence of potential post-medieval archaeology on the site and to submit a report to the P.A. and to the National Monuments Service

FI Response March 2021

A programme of archaeological testing has been carried out under licence (issued by NMS) in January 2021. A report outlining the findings and recommendations is contained in appendix 17.1 of the EIAR. No features pre-dating the post-medieval period were found but some features of the post-medieval period were uncovered. A watching brief will be employed. Details of mitigation measures are included in the documentation. No residual impacts will occur on the archaeological or cultural heritage resource from the proposed development.

P.A. Response to FI

Conclusion 12g :- Adequately addressed.

h) Major Accidents and disasters

The vulnerability of the project to risks of major accidents and/or disasters must be assessed as part of the EIAR

FI Response March 2021

An assessment has been carried out in accordance with the requirements of Article 3(2) and Annex IV of the EIA Directive (2014), and is contained in Chapter 19 of the EIAR. It is noted that the project site is located within the 400 metre consultation distance of Circle K Galway Terminal Upper Tier COMAH establishment at Galway enterprise Business Park. However, the level of individual risk of fatality has been assessed as acceptable. No mitigation measures were deemed necessary.

P.A. Response to FI Item 12

Conclusion 12h :- Adequately addressed.

4.0 Planning History

- 4.1. There is no recent relevant planning history on the subject site. However, there is relevant planning history on the adjoining sites, which is summarised in Section 1.0 of the Initial Planner's Report (14/06/20).

The planning history of adjacent sites of note:

- 4.2. **ABP.300275-17 (17/83)** – ***Bonham Quay*** - permission granted by the Board on 22/08/18, following a third party appeal, for 4 no. office blocks comprising approx. 34,765 sq.m. gross floor area, (excluding basement, external terraces and open roof plant). The site is located immediately adjacent to the project site to the southwest, and is the former Topaz Oil storage facility, with frontage to both Queen Street and Dock Road to the west and Bothar na Long to the south. The individual blocks are 7-8 storeys in height with a single basement level and vehicular access from Dock Road to 138 no. parking spaces and 162 no. cycle spaces. Plot ratio stated as 3.75:1 and overall height ranged from +38.0mOD - +40.2m OD. Permission was granted subject to 23 no. conditions. Of note are Conditions 17 and 19, which specified, respectively, that public access be provided to all areas designated as open to the public and that areas designated for cultural use within Blocks C and D shall be made available to community/cultural/arts events on reasonable demand and on a not-for-profit basis. This permission is currently in the process of being implemented. (Inspector's Report and Board Order attached).
- 4.3. **ABP300613-18 (17/121)** – ***Queen Street Student Accommodation*** - permission granted by the Board on 22/08/18, following a third party appeal, for a Student Accommodation Scheme comprising 345 no. bedrooms with a gross floor area of 10,747 sq.m. in 2 no. blocks sitting over a common ground floor area. The site is located immediately to the west of the project site (Stable Building) and to the north of the Bonham Quay development site. It is bounded by Queen St. to the west and the United Methodist Presbyterian Church (PS) to the north. The individual blocks are 7 and 8 storeys in height and include 2 no. landscaped gardens, one at Level 01 between Blocks 1 and 2 and the other at roof level of Block 2. Plot Ratio stated as 3.65:1 and overall height ranged from +35.0m OD - +38.0m OD. The development is accessed from Queen Street via a one-way loop around the perimeter of the building. Permission was granted subject to 19 conditions of which Condition 16 is of

note, as this required the provision of a minimum of two professional pieces of civic artwork features. (Inspector's Report and Board Order attached).

- 4.4. ABP.305716-19 (19/221) – Hardiman Hotel (formerly Meyrick Hotel) Protected Structure** – permission granted by Board on 21/02/20, following first party appeal against split decision, for alterations and extensions to existing hotel. The P.A. had decided to grant permission for amendments to the main hotel building including alterations to the ground and fourth floors, but permission was refused for a change of use of the 5th floor from a leisure centre to 13 no. bedrooms and for the construction of a 6th floor containing 6 no. bedrooms, a fire escape and plant areas. The refusal element related to the cantilevered 1960s extension to the rear of the main hotel building. The P.A. had argued that the alterations, elevational treatment and change of use of part of the extension, which was considered to be unsympathetic and detracts significantly from the character and setting of the Protected Structure, would repurpose and extend the life of the structure. However, the Board disagreed and decided to grant permission for the entirety of the proposed development, which had included revised elevational treatment submitted with the appeal. It is noted that in 2010, (Ref. 10/45), permission had been granted for the demolition of the modern concrete wing, but this permission was never implemented.
- 4.5. Reg. Ref. 22/167, 19/175, 14/18 – Ceannt Station Upgrade** – permission granted by P.A. in Aug. 2014 (14/18, and subsequently extended its duration to August 2024 – 19/175) for redevelopment of Ceannt Station (Protected Structure) to include the construction of a new 95sq.m single-storey fully accessible glazed entrance building, the extension of the NE Bay Platform and the erection of a new 2m high boundary wall to enclose the platform extension. Further proposed works included, inter alia, demolition of a lean-to extension at the northern end of the building, provision of a new curved, partially glazed roof, new glazed openings, the extension of the concourse area and removal of some internal walls within the station building. The proposal included the provision of level pedestrian access to the southern entrance area which links into the project site, together with new glazed entrance canopies, removal of the ramped access, and the provision of a new pedestrian walkway from the SE corner of Eyre Square to the new southern station entrance. A subsequent permission was granted in 2022 (22/167) for changes to the permission granted under 14/18 involving partial removal of some internal walls to improve accessibility

within the station and the partial removal of a concrete floor and lowering of same to assist with passenger accessibility.

- 4.6. ABP.309453-21 (20/298) – Victoria Hotel, Victoria Place** – permission refused by the Board on 27th July 2021 for retention of alterations to the hotel. The proposed works consisted of alterations and new finishes to an existing canopy, new signage to canopy over main entrance and retention of minor alterations to entrance doors. The reason for refusal was based on detriment to visual amenity and in particular to the character and setting of the adjoining United Methodist and Presbyterian Church (PS) and Eyre Square ACA, as well as failure to comply with Galway City Council’s Shop Front Design and Advertisement Guidelines.
- 4.7. P.A. Reg. Ref. 22/335 – Victoria Hotel, Victoria Place** – recent application for planning permission (lodged with PA 19/12/22) for extension to existing hotel. Proposed extension would replace existing warehouses/former snooker hall with a 10-11 storey over basement building immediately to the west of the existing hotel and would also incorporate Victoria House (Protected Structure) which would be retained but with a change of use and alterations. The proposed extension (c. 7,100m²) would increase the number of bedrooms by 109 to 178 bedrooms and would include additional lobbies, restaurants and an event space. A bar and restaurant with associated terrace are proposed at the 10th floor and a curved glazed atrium would be provided on the NE corner boundary with the current Ceannt Station carpark. Decision pending.
- 4.8. ABP.310615-21 (20/240) – Coalyard Site** – appeal currently before the Board for redevelopment of site immediately to the south of Forthill Cemetery, on the corner of Lough Atalia Road with Bothar na Long. It is proposed to construct a part 3-storey to part 11-storey hotel providing 186 no. bedrooms with a GFA of 8,939sq.m incorporating food and beverage areas, a roof top bar/function area and localised repair and rebuilding of the shared boundary wall with Forthill Cemetery - Decision pending.
- 4.9. PA0033 – Galway Harbour Extension** – SID application currently before the Board. The application was lodged by Galway Harbour company in 2014 and involves the infilling and/or dredging of approx. 79 hectares of Galway Bay in order to create a new port facility to serve Galway and the Western Region, and to replace the existing port at the Inner Harbour. In September 2015, the Board requested Galway

Harbour Company to develop initial proposals with regard to compensatory measures in terms of the likely impact of the proposed development on the Galway Bay Special Area of Conservation in accordance with the Habitats Directive. Initial proposals were submitted in 2017 and the matter is currently before the Board with a decision pending. The site of the proposed harbour extension is located to the East/South-east of the project site, incorporates Galway Harbour Enterprise Park, and part of the site extends along Lough Atalia Road and part of Bothar na Long.

5.0 Policy and Context

National Policy

5.1. National Planning Framework Project Ireland 2040

5.1.1. Galway City has the potential to generate and be the focus of significant employment and housing growth. As one of the four key Regional cities in the country, it is targeted for compact growth with 40% of future housing to be located within the built-up footprint. A key policy is to enable its continued strategic development in a transformational and urban rejuvenation focused manner with a special focus on capitalising on the potential of underutilised and publicly owned and centrally located sites and activating their potential to boost the population and economic output levels of central areas. Key growth enablers include:

- Delivering regeneration projects to extend and intensify the city centre including the Station, the Docks etc.
- Public realm and urban amenity projects focused on streets and public spaces especially with regard to extended city centre and where residential and employment areas can be linked to pedestrian routes.

Targeted pattern of growth for Galway City envisages a growth rate of 50-60% by 2040 i.e. an additional population of 40,000 - 48,000 (Table 4.1).

5.1.2. **National Policy Objective 3b** - Deliver at least 50% of all new homes within the five cities and their built-up footprints.

- 5.1.3. **National Policy Objective 4** – Ensure the creation of attractive liveable well designed high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- 5.1.4. **National Policy Objective 6** – regenerate and rejuvenate urban areas with increased residential population and employment activity and enhanced levels of amenity and design quality in order to influence and support their surrounding areas.
- 5.1.5. **National Policy Objective 11**– in meeting urban development requirements there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
- 5.1.6. **National Policy Objective 13** - 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.
- 5.1.7. **National Policy Objective 35** – Increase residential density in settlements through a range of measures including reduction in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building height.

5.2. Housing for All – A New Plan for Ireland 2021

A multi-annual, multi-billion euro plan which will improve Ireland’s housing system and deliver more homes of all types for people with different housing needs. The overall objective is that every citizen in the state should have access to good quality homes:

- To purchase or rent at an affordable price
- Built to a high standard in the right location
- Offering a high quality of life

5.3. EPA Environmental Impact Assessment Report Guidelines 2022

These guidelines which were published in May 2022 update the EPA guidelines on preparing EIA which have been in place since 2002. They are a statutory document

which must be taken into account by decisionmakers and by those preparing EIARs. The guidelines will assist competent authorities when considering EIARs during the decision making process prior to determination of a case.

5.4. Section 28 Ministerial Guidelines

Having considered the nature of the proposed development, the receiving environment, the documentation on file, including the submissions from the planning authority, the first party appellant and the third party appellants, I am of the opinion that the most relevant Section 28 Ministerial Guidelines are as follows:

- **Urban Development and Building Heights – Guidelines for Planning Authorities, December 2018**, [in particular SPPR 1 – in accordance with Government policy to support increased building height in locations with good public transport accessibility, particularly town/city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment and infill development to secure the objectives of the NPF and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height].
- **Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2020** - (the 'Apartment Guidelines'), as updated in December 2022. *Note – recent amendments not applicable due to transitional arrangements.*
- **National Architectural Heritage Protection Guidelines for Planning Authorities (2011)**
- **Retail Planning Guidelines 2012 and Retail Design Guide 2012**
- **Childcare Facilities – Guidelines for Planning Authorities 2001** and **Circular PL03/2016** – childcare facilities operating under the Early Childhood Care and Education Scheme (ECCE)

Regional Policy

5.5. Northern & Western Regional Assembly Regional Spatial and Economic Strategy 2020-2032

The RSES provides a high level development framework for the Northern and Western Region that supports the implementation of the National Planning Framework. It establishes Galway as the primary urban centre in the region and recognises its primacy in the settlement hierarchy.

The RSES includes a Metropolitan Area Strategic Plan (MASP) for Galway City and Environs, a key sustainability goal of which is to deliver growth in a compact form with an objective to locate at least half of new homes within the existing built footprint of the city. The redevelopment of key regeneration/brownfield sites at locations that are well served by public transport are highlighted as being key to supporting compact growth and population targets. It also seeks the densification of development in the City Centre, including identification and assembly of brownfield sites for development. The Lands at Ceannt Station are identified as a key regeneration site in the city centre.

Local Planning Policy

5.6. Development Plan Policy - Introduction

The Development Plan that was in operation at the time that the planning application was determined by the planning authority was the **Galway City Development Plan 2017-2023**. This plan was also in operation at the time when the appeal was lodged with the Board and when the most recent submissions (July 2021) were received from parties to the appeal by the Board. A new Development Plan - **Galway City Development Plan 2023-2029** was adopted on the 24th November 2022 and this Plan became effective on **4th January 2023**, which has replaced the 2017 Plan. In the meantime, a new **Urban Density and Building Height Study** was published by the planning authority in September 2021, and the **Housing Need Demand Assessment** in August 2021. These documents now form part of the supporting strategic documentation underpinning the new 2023 CDP.

- 5.6.1. The proposed development at Augustine Hill must now be assessed in accordance with the new **Galway City Development Plan 2023-2029**. It is noted that the 2023 Development Plan has been prepared in a different context than its predecessor in 2017, due to some significant legislative and policy changes at national and local level, including the National Planning Framework (NPF), the Regional Spatial and Economic Strategy (RSES) and the Galway Metropolitan Area Strategic Plan (MASP), as well as the series of recent policies and plans relating to climate action and climate change. The 2023 Development Plan has been guided by this national and regional policy framework which envisages a significant population growth for the city to 120,000 within the next 20 years and to also take urgent action to combat climate change and its impacts.
- 5.6.2. Given that the new Development Plan became operative prior to determination of the appeals by the Board, and that several of the third party appeals had asserted that the proposed development was premature pending the adoption of impending policies such as the Urban Density and Building Heights Strategy and the Housing Need Demand Assessment, the Planning Assessment section of my report will refer to the 2017 Plan from time to time, but the assessment will be carried out in reference to the newly adopted and operational Development Plan for the city.

5.7. Galway City Development Plan 2023-2029

- 5.7.1. The site is within the **City Centre Area Zoning Objective CC**. The Zoning Objective for the CC Zone is “To provide for City Centre activities and particularly those, which preserve the city centre as the dominant commercial area of the city”. (*This objective is consistent with the CC zoning objective under the 2017 CDP*). Compatible uses include retail, residential, offices, tourist related uses, cultural and community uses, buildings for education, recreation and childcare facilities.
- 5.7.2. **Chapter 10** relates to **Compact Growth and Regeneration**. It includes specific sections relating to the City Centre (10.2), Regeneration and Opportunity Sites (10.3) and City Centre Regeneration (10.4). Section 10.5 relates specifically to the ‘**Ceannt Quarter Regeneration Site**’, which is described as comprising 5.8ha which “has the potential for redevelopment of a transformative scale for the city”. *This is generally consistent with the Specific Objective (10.2) of the 2017 Development Plan which had identified the Lands at Ceannt Station as a brownfield regeneration site for*

development as mixed use commercial development, including for commercial offices, retail, residential (equivalent to 30% of the total proposed floor area) and transportation interchange in accordance with the requirement set out under Section 10.2.1.

- 5.7.3. **Core Strategy Galway City (1.5.3)** – to enable Galway to sustainably develop, strengthen and nurture success, become a city of scale and continue to be a driver of regional development, as one of four designated regional cities outside Dublin. It supports the city in its transition to a low carbon, climate resilient city by means of a compact growth approach, increased integration between land use and transportation, increased sustainable mobility and sustainable use/management of environmental resources. It is supported by the Galway Transport Strategy which seeks to align employment and housing growth along existing and planned public transport corridors and to increase active travel through increased capacity of reliable public transport and facilitation of walking and cycling.
- 5.7.4. The approach to compact growth will require concentration of more than half of new homes within the built footprint of the city, thereby allowing efficient use of existing services, public transport and facilities. This approach will also require an increased focus on place making, public realm measures and enhancement of amenity, as well as balancing the provision of housing with community infrastructure. The Core Strategy recognises the significant potential for a number of brownfield sites in the city centre to contribute to the delivery of housing, which includes the priority regeneration sites at Ceannt Quarter and the Inner Harbour. *These sites had also been identified as key regeneration sites in the previous CDP.*
- 5.7.5. **Core Strategy (1.9-1.11)** – Ceannt Station and the Inner Harbour are highlighted as ‘Regeneration and Opportunity sites’ in the land-use strategy set out in Fig. 1.6. These designated sites are deemed critical to the delivery of a compact, liveable city. Through delivery of a broad mix of uses, these regeneration sites can create new vibrant neighbourhoods, supported by community infrastructure, new public spaces, an offer of choice in house types and tenures and demonstrate the advantages of sustainable living. All of the major Regeneration and Opportunity sites will be required to be the subject of a Masterplan/spatial framework plan which will facilitate a clear strategy for development and set the context for more detailed design elements relating to use, buildings, spaces and their relationships. *This is similar to the approach taken in the 2017 CDP.*

CHAPTER 10 – COMPACT GROWTH AND REGENERATION

- 5.7.6. This chapter is probably the most relevant one to the proposed development in the 2023 City Development Plan. **Section 10.1** emphasises the need to manage the projected growth as envisaged in the NPF so that development is more concentrated, compact and co-ordinated, enabling regeneration and rejuvenation that can support sustainability, climate action objectives and liveability factors. The City and Metropolitan areas are identified as being the primary drivers in securing this compact growth. Particular attention is focused on the regeneration of brownfield and underutilised sites that are well served by existing and planned public transport, as well as amenity, social and community infrastructure to deliver new homes and employment opportunities. It is stated that these areas need to be targeted in a dynamic and responsive way and that the resulting regeneration will have potential to be transformative for the city, creating new urban districts, vibrant and attractive places, sustainable city living and reduced carbon footprint.
- 5.7.7. **Section 10.2 City Centre** reinforces the importance of the city centre as the prime commercial, retail and employment hub and encourages the development of new neighbourhoods in the CC to offset the need to travel and creation of a living city centre. The expansion of the city centre into the regeneration sites at Ceannt Station and the Inner Harbour are seen as transformative opportunities for development of scale with new residential communities and mixed uses complementing the historic character and distinctiveness of the city centre. The development of key regeneration sites such as Ceannt Quarter would complement the commercial offer of the city centre, by enabling larger floor plates which cannot be accommodated in the historic core, whilst also providing for new liveable vibrant places.
- 5.7.8. **Policy 10.1 City Centre –**
- 10.1.1 - Maintain and enhance its dominant role for commerce, shopping, tourist, cultural and leisure activities, enhancing its vitality and attractiveness as a place to work, live and visit.
- 10.1.4 – Encourage a living city centre by requiring a residential content in new developments and promoting a high quality urban environment in the design and layout of new schemes.
- 10.1.7 – Maintain and enhance the quality of the city centre public realm and enhance accessibility and connectivity to and within the city centre through

improvements to the network of streets, footpaths and public spaces and through implementation of the public realm strategy.

10.1.8 – Support a diversity of uses in the city centre public realm including markets, outdoor seating and dining, arts and culture events to add to the vitality and vibrancy of the city.

10.1.14 – Ensure that the development of significant city centre sites is carried out to a high standard and in the context of an overall masterplan.

5.7.9. Policy 10.3 - Regeneration and Opportunity Sites –

The redevelopment of these sites is seen as being key to the delivery of compact growth and sustainable development. They also have the potential for transformative redevelopment. In particular, the focus will be on sites that can support a compact form, a mix of uses, affordable housing in a high quality environment and can add vitality to the city centre, existing neighbourhoods and commercial centres.

5.7.10. Policy 10.4 – City Centre Regeneration –

Ceannt Quarter and the Inner Harbour are identified as City Centre regeneration sites which can help to unlock the need for significant extension of the city centre which has been constrained by the tight network of mediaeval streets as well as presenting an opportunity for re-engagement with the seafront. These sites have the potential to create their own character and sense of place but with reference and appropriate linkage to the city centre and are seen as key enablers that can facilitate Galway to grow to a city of scale.

5.7.11. Policy 10.5 – Ceannt Quarter Regeneration Site –

This policy is very similar to Specific Objective 10.2 of the 2017 CDP. It relates to 5.8ha of brownfield lands within Ceannt Station, which included the site of the Augustine Hill development project. Policy 10.5 identifies these lands as having the potential for redevelopment of a transformative scale for the city. In addition, the site presents an opportunity for modernisation and expansion of the public transportation function of the station, expansion of the city centre retail and commercial, new residential development and a network of streets and public spaces. The enhancement of the station as a multi-modal public transport interchange is a Key Priority. A 'Masterplan' is a prerequisite for the redevelopment of these lands which

must be developed by the potential developer in advance of the specific proposals.

Specific Objective 10.26 is “**To require the preparation of a master plan for Ceannt Station site**”.

5.7.12. **Masterplan** – The preparation of the Masterplan will be primarily the responsibility of the primary stakeholder but will require a significant level of engagement with the planning authority, the public, adjoining landowners and other stakeholders. It will be required to set out a vision for the area and demonstrate compliance with the Development Plan and other plans and strategies of the planning authority. These include :-

- Galway Transport Strategy
- Public Realm Strategy
- Urban Density and Building Height Study
- Heritage Plan
- Biodiversity Action Plan

5.7.13. In summary, **the Masterplan** would also be required to undertake the following:

- **Public Transport Interchange** - Accommodate and front-load a significantly upgraded transportation interchange.
- **Integrate with built heritage** - Demonstrate seamless link with Galway’s built heritage/historic core, re-use of historic buildings and exploit waterfront setting.
- **Height, scale and massing** – demonstrate respect for existing important views, vistas and landmarks and contribution to aspects of urban design.
- **Maximum plot ratio** – Higher plot ratios than prevailing 2:1 will be considered where proposals contribute to sustainability, architectural quality, urban design, public realm, delivery of housing and urban character.
- **Public realm and movement** – achieve strong sense of place, good permeability and linkage with existing spaces, streets and adjacent regeneration sites with maximum permeability and views of sea, Lough Atalia.

- **Climate Action** – measures to support environmental sustainability and climate action including sustainable building design, green infrastructure and SUDS, connections to the green network and biodiversity gain.
- **Use mix** – detail the type, quantum and distribution of uses with a minimum residential content of 30% of GFA. In certain limited cases, the equivalent 30% requirement may be provided for elsewhere within the overall site/area.
- **Arts and culture** – include the provision of an arts/cultural facility at developer’s expense, with a management regime incorporated into the development delivery that enables the long term sustainable use of facility.
- **Phasing and delivery** – demonstrate delivery of public benefits corresponding to each phase of the development such as a public square/cultural facility. The phasing programme to be sensitive to market changes and so that each phase can be self-contained, with no negative visual impact on any publicly exposed area for a prolonged period.

5.7.14. **Other policy objectives of the City Development Plan**

There are various policy objectives in every chapter of the City Development Plan 2023-2029 which relate to the development proposal for these lands. These include the following:-

- 5.7.15. **Chapter 2 – Climate Action** – Climate action is a combination of mitigation and adaptation measures to tackle climate change. The CDP recognises the strategic role that land use and spatial planning can play in providing for population growth in a compact, sustainable way that will reduce greenhouse gas emissions, reduce energy demand and address climate change adaptation, including reducing the need to travel and encouraging regeneration of brownfield sites. The Core Strategy has been developed in line with this approach.

Policy 2.4 Sustainable Building Design and Construction – includes objectives to increase energy performance of new buildings, limit GHG emissions, use of renewable and low carbon energy through design and layout and promote high standards of energy conservation/performance.

Table 2.1 sets out the key policy measures throughout the development plan which incorporate *climate adaptation and mitigation measures*.

5.7.16. **Chapter 3 - Housing and Sustainable Neighbourhoods** – the aim of which is to provide good quality affordable housing in a manner that is socially inclusive and supports good placemaking in order to meet the needs of a growing city. The settlement strategy for the city is focussed on regeneration of brownfield and under-utilised sites which have scope for a significant quantum of residential development. A Housing Strategy which includes a Housing Need Demand Assessment has been prepared as part of the 2023 Development Plan.

Policy 3.1 - Housing Strategy – the purpose of which is to ensure that the housing needs of the existing and future population are met. This Strategy has reviewed trends in supply and demand in the city and sets out the projected housing needs over the plan period and for specialist housing options. The Plan policies are informed by the Housing Strategy and the HNDA. Policy 3.1 seeks, inter alia to facilitate the delivery of the Housing Strategy and HNDA to meet the identified housing supply targets for the city.

Policy 3.3 – Sustainable Neighbourhood Concept – where an efficient use of land, effective integration of physical and social infrastructure and high quality design are combined to create places where people wish to live with a good quality of life. They support a diverse society and provide housing choice and affordability for all in an attractive built and natural environment. The concept reflects the ambition for a 15 minute city and supports a mix of uses. *Policy 3.3* seeks to promote the development of compact, well designed, safe and attractive neighbourhoods that deliver efficient use of land and are well integrated with public transport and physical and social infrastructure. This policy also encourages higher densities at appropriate locations in accordance with Galway Urban Density and Building Height Study, which include strategic regeneration and opportunity sites, residential and mixed use sites adjacent to high quality public transport.

Policy 3.8 – Sustainable Neighbourhoods: City Centre Residential Areas- Prioritise the provision of new homes on designated Regeneration and Opportunity sites in the city centre at appropriate scales to enable development of new sustainable city centre communities.

5.7.17. **Chapter 4 – Sustainable Mobility and Transportation** – the aim is to integrate sustainable land use and transportation, facilitating access and choice to a range of

transport modes, accessible to all sections of the community, in order to create a sustainable and compact city.

Policy 4.1 – Support Galway Transport Strategy – the implementation of the GTS will advance the delivery of and modal shift to more sustainable modes of transport and enable planned integration of land use and transport.

Policy 4.2 – Land Use and Transportation – support and facilitate the integration of land use and transportation in order to facilitate compact city growth, supported by sustainable modes of transport. Provide for the development of high volume, trip intensive developments such as commercial centres and employment hubs at locations that will minimise the need, distance and time taken to travel and promote the use of sustainable transport modes such as walking, cycling and public transport. Promote the 15 minute city and effective sustainable residential densities in the city and close to public transport.

Policy 4.3 - Public Transport – support measures to develop Ceannt Station as an integrated multi-modal transport hub which facilitates easy interchange between national, regional and local transport services.

Policy 4.4 – Sustainable Mobility – Walk and Cycle – Promote, facilitate and maintain maximum connectivity and permeability for pedestrians and cyclists in the design and management of new projects.

5.7.18. **Chapter 5 – Natural Heritage, Recreation and Amenity** – provide a green network to facilitate the use/protection of natural heritage, recreational amenity, parks and open spaces in an integrated manner. Open spaces are categorised under the following headings.

Protected Spaces – including European sites

Blue Spaces – Coastal, river lands etc.

Green Spaces – Formal parks

Community Spaces – greenways, cemeteries, allotments, recreational facilities, protected views of special amenity value and interest

Open spaces – Civic spaces (including Eyre Square), residential, commercial and industrial open space, recreation and amenity zone lands etc.

Policy 5.1 – Green Network and Biodiversity

Policy 5.2 – Protected Spaces

Policy 5.7 – Community Spaces: Protected Views of Special Amenity Value and Interest – Protected Views are listed in Table 5.9. Policy seeks to protect views and prospects of special amenity value and interest, which contribute significantly to the visual amenity and character of the city, through the control of inappropriate development. Landscaping schemes are also required to have regard to such views.

Policy 5.9 – Open Spaces: Public Realm – Implement the Public Realm Strategy for the public domain which contributes to the creation and maintenance of high quality and successful open spaces.

Specific Objective Blue Spaces – Short Term includes preparation of a masterplan for Lough Atalia to improve water-based recreation and walkways etc.

5.7.19. **Chapter 6 – Economy, Enterprise and Retail** – aim is to facilitate and promote development of the city as a National Gateway and Regional city and to create a resilient and diverse city economy that meets the need for sustainable employment opportunities, provides for a high level of service provision and drives national and regional competitiveness.

Policy 6.1 – General – Support role as Regional city and driver of growth as set out in NPF and RSES.

Policy 6.2 - Commercial Sector - Preserve the city centre as the prime focus and identity for city centre commercial activities and enable complementary uses and activities, including compact residential development that will enhance the unique sense of place, the vitality and vibrancy of this area. Encourage and facilitate the regeneration of city centre sites at Ceannt Station Quarter and the Inner Harbour for a range of uses including higher value order commercial office space capable of accommodating a business and technology enterprise.

Retail Strategy – Retailing is noted as being a significant contributor to the commercial life of the city and an essential part of the economy. It is a key element in maintaining the attractiveness of the city as well as its competitiveness relative to other cities and contributes to the visitor experience in terms of tourism. Galway City is a Level 1 ‘Metropolitan Centre’ in the Retail Hierarchy (Table 6.1). It is the principal retail area within the Galway MASP and supports a significant amount of higher order retailing and specialist services not available elsewhere in the county. The

area defined as the Core Shopping Area for the purposes of the retail strategy is shown in Fig. 6.4 and include the Ceannt Station quarter lands. The strategy is to promote and protect the city centre as the primary retail area. The regeneration areas are considered the priority areas for retail development in the city centre.

Galway City Council and Galway County Council will undertake a **Joint Retail Strategy** as recommended by the Retail Planning Guidelines. This joint assessment will commence in 2023. In the interim, the 2023 CDP has considered the Core Strategy and Settlement Strategies in both of the City and County Development Plans, considered retail trends and the level of retail floor space that has been built since the last plan, extant permissions and current proposals in the planning process for the city. The retail hierarchy adopted in the Galway MASP informs the retail policy for the city, which places particular emphasis on protecting and enhancing the city centre as the primary shopping area for the city and county.

Policy 6.11- Retail Strategy – (in summary) -

- Adopt the retail hierarchy as identified in the strategy.
- Review the strategies and policies and vary the plan if necessary, following the adoption of the Joint Retail Strategy.
- Enhance the city centre as the primary retail service centre through promotion of appropriate uses, regeneration, an increased mix of complementary uses including residential, leisure, cultural uses and through investment in public realm, amenities and sustainable transport infrastructure.
- Improve access and permeability in city centre with particular emphasis on improving public realm and increased pedestrianisation and cycle facilities.
- Protect and promote the City Centre as the most important shopping area in Galway MASP, county and region. Facilitate a mixed expansion of services including higher order comparison retailing in conjunction with service retailing, an enhanced shopping experience and cultural/entertainment facilities....direct such investment into the city centre where they can enhance vitality and viability through a mix of uses, reuse of vacant site and revitalisation to contribute to regeneration and the maintenance of a compact core area.

- Strengthen the vitality and resilience of the city centre, support a sustainable retail environment, facilitate flexibility of retail formats and uses and provide a quality retail experience.
- Support the development of a vibrant night-time and evening economy including facilitation of outdoor living and events spaces and greater utilisation of heritage assets.

5.7.20. **Chapter 7 - Community and Culture** – to promote an inclusive, creative and bilingual city which is accessible to all members of the community and facilitate the sustainable development of community and cultural infrastructure.

Policy 7.2 – Creative City – including requiring large-scale developments to incorporate and deliver works of public art that facilitate interpretation of place and community. Enable expansion of accessible arts and culture infrastructure by requiring them to be integrated into large developments on regeneration sites

Policy 7.5 – Community Facilities

Policy 7.7 - Childcare

5.7.21. **Chapter 8 - Built Heritage, Placemaking and Urban Design** – to create a high quality, sustainable built environment and to enhance the distinctive character of the city through the protection of the built and archaeological heritage and through high quality architecture and urban design. Large scale developments that are anticipated, particularly on the regeneration and opportunity sites in the city centre, must include high quality architectural design, reflect good urban design principles, contribute to the public realm and integrate new architecture respectfully into the valued historic core.

Policy 8.1 - Record of Protected Structures – Protect structures listed in the RPS and ensure that new development enhances the character and setting of a protected structure. Promote sustainable building design, best conservation practice and the appropriate maintenance, adaptation and reuse of historic buildings.

Policy 8.2 - Architectural Conservation Areas – Protect and enhance the character and special interest of designated Architectural conservation Areas. Ensure that developments within ACAs respects and enhances the character and special interest of the ACA.

The Long Walk ACA – has a particularly attractive setting with views towards the sea and the Claddagh. The area characterises a distinct urban form, which reflects Galway’s historic relationship with the sea and is a landmark area for the city.

Eyre Square ACA – is a significant historical civic space within the city. The green area (Kennedy Park) itself dates back to the mid-17th Century. The square comprises both historic and modern buildings with varying styles ranging from late Georgian to Victorian and modern. While significant intervention has taken place, it still retains the original form with a unified streetscape.

Policy 8.4 – Archaeology – Protect, preserve and promote the archaeological heritage of the city. Ensure that proposed development within the designated city Centre Zone of Archaeological Notification is not detrimental to the character of an archaeological site or its setting.

Policy 8.7 – Urban Design and Placemaking – Adhere to *Galway City Urban Density and Building Height Study (2021)* - UDBHS - and promote development which incorporates high quality, sustainable and inclusive urban design, placemaking, urban form and architecture that positively contributes to the city’s character, heritage and neighbourhood areas. 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, ACA’s, residential amenity or impinge upon strategic views, in accordance with the UDBHS for the city.

Policy 8.8 - Public Realm 4, 8, 9 – Prioritise the safe movement of people on streets and create a high quality environment through design promoting connectivity, accessibility and the principles of universal design. Establish strong links between the city centre and the regeneration areas of the Harbour, Ceannt Station and Headford Road and at Nun’s Island. Prioritise the creation of public spaces in the development of regeneration areas and opportunity sites and deliver high quality public realm.

5.7.22. **Galway City Urban Density and Building Heights Study (2021)**

The UDBHS for the city provides a strategy to guide urban density and building height in new development. It reflects national policy which seeks to achieve a more sustainable, compact form of development whilst making a positive contribution to the character of the city and create good quality mixed use communities. The strategy takes account of the historic environment of the city with its sensitive and

distinct character as well as the coastline context and unique landscape and townscape setting. It provides for a range of building heights and densities which are intended to guide development, but are not to be interpreted as absolute measures, with each site/development proposal to be considered on its merits. The capacity for height is based on a spatial strategy but also takes account of larger scale sites where opportunities for exceptional development will depend on their built form, their social economic and environmental impact and whether they can deliver excellence.

In general, heights and densities greater than the suggested ranges in the UDBHS may be considered when assessed against other relevant policy and guidance. On sites such as those in the regeneration areas of the harbour and Ceannt station, it is acknowledged that these larger sites may be capable of generating their own character. Reference is made specifically to the Ceannt Quarter site, (16.3) where it is suggested that by reason of its scale and regeneration characteristics, scope for greater height is open for consideration where justification can be demonstrated based on outstanding architectural design and that it can satisfy all other planning considerations. It is also stated that -

“Being adjacent to the historic core, height and massing must be careful not to negatively affect key views and the character of the centre.”

The Long Walk area is also identified as being particularly sensitive to any dramatic increase in density.

5.7.23. Galway Public Realm Strategy (2019)

The GPRS provides a comprehensive strategy to deliver high quality public realm. It seeks to celebrate Galway’s rich heritage, to enhance the quality of the built environment, and to provide meeting places, entertainment and event spaces, market spaces, exhibition and art spaces, outdoor eating spaces and passive amenity spaces. It also seeks to enhance green infrastructure, increase biodiversity and improve resilience to climate change and flooding. The strategy supports the plan policy to create strong links between the city core and the regeneration areas including those of the Harbour and Ceannt Station.

5.8. Natural Heritage Designations

The site is not located within or immediately adjacent to any European sites. However, it is in close proximity to Galway Bay and the River Corrib, with which there is the potential for a hydrological connection via surface water and existing drainage. Thus, there is the potential for a pathway to the Galway Bay Complex SAC, the Inner Galway Bay SPA and the Lough Corrib SAC.

6.0 The Appeal

6.1. Third Party Grounds of Appeal

1. An Taisce (Galway Association)

2. Brendan Mulligan

The submissions can be summarised as follows:

6.1.1. Premature development

Each of the parties considered that the proposed development was premature for various reasons:

- Formulation and adoption of a **Local Area Plan** for the City Centre with a specific development brief for this site which would address matters such as scale, density, height of buildings, mix of uses, layout, public spaces, permeability etc.
- Formulation and adoption of a Housing Strategy and a **Housing Needs Demand Assessment**. It is not possible to assess whether the proposed development will meet the housing needs of the city without this information. The local authority has commenced the procurement process for the undertaking of such studies to inform the preparation of the Draft City Development Plan 2023.
- Formulation and adoption of a **Density and Building Heights Study**. It is not possible to assess the appropriateness of the density, scale and height of the proposed development in the absence of such information. The local authority has commenced the procurement process for the undertaking of such a study to inform the preparation of the Draft City Development Plan 2023.

- Determination (by An Bord Pleanála) of the application for the **Galway Harbour Expansion**. It is noted that a previous application (2007) for designation of the area as an SDZ had been refused on the basis that it would have been premature pending the outcome of that decision.
- **Resolution of Wastewater Network deficiencies**. Reference is made to ongoing problems with the stormwater overflow system associated with the Galway City WWTP at Mutton Island. It is claimed that the plant is not operating in accordance with the terms of the Discharge Licence due to leakages from stormwater overflow pipes in various locations around the city. A copy of the EPA's AER 2020 was provided to substantiate these claims. It is stated that the Board should satisfy itself that the non-compliances with the conditions of the Licence have been fully addressed prior to any development occurring on site in order to avoid environmental pollution.

6.1.2. **Lack of public involvement and Developer-led project**

The reliance on a Masterplan instead of a Local Area Plan is lamented by both parties. It is considered that a Local Area Plan should be/should have been adopted for the City Centre, particularly as there are several key regeneration sites. The failure to do so has resulted in a Developer-Led planning scenario whereby these sites, which are critical to the future development of the city, are being planned by developers with little or no engagement with the planning authority or the public. There has been far too little involvement by the general public and other stakeholders in the planning of development for this and adjacent sites. The 'masterplan' for the Ceannt Station lands has had no meaningful public participation in advance of the submission of a planning application, yet the CDP (10.2.2) specifically requires a significant level of engagement with the P.A., the public and other stakeholders.

6.1.3. **Material Contravention of Development Plan**

- **Residential content less than 30%** - The proposed scheme as amended by the P.A. decision will result in a residential content of less than 30% which is in breach of Specific Objective 10.2.2 of the CDP. The revised scheme in response to the FI request had increased the number of apartments to 404 which would have represented a greater proportion than 30%. However, the requirement to remove Pins 4 and 5 and to reduce the floor levels of other

blocks will reduce the residential floor area from 40,515m to 25,081m, (241 apartments) which represents 26% of the GFA.

- **Plot ratio exceeds prevailing city centre plot ratio** – The plot ratio was reduced in the RFI from 3.8:1 to 3.4:1 but the P.A. decision reduced it further to 2.93:1, which is still considerably greater than the prevailing plot ratio. The CDP (11.4.2) requires development in such situations to make a ‘significant contribution to urban character’. The Board will have to be satisfied that this is the case.

6.1.4. **Apartment standards (include unit mix)**

- **Apartment standards** - The apartments meet the standards set out in the Apartment Guidelines, but the bare minimum standards have been applied, and these guidelines pre-date the pandemic. No account has been taken of the impact of the Covid-19 pandemic whereby people have to work from home, home school and need to self-isolate, with a consequent greater need for more spacious apartments.
- **Unit mix is inappropriate** - The number of 3-bed apartments is disproportionately low and the number of 2-bed/3-person apartments is disproportionately high. The lack of 3-bed units will not attract families into the city centre and will therefore result in a more transient population, particularly with the predominance of build-to-rent units. The Apartment Guidelines describe the 2-bed/3 person units as being particularly suited to social housing and sheltered housing schemes and as these units represents 55% of the proposed apartments, this will militate against the provision of an inclusive and sustainable community.

6.1.5. **Mix of Uses (include Housing Need and Economic viability)**

- **Excessive commercial/inadequate residential** - The residential element has been drastically reduced as a result of the P.A. decision. This means that the retail, commercial and parking elements have been increased as the proportion of uses on the site. The demand for retail, and department stores in particular, in Galway is not great. Galway does not need another cinema or hotel, as there are several cinemas and hotels in the immediate area. The site should contain a significantly greater percentage of residential floorspace in order to make a living city and meet urgent local demands.

- **Housing Need not addressed** - It does not address housing need either in the local context of Galway City or in the national context of addressing the housing crisis. Galway's housing need is greater than ever with 4,000 people on the housing waiting list and 24 apartments as social/affordable will contribute little to addressing this crisis. The P.A. decision to reduce the residential element rather than the commercial element is inappropriate.
- **Social and affordable housing provision inappropriate** – The reduced yield of apartments under Part V, as a result of the P.A. decision, means that the number of social and affordable homes is reduced from 40 to 24. The applicant is also seeking to restrict the Part V element to Block 5, Independent Living Units, which are designed for the elderly. The restriction of the ILU to elderly residents and of Part V units to Block 5 is inappropriate and contrary to the UN Convention on Human Rights to allow people to choose where they live. All units in the development should be designed to be accessible to all and disabled access should not be confined to certain units.
- **Unsustainable pattern of development** - The absence of adequate residential will result in a vast proportion of the envisaged workforce commuting to and from the site. By not providing for adequate affordable accommodation, to either rent or buy, for the c.5,500 people likely to be employed on this and adjacent sites, the proposed development will result in an unsustainable pattern of development. In this context it goes against all current thinking and policy on carbon emissions, liveable cities and sustainable development.
- **Economic viability in doubt** - It is questionable whether the development is economically viable. Having regard to the P.A. decision to remove Pins 4 and 5 (equivalent to 93 apartments) and to reduce the heights of other blocks by the removal of several floors (equivalent to 70 apartments) as well as the reduction in height of the hotel (removal of 58 no. bedrooms) means that the economic viability of the project, as set out in the Deloitte Report, is questionable.

6.1.6. Tall Buildings, Density, Scale and Height

- **Urban Development and Building Height Guidelines** - The proposal is contrary to the guidance contained in the Government's Urban Development

and Building Height Guidelines which seek to promote increased height in urban areas with the general intention of increasing densities in places where it is needed. The guidelines are not intended to facilitate modern high rise towers close to areas of great cultural, historic and architectural sensitivity in the heart of Galway's medieval city centre. The proposed development is excessive in terms of density, scale and height and a grant of permission would be premature pending the formulation and adoption of the Urban Density and Building Heights Study to be undertaken by the City Council as part of the Draft CDP. Given the strategic nature of the site, it is inappropriate to proceed in the absence of this guidance.

- **Impact on historic core and protected structures** - The height, scale, bulk and proportions of the buildings are inappropriate to the site and its setting close to the historic core of Galway City. The whole thrust of planning policy for high buildings in Galway over the past two decades has been for the protection of the historic core with allowances for additional height confined to carefully selected areas. It would dominate the Protected Structure and Recorded Monument of Forthill Cemetery, which is a landmark in itself, and the backdrop to Eyre Square ACA. It will overlook the medieval area of the city and will have a negative impact on the historic buildings nearby and on the wider views around Galway Bay.
- **Excessive height** - The height of the proposed towers is excessive with one 22 storey tower, 2 no. 11-storey towers, 1 no. 9-storey tower and the Island Building at 9/10 stories and the hotel at 10/11 stories. These heights are excessive relative to the prevailing height in the city centre and to the recently permitted Bonham Quay development and the Queen Street Student Housing Scheme. Excessive height is not necessary to achieve appropriate density. The measurement of the density of the development at 122units/ha is inaccurate and should have excluded other uses.
- **Landmark building** - It is argued that there is an over-emphasis on the proposed landmark building as the proposed development is located in the city centre where all roads and public transport routes lead, and there is little need for a landmark building. The Planner's Report indicated that the P.A. would be happy to sacrifice apartments in Pins 4 and 5 to enable a landmark

building to be more prominent. It is difficult to justify the loss of 70 apartments in order to achieve greater prominence for a landmark building.

- **Residential use** - Buildings of excessive height are inappropriate for residential use. The residential blocks and towers lack human scale and residents above the fifth floors risk social isolation. Architects David Sim and Jan Gehl each recommend that residential blocks should not exceed this height as occupants of higher floors tend to lose connection with the street below and the community around them.
- **Tall buildings are inefficient to construct** – Tall buildings are expensive and consume high levels of energy in their construction, operation and maintenance. The optimal height for a tall building is six storeys in terms of construction costs. Beyond this, there are increased structural costs, more onerous fire safety requirements, higher cost of building services and the costs increase further beyond 10 storeys. Taller buildings also consume more materials and have a higher ‘embodied carbon’ to deliver the same GFA. They are inefficient in terms of design as they are predominantly occupied by lift shafts, stairs and service spaces required for heating, cooling and ducting. Thus the net density yield is low.
- **Environmental effects of tall buildings** - High buildings are unsuitable for Northern latitudes as they create down-drafts, wind tunnelling effects and large areas of shadow. The proposed development would overlook Enterprise Park with its industrial landscape. The site is in a windy area which is unsuitable for 22-storey and 16-storey buildings. Overshadowing would result in large areas in shadow to the north of the site.

6.1.7. **Architectural Design (include sustainability)**

- **Generic design** - Having regard to the design and form of the proposed development as a collection of modern concrete, steel and glass blocks together with a 22-storey tower and some lower buildings, with a generic design and appearance, it is impossible to see how the proposed development would integrate with or enhance the character and cultural context of the historic city core, and in particular the adjacent Forthill Cemetery. This is a feature of immense cultural and historical importance to

the city. Neither is it possible to see how it would be complementary to other Protected Structures or to the Eyre Square ACA.

- **Inappropriate design** - The design of the scheme with its “unremarkable oblong towers of ‘stuck-on’ balconied towers” are unsuitable for this site and it has an appearance of “anywhere in the world”.
- **Sustainability of project** – The ‘One Planet Living Action Plan’ is disappointing as much of it is generic and does not relate specifically to Galway’s particular challenges and opportunities. Much of the plan is also a work in progress with no timelines given. Either it is fully sustainable, or it is not. This is unsatisfactory.
- **Carbon emissions poorly calculated** - Embodied carbon should not be averaged out over the 60 year life span of the project. The carbon emissions are not only released during the operational phase, but also during manufacturing, transportation, construction and end-of-life. As the operational carbon is reduced, embodied carbon will continue to grow in importance as a proportion of total emissions. Averaging out the total construction phase emissions over 60 years is wrong as these GHGs will all have been emitted by the completion of the development. The operational carbon should be averaged over the lifetime and should be mitigated. However, the ‘embodied carbon’ is committed up front and cannot be mitigated once construction is complete. Given the Irish Government’s commitment to reduce GHGs by 51% by 2030, no development should be permitted which does not contribute to that target.

6.1.8. **Traffic and Transportation and carparking**

- **Traffic and Transport Assessment inadequate** - The TTA (as amended) is inadequate as it only considers the impact on the uncongested junctions in the vicinity of the site and fails to consider the more congested junctions a little more removed from the site (e.g. Monageisha junction) and roundabout by new cemetery.
- **Excessive car parking** – The development as permitted has an overprovision of car parking. The revised scheme as submitted with RFI proposed 404 apartments with 425 spaces overall (63 residential spaces) but

as the residential element has been reduced by 163 units and the hotel bedrooms by 58, there should be an overall reduction in car parking required of 84 spaces. This reduction would bring the total number of spaces to 341 (from 425) which is the equivalent of a whole floor of the multi-storey car park.

6.1.9. Phasing and duration of permission

- **Phasing is unsatisfactory** – the retail/commercial floorspace is front-loaded and a substantial number of the apartments will not be completed for at least 6 years. It is also unknown what the impact of Condition no. 13 of the P.A. decision will be on the delivery of the rest of the scheme.
- **Ten-year permission** – it is inappropriate to grant a 10-year permission as the applicant has indicated that most of the development will be completed within 4.5 years. A seven-year permission would be sufficient.

6.1.10. Wastewater network

- **Untreated effluent escaping into surface water** – the local authority's failure to address the leakages in the storm water overflow network is resulting in a continual discharge of untreated effluent into the River Corrib, which ultimately reaches Galway Bay SAC. This is unacceptable and the application is premature until these deficiencies are addressed.
- **Additional housing will increase pressure** – the proposed development will result in additional pressure on the system which is already deficient in terms of its operation and should not be permitted until it is resolved satisfactorily.
- **Waste Water Discharge Licence D0050-01** – repeated AER's indicate that the issue of the stormwater overflow pipes has not been resolved. The most recent AER (2020) has been included with the appeal submission.

6.2. First Party Grounds of Appeal

6.2.1. The first party appeal is against several elements of the Split Decision by the planning authority. Firstly, the appeal relates to the decision to refuse part of the development comprising 'Residential buildings numbered Pin No. 4 and Pin No. 5 on Block No. 9'. Secondly, the appeal relates to the modifications required by Condition Nos. 6, 7, 8 and 9 which require the removal of several floors of accommodation from Block 8 (Pins 2 and 3), revisions to the residual element of Block 9 and the

removal of 2 floors from each of Pins 7 and 8 which form part of Block 2 (hotel).
Thirdly, the appeal seeks amendments to Condition Nos. 4, 13, 26, 27, 28, 29 and 37 and the removal of Condition No. 40 in its entirety.

Refusal of Pin 4 and Pin 5 – Block 9 (Schedule 1)

6.2.2. The reason for refusal in Schedule 1 reads as follows:

It is considered that these residential towers, by virtue of their excessive height, scale and massing, coupled with their unsatisfactory relationship with the balance of the development proposed and their extreme proximity to Forthill Cemetery, cannot sympathetically assimilate into the scheme and will have a detrimental impact on adjoining heritage assets, key views and the character of Galway's townscape. These elements of the proposed scheme are considered contrary to the policies and objectives of Galway City Development Plan and therefore to the proper planning and sustainable development of the area.

6.2.3. The First Party appellant refutes this reason for refusal and seeks an **overturn** of this part of the planning authority's decision. In addition, the appellant seeks the **omission** of **Conditions 6, 7, 8 and 9** set out in Schedule 2. These conditions read as follows:

6. The permitted portion of Block 9 shall be amended in layout and scale by the relocation of the southern building line a minimum of 4m to the north starting at podium level shown as +10m in section drawings submitted on the 19/03/21 (Drawing no. P2008544). The southern building line shall be taken to be that defined by the supporting structural colonnades. Revised drawings showing the reduction in plan, elevation and section shall be submitted to be agreed in writing with the Planning Authority. The reduction in floor space shall be taken from the commercial (retail, café and restaurant) element of the scheme. All such details shall be agreed in writing prior to commencement of development.

Reason: In order to secure a sufficient buffer from Forthill Cemetery, a Protected Structure and Recorded Monument, in the interests of protecting the archaeological heritage of the city.

7. The treatment of the elevation of the southern boundary of Block 9 shall be revised to address the unsympathetically large scale of structural elements of the building, consisting of large vertical colonnades and an extensive dominant

horizontal band feature. Prior to the commencement of development revised drawings shall be submitted to the planning authority for written agreement.

Reason: In the interests of visual amenity and to allow for an acceptable interface with Forthill Cemetery.

8. The development shall be reduced in scale by the removal of the following floors in the respective buildings as shown on drawings submitted on 19/03/21.

(a) Block 8, Pin No. 3, removal of levels (floors) 04, 05, 06, 07 and 08.

(b) Block 8, Pin No. 2, removal of levels (floors) 04 and 05.

(c) Block 5, Pin No. 6, removal of levels (floors) 04 and 05.

Revised drawings showing the reduction in plan, elevation and section shall be submitted to be agreed in writing with the Planning Authority prior to commencement of development.

Reason: In order to reduce the impact of the excessive clustering of tall buildings, improve the relationship between the buildings in the scheme and to reduce the impact on sensitive areas of architectural character in the city in the interests of visual amenity and built heritage.

9. The development shall be reduced in scale by the removal of the following floors in the Hotel building as shown on drawings submitted on 19/03/21.

(a) Block 02, Pin No. 7, removal of levels (floors) 01 and 02.

(b) Block 02, Pin No. 8, removal of levels (floors) 01 and 02.

Revised drawings showing the reduction in plan, elevation and section shall be submitted to be agreed in writing with the planning authority prior to commencement of development.

Reason: In order to reduce the impact of the excessive clustering of tall buildings, improve the relationship between the buildings in the scheme and to reduce the impact on sensitive areas of architectural character in the city in the interests of visual amenity and built heritage.

- 6.2.4. The first party appeal also seeks **amendments** to the wording of **Conditions 4, 13, 26, 27, 28, 29 and 37** and the **omission** of **Condition 40**. These conditions relate to phasing of the development, provision of details of materials, design etc, and

6.2.5. The appellant in the first instance invites the Board to grant permission for the entire development as applied for and amended by way of response to the Request for Further Information. In respect of Schedule 1 Reason for Refusal and the omission of conditions 6, 7, 8 and 9, the First Party Appellant considers that the fundamental basis for these parts of the P.A. decision relates, firstly, to the appropriateness of the design of the scheme as it relates to Forthill Cemetery and secondly, to issues relating to the perception of excessive clustering of height. The appellant has, therefore, addressed the grounds of appeal for these elements of the decision in a combined manner under two headings, namely -

- The relationship of the proposed development to Forthill Cemetery
- Justification for a Cluster of Taller Buildings

I will firstly summarise the main grounds of appeal in respect of the Reason for Refusal and Conditions 6, 7, 8 and 9 under these two headings, and will then summarise the grounds of appeal relating to the remaining 8 no. conditions (4, 13, 26-29, 37 and 40).

6.2.6. **Grounds of appeal regarding Refusal of Pins 4 and 5, Conditions 6, 7, 8 and 9**

Relationship of Scheme to Forthill Cemetery

1. Appropriate design and scale of Block 9 - The design of Block 9 (including Pins 4 and 5) provides a contemporary and appropriate means of addressing Forthill Cemetery, (FC), whilst also delivering an appropriate density and scale of development in a character that is befitting Galway and sympathetic to the setting of the cemetery itself.
2. Appropriate buffer from FC - The design of the scheme incorporates a sufficient buffer/separation distance from the cemetery, as set out in Drawing No. AHG-BDP-A-PL-20-09-1200 – Proposed GA-Block 09 – sheet 1 of 5 (submitted on 19/03/21). The significant separation distances will provide for the protection of the cemetery wall, create a pedestrian street which will enable people to engage with and enjoy the historic wall, and will safeguard the archaeological heritage.
3. Additional measures employed to protect FC boundary wall –
 - Block 8 construction incorporates a new structural support for the cemetery boundary, (which had been left partly exposed during ground-

lowering works on the railway site), and hence the cemetery wall will be retained and repaired in accordance with best conservation practice.

- Block 9 construction will only necessitate removal and replacement of late 20th Century concrete embankment supporting the northern boundary of the cemetery. This role will be performed by a new reinforced structure incorporated within the new building of Block 9. Thus, there will be no adverse built heritage impact and the boundary wall will be retained and repaired.

4. Setting and accessibility of FC enhanced – The proposal will deliver a significantly enhanced setting of Forthill Cemetery as it will re-integrate it with the city centre and will offer a well-designed and publicly accessible pedestrian walkway which will allow this heritage asset to be appreciated by the public. The setting of the cemetery is currently dominated by car traffic and is in a peripheral location which is disconnected from the city centre. The proposed development will offer a varied mix of uses, active frontages and designated pedestrian streets which will animate the area and counteract the dominance of car traffic.
5. Impact on visual amenity acceptable – The existing FC is significantly enhanced by the retention of Pins 4 and 5. The gap between the ‘pins’ means that the cemetery will not be unduly enclosed. The buildings are attractive, light in form and colour and the facades are articulated to reduce the perception of massing. Any potential visual impact will be mitigated by the presence of trees and shrubs along the northern boundary of FC. The removal of Block 10 will further reduce the sense of enclosure and increase the buffer from the development. The P.A. decision to omit Pins 4 and 5 and to reduce the height of Pin 3 would reduce the built enclosure of FC, but importantly, it would not increase the visibility of the surrounding landscape/townscape from the cemetery.
6. Amenity value of FC enhanced – the value and appreciation of the cemetery as an open space will be multiplied, which is in stark contrast to the existing situation whereby there is virtually no visual connection to FC from without. The design and layout of the scheme ensures that there will be no overshadowing of the cemetery. It will be surrounded by architecturally

pleasing blocks which have been designed to overlook the cemetery. The design of the blocks seeks to maximise the amenity value of FC by maximising the windows/dwelling rooms that overlook the space. Pins 4 and 5 are 'turned' to present narrow elevations to the cemetery which maintains gaps in the sky space.

7. Role of FC – Its function is as a burial ground and as a cultural heritage asset, which means that it is a place to visit for its historical associations, rather than as a place to experience open space or views of the landscape. The cemetery cannot function as a 'recreational open space'. It has narrow, uneven paths between tightly arranged gravestones, with no sheltered places to sit. Its greatest potential value is in its contribution to views from the proposed surrounding buildings and open spaces. Thus, it is an open space to look at rather than one to spend time in. The cemetery is located in the centre of a regeneration area which is of national and local significance. Its role must, therefore, be carefully considered such that the need to protect it does not unduly restrict the realisation of the regeneration objectives.
8. Reference to similar examples of development adjoining historic cemeteries – there are several examples of high rise developments adjoining cemeteries of historic significance.
 - (a) The Huguenot, Merrion Row, Dublin – a six-storey building immediately adjoins the cemetery
 - (b) St Michan's Cemetery – a 7-storey office block overlooks the adjoining cemetery associated with St. Michan's Church
 - (c) St Catherine's Cemetery Thomas Street Dublin 8 – high density student accommodation overlooks the cemetery.
 - (d) Franciscan Abbey Graveyard Galway – the cemetery is overlooked on all four sides by 2-5 storey developments.

Justification for a Cluster of Taller Buildings

1. Approach to height - Notwithstanding the P.A.'s acceptance of the need for taller buildings on the site and the capacity of the site to accommodate same, the stated contention that the scheme represents a tight cluster of tall buildings is strongly refuted. The concept of the approach to height is set out in the

Masterplan for the site and is detailed in the BDP Design Statement on the Architectural Approach to the development. The vision is based on the NPF objectives to create a city of scale which can compete with Dublin, Cork etc.

2. Height concept - The overall principle is that Pin 1 is supported by and read together with 6 no. 'mid-rise' buildings. These blocks 'step-down' from the 'landmark' to provide a clear and legible cluster which together help to achieve an appropriate density and scale of development on this brownfield and highly accessible site. Thus, the 'cluster' reinforces the landmark tower on the skyline and signifies that it is part of a wider neighbourhood rather than a stand-alone building.
3. No planning policy impediment to cluster as 'Landmark' – the P.A.'s stance that the height of Pin 1 is only acceptable as a 'stand-alone' landmark is rejected. Landmark buildings are exceptions to the prevailing height and tend to be significantly taller than the prevailing height. They break the skyline and are visually prominent. It is submitted that landmarks have a role to play in increasing density and contribute to the character and identity of places, enhancing legibility and articulating the skyline. They can act as catalysts for regeneration, offering diversity of accommodation and contributing to vitality and placemaking.
4. Use of height in design response to site – the scheme consists of a cluster of taller buildings, each with a different appearance, which sweeps from Eyre Square to the west at Block 2 (hotel- Pins 7 and 8) to Block 5 (Pin 6) and then southwards to Pins 4 and 5 and northwards to Pin 1, via Pins 2 and 3. The heights are modulated and spread across the site, retaining Pin 1 as the clear and legible tall building within the scheme. The buildings are spaced out to allow for adequate daylight/privacy but are still confined to a small enough area to be clearly identified as a group of taller buildings. This permits 'sky views' between the towers from the public realm and avoids the impression of a 'wall of development', excessive overshadowing and the creation of a canyon effect. The scheme, therefore, creates a sense of enclosure and provides an attractive townscape setting, and it cannot be described as 'tightly clustered'.
5. No adverse effects – there have been no adverse effects found on the city image, on key views, on heritage assets or on the historic townscape of Galway

city. In addition, the potential impacts on nearby residences have been minimised.

6. Impact of P.A. decision to reduce scale and height of scheme – the consequences of the decision to refuse Pins 4 and 5 (B9) and to reduce the height of Blocks 2, 5 and 8
 - Lowers the general height across the cluster which proportionately increases the height and prominence of Pin 1 as a singular landmark, for which there is no policy basis. As revised in March 2021, Pin 1 would still be a landmark building but would form part of a cluster of tall buildings with a diverse form, height and architectural treatment. This would generate more strongly the perception of a new city quarter.
 - Causes the loss of 40% of the planned residential units.
 - The revision would weaken the character of this new city quarter. It would dampen the design objective and obstruct the realisation of creating the vision of a contemporary, high density cluster on this strategic regeneration site, as a new city centre quarter in Galway, which would be similar to that emerging in Dublin's Grand Canal Dock (e.g. Google, Boland's Mill, Waterway House)
 - Reduction in scale/height would not benefit Galway city's townscape character or its key views. Neither would it benefit any other character area in the city or the city as a whole.
7. Urban Development and Building Height Guidelines - The proposed development complies with the guidance contained in the Urban Development and Building Height Guidelines as demonstrated below: -
 - A. *At the scale of the relevant city/town*
 - i. *The site is well served by public transport with high capacity, frequent services and good links to other modes of public transport.*
 - ii. *The development successfully integrates into the architecturally sensitive areas and enhances the character and public realm of the area having regard to the topography, cultural context, setting of key landmarks and protection of key views. This is achieved (inter alia) by -*
 - The scheme respects and integrates with the architectural heritage of the historic core and buildings of conservation interest.

- The historic character of significant buildings within and surrounding the site will be retained and conserved.
 - Height is modulated throughout with the height of B1 at entrance from Eyre Square limited to 5 storeys and the taller elements located further away.
 - Incorporation of selected feature, proportions and materiality from the existing urban grain.
- iii. *Development makes a positive contribution to placemaking by incorporating new streets and public spaces, using the massing and height to achieve the required densities with sufficient variety in scale and form to respond to the scale of adjoining developments. This is achieved by –*
- Creation of a network of new streets and public spaces which provide attractive links for pedestrians and cyclists between Eyre, Square, Ceannt Station, Dock edge, Lough Atalia, Queen Street and Forthill Cemetery.
 - Provision of new open spaces including civic plazas, the roof Island Garden, a new enhanced setting for Ceannt Station.
 - Opening up of a largely hidden backland site with a series of places which will be open to the public 24 hours a day throughout the year.

B. At the scale of the Neighbourhood

- i. *The proposed development responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape.*
- It provides a mix of uses appropriate to its city centre location together with high quality public amenity spaces and an integrated network of pedestrian priority streets.
 - It represents a positive contribution to the urban neighbourhood and streetscape and redevelops semi-derelict lands along the waterfront.

- ii. *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 is diverse in terms of form and massing. The taller elements are in the form of slender 'pins', each with its own distinctive shape and materiality.
 - It is arranged in 9 blocks which are broken up by pedestrian priority streets on multiple levels and high quality central civic spaces, which provide active frontages, (community and cultural).
 - The design and layout avoid long, uninterrupted buildings of homogenous character. The materials comprise a varied palette of bricks, metals, concrete and stone and each tower façade has its unique motif. The roof profile of each building is also unique.
- iii. *The scheme enhances the urban design context for public spaces and key thoroughfares and inland waterway/marine frontage and thereby enables additional height in development form to be considered with regard to enhancing a sense of scale and enclosure, while being in line with the requirements of the Planning System and Flood Risk Guidelines.*
- The proposal will enhance Eyre Square by providing an attractive pedestrian route linking it to Ceannt Station (which will be remodelled), with a new civic plaza. This will improve connections which will enhance the urban environment.
 - The works to 16 Eyre Sq. will provide a unique office building and significantly improve the design context of the East side of Eyre Sq. it will also extend the public realm network into the site providing a new congregation of spaces.
- iv. *The proposed development positively contributes to and improves legibility through the site and wider urban area within which the development is situated and integrates in a cohesive manner.*
- Legibility is improved by the new network of pedestrian streets which enhances connectivity to key locations (e.g. Eyre Square, Ceannt

Station, Forthill Cemetery, Queen Street). The provision of active frontages enables integration naturally with existing street network.

- The redevelopment of this underutilised site in a key location provides a gateway to the city centre and lends itself to the creation of a landmark development.
 - The purposeful reduction and breakdown of massing alongside the incorporation of landscaping and greening promotes a stronger contextual relationship.
- v. *The proposal positively contributes to a mix of uses and/or building or dwelling typologies available in the neighbourhood.*
- There is a positive contribution to the mix of uses and building typologies.
 - It provides an improved range of studio, one-bed, two-bed and three-bed typologies in an ideal location adjoining a Public Transport Node, which is within walking distance of a range of community infrastructure and facilities, and will also provide additional community facilities and commercial uses to serve the prospective residents.

C. At the scale of the building

- i. *The form, massing and height of the proposed development will be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.*

This has been achieved by -

- Taller buildings are located to the East of the site which is further from the established built context of the city centre and provides an attractive view of Galway Bay.
- The slender Pins achieve substantial separation distances between the towers.
- Overshadowing potential is minimised within the development and on adjacent lands. It is accepted that some impact has been identified in respect of the adjoining hotel windows. However, it is considered that this is a transient population and given the site's city

centre context, its well-established role as a regeneration site, and the drive for achieving compact growth on such sites (in accordance with national and local policy), it is considered reasonable to expect some diminution of amenity in this regard. It is further considered that the hotel will benefit from its proximity to the proposed development in time.

- Assessment of Daylight Access shows that the majority of residents will receive greater than the level of daylight recommended in the guidelines. In the case of the 2 no. sample units where the 2% ADF is not achieved, it should be noted that these relate to units where there is a combined kitchen/living/dining room and in these cases, ADF values of 1.98% and 1.85% respectively are achieved. In addition, all units have been provided with private balconies or winter gardens and have access to communal open space.

Grounds of appeal relating to Conditions 4, 13, 26-29, 37 and 40

6.2.7. Condition 4 – Financial contribution condition

The appellant is seeking the ability to make phased payments of the financial contribution in accordance with the phasing of the proposed construction works.

6.2.8. Condition 13 – Phasing required to be altered to ensure delivery of certain elements of the scheme in initial/earlier phases

The appellant is seeking to amend the wording such that the developer can agree the phasing of the construction works with the planning authority. Specifically:

- The wording should be reflective of the outcome of the grounds of appeal against Refusal and Conditions 6, 7, 8 and 9
- The ultimate sequencing of construction and phasing of the development should be determined by the developer with the agreement of the P.A.

6.2.9. Conditions 26-29 (inclusive) and Condition 37 – Details of design and materials to be provided prior to commencement of development

The appellant is seeking greater flexibility in respect of the timing of the provision of such details given that the duration of the permission is for 10 years and that the proposal will be developed in several phases. The wording of these conditions

should be amended so that the details to be provided can be co-ordinated with the phasing plan, which will be agreed with the planning authority in advance.

6.2.10. Condition 40 – Community facilities over Block 1, Block 4, Block 8 and Block 9 to be completed and made available to the community on a not-for-profit basis.

The appellant considers that the requirements of this condition would put an undue financial burden on the proposed development and undermine the viability of the project. It is stated that the community facilities to be provided totals 1,428sq.m as follows:

Block 1 – Additional Cycle/Mobility Hub adjacent to Ceannt Station - This will become a catalyst for healthier environment and the population and will also provide valuable mobility aids for the community.

Block 4 – Gate Lodge Reflection and Meditation Space – this was provided at the request of the general public.

Block 8 – Increased Internal/External areas of the Childcare Facility – These increases were made on foot of the Childcare Needs Assessment submitted as RFI.

Block 9 – Flexi Use Community Space – the applicant is happy for the Board to require that the use of this are be specified by way of condition.

The appellant objects to the requirement to make the community facilities available as not-for-profit, as this was never the intention. It is stated that it is essential that these facilities be operated by commercial entities to ensure that they are implemented and also that they do not become abandoned. It is also pointed out that the General Development Contribution Scheme levy includes 20.5% of the c. €4 million to be provided under the heading of ‘community and culture’ and s further 21.32% under the heading of ‘regeneration’. Thus, it is estimated that the proposed development will contribute a further €1.65 million towards the community/cultural facilities in the city and relating to regeneration in Galway as well as the provision of a substantial new public realm of considerably high quality.

6.3. Planning Authority response to Third Party Appeals (20/7/21)

- 6.3.1. The planning authority responded to each of the third party appeals separately, but many of the points were repeated. The following is a summary of the main elements of the responses that are of note.

- 6.3.2. The planning authority's response is in the form of a rebuttal of the grounds. It is stated that the proposed development, with the modifications and conditions, is in compliance with the CDP policy, represents a scheme that responds to demand for a mixed use scheme, which would see a natural extension to Galway City's retail core, whilst providing much needed housing on a highly accessible site in the city centre. It is further stated that the grant of permission would further enable Galway City to compete internationally as a regional city and driver of growth, in compliance with the National, Planning Framework.
- 6.3.3. In response to the issues raised regarding the Masterplan and lack of a Local Area Plan, it is reiterated that the application has complied with the requirements of the CDP in respect of providing a Masterplan for the area and that there is no statutory obligation, or necessity, to provide a LAP for the Inner Harbour Area. The P.A.'s support for the proposed density, scale and building height of the scheme as modified by the split decision and conditions, is reaffirmed as being acceptable in this brownfield city centre site. Reference is made to the plot ratio of recently permitted developments on adjoining sites which ranged from 3.65-3.75. It is noted that the Eyre Square East development referenced in the TP appeals does not form part of a planning application and does not have the benefit of planning permission.
- 6.3.4. The residential content is considered to be appropriate and it is stated that the scheme is in accordance with the Housing Strategy (part of the Core Strategy) in the CDP, and that it will deliver a considerable quantum of housing in the city centre. It is stated that if the hotel floor space is included as residential (as it is in the Development Contributions Scheme), the percentage increases to 33%. Furthermore, it is considered that the site may be the subject of future planning applications for additional housing development in place of the Pins 4 and 5 that have been required to be removed by condition. The P.A.'s preference remains that the Part V element would be distributed across the scheme.
- 6.3.5. The level of parking provided is below the requirements in the CDP in accordance with national policy for sustainable development. However, should the Board decide to require a further reduction in parking provision, the P.A. would not object. The alleged deficiencies in the wastewater network identified by the appellants are the responsibility of Irish Water, who did not raise any objections to the proposed development and confirmed that the necessary connections were feasible. It is considered that the comprehensive level of information submitted by the applicant

demonstrates the adequacy of the proposed development in terms of the civil and infrastructural requirements.

6.4. First Party Response to Third Party Appeals (19/07/21)

- 6.4.1. The response to the grounds of appeal identifies each of the issues raised in both third party appeals and addresses the issues in a comprehensive manner in a combined document. The response is generally in the form of a rebuttal of the main points made by the third parties, which was presented under the following headings:
- 6.4.2. **Public consultation** - extensive public consultation has been carried out during the preparation of the planning application and the masterplan, which is set out in a document (prepared by Insight Consultants) submitted with the planning application. There were three main elements of public participation, which involved the operation and management of a specific website, a series of workshops for members of the public and an extensive piece of research regarding the retail and leisure needs of Galway City. Further participation was undertaken in terms of engagement with the planning authority at various stages of the process including a comprehensive range of meetings with different departments and with prescribed bodies.
- 6.4.3. **Strategic planning context** – the proposed development complies with the key policy objectives set out in the national and regional planning policy documents including the NPF, the NWRSES and Rebuilding Ireland (2016). It is submitted that the redevelopment of the site is also in accordance with the views of the Office of the Planning Regulator. It is further submitted that the proposed development accords with the Urban Development and Building Height Guidelines for Planning Authorities (2018), including the relevant SPPRs, and with the Core Strategy of the current Galway City Development Plan 2017-2023. An overview of how the development accords with these key policies and objectives is provided at Section 4 of the document.
- 6.4.4. **Absence of Local Area Plan/Framework Plans** – there is no requirement for a LAP. This development proposal has been entirely plan-led and has been undertaken in accordance with a Masterplan, which was required to be prepared in advance which involved extensive public consultation. It is pointed out that successive Development Plans have envisaged the regeneration of the site, which required the preparation of a Masterplan and not a LAP.

- 6.4.5. **Mix of uses** – the developer agrees with the TP appellants in respect of the P.A. decision to reduce the residential component of the development by 40% and that it appears to be contrary to the CDP requirement to provide 30% of the development as residential. It is pointed out that a first party appeal against this element of the decision has been lodged with the Board. However, the developer disagrees with the TP appellants that there is any material contravention of the Development Plan. Furthermore, the mix of uses proposed, including the hotel and cinema, is fully in compliance with the site's zoning as set out in 11.2.7 of the CDP, and are informed by projected economic viability of the project as set out in the Economic Appraisal (Deloitte Irl.)
- 6.4.6. **Plot ratio** – the P.R of the development would be 3.3:1 based on a site area of 3.46ha and a GFA of 114,161m². Section 10.2.1 of the CDP allows for an exception to the prevailing plot ratio of 2:1 for the Ceannt Station lands where the proposal would make a significant contribution to the character of the city, given proximity to integrated transport hub, and where it would contribute to urban regeneration or make a significant contribution to urban character. It is submitted that the proposed development is one where an increased plot ratio can be considered in accordance with this guidance.
- 6.4.7. **Part V units** – the applicant has addressed each of the requirements in respect of Part V and there is no requirement to provide additional information in respect of costings as part of the FI. Furthermore, the applicant has engaged with the local authority throughout the planning application process. Condition 52 will be complied with.
- 6.4.8. **Independent Living Units** – all proposed units have been designed in accordance with universal best practice. The Independent Living Units have been designed with specific additional features suited to the needs of older people and have been contained in one block in order that the entire block can be tailored to these specific needs, and is in accordance with the design guidance provided by Cluid Housing.
- 6.4.9. **Absence of Housing Strategy and Housing Needs Demand Assessment** – it is refuted that the development is premature in this regard as the proposal complies with the existing Housing Strategy which is already in place and the HNDA is in the process of being prepared, as it is in local authorities across the nation.

6.4.10. **Building Heights** – Reference is made to the grounds set out under the First Party appeal which has provided a comprehensive justification for the building heights proposed and to the extensive material submitted during the course of the application to the planning authority, which is not necessary to re-visit here. The third party appeals raise various specific issues which can be addressed under the following sub-headings -

Integration with Character and Cultural context – the proposed development has been carefully designed to integrate into the existing character of Galway City. The rationale has been set out in detail in the FI Design Statement by BDP Architects and in the Architectural Heritage Impact Assessment prepared by John Cronin & Associates.

Residential Density – the proposed development has a residential density of approx. 117 units/ha (404 units on 3.46ha). The CDP policy on residential density in respect of the City Centre seeks to promote higher densities at centres/nodes of activity, on large scale infill sites and along public transport corridors. It is submitted that the proposed development is in accordance with this and is similar in scale and density to recently permitted development in similar locations in Dublin and Cork. The proposed development accords with the national and local planning policy guidance in respect of building height and no issue of material contravention arises in this respect. Reference is again made to the Justification for Building Height provided in the FI Response by SLA (19/03/21).

Landmark Building – the design of Block 7 has been subject to focused architectural study by the BDP Architects as set out in the RFI (19/03/21). It is pointed out that the scale of Block 7 has been reduced significantly in the RFI which included a reduction in floor area of 6,014m² and a significant reduction in height and volume of the proposed multi-storey car park. It is submitted that Block 7 is a welcome and positive feature of the development.

6.4.11. **Apartment Design Standards** – the FP refutes the claim that the residential development fails to meet the minimum standards of the Apartment Guidelines. In many cases they exceed the requirements of the SPPRs including with respect to apartment mix, floor areas, dual aspect ratio, floor to ceiling heights and units per core, as well as in regard to communal space provision and both residential and cycle parking provision. The issue raised in respect of the impact of the Covid-19

pandemic is noted and it is submitted that this matter was addressed in the Economic Appraisal carried out by Deloitte on behalf of the applicant.

- 6.4.12. **Residential Unit Mix** – the proposed development is in compliance with the Apartment Guidelines and specifically with SPPR 1 in that a maximum of 50% of the units are one-bed/studio type units; approx. 4.5% of the units are 3-bedroomed and 72% are 2-bedroomed units, which range from 3 to 4-person units; and the mix of units is supported by the SPPRs in the guidelines. The Board is referred to the Housing Quality Assessment prepared by BDP Architects (RFI) which demonstrates that the proposed development contains an appropriate mix of units and that the appellant's claims that the proportion of 2-bed/3-person units is excessively high are spurious.
- 6.4.13. **Transport Assessment Deficiencies** – the scope of the Transport Assessment was agreed with the planning authority's transportation engineers in advance and had full regard to the Galway Transport Strategy, as well as other national transport policy which seeks to reduce car dependency over time, particularly in city/town centre locations. No objection was raised by the planning authority to development in respect of the GTS and it is noted that the P.A. considered that the development would help to fulfil the objectives of the strategy.
- 6.4.14. **Car Parking Provision** – the proposed car parking provision has been significantly reduced below the current Galway CDP standards in accordance with national, regional and local policy to encourage a modal shift away from the private car.
- 6.4.15. **Phasing** – the Board is referred to the Phasing Plan contained in the Construction Management Plan (7.1) submitted as RFI. It is refuted that the commercial block has been 'front-loaded' and will instead be delivered in a staggered manner throughout the development, with residential being delivered in Phase 1. It is highlighted that the requirements regarding revisions to the phasing plan contained in Condition 13 are the subject of the First Party appeal, and that the developer as sought amendments that would enable the ultimate sequence of construction to be determined in agreement with the planning authority.
- 6.4.16. **Embodied Carbon Assessment** – the claim that the methodology used for the embodied carbon assessment is incorrect is refuted, as the assessment was undertaken in accordance with the standard approach for all large scale projects and was carried out by specialists in this area. Details are provided to support this

statement. It is highlighted that the embodied carbon estimates are not expected to be significant, and that the assessment is both accurate and effective. Neither is it expected to have a significant impact on Ireland achieving the CAP or EU 2030 targets.

- 6.4.17. **Sustainability** – it is highlighted that the proposed mixed-use development at a city centre site adjacent to a wide variety of amenities and services and high frequency public transport is exactly the kind of development that would enable sustainable travel patterns to be secured, and as such is a highly sustainable form of development. With regard to sustainability of the buildings proposed, the Board is referred to the Residential and Commercial Energy Statements prepared by Ethos Engineering and submitted with the planning application. The claims that the One Planet Action Plan is ‘unambitious’ and ‘aspirational’ is refuted. The applicant is committed to implementing all measures necessary to achieve the targets.
- 6.4.18. **Duration of Permission** – given the scale and complexity of the project, it is considered that a ten-year duration is reasonable and necessary in this case. Further details are provided in support of this contention including the large scale excavation that is required, time to meet planning compliance issues and working up revised drawings in respect of same.
- 6.4.19. **Wastewater** – it is refuted that the development is premature pending resolution of existing deficiencies in the wastewater network. The proposed development will discharge to the combined public system at Bothar na Long and the extensive reports and technical details submitted with the application demonstrate that there is sufficient capacity in the connections as well as the WWTP itself to accommodate the estimated flows. Irish Water has confirmed the feasibility of the connection.

6.5. Planning Authority response to First Party appeal (20/7/21)

- 6.5.1. The P.A. considered that the majority of the issues raised have already been given due consideration during the planning process, with some of the issues highlighted forming the basis of an extensive Further Information Request. Many of the issues raised are specifically dealt with in the planning assessment and therefore the P.A. considered that there is no merit in repeating the reasoning and conclusions drawn. The majority of the response is therefore directed towards the appeal against the conditions.

- 6.5.2. **Condition 4** – The P.A. has no objection in principle to the phased payments of development contributions, but this would normally be at the discretion of the P.A. and would be agreed prior to the commencement of development.
- 6.5.3. **Conditions 6-9** – Retain unchanged for the reasons and considerations outlined in the planning assessment.
- 6.5.4. **Condition 13** – The intention was to ensure that
- Block 4 (Stables building/ public realm works) – would be completed as part of the first phase of development.
 - Block 3 (Train Shed)/works to facilitate access to Bothar na Long/Coalyard Walk – these works together with the associated landscaping and public realm works would be completed in the second phase of development.

It is noted that this condition was drafted in accordance with Section 10.2.1 of the CDP which requires a phasing plan which ensures the delivery of public benefits corresponding with each stage of construction. The P.A. position on this matter has not changed.

- 6.5.5. **Condition 26** – Details of materials, colours, textures to be submitted prior to commencement of development – the P.A. considers that some flexibility could be considered with regard to agreement of external materials as part of an agreed phasing programme.
- 6.5.6. **Conditions 27-29 and 37** – regarding design of signage, wayfinding strategy and tendering for art works – the P.A. considers that there is no reason why the following could not be agreed for the entire development prior to the commencement of development:
- Co-ordinated overall design shall be submitted to and agreed in writing with the P.A. for all external and internal signage.
 - Wayfinding and Road Marking Strategy.
 - A signage regime and design discipline for all commercial signage, shopfronts and internal wayfinding.
 - Details of a proposal to tender for competition or of an artist's brief to secure 4 no. artwork/features.

It is therefore requested that these conditions remain unchanged.

- 6.5.7. **Condition 40** – community facilities – The P.A. acknowledges that the creche could be considered on a commercial basis. However, the balance of spaces should remain available to residents and local community/culture/art events on reasonable demand and at a not-for-profit cost, given the scale and density of the development, along with the asset value of the development site.
- 6.5.8. In conclusion, it is requested that the split decision issued by the P.A. is upheld and that the conditions attached to the grant of permission remain unchanged, except for those discussed above.

6.6. Third Party Responses to First Party appeal (19/7/21)

- 6.6.1. The Responses by An Taisce (16/07/21) and Brendan Mulligan (19/7/21) primarily reiterated and expanded upon the third party grounds of appeal. The third party appeal by An Taisce was broadly supported by Brendan Mulligan and vice versa.
- 6.6.2. The issues regarding lack of meaningful public consultation and the reliance on a Masterplan instead of a LAP were restated. An Taisce was insistent that the public consultation exercise was not as extensive as described by the First Party. Objections were reiterated to the overdevelopment of the site, the height, scale and massing of the proposed buildings, the impact on the heritage of the city and the unjustified focus on a ‘Landmark’ building. Furthermore, the inappropriate apartment mix, inadequate residential component of the development, inappropriateness of tall buildings for residential accommodation, excessive car parking provision and the unsustainable nature of the development were also raised. Concerns regarding the leakages of wastewater from the public sewer were reiterated.
- 6.6.3. Reference was made to the various policies quoted by the developer under the heading of ‘Strategic Planning Context’ and to the particular policy objectives referenced by the first party. Alternative policy objectives were quoted in support of the main elements of the third party’s grounds of appeal, which have been summarised above. It is stated that the development does not achieve any of the 5 pillars of Rebuilding Ireland, fails to meet several NPOs of the NPF and misquotes the NWRSES. It is further considered that the proposed development represents a missed opportunity to utilise state-owned lands to provide much needed housing and to develop a new city quarter by means of a plan-led LAP for the area.

6.6.4. The submissions addressed the first party grounds of appeal, but generally reiterated the same points as summarised above. It was concluded that the application should be refused and that any further applications for development on the site should be guided by a statutory LAP for the redevelopment of the overall lands in the area.

7.0 Prescribed Bodies

7.1. Transport Infrastructure Ireland

Having regard to the nature of the application and its urban location it has no specific observations to make. It was recommended that the National Transport Authority be consulted regarding public transport, cycling and walking at this location.

7.2. National Transport Authority

The NTA was consulted by the Board, but no further submissions were received.

8.0 Planning Assessment

The main issues arising from the first Party appeal relate principally to the issues of height/scale and density and to matters associated with phasing and the provision of community facilities. However, these issues have also been raised in the third party appeals, along with several other matters. I will, therefore, address the main planning issues arising from the various grounds of appeal that have been raised in each of the three appeals under the most relevant planning-related headings. Thereafter, I will address any outstanding grounds of appeal in the First Party appeal. I, therefore, consider that the main planning issues arising in the case can be assessed under the following headings:

- Compliance with Planning Policy and Suitability of the Site
- Mix of Uses
- Height, Scale and Density - Principle of Tall Buildings
- Design concept, Urban Design and placemaking (Design and layout)
- Visual Impact on Built Heritage Assets and Protected Views
- Conclusion on FP Appeal re Split Decision and Conditions 6-9
- Residential Development

- Microclimate and Residential amenity
- Traffic and Parking
- Sustainability and Carbon emissions
- Ecology
- Adequacy of Wastewater
- Other Issues – (Phasing/Duration of Permission/Financial contribution)

8.1. Introduction

- 8.1.1. The proposal is for the redevelopment of a 3.46 hectare site known as ‘Ceannt Station Lands’ which comprises a substantial, underutilised site in the heart of Galway City, that is currently used as a surface car park and informal storage area associated with Ceannt Railway Station. The site adjoins the centrally located distinctive Eyre Square, which serves as both an important townscape feature of great historic and cultural significance and as a highly valued public open space/meeting place in the city centre. There are several Protected Structures within and adjoining the site, including those fronting onto Eyre Square, Victoria Place and Queen Street, and most of the southern boundary adjoins the historic and iconic Forthill Cemetery.
- 8.1.2. The site is flanked by the City’s principal public transport hub (intercity and regional train and bus) and there are many local route bus-stops on Eyre Square. The northern part of the site is linked, principally through Eyre Square, to the City’s medieval core and main shopping district. The southern and eastern part of the site, which is currently inaccessible to the public, has frontage to both Lough Atalia Road with its waterfront character and Bothar na Long serving the docks. This brownfield centrally located site is, therefore, strategically located and has the potential to establish a new link between the established city core and the waterfront and dockside areas. These characteristics have resulted in the site being recognised in various policy documents over the years as a key city centre regeneration site.
- 8.1.3. There are unique aspects to the mixed-use proposal comprising the introduction of several tall buildings (8-16 storeys in height), including a landmark building of 21 storeys fronting onto Lough Atalia Road and a multi-storey carpark; the refurbishment, adaptation and extension of some of the Protected Structures on site;

and the creation of a network of new pedestrian priority streets and spaces throughout the site. The development is arranged across 9 no. blocks (as amended by FI) with a total of 6 no. residential buildings (providing 404 no. apartments) over Blocks B5, B7, B8 and B9. The retail uses (GFA c. 22,613m²) and food and beverage uses (GFA c. 4,319m²) are provided over 3 levels and generally provide for active frontages along the new street network. It is proposed to phase the development commencing with enabling works followed by construction from northwest to southeast starting with the proposed extension and refurbishment of 16 Eyre Square. A 10 year permission is being sought. The total quantum of floorspace proposed is c.114,161 sq.m. (as amended by the submission of Further Information and reduced from 128,080 sq.m as originally submitted).

- 8.1.4. This application constitutes one of several applications for recently permitted development on regeneration sites and lands in the general vicinity of the harbour and docklands. Permission has been granted on appeal for a mixed-use development (c. 34,000 sq.m) incorporating 4 office blocks at Bonham Quay to the southwest of the site (ABP.300275-17); for redevelopment of lands to the west of the site providing for a student housing scheme of c.10,000 sq.m (ABP.300613-18), with permission granted for extensions/alterations to the two existing hotels adjoining the site to the north-west and north-east respectively, namely the Victoria Hotel (ABP.309453-21) and the Hardiman Hotel (ABP.305716-19). In addition, there are decisions pending in respect of several proposed developments on adjoining sites, namely a proposed 11-storey hotel on the former Coal yard site ABP31615-21 (to south of Forthill Cemetery), a proposed 10-11-storey extension to the Victoria Hotel (PA Ref 22/335) which is pending and the planned expansion of Galway Harbour (PA0033).

8.2. Compliance with Planning Policy and Suitability of the Site

- 8.2.1. A wide range of documents were referenced by the applicant in setting the policy context of the proposed development, which have also been relied upon by the planning authority in its assessment of the case, and by the third party appellants in their grounds of appeal. Considerable emphasis has been placed on compliance with the 2017 CDP in the grounds of appeal, which has since been superseded by the 2023 CDP. Several of these policy documents have been outlined above in Section 5.0. Many of these documents will be referenced in my planning assessment

of the various issues arising from the grounds of the appeals below. However, it is worth noting at the outset how the site and the proposed development sit within the national, regional and local planning policy context.

- 8.2.2. In a national context, the guidance provided in the Government document published in 2018, '**Project Ireland 2040 - National Planning Framework**' (NPF), is of particular relevance. The main thrust of this policy framework is to direct future population and employment growth into central urban areas, with particular emphasis on the five Regional cities, one of which is Galway, and on brownfield or regeneration sites. Galway City has a growth target of 40,000-45,000 by 2040. One of the key ambitions of the NPF, which is echoed in the more recently published North-West Regional Spatial Economic Strategy, is to create globally competitive urban centres that can act as counterweights to Dublin. This requires the development of cities and towns of a sufficient scale and quality to compete internationally and to be drivers of national and regional growth and investment (NPO 5). The manner in which this will be achieved is by creating 'compact, smart growth' as envisaged in National Strategic Outcome 1.
- 8.2.3. There is considerable emphasis in the NPF on creating attractive, liveable urban areas of high quality design within the existing built-up footprints of cities, which are designed to positively influence and encourage further such residential and employment growth in areas that are easily accessible by a wide variety of transport modes, and can thereby provide for more sustainable living and travel patterns. Galway is identified as having the potential to generate such growth with a target of 40% of future housing to be provided within the built-up footprint. Key growth enablers are identified as including the delivery of regeneration projects that would extend and intensify the city centre as well as public realm and amenity projects focused on streets and public spaces.
- 8.2.4. It is considered that the proposed development accords with national policy as set out in **Project Ireland 2040 National Planning Framework** (NPF) which seeks to secure the compact growth of urban areas and deliver higher densities in suitable locations. The proposal will deliver a high density development in a strategic location in the city centre through a regeneration and redevelopment project (National Strategic Outcome 1), and contribute to development of a sufficient scale to enable Galway to compete internationally (NPO 5). It will provide much needed residential accommodation in a central and highly accessible location and will

encourage more people and generate more jobs and activity within the city (NPO 4 and NPO 11). In identifying the key future growth enablers for Galway, the NPF specifically refers to the regeneration of city centre lands including ‘the Station’ and ‘the Docks’. It highlights the need to ‘capitalise on the potential of underutilised and publicly owned and centrally located sites and activating their potential to boost the population and economic output levels’. The site of the proposed development has each of these characteristics and is also situated directly adjacent to a rail and bus public transport interchange and is, therefore, well placed to help achieve future growth as envisaged in the NPF.

8.2.5. I note that the vision for Galway in the **Northern and Western Assembly Regional Spatial and Economic Strategy 2020** is that ‘it will be a leading European City renowned for its quality of life, its history, its culture and its people’. The NWRSES provides for a **Metropolitan Area Strategic Plan** for Galway (MASP) in which the Ceannt Station site is identified as a key strategic site. The opportunities identified relate to the subject site (3.46ha) as part of a larger 6 hectare ‘Ceannt Station Quarter’, and a further 9ha site at the ‘Inner Harbour’, which together, would offer a sequential solution to the expansion of the city centre and which would be linked with a ‘transport hub’. It is stated that –

“ Expanding the city centre incorporating these Regeneration Lands not only responds to future commercial floorspace demand but also can, with good design solutions, enhance the image of the city, its regional tourism function and allow for expansion to a scale commensurate with that envisaged under the NPF and the RSES.”

8.2.6. These lands are seen as key to the expansion of the city centre in terms of both residential development and employment generation (RPO 3.6.4). The proposition is that 50% of new homes for the population targets will be constructed within the existing city envelope, and it is envisaged that 40% of these shall be located on infill and/or brownfield land (RPO 3.6.2). The site is also included in the strategic locations identified for the delivery of the necessary quantum of housing to facilitate the targeted growth. Table 5 indicates that there are 10 hectares of land with capacity for housing identified as ‘Regeneration Lands’ and that these should have a minimum residential content of 30%.

- 8.2.7. In addition to provision of housing, these lands are also seen as having considerable potential for fulfilling the economic development strategy for the city. Whilst the preservation and enhancement of the historic city core is stated to be of paramount importance, the NWRSES recognises that the historic city core is constrained and cannot easily meet significant floorspace demand, but that the ‘Regeneration Lands’ are considered to be ideally placed to meet these future demands.
- 8.2.8. Reference is made in RPO 3.6.3 to the need for a Building Heights Study to guide future development, which would take account of features of the city such as historic and cultural elements and infrastructure, urban design, architectural quality and placemaking, regeneration and public-transport provisions. High density projects would target residential densities of 50units/ha, while other matters of significance would include economic, social and environmental issues including the quantum of commercial, social and cultural floor space. The height strategy employed in this development proposal and the appropriateness of the mix of uses, (including residential content and residential density), will be discussed in following sections.
- 8.2.9. The **Galway City Development Plan 2017-2023** was the statutory operative Plan both at the time of the planning authority’s decision and when the appeals were lodged with the Board, including the receipt of the most recent submissions from the parties. As stated at 5.6 above, the 2017 Plan has been superseded by the recently adopted Galway City Development Plan 2023-2029, which became operative on the 4th January 2023. The 2017 CDP predated both the NPF (2018) and the NWRSES (2020). Notwithstanding this, the Ceannt Station Lands had been identified in the Galway CDP (2017) as a ‘Key Strategic Regeneration Site’, as it had been in the preceding City Development Plan (2011-2016). In addition, the Core Strategy (2017) and those policies specifically relating to the regeneration of these lands were reflected in both the NWRSES and the NPF. The ‘Ceannt Quarter’ is also designated as a key ‘Regeneration and Opportunity site’ in the current Galway City Development Plan 2023 (Policy 10.5). I would refer the Board to Section 5.7 above for a summary of the relevant policies in the 2023 Galway City Development Plan.
- 8.2.10. The **Core Strategy** of the **current Galway City Development Plan 2023-2029** identifies Ceannt Station and Inner Harbour as key ‘Regeneration and Opportunity sites’ (1.9-1.11). These ‘brownfield regeneration and opportunity sites’ are deemed critical to the delivery of the national and regional objectives of a compact, liveable city. They also offer a sequential approach to the city centre expansion, but as they

would be linked with a transportation hub, it would reinforce the prime role of the city core and would respond to the future commercial floorspace demand. The Core Strategy further recognises the significant potential for these sites to contribute to the delivery of housing. The general approach to the development of these lands is consistent with that contained in the core strategy of the 2017 Plan.

- 8.2.11. The site is **zoned ‘City Centre’**, the objective for which is **“To Provide for city centre activities and particularly those which preserve the city centre as the dominant commercial area of the city.”** Each one of the proposed uses is one which is ‘compatible and contribute to the zoning objective.’ These include retail, residential, offices, tourist related facilities, community and cultural uses. Chapter 10 relates to the city centre. Relevant policies include **10.1 City Centre, 10.3 Regeneration and Opportunity Sites, 10.4 City Centre Regeneration and 10.5 Ceannt Quarter Regeneration Site**. The main elements of these four policies that are relevant to the current proposal are summarised at 5.7 above, for the Board’s convenience.
- 8.2.12. It is considered that the proposed development complies with the CC zoning objective for the site and that the proposed uses are compatible with the zoning objective. An assessment of the appropriateness of the mix of uses will be made in the following section. It is considered that the proposed Augustine Hill mixed-use development would comply with the CDP policies relating to City Centre development. It would maintain and enhance its dominant role for commerce, shopping, tourism, cultural and leisure activities and at the same time encourage a living city centre with a substantial residential element. It would also deliver much needed public realm improvements with a network of streets and public spaces, which would be active and vibrant thoroughfares providing connectivity with the established centre and permeability through the site with high quality pedestrian priority spaces. The mix of uses would also add to the vitality and vibrancy of the city with arts and cultural events spaces, markets and outdoor seating and dining (10.1).
- 8.2.13. The redevelopment of this large, underutilised site immediately adjacent to the transport hub, formed by Ceannt Station, the Bus Station and the numerous bus-stops at Eyre Square, would help to achieve the twin objectives of regeneration of such a strategic brownfield site and the delivery of compact and sustainable growth in a central location, adjacent to a wide range of amenities and facilities and accessible by a variety of modes of transport. The compact form, together with the

varied mix of uses and inclusion of housing in a high quality environment, would create a new community and add to the vitality to the city centre (10.3). Ceannt Quarter, combined with Bonham Quay and other planned development in the Inner Harbour area, would enable the city centre to expand and re-engage with the seafront and simultaneously integrate with the established commercial centre to facilitate Galway to grow to a city of scale (10.4).

- 8.2.14. **Policy 10.5 ‘Ceannt Quarter Regeneration Site’** is similar to **‘Specific Objective 10.2.1’** of the former CDP (2017), which is a central feature of the grounds of appeal. Objective 10.2.1 (2017) had sought development of the site as a mixed use commercial development, including commercial offices, retail, residential (equivalent to 30% of the total GFA) and a transportation interchange. It was envisaged that the Ceannt Station Lands and the Inner Harbour Area would facilitate a significant expansion of the city centre and a re-engagement with the seafront, which would be led by a vision demonstrating a clear strategy for the physical, economic and social transformation of the area. It was a specific pre-requisite that the development of the lands be preceded by the preparation of a **Masterplan** in advance of the specific proposals.
- 8.2.15. **Policy 10.5 (2023 CDP)** similarly identifies these lands as having the potential to be transformative in terms of the scale of redevelopment, presenting an opportunity for modernisation and expansion of the public transport function of the station, expansion of the city centre retail and commercial areas, provision of new residential development and a network of streets and public spaces. A key priority is the enhancement of the station as a multi-modal public transport interchange. The Board should note that permission has been granted for a comprehensive upgrade and redevelopment of Ceannt Station (Ref. 22/167) as referenced above (4.0). Policy 10.5 states that the preparation of a **Masterplan** setting out the vision for the area will be a pre-requisite for the development of these lands, the preparation of which will be the responsibility of the primary stakeholder. There is a requirement for a significant level of engagement with the public, the P.A. and other stakeholders and for compliance with other plans and strategies, including the Urban Density and Building Height Study. **Specific Objective 10.26 – City Centre Area** - is to “Require the preparation of a masterplan for the Ceannt Station Site”.

Masterplan

8.2.16. The measures to be incorporated into the **Masterplan (10.5)** include the following:

- **Public Transport Interchange** - Accommodate and front-load a significantly upgraded transportation interchange with associated car parking and cycle parking facilities and demonstrate that commercial development of the site will not inhibit future demand for intensification of public transport.
- **Integrate with built heritage** - Demonstrate the link with the existing built heritage and historic core to ensure that the proposed development would knit seamlessly into the fabric of the medieval core and reflect the existing urban grain and cultural context and show how the unique waterfront setting can be celebrated. It should also provide for the re-use of historic buildings and re-establishment of relationships between these buildings and the design and layout of the development.
- **Height, scale and massing** – provide detailed proposals for height, scale and massing and demonstrate how existing important views, vistas and landmarks will be respected and how proposed buildings contribute to aspects of urban design such as accessibility, enclosure, character, permeability etc.
- **Maximum plot ratio** – normally max. plot ratio of 2:1. However, higher plot ratios considered where proposals would contribute to sustainability, architectural quality, urban design, public realm, delivery of housing and would make a significant contribution to urban character.
- **Public realm and movement** – public realm to achieve strong sense of place, good permeability, demonstrate how linkage with existing spaces can be achieved. Connectivity and movement patterns linking the development with existing streets and adjacent regeneration sites to be demonstrated. Maximum permeability and public access must be provided throughout the site with linkages and views to the seafront and Lough Atalia.
- **Climate Action** – include measures to support environmental sustainability and climate action including sustainable building design, green infrastructure and SUDS, connections to the green network and demonstration of biodiversity gain within the site.
- **Use mix** – detail the type, quantum and distribution of uses with a minimum residential content of 30% of GFA in order to create a critical mass and a new

community. In certain limited cases, where residential use would not represent the optimum use, or where a specific development, in urban design terms, might have a more beneficial use mix, the equivalent 30% requirement may be provided for elsewhere within the overall site or at an alternative location. The commercial use mix shall provide for both modern office and retail floorplates.

- **Arts and culture** – include the provision of an arts/cultural facility at the developer's expense and with a management regime incorporated into the development delivery that enables the long term sustainable use of such a facility.
- **Phasing and delivery** – demonstrate delivery of public benefits corresponding to each phase of the development such as a public square/cultural facility. The phasing programme must be designed to be sensitive to market changes and that each phase can be completed to a level that is self-contained and will not result in a negative visual impact on any publicly exposed area for a prolonged period.

8.2.17. The Board should note that the measures to be incorporated into the Masterplan as set out in Policy 10.5 of the current 2023 CDP are very similar to those required by Specific Objective 10.2.1 of the 2017 CDP. The measures have been expanded to include the development of the public transport interchange and with a greater emphasis on the creation of a high quality public realm and achievement of climate action goals. The provision and long-term management of arts and culture at the developer's expense has also been more clearly defined. However, the other main elements relating to height and scale, built heritage, use mix and phasing are generally consistent with those set out in the 2017 CDP.

8.2.18. The proposed development complies in principle with Policy **10.5** - Ceannt Quarter Regeneration Site. It represents a large-scale, mixed-use regeneration project, with an aspiration for increased building height and density consistent with the desire to achieve a compact urban form, and which would contribute to the expansion of the city centre with linkage to the city core. It also includes new buildings of high architectural quality, which would contribute to the character of the city and an extensive new quality public realm provision with strong connectivity with the existing street network and public spaces. The proposal also incorporates the restoration and

re-use of historic structures, as well as providing for re-engagement of the city with the waterfront.

- 8.2.19. The proposal is in accordance with both Policy 10.5 and **Specific Objective 10.26** as a Masterplan has been prepared for the site. The Masterplan (MP) was prepared by BDP Architects as a precursor to the planning application for the development of the Ceannt Station Lands and sets out the design principles. It was submitted with the planning application to the P.A. and is dated February 2020. The MP includes lands outside of the planning application site boundary, namely the site to the north of the railway/bus station at Fairgreen Street, for which a development proposal has not yet been formulated. It is noted that there are three further proposed Masterplans on the adjoining lands namely for the Inner Harbour Area, for Galway Port Harbour Area and for the Extension of the Harbour.
- 8.2.20. In terms of density and mix, the submitted MP indicates that higher density will be concentrated at 'nodes of activity', transport corridors and at site entrances due to the increased road width and visibility at these locations, together with ease of pedestrian movement and vehicular access. It was indicated that residential development would be located at the upper levels near the waterfront to enable residents to benefit from views over the harbour and from the residential amenity of the waterfront. The MP envisaged the creation of urban blocks similar to the existing urban blocks that characterise the city in order to reinforce the urban grain, thereby creating a sense of familiarity and enabling a seamless connection to the existing fabric of the city, as well as celebrating the waterfront location.
- 8.2.21. The potential to incorporate several landmark buildings within the various masterplans for the overall area was identified. It was considered that this would improve the 'legibility' of the Ceannt Station lands and of the city. In particular, there was scope to do so at the entrance from Eyre Square to announce the entrance to the urban quarter, at Lough Atalia Road to announce arrival at the City of Galway and in the centre of the site (in the form of an iconic building as a cultural anchor) to ease navigation within the site.
- 8.2.22. The Building Height Strategy of the submitted MP was based on the concept of achieving a gradual increase from the historic core where the prevailing height is 2-4 storeys toward the waterfront, as the intervening lands had already begun to be developed at mid-rise heights. It was stated that the Ceannt Station Area could

sustain greater heights as it represents the location of a Regional Transport Interchange and has the potential to act as a 'Gateway' to the City, and as there is an established trend of increasing height towards the waterfront. The emphasis was on a gradual height increase which would facilitate a seamless integration between old and new and would reduce the impact on the skyline, whilst at the same time facilitating the necessary density to be achieved on brownfield lands and cementing the landmark status of the site.

8.2.23. I note that the planning authority was satisfied that the MP had addressed the issues of urban design, density, mix of uses, public realm, infrastructure and a height strategy. In terms of urban design, layout and permeability, it was considered that the proposed scheme was 'commendable'. However, the P.A. considered that it was 'flawed' in respect of its 'Heights Strategy' and in terms of its approach to 'Landmark Buildings at Strategic Locations'. It was noted that the MP had identified the potential for 3 no. singular landmark buildings, but that the proposal included at least 7 no. tower buildings, (all of which can be described as 'high rise'), each one of which meets the definition of a 'landmark building' on the basis of standing out from their respective backgrounds. The P.A. had concluded that the cumulative impact of a 'tightly clustered development of tall buildings' (ranging in height from 1 to 21 storeys) was of great concern and that the "sheer number of tall buildings hinders the potential to create a successful landmark building". These conclusions had been reached following an assessment of the proposal against the impact on important views, a sense of the historic context and the overall scale and capacity for change on such a constrained and elevated site.

8.2.24. I consider that the Masterplan has generally provided a clear vision for the regeneration of the site, including the lands to the north of the station building, and has had regard to the masterplans for the development of adjoining lands. It has also incorporated the components required by Specific Objective 10.2.1 of the 2017 CDP, which it was required to do, and has indicated a design and layout and mix of uses which would help to integrate the site into the established urban grain and street network of the city centre. Given that Policy 10.5 requires the same measures, at a minimum, to be incorporated into the Masterplan, together with additional measures relating to the public transport interchange, public realm, climate action and arts and culture, it is considered that the submitted MP has also addressed these matters. However, I would generally concur with the views expressed in the planner's report

regarding both the implementation of the height strategy as outlined in the Masterplan, (i.e. a gradual increase from the medieval core to the waterfront), and the approach taken to taller building with particular reference to the provision of 'landmark buildings'.

- 8.2.25. The stated approach to tall buildings in the MP had regard to the 2017 CDP which had established that the re-development of the lands around Ceannt Station would have a capacity for height. The approach was based on the following principles -
- Protection of the existing built heritage and residential amenity;
 - The creation of landmarks which would enhance the city's legibility without eroding its innate character;
 - The retention of 'benchmark heights' so as to retain strategic views and to protect and enhance the general character of sensitive locations;
 - Promotion of higher density at centres/nodes of activity on largescale infill sites and along public transport corridors.
- 8.2.26. The stated justification for increased height was the site's proximity to the Regional Transport Interchange and to the trend of increasing height towards the waterfront. The prevailing height in the medieval part of the city was identified as being predominantly 2-4 storeys, rising to 5/6 storeys and eventually to 7/8/9 storeys closer to the waterfront. However, the heights of the proposed buildings fronting Lough Atalia are generally between 12 and 21 storeys, which represents a significant increase over the established height in the general vicinity, and in Galway City overall.
- 8.2.27. The MP had emphasised the important role for '**landmark buildings**' in achieving the necessary 'legibility' of the Ceannt Station Area as a new urban quarter. It was stated that CABE had defined a 'Landmark Structure' as a building or structure which stands out from its background by virtue of its height, size and some other aspect of design and had identified locations for 3 such structures. These were intended at the entrance from Eyre Square, (to draw attention to the development from the established city centre), at the entrance to the north-east (to herald the arrival in Galway City on Lough Atalia Road) and in the centre of the site, as a cultural anchor and means to assist with navigation through the site. In terms of the development as

proposed, these 'landmarks' could be seen to have been delivered by means of the following -

Block 1 as the 4-storey extension/upgrade of No. 16 Eyre Square,

Block 7 (Pin 1) as the 21-storey tower on Lough Atalia Road and

Block 6 (retail and cultural building) – designed as an iconic building with a unique shape and bronze cladding and supporting a 'sky garden' at roof level

However, the remainder of the site contains a further four 'high rise' building blocks, comprising a total of seven additional towers or 'pins', ranging in height from 10-17 storeys. It is considered that this is a significant deviation from the approach of landmark buildings as outlined in the submitted Masterplan.

Absence of LAP

- 8.2.28. The Third Party appellants have raised serious concerns regarding the reliance on a Masterplan or Framework Plan instead of an adopted Local Area Plan, which would have a statutory footing and would have to go through the normal public consultation process. It is the view of the appellants that the lack of a statutory LAP means that the proposed development is premature and that there has been insufficient public engagement to justify a development of such a large scale and the introduction of a number of tall buildings which represents a significant departure from the built form of the city. It is argued that the regeneration of this area should be plan-led and not developer led, with a number of framework or masterplans produced by developers.
- 8.2.29. The P.A. in its response stated that there is no requirement for a Local Area Plan to be adopted for the development of the area. The First Party appellant has also stated that there is no such requirement and points to the Masterplan that was submitted to the planning authority which set out the design principles for the area. It was further stressed that this masterplan had been subject to a multi-layer public consultation process, which is outlined in the Masterplan document, and a separate document setting out the details of the public consultation undertaken.
- 8.2.30. I note that the only statutory plan for the area for which the Board must have regard, (produced by the planning authority as opposed to regional/national plans), is the current Galway City Development Plan 2023-2029, which has replaced the 2017-2023 CDP. The current Plan requires the provision by the developer of a Masterplan for the development of the Ceannt Station Lands, as did the 2017 CDP. Similarly,

Masterplans/Framework plans are required for the development of several other parcels of land in the vicinity including the Inner Harbour Area. It is not a matter for the Board to decide what form of development plan or other plan is required for the development of an area. However, I would agree with the third party appellants that the redevelopment of such a substantial area with development of a significant scale should be plan-led as far as possible. In this respect, I note that the redevelopment of the Ceannt Station lands has been the subject of planning policy objectives including specific objectives contained in several previous City Development Plans as well as in the Regional Plan and Metropolitan Area Strategic Plan for the area.

8.2.31. The current CDP (2023) is quite specific in terms of what objectives are to be achieved in the re-development of these lands. As summarised above (8.2.14-8.2.15), Policy 10.5 sets out the parameters for the development of the site and the design principles that the Masterplan must address in terms of creating a new urban quarter which should be an extension of the city core and must knit seamlessly into the established urban grain and street network.

8.2.32. It is specified that any future development should have both commercial and retail development with a 30% GFA residential component, that the architectural heritage of the site is to be respected and incorporated into the development and that taller buildings/higher densities may be considered where important views are respected and would contribute to sustainability, improved architectural quality and public realm, delivery of housing and enhancement of the urban design and character of the city. This requirement may be relaxed in certain limited circumstances, such as where residential use would not represent the optimum use, or where a specific development, in urban design terms, might have a more beneficial use mix, the equivalent 30% requirement may be provided for elsewhere within the overall site or at an alternative location. This issue is assessed in greater detail in section 8.3 below, but it is considered that the proposed development is in general compliance with this requirement. The issue of inclusion of the Arts and Culture element at the developer's expense will also be addressed in the assessment of the first party appeal, but has also been incorporated into the development as submitted.

8.2.33. Policy 10.5 also requires the development of a public transport interchange at Ceannt Station together with associated carparking and cycle parking facilities, with no impediment to future intensification of the public transport hub. The site immediately adjoins the Ceannt Station building, and the Masterplan was fully

cognisant of the proposals for upgrading the station. The design and layout of the proposed Augustine Hill development addresses and takes advantage of the redesign of the station, and the proposed public spaces (Connaught Square and Festival Place), together with the surrounding buildings (proposed hotel, outdoor stage, food and drink uses with outdoor dining elements), as well as the landscaping proposals, would help to integrate the proposed redeveloped station into the heart of the proposed project.

8.2.34. The requirements to provide for an improved public realm by creating a sense of place, good permeability and ensuring linkage with the existing street network and public spaces has also been comprehensively addressed in the both the Masterplan and in the submitted proposals. It is further considered that the requirement of the current CDP policy to incorporate Climate Action into the proposed development has been addressed in the MP and in the submitted proposals. These matters will be discussed in greater detail in subsequent sections.

8.2.35. **In conclusion**, it is considered that the **Masterplan** as submitted to the P.A. has had regard to the parameters as set out in **Policy 10.5** and has been the subject of a public consultation process during its preparation.

Public consultation

8.2.36. The developer has set out, both within the Masterplan and in a separate document (by Insight Consultants), what steps had been taken to engage with the various stakeholders and with the general public. Consultation with stakeholders included CIE, Port of Galway and Galway City Council. The public consultation process was undertaken using a number of different methodologies over an 18-month period in advance of the submission of the application. The stated purpose of the consultation was as follows:

1. To provide the public with information and the opportunity to raise queries, provide ideas and suggestions, and to actively engage with the development and design team.
2. To engage with and seek true views of the public through a direct process in order for key issues to be identified, with as much one-to-one engagement as possible.

8.2.37. The following main methods of consultation were employed:

1. Online Survey – an invitation was circulated to take part and the information was collected through a dedicated website operated by a market-research company. The results informed the scoping exercise to identify key issues and to explore design alternatives. An estimated 530 completed surveys were completed and returned, and approx. 106 suggestions were received.
2. Interviews - Face-to-face interviews were conducted on the streets of Galway and surrounding towns. The results informed the scoping exercise to identify key issues and to explore design alternatives. Approx 1,800 people were interviewed.
3. Drop-in forums – two day-long drop-in forums were conducted in December 2018. This enabled the public to engage directly with the design team and professional consultants. Further forums were conducted with students from GMIT and with several other stakeholder and interest groups. These included local businesses, interest groups, local councillors, elected national representatives and state bodies. Approx. 172 people attended the drop-in sessions and the consultants met with 40 stakeholders.

8.2.38. The Masterplan was then prepared by the developer and was subject to an extensive public consultation process, following which the masterplan was submitted to the City Council. As discussed above, the Masterplan broadly complies with the parameters of the design brief (masterplan) as set out in Policy 10.5 of the CDP. It is acknowledged that the Masterplan does not have a statutory footing, but it is considered that it should be viewed in the context of the planning policy framework in place for the regeneration of these lands, which has a statutory basis and is also supported by national and regional policies.

8.2.39. It is considered that the proposed development of the site is broadly in line with the parameters for the Masterplan as set out in Policy 10.5 and as required by Specific Objective 10.26 of the current Galway City Development Plan (2023) for these lands in that it is for a large scale mixed-use project of a significant scale and density, incorporating a mix of commercial and residential uses, which would expand the central city area and provide for a new residential community, with an emphasis on high quality urban design and connectivity with the established city core by means of pedestrian prioritised streets and public spaces with lively active uses and attractive landscaped open spaces, in addition to the integration of the development with the

transport interchange to the north and with the regeneration of adjoining lands along the dockside and fronting Lough Atalia.

Conclusion on Compliance with Planning Policy

8.2.40. In conclusion, therefore, the proposal accords in principle with both national, regional and local planning policy. The development of such a strategically important site within the City of Galway is in accordance with the planning policy framework that is expressed through various planning policies within the CDP, the NWRSES and the NPF, which have identified these lands as being instrumental in the revitalisation and development of the city centre. The proposal can, therefore, be considered to be plan-led whereby the parameters for development are set before detailed proposals are drawn up.

8.2.41. I propose to address compliance with other policies and objectives of the current City Development Plan throughout my assessment. This will include addressing claims made by the third party appellants regarding alleged material contravention of the Galway City Development Plan 2017-2023, regarding the use mix (specifically residential component of less than 30%), and density of development, (excessive plot ratio). These matters will be dealt with separately under the issues relating to mix of uses and scale/density of development below. However, as the 2017 Plan has since been replaced by the 2023 Plan, my assessment will focus primarily on compliance with the current Galway City Development Plan (2023-2029).

8.3. Mix of Uses

8.3.1. The total gross floor area was reduced from 128,080sq.m (as originally submitted) to 114,161sq.m in the revised scheme (RFI). The following table gives a summary of the uses proposed in the scheme as revised by the Further Information submitted to the P.A. on 19th March 2021.

	Gross Floor Space (sq.m.)
Residential	40,515m ²
Retail	22,613m ²
Cultural (Cinema, cultural, community)	5,657m ²
Restaurant/Café/Bar	4,319m ²

Hotel	9,023m ² - 186 rooms
Office	752m ²
Public Open Space	19,009m ²

8.3.2. The total number of residential units was increased from 376 to 404 apartments in the revised scheme (March 2021). This equates to Residential comprising 35.49%, with the Hotel comprising a further c. 8% of the GFA. The proportion of commercial uses in the revised scheme included Retail at c. 20%, Café/restaurant at c. 4% and Office at less than 1% of the floorspace (reduced from c.3.75%). The cultural/community/public space represents almost 22% of the GFA, with Cultural/community facilities/cinema accounting for c.5%, and the area of Public Open Space (excluding communal and private OS) amounting to 19,009m² or 16.65%. This breakdown indicates that the residential/hotel space is dominant at c. 44%, whilst the commercial space occupies around a quarter of the GFA.

8.3.3. The planning authority decision altered some of these figures again, particularly in terms of reducing the amount of residential floorspace and hotel floorspace. The removal of Pins 4 and 5 would result in the loss of approximately 9,338m². The reduction of Block 8 - Pins 2 and 3 and Block 5 - Pin 6, (respectively), would reduce the residential floorspace by a further 5,160m² (B8) and 1,323m² (B5). Thus, the residential floorspace would be reduced by over 15,000m², and the percentage of the development given over to residential (GFA) would be reduced to c. 26%. The removal of two floors from the hotel would also reduce the proportion of hotel floorspace of the GFA to c. 7.9%.

Residential content / Extent of commercial/retail space

8.3.4. The third party appellants have raised strong objections to the reduction in the percentage of the floorspace given over to residential as it is now less than 30%, which, it is claimed amounts to a material contravention of the (2017) Development Plan. The Board will note that the 2023 CDP also requires that 30% of the GFA is designated as residential, as discussed above. The grounds of appeal further state that the extent of commercial/retail space is excessive, is unwarranted, and that there is no demand for 'department stores', another cinema or another hotel in the area. Thus, it is submitted that the P.A. decision to reduce the residential content,

instead of the commercial content, is inappropriate, would fail to create a 'living community' in the CC and would result in unsustainable commuting patterns.

8.3.5. The CC zoning objective for the site is *'To provide for City Centre activities and particularly those, which preserve the City Centre as the dominant commercial area of the city'*. The *'compatible uses'* are identified as retail, residential, offices, tourist uses, cultural and community facilities, education, recreation and childcare facilities. It is considered, therefore, that the proposed mix of uses to be included in the development is consistent with the CC Zoning Objective for the site. The proposed use mix is also generally consistent with the policy objectives embodied in the Core Strategy of the CDP, (which in turn is fully supported by the national and regional policies as outlined above), which seek to unlock brownfield regeneration sites such as this with a sequential approach to the expansion of the city centre, in conjunction with an enhanced transport hub. The only issue of contention in terms of an appropriate use mix is, therefore, the proportionality of the uses as envisaged in Policy 10.5 of the 2023 CDP (and formerly Specific Objective 10.2.1 of the 2017 CDP).

8.3.6. The residential content would be reduced from c.34% to c.26% of the overall GFA. The 30% parameter is required to be included in the Masterplan by Policy 10.5 "in order to create a critical mass and a new community". However, Policy 10.5 goes on to say that :-

" In certain limited cases, where residential use would not represent the optimum use, or where a specific development, in urban design terms, might have a more beneficial use mix, the equivalent 30% requirement may be provided elsewhere within the overall site or at an alternative location".

The exceptional clause is almost identical in wording and content to that of Specific Obj. 10.2.1 (2017 Plan).

8.3.7. I note that 'the overall site' in respect of the 'Ceannt Station Lands' is a 5.8ha site incorporating the site of the proposed development as well as the lands to the north of the train station. Thus, there is potential within the regeneration site to accommodate additional residential accommodation if necessary. The P.A. has also pointed out that the removal of Pin 4 and Pin 5 does not necessarily mean that further residential accommodation could not be provided at a future date in place of these 'Pins'. It also accepted that the hotel use could be considered as providing for

some residential need. Whilst I would accept the view that it provides for a diversification of the city's accommodation offering, most likely marketed towards the needs of persons on short term/temporary contracts, I would not share the view that it constitutes residential in the usual sense of the term.

- 8.3.8. The Board will also note that planning permission has recently been granted for a large student housing scheme on an adjoining site on Queen Street (ABP.300613) which would add a further 10,700m² of residential floorspace immediately to the west of the site. In addition, an office development of 4 blocks (Bonham Quay) is currently under construction immediately adjacent to the site, which will deliver over 30,000 sq.m of commercial office space. Thus, the mix of uses on the regeneration lands in this location is more evenly balanced than is apparent from the mix within the proposed development.

Housing need and homelessness

- 8.3.9. The third party appellants objected to the lack of affordable homes and considered that the proposal fails to address **housing need and the homelessness crisis**. It was further submitted that the proposed development is premature pending the adoption of a Housing Strategy. The P.A. however, confirmed that the proposed development complies with the local authority's adopted Housing Strategy. The policy objective for the site is for a 'Mixed-Use Commercial Development'. Thus, the site is not one that has been identified as suitable for a *predominantly* residential development and in my view, a mix of uses which had an insufficient level of commercial development on this site would be inappropriate as it would be contrary to a range of policy objectives for the regeneration of these lands.
- 8.3.10. The residential component at c. 26%, as opposed to 30%, is unlikely to diminish the achievement of the objective to create a living community with an adequate critical mass. The proposed development will deliver a significant quantum of housing in the heart of the city centre within a mixed use development with a high quality of design and with exceptionally high levels of access to a wide range of facilities and services, including a public transport interchange. The quantum of residential development is, therefore, considered appropriate in principle for this location. I do not accept that the reduced residential component would materially contravene the development plan as the mix and balance of uses is consistent with the Zoning Objective (which has not

changed) and with a wide range of development plan policy objectives for the city centre and for the redevelopment of these lands. As Policy 10.5 of the current Plan, (like Specific Objective 10.2.1 of the previous Plan), provides for an alternative means of achieving the residential component of 30% by locating it within the overall lands or at an alternative location, it is considered that the residential component of the proposed development is acceptable and in accordance with the Statutory Plan.

Economic appraisal

- 8.3.11. The CDP regeneration objectives for the lands within and adjoining the site apply to several brownfield or industrial sites, which together seek to achieve the expansion of the city centre and to open up the city to the waterfront area. These lands are situated between Eyre Square/shopping district and Lough Atalia/the inner harbour area and the sea. The City Centre main shopping district is linked to the project site via Eyre Square and Queen Street. The site is, therefore, conceivably the regeneration site within the overall area that is most suited to retail development, as it would facilitate a high degree of continuity between the core retail area and the new urban quarter. The ability to walk with ease between Shop Street/William Street and the site, as well as a certain degree of visibility/legibility, would be important factors in the seamless integration with the established city core that is sought by the policy objectives in the CDP. The first party has emphasised the importance of retail at the lower levels of the proposed development as a means of increasing footfall through the site facilitating active frontages and lively streets and public spaces.
- 8.3.12. The CDP emphasises the importance of retailing as a significant contributor to the commercial life of the city, which is key to maintaining the city's attractiveness and competitiveness and to the visitor experience. The site has been prioritised as city centre lands that are suitable for redevelopment including retail and offices. The site is located within the 'Core Shopping Area' (Fig. 6.4 of 2023 CDP). The CC Zoning Objective seeks to preserve the city centre as the prime commercial area of the city and there are many policy objectives contained both within the CDP and within the national and regional policy framework for the area which seeks to create a city of scale that would be capable of competing internationally for investment and as a regional driver of growth. Thus, it is considered that a significant quantum of commercial floorspace is necessary in order to achieve these objectives.

8.3.13. The **Deloitte Economic Appraisal Report** (FI submission, 19/03/21) includes an analysis of the impact of Covid-19 on the retailing sector and retail real estate. It is stated that the future of retailing will be in bespoke, new build consumer-based experience centres and that the art of placemaking in order to drive footfall will be critical to long term viability of retail. It is submitted that the proposed development is very well positioned as it is centrally located at a critical transport node which will provide substantial footfall, which in turn will attract prime retail occupants. The attributes of the proposed development have been highlighted as contributing to the creation of a 'destination space and experience which will drive footfall to the retail environment and ensure its viability'. The attributes include the following :-

- Ability to provide a modern, flexible retail floorspace with large retail floor plates/retail 'box' units, together with a covered outdoor mall in an attractive promenade environment;
- A substantial food and beverage offering with active frontages and uses housed within historic refurbished and repurposed Protected Structures with associated public open spaces;
- A substantial leisure, cultural and community space offering including an IMAX cinema and other cultural event spaces;
- Integration of the proposed development with a redesigned Ceannt Station which will open onto a new civic square with active uses associated with a hotel, food and beverage uses and cultural activities.

8.3.14. In general, therefore, it is considered that the rationale for the inclusion of the commercial/retail component within the proposed development, as a proportion of the overall use of the site, seems reasonable.

Retail impact

8.3.15. The P.A. had raised concern (14/06/20) regarding the proposed retail floorspace contained in the original submission. It was considered that inadequate justification had been provided for the scale and nature of the retail offering, including the level of comparison and convenience shopping, and that it had not been supported by an independent, evidence-based analysis. It was emphasised that the proposed retail element must not undermine the viability and vibrancy of the city centre. A need for a Retail Impact Assessment was identified as well as a phasing plan which would

ensure the delivery of a significant amount of floorspace in the initial phases and allow for future sensitivity to market changes.

- 8.3.16. The FI submission 19/03/21 addressed these issues in the planning statement (Stephen Little), which was supported by the Deloitte Report – ‘Economic Appraisal’ and the ‘Retail Impact Assessment’ (KPMG Future Analytics). The amount of retail floor space was reduced from 26,449m² to 22,613m², with the reduction in retail floorspace of 3,836m² being reassigned as residential floorspace (Block 5). This is based on 2 anchors and 28 individual units. The level of convenience shopping is stated to be 4,871m² and the level of comparison floorspace is c. 15,736m². In addition, there will be 19 no. café/restaurant outlets with a combined floor area of 4,319m². The FI submission concluded that there was adequate capacity for the additional retail floorspace and that a robust justification has been provided in the RIA, which is based on up-to-date evidence and is in accordance with national and local policies.
- 8.3.17. The P.A. was satisfied with the FI submissions and that the quantum of each type of retail floorspace had been clarified. Furthermore, it was satisfied that the RIA had been undertaken in accordance with the guidance contained in the RPGs and that the assessment had taken into account current trends in retailing within the city. It was concluded that the proposed development would comply with the retail strategy and policies for the city and that it would provide a retail offering which would be complimentary to the existing retail offer, thereby benefitting the existing retail core and increasing the competitiveness of the city. In addition, the ability to provide modern retail formats would help to diversify the retail offer to consumers and therefore enhance the vitality and viability of the city centre. Notwithstanding this, however, the third party appellants remain concerned that the quantum of retail floorspace is excessive and would have a detrimental impact on the city core.
- 8.3.18. In terms of capacity, the RIA has identified that there is a significant retail capacity available up until 2030, with predicted capacities of 9,672m² convenience floor space and 19,707m² comparison floor space available. The proposed scheme will not, therefore, use all of this capacity and a significant residual floorspace capacity will remain. The design year of 2030 was chosen on the basis that it is a very large scale of development for which will take approx. 9 years to establish a retail trading pattern.

- 8.3.19. I note that the RIA analysis indicated that there is currently no spare capacity in either convenience or comparison floorspace in Galway city, but as the population of the city is projected to grow significantly over the next 10 years, the capacity in both categories is expected to increase substantially. The available expenditure was also adjusted based on factors such as the significantly high numbers of tourists and the day-time population of the city, which was assessed as being considerably higher than other similar urban locations as the population tends to swell by c.30% due to the significant student population and commuting workforce. The modelling indicated that there would be an undersupply of both convenience and comparison floorspace in the market leaving €275 million in residual expenditure available. The market analysis concluded that in 2030, there would be a requirement for 9,672m² convenience floorspace and 19,707m² comparison floorspace.
- 8.3.20. It is clear that the proposed development complies fully with the 5 key policy objectives of the Retail Planning Guidelines (2012), the overarching objective of which is to maintain and enhance the vitality and vibrancy of city and town centres by means of the sequential approach and to ensure competitiveness in the retail sector is retained for the benefit of the consumer. Development must be plan-led and facilitate a shift towards increased access to retailing by means of more sustainable transport modes and should be associated with the delivery of high quality urban design outcomes. The findings of the RIA are generally consistent with the Retail Strategy as set out in Chapter 6 of the new CDP (2023), which takes account of recent retail trends, vacancy rates and the Core Strategies for both the City and County Development Plans. It should be noted, however, that the planning authority will embark on a new Joint Retail Strategy in conjunction with Galway County Council during 2023.
- 8.3.21. Galway City is a **Level 1 Centre** in the **Retail Hierarchy** for Galway (Table 6.1 of 2023 CDP), with a substantial catchment across the county and region, and is a Level 2, as a key Regional City on a national basis. The Galway City Retail Strategy seeks to prioritise the city centre as the 'Prime Retail Area' for retail development and investment. As this is wholly consistent with the NPF and the Regional Plans for the area, this is unlikely to change. The site of the proposed development is located within both the City Centre and the 'Core Shopping Area', (Fig. 6.4) where a major expansion of retail development is envisaged. It is considered, therefore, that given the location of the regeneration site in the heart of the city centre, its immediate

proximity to a public transport hub, its city centre zoning and site-specific policy objectives for a mixed-use commercial/retail/residential scheme, the proposed mixed-use development, with a significant retail component, is generally in accordance with the planning policies for the area.

- 8.3.22. The location of the development in the City Centre also ensures ease of access to the range of facilities and services that will be part of the retail offer. This means that it maximises the opportunities to access the development by means of a variety of modes of transport, including public transport, walking and cycling. The proposed development has also been designed to encourage a very high level of pedestrian and cycle access both to and through the site. The high quality layout and public realm with vibrant active uses along the network of new streets and spaces, will also facilitate permeability within the development. These characteristics are consistent with Policy 6.11 of the current CDP. Thus, Augustine Hill can be described as being a plan-led, mixed-use development within the city centre, in a highly accessible location, which would deliver a high quality urban design outcome and as such, accords with the retail planning policies for the area and a sequential approach is not required.
- 8.3.23. The Retail Strategy is to direct higher order comparison and specialist retailing to the metropolitan city centre in order to reinforce the function of the city centre as the hub of public life, where vitality and viability can be enhanced through a mix of uses. The nature of the proposed retail floor space is heavily orientated towards comparison shopping and takes advantage of the regeneration site to provide for new retail formats which are not easily achieved in the medieval shopping core of the city. The RIA points out that the 'larger boxes' will provide a level of flexibility which will be key to attracting new tenants and will introduce a degree of resilience which will future proof the scheme. The need for expansion of the retail offer within the city core as well as the need to accommodate modern floor plates outside of the medieval shopping streets was identified in Galway City's retail strategy as set out in the current CDP (Policy 6.11).
- 8.3.24. It is considered that whilst Galway City Centre supports a good level of higher order retailing, there is a need to accommodate more modern retail formats which would include larger floorplates with greater flexibility. This would improve the diversity of the retail offering in the city, which would enable the retail core area to be enhanced and extended in a complementary fashion within the city centre. The Retail Strategy

(6.11) also seeks to create an enhanced shopping experience together with cultural and entertainment facilities in order to strengthen the vitality and resilience of the city centre and to support a vibrant night-time/evening economy.

- 8.3.25. It is considered that the range and mix of uses with a strong representation of food and beverage uses, markets, outdoor dining, cultural and entertainment facilities, together with the creation of new civic spaces and a network of safe streets for walking with active frontages, the proposed development is likely to make a significant and positive contribution to the achievement of the retail policies in the CDP. Furthermore, due to the close proximity and high level of interconnectivity between the regeneration site and the established shopping core by means of a well laid out, pedestrian-friendly and attractive public realm, it is considered that the proposed development is likely to significantly enhance the competitiveness of the city centre as a whole.
- 8.3.26. In conclusion, I would accept, therefore, that the proposed development is likely to attract additional consumers by offering a wider and more diverse choice, which will expand the retail offering within the catchment. Due to its location within the city centre and directly adjacent to the established retail core and to high frequency public transport, and to the nature of the uses within the development, it would be unlikely to detract from or harm the vitality and viability of the city centre, but would add to the vibrancy and attractiveness of the city centre.

Non-retail commercial

- 8.3.27. The **office space** component, as well as the absence of need for an additional **hotel** and a **cinema** were raised by the third party appellants. It was submitted that there is a dearth of suitable accommodation in the city centre to serve the requirements of these sectors. An Taisce and Mr. Mulligan query the market demand and economic viability with reference made to occupancy rates in other developments in the city. These issues are addressed in some detail in the **Economic Appraisal** report by **Deloitte**, (FI submission, 19/03/21), which included a market viability analysis of each sector/use type.
- 8.3.28. The scheme as revised (19/03/21) provides for very little office space at 752m², which is provided with and to the rear of Block 01. The scheme as originally submitted had included a stand-alone office block of 10 storeys, (Block 10) which had been located between Forthill Cemetery and the new Bonham Quay

development (under construction). However, the Bonham Quay development, which will be integrated into the proposed Augustine Hill development, is predominantly comprised of office space and will provide c.30,000 m² in 4 no. blocks. Thus, the revised office component is considered to be acceptable in this instance.

- 8.3.29. The need for a hotel is addressed in 5.7 of the Deloitte report. It is stated that data from Failte Ireland indicates that in 2018 there were 33 approved hotels in Galway City of which only 13 no. (53%) were 4-star, and that this compared unfavourably with Cork City, which had 72% 4-star hotels. Based on evidence from Failte Ireland and other sources, it is stated that Galway has a thriving tourist sector and that the tourism industry is growing rapidly in the west of Ireland. It is submitted that the destination experience at Augustine Hill will provide additional city centre hotel capacity to capitalise on the tourism demand.
- 8.3.30. The proposed cinema is to be located within the centrally located 'island block' (B6). The uses within this block include Retail (5,658m²), Cinema (2,565m²) and Cultural Facilities (1,652m²). The intention of this block as set out in the masterplan is to provide for a centrally located cultural hub within the mixed-use scheme. This building would provide for a cultural/community hub within the development and is to serve as an iconic landmark in the centre of the site. It is considered that the cinema is likely to form an important element of such a hub, which would serve as a leisure attraction for the new community within the development as well as attracting additional footfall into the scheme. It is noted that there are 3 existing cinemas in Galway City which are located at Wellpark Road, Headford Road and Salthill. However, the current proposal is for an IMAX Cinema, which would be centrally located within a mixed use scheme within a new urban quarter, with a high level of accessibility by various modes of transport. This element of the proposed use would also help to achieve the objective of a vibrant night-time economy.

Cultural and community facilities

- 8.3.31. The planning authority, however, had considered that the **cultural and community** components of the scheme were inadequate and had sought further information during the course of the application (Item 6 a-d). The concerns related to ensuring that the provision of cultural and community facilities would have regard to the adequacy of the existing social infrastructure within the area and that the range of facilities would extend beyond the cycle parking and sustainability hub and creche

proposed in the original submission. Further concerns were raised regarding the phasing of the development and provision of such facilities in a timely manner to serve the development as it progressed, as well as ensuring that the childcare facility would be adequate to serve the needs of the development and the surrounding area.

- 8.3.32. The developer responded with revisions to the scheme together with several reports to demonstrate that the approach being taken is evidence-based. These included a 'Community Infrastructure Audit' (CIA) and a 'Childcare Needs Assessment' (CAN). It was demonstrated that the local area is well served by community and social facilities across several sectors including arts and culture, sports and recreation, health facilities and faith services. The site is located in close proximity to the main shopping district and to the city's bus and rail stations, thereby providing access to a further range of facilities elsewhere by public transport. The proposed development would add to the range of facilities available and would help to create the critical mass to attract the establishment of further facilities in due course.
- 8.3.33. The revisions to the scheme (19/03/21) provided a multi-purpose cultural space (1,652m²) within Block 6, which brings the total cultural space within the development to 1,852m², and a 'flexible use community space' at Block 9 which is envisaged as being able to provide for uses such as yoga, pilates, a gallery, remote working hub or a day-care centre. In addition, there is a proposed 'reflection space' in Block 4, a cinema complex in Block 2, a hotel and several restaurants and cafes as well as 28 shop units throughout the development. These active uses are designed to integrate with the new streets, civic squares and public open spaces, which in turn are envisaged as 'periodic public event spaces' to facilitate poetry readings, performances, outdoor cinema and small scale concerts.
- 8.3.34. The P.A was generally satisfied with the overall provision of cultural and community facilities, but remained concerned, however, that Block 6 would not be delivered until 'Cluster 3'. As such, it would be necessary to ensure that both the delivery of and public access to these facilities would be secured at an early stage in the development. This issue was addressed by means of conditions which are the subject of the first party appeal and will be addressed later in this report. The level of childcare to be provided (as revised) was considered unsatisfactory to serve the scale of the development and that insufficient weight had been attached to the mixed nature of the development, with both residential and commercial components giving rise to demand. The P.A. decided to attach a condition (41) to address the lack of

capacity by increasing the number of spaces to 80 and it is noted that the developer has not appealed this condition.

- 8.3.35. I would agree, however, that the cultural and community component of the proposed development, including the proposed mix of active uses and nature of the public realm, together with the strong presence of such services and facilities in the vicinity of the site, would provide for a satisfactory range of facilities to serve the future occupants and the wider community.

Conclusion of mix of uses

- 8.3.36. In conclusion, it is considered that the proposed mix of uses and the proportionality of each type of use is appropriate for the regeneration of this brownfield site in the centre of Galway City and is in accordance with the provisions of Galway City Development Plan 2023. I do not accept that the reduced residential component arising from the reductions in floor area/height required by the P.A. decision would constitute a material contravention of the development plan as Policy Objective 10.5 makes provision for achieving the aims of the objective by other means. The proposed development will deliver a significant residential development in the heart of the city which would serve to halt the trend of sprawling suburbanisation that has characterised residential development in the city for many years. I further consider that the reduced residential component would be acceptable in this instance given the wider objectives for the regeneration of the area and for this site, with a particular emphasis on the need to expand the city centre retail area and to create a new urban quarter which would integrate the established core area with the harbour area by means of a lively, animated and permeable development. It is considered that the proposed development would help to achieve these wider objectives for the regeneration of the area, in conjunction with the plans for the redevelopment of adjoining lands.

8.4. Scale, Density and Height

- 8.4.1. The issue of the scale of the development, and in particular the height of the residential and hotel towers, is contentious in respect of both the first party and the third party grounds of appeal.
- 8.4.2. The Third Parties believe that the development as proposed and revised by the FI submission, and notwithstanding the reductions in height and scale required by the

P.A. decision, represents an excessive density and scale of development with an inordinate number of high rise buildings which are considered inappropriate in the heart of a medieval city where the prevailing height is 2-3 storeys. Concern was raised regarding the impact on the historic core and the city's heritage assets, with particular regard to the setting of Protected Structures, Recorded Monuments and Architectural Conservation Areas, as well as the impact on wider views of Galway Bay. The most significant concerns related to the impacts on Forthill Cemetery, Eyre Square ACA and Long Walk ACA. The third parties also raised concern regarding the unsuitability of tall buildings for residential use as well as the inefficiency and high cost of construction/maintenance of high rise buildings and the poor levels of sustainability and environmental effects associated with such structures. The need for any landmark buildings was also questioned. It was further considered that a development of this scale should not be permitted in the absence of a Building Heights Study for the city by the planning authority.

8.4.3. The excessive height, scale and massing of Block 9 (Pins 4/5), the unsatisfactory relationship with the balance of the development and their extreme proximity to Forthill Cemetery, the excessive clustering of tall buildings as well as the adverse impact on sensitive areas of architectural character and built heritage and on the townscape of the city and on key views, formed the basis for the planning authority's split decision resulting in the refusal of Pins 4 and 5 and the reduction in height of Block 8 (Pins 2/3), Block 5 (Pin 6) and Block 2 (Pins 7 and 8).

8.4.4. The First Party grounds of appeal seek to reverse these elements of the P.A. decision as it is disputed that the development comprises an excessive number of tall buildings or that the development would have any detrimental impact on Forthill Cemetery, Eyre Square ACA or the Long Walk ACA. It is submitted that the proposed development has been designed to assimilate with the existing urban grain and townscape and that the gradual rise in building height towards the seafront will enable the development to integrate seamlessly with the existing built form with a respectful approach towards the built heritage of the city. The FP strongly disagrees with the P.A. in respect of its stance on a singular landmark building, (as opposed to a series of tall buildings forming a landmark), for which it is asserted there is no policy justification, and considers that the proposed buildings on the southern side of the site comprise a series of structures forming a landmark which will provide the necessary legibility for the new urban quarter.

- 8.4.5. Undoubtedly, the proposed development which introduces several buildings of a height and scale significantly greater than any development in Galway to date, will have a profound and enduring impact on the character and image of the city which will be transformative. As discussed in the preceding sections (8.2 and 8.3), the National and Regional policy framework is striving to create more sustainable development in a compact urban form as cities and towns are scaled up to accommodate significant population growth over the coming decades. Government policy on building heights is set out in **Urban Development and Building Heights Guidelines (2018)**. The guidance states that it is Government policy that building heights must be generally increased in appropriate urban locations. There is, therefore, a presumption in favour of buildings of increased height in town/city cores and in other urban locations with good public transport accessibility.
- 8.4.6. The **UDBH Guidelines** set out the **Development Management Criteria (3.2)** at the Scale of the City/Town, at the Scale of the District/Neighbourhood and at the Scale of the Site/Building. At the Scale of the City, the development must be well served by high quality public transport; it must successfully integrate into and enhance the character and public realm of the area having regard to topography, its cultural context, setting of key landmarks and protection of key views; and on larger sites it must positively contribute to placemaking by incorporating new streets and public spaces and create visual interest in the streetscape. At the Neighbourhood Scale, the proposal must positively contribute to the streetscape, avoid monolithic blocks and enhance the urban design context for key thoroughfares and frontages to marine/inland waterways. It must also improve legibility and positively contribute to the mix of uses in the area. At the Site Scale, the form, massing and height of the proposed development must be carefully modulated to maximise access to natural daylight, ventilation and views and to minimise overshadowing.
- 8.4.7. The First Party has provided a detailed account in the grounds of appeal of how the proposed development complies with each of these criteria. SPPR 3 of the guidance states that where an applicant sets out how a development proposal complies with these criteria and the assessment of the planning authority concurs, taking account of the wider strategic and national planning policy parameters in the NPF and these guidelines, the planning authority may approve such development even where specific objectives of the relevant development plan or local area plan may indicate otherwise. It is clear, therefore, that there is a strong policy basis for increased

building height in principle, but the planning authority is not in agreement with the degree of compliance with the criteria set out in the guidelines (3.2). The degree to which the proposal complies with the guidance will be considered below.

- 8.4.8. In response to the third party claims that the development is premature pending the adoption of the 'Urban Height Strategy', the Board should note that the relevant statutory plan is now the Galway CDP 2023-2029, which replaced the 2017 CDP, (which had set out the height strategy for the city at the time that the application was considered by the P.A. and the appeal was lodged). In the meantime, it is noted that the new CDP (2023) includes as an appendix, a document entitled '**Galway Urban Density & Building Height Study**' (published September 2021). Although the current City Development Plan **had not been adopted** by the P.A. at the time of making its decision, and this UDBH document had not yet been published, it is clear that the planning authority's assessment of the Augustine Hill proposal had been influenced to some degree by the Draft document.
- 8.4.9. The city centre and regeneration areas, particularly larger sites such as Ceannt Station, are highlighted in Section 8.8 of the 2023 CDP as being potentially suitable for increased heights and densities. The emphasis is on protecting the city's special historic character and townscape, while at the same time responding to the need for continual investment and improvement in the centre to retain its vitality and viability. It is stated that :-
- “Within the city centre, it is important to promote new development that integrates well and respects the city's existing built form and natural and historic environment. In regeneration areas.... need to develop a new local distinctiveness.....[and] to demonstrate that good urban design principles are being applied, compact mixed-use growth is being encouraged and that economic, social and environmental dividend is being achieved along with positive contribution to the physical expansion of and liveability of the city. Where sites of scale are capable of generating their own character, in particular the Ceannt Quarter..... scope for greater height is open for consideration...”
- 8.4.10. The capacity for height will be assessed in conjunction with the development guidance set out in the Galway Urban Density and Building Heights Study, Section D Spatial Strategy and Policy 8.7.8 is to adhere to this guidance. Tall buildings will only

be considered where they do not adversely affect the context of historic buildings, ACAs, residential amenity or impinge on strategic views (Policy 8.7.9).

Galway Urban Density and Building Heights Study (2021)

- 8.4.11. The GUDBH Study (2021) provides a strategy to guide urban density and building height in the city. It is guided by the principles of the 'neighbourhood concept' and sets out a spatial strategy to ensure that new development can assimilate well into the area setting, having regard to the context of the site, the character of the surrounding area, existing amenities and the need for good quality urban and building design. However, it is not intended to be prescriptive. It provides a range of building heights and densities, with each site/proposal being considered on its merits. It is emphasised in the GUDBH Study that, notwithstanding the national policy to pursue compact growth, regard must be had to Galway's sensitive historic core and its impressive landscape and townscape features provided by the river and the coastline.
- 8.4.12. Section 10 of the UDBH Study relates to a Suitability Analysis, which forms the central basis of the urban density strategy. The principal places of greatest suitability for higher density are described as those that are "well connected, well served by retail and public infrastructure and have good access to public open space" (10.1). Constraints are then applied to the suitability analysis, such as townscape, proximity to heritage assets and the potential to impact identified key views, the outcomes of which are then used in a sensitivity analysis. The outcome of the sensitivity analysis forms the basis of the spatial strategy. The city core (medieval) is shown as the most sensitive location in the city centre, whereas the eastern part of Ceannt Quarter is shown as the least sensitive (Fig 57).
- 8.4.13. The City Centre Area (Chapter 16) is one where Regeneration and Opportunity sites are highlighted as being particularly suitable for taller buildings. In respect of the City Core area, (16.2), however, due to the heritage and townscape sensitivities of this part of the city centre, the guidance states that heights should generally respect those of existing buildings in the area (3-5 storeys). The subject site is classified as being in the 'Long Walk, Inner Harbour, Ceannt Station' Neighbourhood, (16.3) which is to the southwest of the city core.
- 8.4.14. The development guidance for this neighbourhood is that density (expressed as Floor Area Ratio -FAR), could be higher than the city core (3.0), particularly towards

the harbour area, provided that townscape impacts are carefully considered. Height is open to consideration, where sites of scale, (such as the Ceannt Quarter), are capable of generating their own characters, particularly where a development demonstrates outstanding architectural design quality and other planning considerations are met. However, heights and massing must be careful not to negatively affect key views and the character of the historic core. The Long Walk ACA is also identified as being particularly sensitive to any dramatic increase in density and height. Reference is made to Bonham Quay where the height and density is greater than the prevailing height closer to the city core. The guidance indicates, therefore, that Ceannt Quarter is a site where increased height and density may be considered to be appropriate.

Suitability of site and location

- 8.4.15. It is considered that Galway City Centre is an ideal location for development such as that proposed by reason of the presence of large tracts of brownfield land in the heart of the city which are underused but highly accessible by a range of public transport modes and proximity to shops and services. It is not surprising therefore that such sites have been earmarked for regeneration. Galway City, however, as a walled, medieval settlement, has a dense and compact core which is characterised by tightly formed low-rise terraced development with continuous frontages and small-scale open spaces. This distinctive historic environment presents a specific challenge to the accommodation of new development of scale, as it must be achieved in a highly sensitive manner which respects the existing character and townscape. The need to balance these significant matters has been comprehensively addressed in both the CDP and the GUDBHS. Respect for the prevailing density (plot ratios of c.3) and heights (3-5 storeys) of the medieval core must therefore be balanced against the need to develop key regeneration sites with significant intensification, by ensuring that the height and massing of the new development does not adversely affect and alter the character of the city centre and of key views.
- 8.4.16. The Ceannt Station and Inner Harbour areas are essentially reclaimed lands which are characterised by low density development of mixed usage, primarily related to the port and railway. It is, however, an area in transition and as it is adjacent to the city core, it has the potential to act as a 'bridge' between the low-rise compact medieval core and the seafront. Recently permitted development around the docks

such as Bonham Quay and the Student Housing Scheme in Queen Street, which are located between the Ceannt Station lands and the city core, have resulted in increased density, height and scale of large blocks with heights of c.7-8 storeys and plot ratios in excess of 3. Thus, the area is one that is in transition and where increased heights and densities can be considered.

8.4.17. The Augustine Hill Site has been identified in the CDP (Policy 10.5), and reinforced in the NPF and RWSES, as a key brownfield regeneration site that has a critical role to play in the achievement of the ambitious goals for Galway City as a globally competitive city and driver of national and regional development, and one which can deliver compact growth in the form of sustainable development associated with a public transport hub. The Masterplan for the site justified higher densities on the basis of the centrally located and highly accessible site and its proximity to a public transport hub, but recognised that significant contributions would have to be made to the architectural character and urban design of the city and that existing important views, vistas and landmarks must be respected.

8.4.18. The contents and merits of the Masterplan (MP) have been discussed in some detail above (8.2.16 – 8.2.24). The MP building height strategy was based on a gradual increase in height from the medieval core towards the waterfront, which was intended to facilitate a seamless integration between the old and the new and would generally accord with the trend of emerging development on intervening lands. The MP also identified the potential for individual landmark buildings within the scheme, which would ideally be sited at the entrances to Augustine Hill from Eyre Square and from Lough Atalia Road to announce the presence of the scheme and in the centre of the Augustine Hill, to assist with navigation around the site. However, the MP also required a specific approach to urban design and land use mix in order to provide for a natural expansion of the city centre, with new streets and public spaces which would reflect the existing urban grain and seamlessly knit into the fabric of the medieval core.

Design Approach – Island Concept

8.4.19. The Design Concept for the scheme (which is comprehensively set out in the document entitled '**Urban Design Report**' (Feb. 2020) and amended by the '**Further Information Response**' (March 2021) provides some insight into the approach taken to height and landmark buildings. The concept is based on the

'island masterplan' option which envisaged a central island building encircled by taller buildings representing the 'Twelve Pins'. Initially, these were composed of 6 no. Residential Pins, 2 no. Hotel Pins, 1 no. Office Pin and 3 no. Pins incorporated into the sculpted roof of the island building (Block 6). The office block (B10) was omitted and the modulation of the sculpted roof of B6 was reduced in the RFI (March 21), and two of the residential 'pins' were required to be removed by the P.A. decision, thus reducing the number of 'pins' to 9 at most.

- 8.4.20. The **'Island Concept'** is described as a central island building with a compact retail circuit that introduces three new public squares which protect and enhance the protected structures. Within the development, the retail sub-circuit encircles the island building connecting the 3 principal public squares, (Connaught Square, Meadle Place and French's Garden), and a network of new streets provides permeability along an East-West axis and a North-South axis. The advantages of the concept are that it facilitates the provision of smaller blocks reflecting the existing urban grain, with increased permeability and connectivity between the city and the seafront, extending the public realm by providing a series of active links and urban public spaces. The retail, commercial and community/cultural spaces are located within the podium bases which are on 3-4 levels and the residential and hotel accommodation are contained within slim towers overhead.
- 8.4.21. Building height and the massing of the pins are used constructively to optimise views through the development, to exploit views of Galway Bay and of the city from the residential accommodation and to maximise the solar aspect of the apartments. Thus, the 'island' layout with intersecting streets and public spaces, together with the layering of uses facilitates the creation of a highly permeable and accessible scheme, and the uses of slender towers enables the volume of accommodation to be provided whilst maintaining views and light through the development. Height is also modulated through the scheme, rising away from the city core and the sensitive historic environment towards Lough Atalia and the Inner Harbour.
- 8.4.22. The approach to Landmark buildings in the Design Concept is based on the principle that 'Pin 1' is supported by and read together with six 'mid-rise' buildings, which 'step down' from the 'Landmark'. This is intended to provide a clear and legible cluster capable of achieving the required density and scale of development at this location. The approach seems to be that the 'cluster' of taller buildings reinforces the landmark status of 'Pin 1' and signifies that it forms part of a wider neighbourhood

rather than a stand-alone building. The stated intention of the incorporation of landmark buildings in this scheme is to contribute to the character and identity of the development, enhance its legibility, act as a catalyst for regeneration and to articulate the skyline.

8.4.23. The P.A. accepted that the design approach taken in the planning application to urban design, public realm, permeability, use mix and active frontages was 'commendable', but was dissatisfied with the building height strategy and approach to landmark buildings. The Request for FI Item 1A stated :-

“.....It is not considered that the proposed development by virtue of the inclusion of a tightly clustered arrangement of development blocks of excessive height and mass in a very concentrated manner, of monolithic, uniform design expression, can either sympathetically assimilate into the Galway townscape and skyline, read as complementary to key views and vistas nor establish the proportionate balance of graduated change in mass, height and scale expected of a new district at this sensitive location....”

8.4.24. The RFI (March 2021) had included a detailed response to this issue (including a contiguous section drawing) which had introduced significant modifications to the scheme including the omission of Block 10, the reduction in massing of Block 6 and a reduction in the number of storeys across the residential pins. Amendments to the roof profiles, materiality and design of individual blocks were also proposed to introduce more variety and visual interest.

8.4.25. The planning authority's assessment of the RFI in respect of the revisions to the scale in terms of quantum, height and mass, (Items 1 a-d) and the issue of the impact on the built heritage (Item 2 a-f) is set out in some detail in the planner's report (24/05/21), and is summarised by me above at sections 3.4.4. and 3.4.5. It is further noted that serious concerns regarding this issue were raised in the reports by the Heritage Officer and by the Architect's Dept. (14/05/21), as well as by the Dept. of Culture, Heritage and the Gaeltacht. In essence, the P.A. accepted that whilst some revisions had been made to address the issues of scale/quantum of development, the only change of any significance was the removal of Block 10. It was also acknowledged that reductions in the height and massing of Blocks 2, 6, 7, 8 and 9 had been made, but it was considered that the revisions were 'nominal' and inadequate. It was accepted, however, that the revisions to Block 7 (MSCP) and floor

area reductions within this block, and to the height of Block 9 (Pin 5) were more significant.

- 8.4.26. A comparison of the original and revised building heights and the original and revised no. of storeys for each block is provided in Table 1 (page 4) of the report. This shows that the height of some blocks remained the same, some were marginally increased in height and that the only blocks that showed a reduction in height were Block 2 (Pins 7 and 8 reduced by c. 2m), Block 8 (Pin 3 only, reduced by c. 2m, but Pin 2 increased by 1m), and Block 9 (Pin 5 only, reduced by c. 6.6m), as well as the MSCP which was reduced by 2 storeys. However, the only blocks with a reduced number of storeys were Block 8 (Pin 3 - 17 storeys reduced to 16 storeys) and Block 9 (Pin 5 - 16 storeys reduced to 14 storeys). It was considered, therefore, that the revisions did not adequately address the unacceptable nature of the development in terms of height, scale, massing and relationship to grain and townscape of Galway City. Ultimately, the development was considered to comprise “a tightly clustered arrangement of 9 no. development blocks, which incorporates 8 no. buildings of excessive height and mass, in a very concentrated patterned manner”.
- 8.4.27. A further insight into the issues of concern for the planning authority in terms of height, scale and massing, can be gained from the Architect’s Report of 14th May 2021. This included a ‘sensitivity analysis’ of the contiguous elevations and sections submitted as part of the RFI along with some suggested amendments to the scheme which were illustrated in the report. It was concluded that the RFI response did not achieve the balance required between the fine grain urban form of the existing city and the proportionate degree of change that is needed to define a new city quarter. It was submitted by the Senior Executive Architect that there was a need to reduce the height, scale and massing of each one of the proposed blocks apart from Pin 1, (illustrations included in report for comparison purposes).
- 8.4.28. It is clear, therefore, that the increase in height across the city was considered to commence at a level that is not significantly graduated and from there, would continue to rise to a height that would be discordant with the height of the tallest landmark building (Pin 1). Thus, the increase in height from that prevailing in the historic city core to the proposed high rise development at the waterfront was not accepted by the P.A. as being graduated, but was considered to be abrupt and too sharp. I would generally agree with this analysis as the proposed series of towers,

(which at 10-16 storeys excluding Pin 1), are significantly higher than the height of any existing buildings within the city, resulting in a sharp increase in height which is sustained and continues to increase across the site. It is considered that by reason of the substantial height, scale and massing of these proposed towers, together with the considerable number of tall buildings on a relatively small site, the proposed development as represented in the RFI, would have a significant impact on and completely change the skyline of the city.

8.4.29. I would accept, however, that the revisions to the design of the towers including the revised roof profiles, materials used and articulation of the facades, has resulted in improved architectural quality of the individual buildings. The planning authority was also satisfied with these proposed revisions, but remained concerned about the cumulative effect of the clustered approach on visual amenity. In particular, the proposed revisions to Pin 1, the floor area of which has been reduced by c.6,000m², together with the removal of 2 floors from MSCP, and the improvements to the base of the building, with fluted piers and colonnades and the provision of an enhanced landscaped public realm and 'Lough Atalia Way', combine to create a distinctive building of high architectural quality and visual interest. The P.A. accepted that Pin 1, as revised, is generally appropriate as a 'Landmark Building' at this location, but remained concerned at the poor relationship with the remainder of the buildings, which are considered to be excessively tall and undermine the effectiveness of Pin 1 as a landmark structure.

8.4.30. The First Party, in the grounds of appeal, set out the justification for height and strongly refuted the P.A.'s contention that the development would represent a 'tight cluster of tall buildings'. It was submitted that the adjacent blocks are intended to support 'Pin 1' and should be read as a group of landmark buildings which reinforce the landmark tower on the skyline and help to identify the scheme by providing legibility for the development. This disparity of opinion on the approach to landmark buildings needs to be explored further in order to conclude on the appropriateness of the height strategy that underpins the design concept.

Landmark buildings

- 8.4.31. A 'Landmark Structure' is defined by CABE as one which stands out from its background by virtue of its height, size and some other aspect of design. The MP had identified the potential for 3 no. landmark buildings, whereas the proposed development included 7 High Rise buildings, resulting in a cluster of tall buildings competing with each other. The P.A. considered that each of the proposed towers met the definition of a 'landmark building' and that the introduction of several such buildings of remarkable height and scale, in such close proximity to each other, would create confusion, which would hinder the ability to create a successful landmark building. In addition, the planning authority considered that the excessive height, scale and massing of the remaining towers would have an unacceptable impact on the built heritage of the historic core of the city and on important key views.
- 8.4.32. It is considered that the approach to height, including the use of landmark structures, seems to deviate somewhat from the design concept as set out in the Masterplan. The three potential sites for landmark structures as identified in the MP would generally align with Block 1 (being at the entrance from Eyre Square announcing the development), Block 6 (as the centrally located, iconic cultural/retail anchor assisting with navigation within the development) and Block 7 (as the flagship identifier heralding the development on the approach from Lough Atalia). It should be noted that the majority of the remaining buildings on the site would be taller than the office blocks under construction at Bonham Quay (7-8 storeys) and the permitted student accommodation (7-8 storeys) on Queen Street, which in turn are substantially taller than the prevailing height in Galway City (2-5 storeys).
- 8.4.33. It is noted that Block 8, comprising two towers with heights of 13 storeys (56.7m, Pin 2) and 16 storeys (66.2m, Pin 3), respectively, would be the closest block to the landmark tower and would only be 16.6m lower than Pin 1 (82.8m and 21 storeys), at the most. Furthermore, Block 9, comprising Pin 4 (55.7m, 15 storeys) and Pin 5 (58.2m, 14 storeys) would lie immediately adjacent to Block 8. I would agree with the P.A., therefore, that the inclusion of several buildings ranging in height from 10-16 storeys, sited in close proximity to the 21-storey building ('Pin 1'), which would be very significantly taller than any other buildings of height either in Galway City or in the vicinity, would create confusion and detract from and undermine the landmark status of 'Pin 1'.

- 8.4.34. It is considered that both Block 1 and Block 7 (Pin 1) are worthy of landmark status as buildings which announce the entrances to and nature of the Augustine Hill development. Block 1, including the side/rear extension to No. 16 Eyre Square, is a sleek and contemporary addition to the Protected Structure which, together with the proposed art installation and improvements to the Hardiman Hotel extension, will invite people into the development from Eyre Square. The iconic nature and central location of the cultural anchor, (Block 6), with its unique shape, bronze/gold metal 3D cladding and roof-top sky garden is also deserving of a landmark status and is likely to become the central focus of the development.
- 8.4.35. 'Pin 1' with its tall and slender shape, unique roof profile and motif, refined articulation of the facades, and its strategic position at the junction of the railway bridge and Lough Atalia Road and sitting above the main vehicular entrance to the development, would herald a contemporary and stimulating new development of significant scale and activity which would entice visitors into the site. The revisions to Block 7, including the reduction in the height of the MSCP and the setting back of the Lough Atalia frontage with a landscaped entrance plaza, have enabled Pin 1 to stand out. The more elaborate detailing of the elevations at the upper levels combined with the slender shape result in a contemporary building of high architectural quality and sophistication. As the tallest building (82.8m), it is appropriately located fronting onto Lough Atalia Road and the lagoon.
- 8.4.36. These landmark buildings would be prominent, attractive contemporary buildings of a high quality architectural design which would be sufficiently different to their backgrounds to stand out and provide significant legibility of the presence of the development. The remaining tall buildings on the site (Pins 2-8) are less distinctive and are mainly differentiated from their surroundings on the basis of their height. The similarity in design and the concentrated layout of 'Pins' 2, 3, 4, 5, 6, 7 and 8, (i.e. the Hotel Block, the Independent Living Block and the residential Blocks 8 and 9), which sweep in a crescent shape from the first 'landmark' structure (Block 1), encircling Block 6 and rising in height to within five storeys of Pin 1, would undermine the impact of the striking visual presence and effectiveness of 'Pin 1' and would obscure the visibility of the centrally located island building.
- 8.4.37. I would agree with the planning authority's view that the cluster of tall buildings would interfere with the prominence and integrity of the 3 no. landmark buildings as discussed above, and would result in visual clutter when viewed from the established

city core and from the Claddagh area. It is considered, therefore, that the incorporation of a limited number of landmark buildings into the design of the scheme is appropriate in principle. However, it is considered that three landmarks, as discussed above, would be sufficient to provide the required legibility and contribution to the character and skyline of the city.

Conclusion on Height Strategy

- 8.4.38. In conclusion, it is considered that the site is one which is suited to a development which incorporates buildings of increased scale, density and height given its city centre location and its high level of accessibility to public transport and a range of services and facilities. The policy framework for the area supports the concept of increased height and scale in such locations provided that any such development would make a positive contribution to the character and townscape of the city and would respect the sensitive historic nature of the medieval city of Galway.
- 8.4.39. The proposed development would make a significant and positive contribution to place-making by creating a new and vibrant city district which would extend the city centre and provide permeable links with the seafront, which are currently unavailable. The project would make a positive contribution to the mix of uses available within the city, to the creation of a new residential community and expand the range and extent of commercial and cultural services available in the city. It would also contribute significantly to the improvement of the public realm and to the creation of a much more legible city, as well as to the legibility and permeability of the area by introducing a range of new streets and public spaces which would be linked with the existing network of streets and civic spaces. The increased height and massing would be achieved without creating monolithic blocks and maintaining views through the site.
- 8.4.40. The proposed development, therefore, meets most of the criteria set out in the Government's UDBH Guidelines (3.2). However, the degree to which the design as proposed (and revised) successfully integrates into the character and fabric of the city, having regard to the relationship with its cultural context, the setting of important landmarks and the protection of key views, is very much dependent on how well it relates to Galway's historic city core, to the city's valued heritage assets including the Protected Structures and Recorded Monuments within and in the immediate vicinity of the site, and to the city's important views and vistas, including views from

ACAs and coastal views. Significant concerns have been raised by the planning authority and by the Dept. of Culture, Heritage and the Gaeltacht in respect of the potential impact on the built heritage of the city and on strategic views. These matters will be addressed in the following sections.

8.5. Visual amenity - Built Heritage and Strategic Views

- 8.5.1. Policy 8.7.9 of the Galway CDP (2023) states 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, ACAs, residential amenity or impinge on strategic views.” The site is located within the grounds of Ceannt Railway Station which is a Protected Structure and contains several Protected Structures associated with the railway. It also adjoins Eyre Square ACA which includes several Protected Structures, one of which lies within the site (No. 16) and others which adjoin the site (Hardiman (formerly Meyrick) Hotel, No. 17 Eyre Square, Methodist/Presbyterian Church and Forthill Cemetery). The cemetery, which abuts the site, is also a Recorded Monument. Thus, there are many structures of historical, cultural and heritage value within and adjoining the site, as well as Architectural Conservation Areas in the vicinity, which require a design approach which does not adversely impact on this architecturally sensitive environment.
- 8.5.2. Observations made by the **Department of Culture, Heritage and the Gaeltacht (DCHG)** – Architectural Heritage section - and the **Planning Authority’s Heritage Officer** to the initial scheme in June 2020 had expressed concerns regarding the height, scale and massing of the proposed development which it was considered would have the potential to adversely affect the historic Galway City Centre and the setting and visual amenity of a number of historic buildings, including several Protected Structures and the Eyre Square ACA. The DCHG requested that the height, bulk and massing of the proposed development be amended to reduce its impact on the immediate and surrounding environment. The DCHG also expressed concern that the level of detail was inadequate regarding the works to Protected Structures and that insufficient justification was given for demolition/removal of various structures within the curtilage of the railway station. The proposed works to No. 16 Eyre Square, the Stable Building and the Train Shed were considered to be quite invasive. The DCHG (Archaeology) also raised serious concerns (June 2020)

regarding the impact of the proposed development on Forthill Cemetery, a Recorded Monument and a Protected Structure.

- 8.5.3. Following the receipt of further information and revisions to the proposed scheme, the DCHG (Archaeology), on 13/04/21, remained concerned about the height and scale of the development in such close proximity to these sensitive and historic features. The FI request had required the applicant to demonstrate that the taller buildings would not adversely affect the context of the historic buildings, ACA, residential amenity or impinge on strategic views. The RFI response (19/03/21) addressed these matters primarily in the Response to FI Document and in the AHIA (John Cronin), which includes a Critical Analysis of the inclusion of Tall Buildings in the context of built heritage and the impact on the skyline of the city.

Critical Analysis of Tall Buildings

- 8.5.4. The existing skyline is stated in the AHIA to be 'unremarkable' in terms of distant views and an absence of variety in the immediate topography. The city's identity is described as being dominated by its association with open water (Lough Corrib, the River Corrib and Galway Bay), and is characterised by intimate pedestrian-dominated streets with between 2-4 storey buildings. It is submitted that the proposed development at Augustine Hill will have a defining visual impact on the uniqueness of Galway's skyline but that no current natural or existing built height or roofscape views will be negatively affected by the new structures. Furthermore, it is stated that Augustine Hill has been designed to actively foster place-making and in respecting/enhancing opportunities to appreciate built heritage on and adjacent to the site. The tall buildings, it is submitted, will not have any direct impact on existing street forms or the current pedestrian experience but will define the edges of new routes of connection and animate distal views of the present site.
- 8.5.5. I would generally agree that the key approach views to the city are not particularly sensitive, apart from certain maritime views, and that views from within the medieval city core are largely restricted by the narrow curving streets which provide an enclosed environment. However, maritime views from locations such as the Claddagh and across Lough Atalia, (including views of the Long Walk ACA), as well as views from the historic core, such as from Eyre Square and its associated ACA, are more sensitive and would also be susceptible to significant change from a dramatic increase in height as proposed in the Augustine Hill development. Thus, the

impact on views from these locations require further examination. In addition, the impact on individual Protected Structures and their settings is likely to be quite specific to each case, and needs to be examined in greater detail.

Eyre Square ACA

- 8.5.6. The P.A. (Planner's Report 14/06/21) rejects the statement in the AHIA (page 56) that "the principle characteristic of the Eyre Square ACA is the J.S. Mulvaney designed Hardiman Hotel", as it was considered that the characteristics of the Eyre Square ACA are much greater than this, and that all of the buildings on Eyre Square contribute to its unique identity as a "civic square bounded on all sides by historic buildings, an essential component of the history and built heritage of Galway City." The Area Planner described Eyre Square as a civic space of high amenity value, both in terms of passive and active recreation, and as such, is a very sensitive environment that is susceptible to change, not alone in the physical form of the square but also in relation to the built environment that forms a backdrop to the square.
- 8.5.7. I would share the P.A. views in respect of the character and amenity value of Eyre Square and its associated ACA. It is quite a unique civic space which is strategically situated in the heart of the city centre with a bustling ambience combined with an air of tranquillity, which reflects its multiple roles as a green oasis in the centre of the city, as a place to sit/dine outdoors, as a transport hub, as a nexus between differing character areas of the city and as a meeting place. The Hardiman Hotel is certainly an imposing and striking element of the physical form of the square, and makes a significant contribution to the sense of place, but the historic buildings which bound the square and Kennedy Park in the centre are also of great importance to its definition. It is considered, therefore, that in this sensitive historic environment, the views of Augustine Hill obtained from within and across Eyre Square would be highly susceptible to change introduced by tall buildings to the rear/side of the Hardiman Hotel and the 4-storey terraced buildings to the west of the site entrance.
- 8.5.8. The AHIA considered the assimilation of the proposed development into this environment firstly, in terms of the connection between Eyre Square and the development (at the existing entrance to Ceannt Station carpark), and secondly, in terms of the visibility of the tall buildings in views south-east from Eyre Square. I would agree with the assessment of the likely positive impact of the new 'light-

weight' extension to No. 16 Eyre Square combined with the external alterations to the Protected Structure (No. 16), the significant enhancement of the public realm beyond the entrance, the mitigation of the poorly presented concrete-framed extension to the Hardiman Hotel (which over sails the entrance) with a public art installation and the new surface treatment leading into the development. However, I disagree with the assessment of the impact of the taller buildings (Blocks 2 and 5) as "not having any greater visual interference with the enclosed setting of the square than the Hardiman Hotel" and the statement that "the only change in current views south-east from the ACA will involve a slight reduction in sky" (page 58 AHIA). This assessment seems to be based on the combined effects of the physical remove from the public realm of the square, the graduated increase in height extending south-eastwards, and the visual focus created by the 'novel use of sloped motif' to the top of the 'Pin' structures.

8.5.9. I note that the P.A. planner's report, in respect of the revised submissions (14/06/21), also rejected these arguments. Firstly, it was disputed that the proposed development would achieve the stated gradual increase in height with an increase in scale which is too abrupt, as evidenced by the Viewpoints 48, 49 and 53, where Blocks 2, 5, 8 and 9 would feature prominently in views from Eyre Square. It was pointed out that proposed Blocks 2 and 5 are +45m and +46m in height (i.e. 11 storeys) which would be prominently visible to the side of the Hardiman Hotel. Secondly, it was considered that the impact would be exacerbated by the density and tight layout of the proposed blocks, as Pin 3 (Block 8) and Pin 5 (Block 9), (with proposed heights of +66.2m and 58.2m, respectively), would be visible behind Blocks 2 (Pins 7/8) and 5 (Pin 6).

8.5.10. It was further stated that the varying roof heights and planes of these buildings would result in a visually complex group of buildings that incorporates competing elements, which would result in a very profound impact on the townscape around Eyre Square ACA. In respect of 'Pin 1', at a significantly greater height of 82.8m which would protrude above the Hardiman Hotel and would be likely to have a negative visual impact on Eyre Square, it was considered that by reason of the much improved design and appearance of this building, it could be tolerated as a legible landmark feature provided that the intermediate buildings between Eyre Square and Pin 1 were reduced in height.

- 8.5.11. I would generally concur with the analysis in the P.A. planner's report. The Board is referred to Viewpoints 6-10 (submitted with the original planning application) and VPs 46-54, with particular emphasis on VPs 48, 49 and 53, which were submitted as part of the Further Information. The sheer scale, height, massing and density of tall buildings rising up behind the 4-5 storey terraced buildings that front onto the Square, would significantly alter the townscape and character of the ACA. The array of architectural design details including a variety of roof profiles, materiality and motifs, which create a layering effect, would create visual clutter and a sense of confusion. This would detract to a significant degree from the architectural composition and presence of the historic buildings that characterise the square.
- 8.5.12. It is considered that when viewed from various locations within and around Eyre Square, the cluster of tall buildings, in close proximity to each other, combined with the taller buildings that have recently been permitted in the immediate vicinity of the site, would have a profoundly negative impact on the character of Eyre Square ACA and would detrimentally affect the visual amenity of the Square. I would agree with the observations raised by the DCHG and the P.A. that the proposed development would fail to assimilate with the established urban grain and townscape and to achieve the required graduated rise in height that respects the existing built heritage.
- 8.5.13. The Architectural Heritage Protection Guidelines (2012) emphasise the importance of a Protected Structure remaining the focus of its setting (13.7) and state that new structures should not adversely affect the views or setting of a Protected Structure (13.8). It is considered that the proposed development (as revised 19/03/21) would fail to respect the character and setting of the Protected Structures on Eyre Square South including the Hardiman Hotel and Nos. 16 and 17 Eyre Square. The tall buildings rising up behind them, and through the visible space/sky between them, would appear intimidating and would dominate the visual appreciation of these buildings, which make a significantly positive contribution to the character and heritage value of the Square. Views of the principal elevations of these Protected Structures would be adversely affected by the height, scale and massing of the proposed tall buildings to the side/rear. Thus, the proposed development would also fail to comply with a key requirement of the Urban Development and Building Height Guidelines to respect and integrate with the architectural heritage of the historic core and buildings of conservation interest.

- 8.5.14. It is considered, however, that the amendments required by the planning authority's decision would significantly improve the relationship between the proposed development and the sensitive historic environment as viewed from the Eyre Square ACA. The requirement to remove Pins 4 and 5 of Block 9, (14-15 storeys and 55.7m-58.2m height), and to reduce the heights of Block 8 - Pin 2 by two storeys (from 13 to 11 storeys) and Pin 3 by 5 storeys (from 16 to 11 storeys) - would substantially reduce the impact of these blocks which are at the furthest remove. In addition, the requirement to reduce the height of the buildings that are closer to Eyre Square, i.e. Block 5, (Pin 6), by 2 storeys (from 11 to 9 storeys) and Block 2, (Pins 7 and 8), by 2 storeys each (from 13 to 11 storeys), would ameliorate the impact on these structures on the historic environment and architectural character of the city.
- 8.5.15. I would accept that the tall buildings would still be visible at the reduced heights, but they would form part of the backdrop without dominating and towering over the roofline of the Protected Structures. I would also accept that 'Pin 1' at 21 storeys would be highly visible behind the Hardiman Hotel, but as a singular landmark building, which is at the furthest remove from the square, would be appropriate in terms of providing the required legibility of the scheme without dominating and detracting from the architectural character of the ACA.
- 8.5.16. Thus, to conclude regarding the impact on Eyre Square ACA and on the setting of the Protected Structures bounding the southern side of the square, it is considered that the development as proposed and revised, by reason of its height, scale and density, would have a detrimental impact on the character and townscape of this historic and sensitive environment and on the setting of the Protected Structures, but that the revisions contained in the planning authority's decision would mitigate these impacts to a significant degree. Thus, the proposal would not be in accordance with the CDP policies 8.1 and 8.2 to ensure that new developments enhance the character and setting of Protected Structures and protect and enhance the character and special interest of an ACA.
- 8.5.17. Should the Board be minded to grant planning permission for the Augustine Hill development, therefore, it is considered that the amendments embodied in the P.A. split decision, which refused Pins 4 and 5 and required the reduction in height of Pins 2, 3, 6, 7 and 8, respectively, should be reflected in the Board's decision including the imposition of appropriately worded conditions attached to any such permission.

Long Walk ACA

8.5.18. The Claddagh is a former fishing village which is a scenic part of Galway City where the River Corrib meets Galway Bay. It is located to the south of the Inner Harbour area with attractive views over the water towards the city from Nimmo's Pier and Claddagh Quay and from Father Griffin Road, near the Galway Technology Institute. These views, which are protected in the CDP, are primarily of the Long Walk ACA, which is described as having

“a particularly attractive setting with views towards the sea and the Claddagh. The area characterises a distinct urban form which reflects Galway's historic relationship with the sea and is a landmark area for the city” (Fig. 8.4).

8.5.19. The CDP (Chap. 8) describes ACAs as distinctive areas of special interest, which in terms of streetscape, arrangement of streets and spaces, composition of buildings and structures and architectural styles create a character worthy of protection. The P.A.'s initial planning report identified the Long Walk ACA as being characterised by highly valued views towards the sea and the Claddagh. It was stated that the impact of the proposed development on the view composition was 'unsightly' and would negatively affect the integrity of the ACA. It was, therefore, required that significant reductions in height, scale and massing should be achieved to render the proposal acceptable in terms of both the city skyline and the historic setting provided by the Long Walk.

8.5.20. The P.A. considered that the revised scheme (19/03/21) had not addressed these issues. In fact it was considered that the differences in the proposed development (before and after) were considered to be minimal in terms of the impact on the Long Walk ACA, as the proposed buildings remained 'starkly visible' in views towards the Long Walk. It was further considered that the abrupt rise in height would result in a dominant feature in the Long Walk vista and would detract from its visual integrity and value as a heritage asset. The P.A. did not oppose the inclusion of 'Pin 1' as it was considered that as a singular landmark building, it could be absorbed without distorting the view. However, the 'subsidiary buildings' would need to be reduced substantially in scale.

8.5.21. I would refer the Board to the VPs 33 and 34, which are taken from Fr. Griffin Road and Nimmo's Pier, respectively. Having viewed the site from these VPs, I would agree with the analysis provided in the P.A. Planner's report (14/06/21). The special

character of the area is captured in these views where the composition is based on firstly, a combination of the brightly coloured terraced buildings, with a strong sense of uniformity in scale and architectural expression and a fine urban grain, which front directly onto the water and, secondly, the views over the water with boats in the foreground and Galway Bay in the distance. The composition of buildings of a specific architectural style which have their origins in a small fishing village, and their relationship with the sea creates this area of special character. The introduction of very tall buildings in the background, which are grouped together and located in the centre of the view, result in an incongruous feature which has a profoundly distorting effect on the marine views and on this special character.

8.5.22. I do not accept the statement in the AHIA that

“the distance and relatively flat overall topography of the wider harbour area means that views of the Long Walk from Claddagh are only altered peripherally by the ‘pins’ of the proposed development, an alteration which displays a coherent degree of height graduation from the city centre core upwards as one looks east towards Lough Atalia.”

The gradual increase in height is not at all evident from these viewpoints and the clustering of tall buildings together exacerbates the height differential between Augustine Hill and the terraced houses. I would agree with the P.A. planner’s report which states that Pin 1 would be acceptable in this view, however, as a singular landmark building as it would form a backdrop to the terrace without compromising the visual integrity of the character or setting of the view.

8.5.23. It is further agreed that the proposed amendments to the scheme contained in the P.A. decision (to omit Pins 4 and 5 and to remove several floors from Pins 2, 3, 6, 7 and 8) would reduce the height and scale of the subsidiary blocks and thereby reduce the degree of visual intrusion on this view. In this regard, it is noted that the Bonham Quay development (which is under construction) is not readily visible from these viewpoints, notwithstanding the fact that this development had represented a significant departure from the established building height by introducing blocks of 7-8 storeys (with a height of +40.2m). It is further noted from the photomontages that Block 8 would obscure views of the slender Pin 1, and the two blocks would appear as an amalgamation of tall buildings.

- 8.5.24. I would accept that, following implementation of the required reductions, the tall buildings would still be visible at the reduced heights in the protected views of the Long Walk ACA. However, they would form part of the backdrop without dominating and towering over the roofline of the terraced houses or creating a sense of visual clutter. I would also accept that 'Pin 1', at 21 storeys, would be highly visible and very prominent in this view, but as a singular landmark building, it would be appropriate in terms of providing the required legibility of the scheme without dominating and detracting from the architectural character of the ACA.
- 8.5.25. Thus, to conclude regarding the impact on Long Walk ACA, it is considered that the development as proposed and revised, by reason of their height, scale and density, would have a detrimental impact on the character and townscape of this historic and sensitive environment, but that the revisions contained in the planning authority's decision would mitigate these impacts to a significant degree. Thus, the proposal as currently set out would not be in accordance with the CDP policy 8.2 to ensure that new developments enhance the character and special interests of an ACA.
- 8.5.26. Should the Board be minded to grant planning permission for the Augustine Hill development, therefore, it is considered that the amendments embodied in the P.A. split decision, which refused Pins 4 and 5 and required the reduction in height of Pins 2, 3, 6, 7 and 8, respectively, should be reflected in the Board's decision including the imposition of appropriately worded conditions attached to any such permission.

Protected Structures within the site

- 8.5.27. There are three Protected Structures within the site which are to be restored, altered and extended in order to adapt and repurpose them for new uses within the Augustine Hill project. No. 16 Eyre Square forms part of Block 1, the Train Shed forms part of Block 3 and the Stables Building forms part of Block 4.
- 8.5.28. The P.A., (FI Request Item 2b.) welcomed the restoration and re-use of these buildings and recognised the successful contribution that they would make to layout, hierarchy of space and character. Having regard to the need to enhance the character and setting of the structures as set out in CDP and national policy, and to the concerns raised by the DCHG and the Heritage Officer, concerns were raised regarding the potentially invasive nature of the works which could result in the loss of

the special character of these buildings. The specific elements of concern in respect of each of these buildings and the responses to same are outlined below.

8.5.29. The Board should note that the additional details provided by the applicant (19/03/21) in respect of the proposed conservation works to the Protected Structures and the revisions to the scheme are detailed in several of the RFI documents including the AHIA (John Cronin), the 'Request for Further Information Response' (BDP) and in Chapter 18 of the EIAR (as revised).

No. 16 Eyre Square (RPS 3802 and NIAH 30314041) – Block 1

8.5.30. No. 16 Eyre Square is listed as being of architectural and artistic interest at regional level. It is an end of terrace, two-bay four-storey house with basement (1824) which is currently in use as offices. It forms part of a pair of late Georgian town houses on the southern side of Eyre Square. There is a single-storey flat-roofed extension to the north-east and a steel fire escape has been added to the rear elevation. The windows have been replaced with upvc. Internally the building has been much altered and modernised including the removal of many original features and the replacement of the original staircase with a modern one. It is to be altered internally with new openings, removal of partitions and fixtures and the lowering of the basement floor by 800mm. It is proposed to replace the non-original windows with traditional windows. The building will be used as offices as part of the proposed scheme. It is also proposed to construct a new 3-storey over basement extension to the side and rear, which will involve the removal of original fabric on the original elevations where new openings are to be created.

8.5.31. The rear garden, which is at a substantially lower level to the adjoining site accessway, is used as a surface car park (with access from Victoria Place) at present and has some outbuildings. The boundary to the rear garden of No. 16, which runs alongside the existing site accessway, is defined by a stone retaining wall which varies in height, but rises towards the rear. A new building (Block 1) will be constructed within the former rear garden, which will be separated from the rear of No. 16 by steps providing pedestrian access to the railway station from Victoria Place. Block 1 will incorporate a 2-storey cycle parking and retail unit, which will front onto a new pedestrian street (Eyre's Walk), which will link with the access to the proposed refurbished Ceannt Station (separate permission). The retail unit will be at ground level adjoining Eyre's Walk. It will be necessary to remove parts of the stone

boundary wall to facilitate this block and the side extension, but it is proposed to salvage the stone for use elsewhere within the development.

- 8.5.32. Concerns raised by the P.A. had related to the scale and nature of the extension including the removal of original built fabric at GF, FF and SF levels, the lowering of the basement by 800mm and the removal of significant parts of the boundary wall. The FI (19/03/21) included significant revisions to the extension which were reduced in scale, with more appropriate use of materials and a greater separation distance from the Protected Structure. The Heritage Officer remained concerned at what was considered to be an excessive loss of original fabric and the design of the side extension, which was not considered to integrate well with the PS and incorporated inappropriate materials. Although the Area Planner shared the concerns regarding 'over-restoration', it was considered that the proposed conservation measures, which were in accordance with best conservation practice, together with the design, form and height of the extension would allow the building to remain in use and evolve as part of the wider regeneration project, whilst respecting the character and setting of the Protected Structure.
- 8.5.33. I would generally concur with the Planner's assessment of the effects of the proposal on this Protected Structure. I refer the Board to the revised drawings for Block 1 (AHG-BDP-A-PL-20-01-1200 (2 sheets) and -2200) and to page 64 of the Request for FI Response document. The proposed extension is attached to the side blank elevation of the PS and is lower than the eaves of the historic building. The scale of the extension, which will be separated from the rear elevation of the PS by 2300mm (increased from 1100mm), is considered to be subservient to the historic structure. The design has been revised such that the most prominent element of the extension is no longer to be of a solid material, but now consists of a 'glazed corner' to allow greater visual connection to the original structure. This will allow the extension to be read as a separate independent contemporary structure, which will facilitate visibility of some of the historic features from Eyre Square and will not detract unduly from the character and setting of the PS. The façade along Eyre's Walk has also been revised to improve the articulation of the elevation in order to strengthen the connection between the old and the new, with a more contemporary glazing pattern further to the south.
- 8.5.34. The Board will also note that at present, the appreciation of this PS is undermined somewhat by the presence of the large extension to the Hardiman Hotel which

detracts from the setting of No. 16 Eyre Square. It is considered that the proposed extension would help to reduce the adverse visual impact of the modern hotel extension and would also present an attractive legible building at the entry to the Augustine Hill development. It is also proposed to provide some improvements to the appearance of this extension by introducing a new soffit and lighting treatment to the underside of the hotel extension. These changes will transform the current dilapidated appearance of the entrance to the site and will provide for an inviting and animated entrance to the development.

- 8.5.35. It is noted that the proposed works will result in the loss of some original fabric due to the removal of partitions and fixtures, the insertion of openings in partition walls and the lowering of the basement level. These works include the creation of new openings in the gable wall to facilitate access to the extension. It is noted that the number of openings has been minimised and it is intended to retain the nibs and bulkheads around the opening rather than removing the entire wall, to maximise legibility. Where possible, it is also proposed to retain original doors in situ and to be fixed shut. The reduction in the basement floor level would increase the floor-to-ceiling height, but would result in the loss of some original masonry fabric.
- 8.5.36. It is noted, however, that it is proposed to carry out conservation works to retained existing building fabric including roof repairs, historic interior elements, historic masonry and iron railings. Any historic timber doors to be removed are to be recorded. The conservation works also involve the replacement of upvc windows with timber sliding sashes and the removal of the unsightly rear fire escape stairs. The original masonry fabric removed from the boundary wall will also be recorded, salvaged and re-used where possible.
- 8.5.37. It is considered in conclusion, therefore, that the works to No. 16 Eyre Square are generally appropriate and would not involve an excessive level of intervention. The loss of original fabric has been minimised in the design of the proposed works and will facilitate significant improvements to the current state of repair and appearance of the Protected Structure as well as facilitating the regeneration of a key site in the city centre. The proposed materials for the side extension should be agreed by means of appropriate conditions, should the Board be minded to grant permission.

Train Shed (Former Railway Goods shed RPS 10002) – Block 3

- 8.5.38. The Train Shed is a detached eight-bay, single-storey limestone building associated with the railway station. It dates from c.1860 and has a pitched slate roof that overhangs the loading bays along the southern elevation. It has rounded gables with a cut-stone chimney to the western gable. The external elevations primarily comprise cut limestone walls and limestone piers at the corners. There is a row of eight 'Diocletian' steel high-level windows to the northern elevation with stone surrounds and limestone copings. The eastern and western elevations each have an elliptical window and round-headed opening with a timber door. The western elevation also has an early 20th century addition attached to the gable, above which the elliptical metal window can be seen. A later addition with a flat roof was added to the extension. The southern elevation has four loading bays with square-headed openings above the limestone plinth.
- 8.5.39. There have been modern interventions including the infilling of large sections of external walls with block or brick work, later doors and windows. Internally the building is a large open area with exposed trusses, concrete floors, and the remains of a truncated raised platform. The railway tracks formerly ran through the building to enable loading and unloading.
- 8.5.40. It is proposed to refurbish and extend the Train Shed for use as a Food and Beverage outlet. The proposed works include the removal of the truncated internal loading platform, the creation of two new square-headed openings on the northern elevation (beneath the Diocletian windows) and reinstatement and alteration of the 4 no. openings on the southern elevation, requiring the lowering of the thresholds. This would include the replacement of the modern infill panels with glazing which would open onto Connaught Square. The more recent additions on the western gable end will be demolished, which will allow a full view of the Protected Structure from the site entrance, from Ceannt Station and from Connaught Square. The doorways on the eastern and western elevations would also be reinstated.
- 8.5.41. It is also proposed to construct an extension to the Train Shed on its northern side, which would be linked to the Protected Structure by means of a glazed roof, which will facilitate access between the two structures. This extension was re-designed as part of the FI response. The initial design had proposed a gable ended roof with a ridge line and eaves lines which were higher than those of the adjoining PS. This extension had been considered by the P.A. to be inappropriate in terms of its impact on the PS. The revised extension provides for a stepped-back structure with twin

pitched roofs, which have ridge heights lower than that of the PS, and substantial glazing to the western elevation fronting onto Connaught Square. The additional glazing, together with the glazed link allows for greater appreciation of the historic structure.

8.5.42. The P.A.'s Heritage Officer raised objections to certain elements of the proposed works and extension to the Train Shed. The main concerns related to the loss of original stonework due to the creation of 2 openings on the northern elevation and the extension of the loading bays to the ground level on the southern elevation, as well as the removal of the early 20th century extension at the western end. The creation of the 2 no. square-headed openings was considered unnecessary, and the proposed alterations to the loading bays would involve the removal of cut-stone plinths, which was considered excessive and unacceptable. The Area Planner agreed with the H.O. in respect of the loading bays but considered the remainder of the works to be acceptable. It was noted that one of the loading bays had already been reduced to ground level in the past but it was considered that only one of the remaining bays should be reduced to ground level. This would still facilitate direct access onto the outdoor dining area in Connaught Square whilst permitting just one of the thresholds to be lowered. This seems reasonable.

8.5.43. I would agree with the P.A. Planner's assessment of the impacts to this Protected Structure. The PS is currently in a neglected and disused state with later additions, a corrugated iron shed and utilitarian security railings obscuring views of the building. The proposals would bring this attractive stone building back into use. It is considered that the removal of the non-original additions and shed (Structure 02) to the west of the PS would enable the historic structure to be appreciated from a number of vantage points. The proposed extension would facilitate the use of the protected structure for food and beverage uses with minimal alterations required to the historic structure. The 2 no. openings are necessary to allow access between the old and the new and will be carried out in such a way as to be legible as a modern intervention. The design of the extension and glazed link would also provide for an extension which would be respectful of the PS with minimal interference with the fabric of the historic building. A condition would be required to seek revisions to the southern elevation such that only two of the bays would be in the form of new openings with lowered thresholds.

Stable Building (RPS 8202) - Block 4

- 8.5.44. The Stable Building is a multi-bay 2-storey cut limestone range of buildings dating from 1850 and has a pitched corrugated roof. It was originally used as a carriage store and stables, and later as a railway stores, but is currently disused. It is a long narrow structure with multiple openings on the eastern elevation facing onto the proposed Stable Lane. The openings at the northern end of the building are arched at ground floor level with square-headed openings elsewhere. Some of the windows are traditional sliding sash multi-frame windows (mainly on SW elevation), and there are a few cast-iron lattice-glazed windows, but the majority are more modern replacements. The bay at the south-western end has been truncated from the cut-stone gateway to the former stable yard.
- 8.5.45. Internally, the Stable Building consists of a group of stables with a timber-floored loft overhead. Each stable was bounded by masonry walls extending to the roof, but each stable was divided into 4 stalls by means of timber partitions. One of the bays was formerly used as a residence with larger windows and an internal staircase. There are no features of interest remaining internally apart from some remnants of cobble stone paving. The remnants of the Gate Lodge are also present to the south-east of the structure.
- 8.5.46. It is proposed to retain and conserve the existing stable building with minor internal alterations for use as a café/restaurant within individual outlets. New staircases will be fitted to enable the loft areas to be used as part of the individual cafes in addition to outdoor seating on Stable Lane. The existing internal floor fabric, stud wall partitions and simple timber staircase will be removed. The modern infills to the openings will be removed and replaced with glazing. It is proposed to raise the roof of the stable building which will involve replacing the existing roof and inserting a glazed 'collar' between the top of the masonry walls and the raised roof. It is also proposed to reinstate the end bay of the stable block. This will be linked to the former stone gateway to the stable yard area by means of a glazed section. The remains of the gate lodge will also be preserved and used as a double-height café/contemplative space. This is located immediately adjacent to the former gateway. The roofless remains of the former dwelling will be enclosed with two new walls and provided with a new pitched roof.
- 8.5.47. The raising of the roof will result in an increased height of c.1.5m and is stated to be necessary to provide natural light and adequate head room for use of the loft area as part of the food and beverage provision. The design of the proposed new bay has

been revised to provide for a more defined entrance with a full height 'barn door' and large glazing section above. The Heritage Officer had requested that the replacement roof be of slate, that the conservation works to windows be agreed prior to any works to same and that the chimney stacks should not be removed. It is noted, however, that the proposed roof would be of slate and the P.A. has required the retention of the chimney stacks (condition 15). Objection was raised by the H.O. to the proposal to install a new wall to the roofless gate lodge structure and it was requested that the masonry wall be reinstated. However, this was not required by condition.

8.5.48. On balance, it is considered that the retention, conservation works and alterations proposed to the stable block in order to readapt this derelict historic building to a new use which would form an important part of the regeneration project, together with the proposed restoration works to the former gate and gate lodge would result in positive impacts for the Protected Structure. It is currently in a poor state of repair and will be located immediately adjacent to the proposed Block 5 (Independent Living Units) and to the recently permitted Student Accommodation on Queen Street. As the proposed café/restaurant use would open onto Stable Lane, the restoration and reuse of this building is considered to be essential in order to create a lively and animated use within a historic structure.

8.5.49. It is considered that the level of intervention is not too invasive, but I would agree with the proposal to retain the chimneys, which would require a condition to be attached to any permission. It is noted that this condition was not appealed.

Forthill Cemetery

Protected Structure - RPS No. 4401

Recorded Monument – GA094-099001 – Graveyard

GA094-099002 – Bastioned Fort

GA094-099003 – Religious House (Augustinian Friars)

Zone of Archaeological Potential for Galway Town – GA094-100

8.5.50. **Forthill Cemetery** is described in the P.A. reports as a 'significantly scaled built heritage asset in the city'. The NIAH survey (30319007) describes it as a 'Graveyard/cemetery' of 'Regional Importance' which dates from c.1500 and is in continual use today. According to the NIAH Survey, the cemetery is located on the

site of the original Augustinian Friary (1500) which was walled in 1602 and turned into a star-shaped fort, with the church turned into a store. It is stated that it is 'pentagonal in plan with bare limestone rubble walls with a camber-headed [limestone] entrance....with wrought iron gate [and a] four-bay chapel south of the entrance.' However, the monastery was demolished in 1652 to prevent Cromwellian soldiers capturing it. The cemetery includes several plaques of commemoration including one dedicated to St. Augustine and one commemorating the burial of sailors from the shipwrecked Spanish Armada of 1588 on the northern wall. It is said that c. 300 sailors from the Spanish Armada were executed on the site and buried in the graveyard by the townspeople. The Grave of the Augustinian friars is marked by a ten-foot high Celtic Cross and contains burials dating back to 1860.

8.5.51. The Record of Monuments and Places note that the Bastioned Fort was built on the site of the Augustinian Friary in 1601-3 and describes it as a

“a massive earth and stone-faced construction (H c.6m), square in plan (L/Wth c. 60m), with salient angle-bastions at each corner. It was encircled by a fosse, the entrance with gatehouse and drawbridge being situated midway along E side. Completely demolished in 1643: its former existence is preserved in the name of the adjacent graveyard.”

8.5.52. The P.A. FI request (item 2d) stated in respect of the impact on Forthill Cemetery:-

“ the proposed development by virtue of extreme proximity to the recorded monument, including for an overwhelming interface, is considered to result in an insufficiently scaled buffer to protect the amenity and setting of this monument. The result of this proposed layout and relationship is that it will create an overbearing and detrimental impact, particularly due to the height, bulk and scale of the buildings proposed, but also due to the proximity of the buildings to the boundary walls of the recorded monument. It is highlighted that Buildings No. 8 and 9 (minimum of 15 storeys/46-62m in height) will create a continuous perimeter to Forthill Cemetery, set back only 3-6m from the boundary walls, whilst Building No. 10 (9 storeys/35m in height) is located within only 1.8m of the boundary walls”.

The FI Request, therefore, sought amendments to the design and siting of these buildings which would deliver 'an appropriate buffer and respectful setting to Forthill

Cemetery that celebrates its potential to contribute to the character of the new quarter’.

8.5.53. The DCHG (Archaeology) had also raised serious concerns (June 2020) regarding the impact of the proposed development on Forthill Cemetery. It was pointed out that the site of the proposed development lies within or in close proximity to three Recorded Monuments, which are subject to statutory protection under Section 12 of the National Monuments Act 1994 and that the site also lies within the ZAP for Galway town. Following the receipt of the further information and revisions to the proposed scheme, the DCHG (Archaeology), on 13/04/21, remained concerned about the height and scale of the development in such close proximity to these sensitive and historic features. In particular, serious concerns remained regarding the likely adverse impact on Forthill Cemetery. It was therefore requested that the buffer area between the proposed development and this Recorded Monument be increased and that all groundworks to be archaeologically monitored under licence.

8.5.54. The Revised FI (19/03/21) indicated that there were two significant changes to the design, namely the omission of Block 10 and the reduction in massing of Blocks 8 and 9. The removal of Block 10 results in a significant improvement to the setting of the historic cemetery. The main changes to the massing of B8 and B9 are:

Block 8 (Pin 3) – Lowered by one storey
Podium level stepped back by 2.3m along boundary with FHC
Roof profile revised with staggered series of pitches
Façade treatment less vertical emphasis to break up massing

Block 9 (Pin 5) - Lowered by 2 storeys
Increase in distance between Pins 4 and 5 by 6600mm
Podium levels redesigned with increased horizontal emphasis
Façade treatment more horizontal to break up massing

8.5.55. The P.A. agreed that the removal of Block 10 represented a significant improvement in the setting of the RM. However, it remained seriously concerned regarding the impact of Blocks 8 and 9, which were considered to be of an excessive height and scale and with an insufficient buffer, which would dominate and overwhelm the cemetery. The Area Planner was particularly concerned that the revisions to the

design of the podium of Block 9 had resulted in a 'substantial horizontal band sitting on top of the colonnades along Bastion Lane', which was considered to be 'counterproductive' as it would create a visually dominant interface which would be overbearing, notwithstanding the height and scale of the residential pins above.

- 8.5.56. The Heritage Officer (P.A. 26/03/20) had also requested a buffer zone around the cemetery of 20m. It was pointed out that in the past, human remains and fragments of gravestones had been found outside the recorded monument, and as such, it was strongly recommended that no development be allowed to be carried out within 20m of the walls or on parts of the ditch surrounding it.
- 8.5.57. The AHIA acknowledged that the proposal would result in a greatly increased intensity than at present, but considered that it would create a more aesthetically pleasing backdrop to the cemetery, which has undergone significant changes over the centuries. In addition, the scheme would re-integrate the cemetery with the city and provide a new pedestrian space (Bastion Lane) from which to view the historic site. It further considered that the high quality design of the proposed Blocks 8 and 9 with the 'predominantly plain glazed elevations at podium level' would allow the historic walls to remain the dominant feature of the space, and that the increased space between Pins 4 and 5 would reduce the sense of enclosure of the cemetery. The increased accessibility of the here-to-fore inaccessible Forthill Cemetery, together with the high quality public realm and new street network that would link the city to the cemetery, was considered (in AHIA) to result in a positive impact overall, whilst the revisions to the massing and design of the buildings adjoining the northern boundary would not interfere unduly with the special significance of the historic site.
- 8.5.58. The RFI Response document (page 67-69) shows the before and after views of the proposed Block 10. I would agree that the removal of Block 10 would represent a significant improvement as this 9-storey building would have been located alongside the western boundary of the cemetery. The omission of this proposed block, and its replacement with an enhanced area of landscaped public realm with an art installation, would result in the western stone boundary wall of the cemetery being revealed and forming part of the backdrop to the proposed development.
- 8.5.59. I would refer the Board to RFI Viewpoints 55a-57, (inclusive), which illustrate the likely impact of the proposed development on the cemetery. In each of the proposed viewpoints, it is considered that the design and scale of the podium to Block 9 is

visually dominant to an excessive degree, such that it is overbearing and overwhelming in views from the cemetery. The rigid and regimented structure of a distinctly inhuman scale, provided by the large horizontal bands and associated colonnades, is in stark contrast to the nature and scale of the historic cemetery with its gravel paths, tombstones, headstones and Celtic crosses in the foreground. The AHIA states that the 'predominantly plain glazed elevations' are respectful of the historic masonry walls and present an aesthetically pleasing backdrop. However, it can be seen from these viewpoints, and from the plans and elevations of Block 9, that the glazed elevations are recessed behind the large structural elements which dominate the interface with the cemetery.

8.5.60. Furthermore, the significant height and scale of the residential pins, which sit above the podium with an additional 9-10 storeys, and which appear to tower over the cemetery, would intensify the dominant and overwhelming visual effect of the podium structure. In addition, the scale of Block 8 with an overall height of 16 stories enclosing the eastern views out of the cemetery, is simply too great, with 12 floors of apartments overlooking the cemetery. The combined effect of Pins 3, 4 and 5 would represent an excessively large and visually intrusive group of buildings which would be unsympathetic and disrespectful of the sensitive historic cemetery.

8.5.61. The excessive height, scale, mass and bulk of these buildings is exacerbated by their proximity to the northern and eastern boundaries of the cemetery. The buffer zone varies in width along the length of Bastion Lane. In relation to Block 8, the distances reduce from 9.6m close to Lough Atalia Road to 6.3m at the external staircase at Bastion Lane, before increasing again to 8.2m at the junction of Bastion Lane and Athy Passage. However, the buffer is much tighter in relation to Block 9, where the distances are significantly less and range from just 2.2m to 6.2m along the boundary with the lane. This factor combined with the inappropriate design and scale of the podium of Block 9 and the excessive height of the residential pins renders the proposed development unacceptable in terms of its impact on the character and setting of Forthill Cemetery. The proposed development fails, therefore, to adequately respect the Recorded Monument and Protected Structure status of this important heritage site. It would also be contrary to Policy 8.4 of the current CDP which seeks to ensure that such development would not be detrimental to the character of an archaeological site or its setting.

- 8.5.62. I would accept that there would be many positive impacts on Forthill Cemetery associated with the proposed development. These have been set out in the various documents submitted with the application, revised documentation and first party appeal. Firstly, the proposal would open up access and views of the cemetery, which is currently hidden away and the provision of a pedestrian street, with integral seating and planters, alongside the boundary would facilitate appreciation of the historic cemetery walls. I would also accept that the proposed development incorporates new structural supports for the cemetery walls (as part of construction of Blocks 8 and 9) which will enable the retention and repair of the historic walls, in accordance with best conservation practice. The design and orientation of the proposed blocks would also ensure that the cemetery would not be overshadowed.
- 8.5.63. The role and function of the cemetery is described in the submissions as a burial ground and cultural heritage asset, but is not one which is intended as a 'recreational open space'. The value of the site is stated to be as 'an open space to look at rather than one in which to spend time'. I would disagree with this limited view of the role of the cemetery. It is clearly a place which is cherished and highly valued by Galwegians and tourists to the city as a significant heritage asset with a rich and varied history as a former bastion fort, friary and as a historical burial ground dating back to the 16th century. However, it is also a present day cemetery which is associated with a quiet contemplative environment where its value is as an intimate and peaceful space. This is reflected in the current CDP at 5.7.4 which describes cemeteries as "Community spaces... which provide important places for quiet contemplation in the city's environment"
- 8.5.64. In this respect, it is difficult to reconcile the excessively tall apartment buildings positioned within a few metres of the boundary which would dominate and overlook the cemetery in a very intrusive manner. I do not accept that the introduction of a varied mix of uses with active frontages, which will animate the area, would be a positive impact on the character and functional role of the cemetery. Phase 1 of Bonham Quay had just been completed when I visited Forthill Cemetery. At 8 storeys, these two office blocks were visually prominent from the cemetery. However, any sense of intrusion was ameliorated by the distance from the cemetery (c.20m) and the substantially lower ground level, together with the design of the building with dark opaque windows.

8.5.65. It is considered, therefore, that by reason of the height, scale, bulk and proximity of Blocks 8 and 9 to the historic cemetery, the development as currently proposed, would have a visually intrusive and detrimental impact on the character and setting of Forthill Cemetery and would adversely affect the quiet contemplative ambience of the burial ground. I do not accept that the trees close to the northern boundary would adequately mitigate these impacts.

8.5.66. It is considered, however, that the split decision of the P.A. to refuse Pins 4 and 5 (Block 9), to reduce the height of Block 8 (Pin 3) by 5 storeys, and the requirement to redesign and set back the podium to Block 9 would be likely to adequately mitigate the adverse impacts on the setting of the cemetery, as described above. Should the Board be minded to grant planning permission for the overall Augustine Hill development, therefore, a similar approach to the amendments required by the P.A. split decision should be taken, together with appropriately worded conditions attached to any such permission.

Other Strategic Views

8.5.67. Policy 8.7.9 of the CDP states 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, ACAs, residential amenity or impinge of strategic views.

8.5.68. Given the location of the site near the inlet to Lough Atalia, the potential for impact on views across Lough Atalia is high and along the coast from east and west of the city. In addition, panoramic views of the city from the north would be sensitive to change associated with building height. There are a number of Protected Views of particular amenity value and interest in the Development Plan (Table 5.9). It is noted that in terms of strategic views, the most relevant ones in respect of the proposed development are panoramic views from the north (Circular Road and Quincentenary Bridge/Dyke Road, which are represented by Protected Views V1, V2 and V16), Seascape Views of Lough Atalia from the east (Ballyloughane, Renmore, Dublin Road and Lakeshore Drive, represented by Protected Views V3, V8, V13, V15 and V17) and views from the West (The Claddagh, Grattan Road and Salthill/Seapoint, represented by Protected View V4).

Panoramic views from the North

8.5.69. Panoramic views of the city are available from Quincentenary Bridge (N6), over the River Corrib and Terryland Forest, and from Circular Road (The Bailey) due to its elevated position. Photomontage VP 22 demonstrates the nature of the view from the bridge which has a high sensitivity and is protected as V.16 in the CDP. The city skyline from this viewpoint is composed of a wide range of buildings many of which are partially screened by vegetation, with various landmark buildings being notable such as the Cathedral and several shopping centres. The view is dominated by the aesthetic scenery and high amenity of the Corrib, Terryland and the University grounds, with a low rise cityscape forming a backdrop. However, the city centre is not legible. The proposed development would alter the view by introducing a cluster of tall buildings. The Augustine Hill proposal would serve to identify the city centre and I would agree with the first party that although tall structures would be introduced, the buildings would not dominate the view or diminish the presence of other buildings or obscure any feature of importance.

8.5.70. A similar impact can be seen in views depicted from Dyke Road (to the north of Quincentenary Bridge) and from The Bailey, Circular Road. The pathway and bridge adjacent to Dyke Road (VP 59 and VP 60) demonstrate this. The view from the Bailey (a housing estate in the Newcastle Area to the Northwest of the city) is a panoramic view of the city and the coast from an elevated position (V.1 in CDP). It is considered that the proposed development would add a new and interesting feature to the view, which would help to identify the city centre, but would not obscure or diminish any features of the view.

City Skyline views from the East

8.5.71. The most prominent views from east of the city are from **Ballyloughane Beach**, the Old Dublin Road (near G Hotel) and from Lakeshore Drive in Renmore. The panoramic views of the city from this local beach (VP 40) include views towards Salthill and of the picturesque Galway Bay. However, the industrial and utilitarian character of the docks is also included in the view. Once again, the location of the city centre is undiscernible in the low rise and unremarkable skyline from this viewpoint. Ballyloughane Beach is of high amenity value and as such, the views from this location are sensitive. The proposed development would introduce a cluster of tall buildings which would represent a new and modern feature on the skyline that would identify the city centre. Although the composition of the view would be altered,

it is considered that the impact on the amenity of the view would not be unduly affected.

- 8.5.72. The views from **Lakeshore Drive**, (VP 27 and 28) which are physically closer to the site, are also of high amenity value and are sensitive. Lakeshore Drive runs N-S along the eastern side of the lough, with expansive lake views to the west and suburban residential development to the east, and the Dept. of Defence and military barracks further to the south. VP 27 is taken from opposite the playground and VP 28 is taken from the cul-de-sac at the end of the road. The recently constructed Phase 1 of Bonham Quay is highly visible at present and the baseline views indicate that this development and the Student Accommodation on Queen Street would also be prominently visible. The Galmont Hotel (corner of Lough Atalia Road and Fairgreen St.) is also highly prominent in these views. It is noted, however, that the wide-angled lens significantly flattens the image as can be seen by the photos taken during my site inspection (Oct. 2022), which indicate the scale of Bonham Quay and the Galmont Hotel.
- 8.5.73. Given that these buildings are c. 7-8 storeys high and the proposed taller buildings range from c.10-21 storeys, the degree to which the view would be changed is likely to be quite significant. The height differential between Bonham Quay and the proposed Pin 1 is quite notable in VP27, and it is considered that this would be even more apparent in reality, as Bonham Quay is quite prominent in this viewpoint at present. The impact on views from the southern part of Lakeshore Drive (VP28) is considered to be even greater than the central location (VP27), due mainly to the extent of the cluster that is visible. It is considered, however, that the reductions in height and scale required by the P.A's split decision, would significantly reduce the impact on these views, as Pin 1 would become the dominant element which would improve the legibility of the city centre without unduly detracting from the remainder of the skyline. Should the Board be minded to grant planning permission for the overall Augustine Hill development, therefore, the amendments required by the P.A. split decision should be imposed by refusing Pins 4 and 5 and by means of appropriately worded conditions attached to any such permission.
- 8.5.74. The view from **Old Dublin Road** near the G Hotel (VP 23) is an important one as views of the lake begin to open up on the approach to the city. In addition, the Catherine Barge is strategically located in the foreground, with Galway Bay and the Connemara mountains in the background. There is also a local amenity walk along

the lakeshore linking up with Lough Atalia Road. The views towards the site are from the northern tip of Lough Atalia across the water. I would agree with the first party that the range of buildings stretching along Lough Atalia Road, including apartment buildings, a stadium and the Galmont Hotel represent an unremarkable line of development fronting onto the lough which fails to identify the location of the city centre. As such, the proposed development would improve the legibility of the city in this regard.

8.5.75. The cluster of tall buildings which would rise significantly above the existing structures that are already quite prominent, however, would create a degree of visual clutter on the city skyline. I would agree that Pin 1, standing prominently at the edge of the urban skyline fronting the lake, would draw attention to the mixed-use development, and would highlight the presence of the new urban quarter. However, the reduced height and scale of the remaining buildings in the cluster required by the P.A. split decision would not diminish the legibility of the site. Thus, it is considered that the impact on this important and sensitive view would be lessened by the proposed reductions in height and scale of the proposed development, as required by the P.A., and the proposed development would add a new feature of interest without diminishing the quality of the view. Should the Board be minded to grant planning permission for the overall Augustine Hill development, therefore, the amendments required by the P.A. split decision should be imposed by refusing Pins 4 and 5 and by means of appropriately worded conditions attached to any such permission.

City skyline views from the West

8.5.76. There are a number of highly sensitive views from the west towards the site, including from the Claddagh and from Salthill/Seapoint. The views from Nimmo's Pier (VP 33 – western end of pier and VP 34 – eastern end of pier) have been discussed above at 8.5.14-20, as these views are towards the Long Walk ACA. I can confirm that the further Claddagh view from Father Griffin Road (near Joyce's and the fire Station, VP 32), would not result in a significant change.

8.5.77. Views from Grattan Road and Mutton Island are represented in VPs 35 and 37, respectively. **Grattan Road** travels southwards linking the Claddagh with Salthill. The view from Grattan Road is protected in the CDP, (V.4) but the most important element of the protection is the seascape views of Galway Bay, which are to the east

of VP 35. The views north towards the city would be altered by the introduction of a cluster of tall buildings. It is noted that Bonham Quay is quite visible at the edge of the cityscape view. It is noted that this view is framed by suburban low rise buildings to the west and the GAA pitch and dockside buildings to the east. Although Bonham Quay would help to identify the city centre, it is considered that the introduction of a cluster of tall buildings at this location is likely to enhance the legibility of the city further and would add a feature of interest to the view, but would not adversely affect the views of Galway Bay, which are in the opposite direction.

8.5.78. **Mutton Island** is accessed by means of Martin Connelly Causeway (small pier) which extends southwards from Grattan Road. Panoramic views of the city skyline are available from this causeway, which is popular with walkers. The city skyline appears quite flat and unremarkable in VP 37, which is partly due to the wide angled lens used, but in reality it is more varied with greater depth. I note that Bonham Quay stands tall in the background of the view and that the proposed Augustine Hill development would stand even taller to the right of the office development. To the extreme right of the picture, the industrial nature of the docklands is dominant. It is considered that the introduction of a cluster of much taller buildings into the centre of this view would be quite dramatic. As indicated previously, the removal of Pins 4 and 5 and the reduction of Pins 2 and 3 would allow Pin 1 to stand out as the main defining element of the proposed new quarter, without altering the view to such a significant extent. Should the Board be minded to grant planning permission for the Augustine Hill development, therefore, the amendments required by the P.A. split decision should be imposed by refusing Pins 4 and 5 and by means of appropriately worded conditions attached to any such permission.

8.5.79. The view from **Salthill Promenade** is represented in VP 36. This is a very sensitive view due to its location along the highly valued coastal amenity area which is popular with walkers, cyclists and tourists. The viewpoint is taken from a picnic area build-out along the southern stretch of the R336. The view is, however, dominated by the low-rise suburban development along Grattan Road, which is a strongly linear feature that occupies the middle ground of the view. The city centre is barely discernible, and this is only made possible by the recently constructed Bonham Quay development, the upper floors of which are just visible above the roofscape of the suburban houses. It is considered that the introduction of a group of tall buildings which would identify the city centre and the new urban quarter would be a welcome

feature at this location as it would provide a suitable context for the scenic views of Galway Bay (in the opposite direction).

- 8.5.80. As stated previously in respect of other sensitive viewpoints from the west, the required reductions in height and scale would not compromise the legibility of the scheme and of the city centre and would still facilitate the introduction of a feature of interest in the skyline without detracting from the visual amenity of the view from this location. Should the Board be minded to grant planning permission for the overall Augustine Hill development, therefore, the amendments required by the P.A. split decision should be imposed by refusing Pins 4 and 5 and by means of appropriately worded conditions attached to any such permission.

Other Strategic Views

- 8.5.81. The scale, height and extent of tall buildings within the development would be very prominent when viewed from the **Inner Harbour** area such as the marina area, (Dock Road/Street VP 1 and VP 2) and the Enterprise Business Park and other industrial sites on **New Docks Road** (VP 3). These areas are likely to be subject to regeneration in the near future. At present, the area is of mixed character with some sites redeveloped and others containing industrial buildings, oil tanks and disused or under-used sites. Although the scale and height of Augustine Hill would introduce a new townscape to this area which would stand in stark contrast to the established built form, it is acknowledged that the area is one which is in transition where regeneration is likely to result in significant changes to the townscape. Augustine Hill would introduce a new urban quarter where increased height and density is to be expected, and as such the views from this area are considered to be generally acceptable. However, the required reductions in scale and height (P.A. decision) would result in a less cluttered view from New Docks Road (VP 3).
- 8.5.82. The approach to the site along **Lough Atalia Road** from the east is dominated at present by the scenic views of the lough on the left hand side of the road (VP 24). As the site is approached, the scale and height of buildings increases towards the Galmont Hotel. It is considered that the introduction of Pin 1 just beyond the hotel would represent a striking landmark building which would announce the new urban quarter and the entrance to the central area of the city. It is considered that the development would not detract from the view and would not obscure any buildings or

features of interest. It should be noted that from this vantage point, the main feature visible would be Pin 1.

- 8.5.83. The view along Lough Atalia Road from the west is quite different (VP 4). At present, the streetscape is composed of low density industrial/commercial uses on the right-hand side including oil-storage tanks and a petrol filling station, with the stone boundary wall of Forthill Cemetery on the left-hand side of the road. The introduction of Pin 1 at 21 storeys, Pins 2/3 (Block 8) at 13-16 storeys and Pins 4/5 (Block 9) at 14-15 storeys bounding the cemetery would present a very formidable development of significant height and scale which would dominate views along the road. It is considered that the development as currently proposed would detract from views of the cemetery and would be unduly visually obtrusive in the streetscape due to the height, scale, mass and bulk of the tall buildings at this location.
- 8.5.84. I would agree with the planning authority, however, that a reduction in the height and scale of Blocks 8 and 9 by lowering the height of Pin 2 by 2 storeys, Pin 3 by 5 storeys, and the removal of Pins 4 and 5, would significantly reduce the adverse visual impact of the development on Lough Atalia Road at this location. The retention of Pin 1 would allow the new urban quarter to be identified and as a singular landmark building, it would not create visual clutter or be visually obtrusive in the streetscape. Should the Board be minded to grant planning permission for the overall Augustine Hill development, therefore, the amendments required by the P.A. split decision should be imposed by refusing Pins 4 and 5 and by appropriately worded conditions attached to any such permission.
- 8.5.85. **Victoria Place** (VP 54) links Eyre Square with Queen Street and is an area with a mixed urban character, but is also one which is in transition. The fine grain of the streetscape close to Eyre Square gradually gives way to buildings with larger floorplates such as warehouses, apartment buildings and the Victoria Hotel, but generally of heights equivalent to 2-3 storeys. The view along the street to the south is at present terminated by the aesthetically pleasing and architecturally interesting United Methodist and Presbyterian Church, which is a Protected Structure (RPS 8201). The proposed Augustine Hill development would be prominently visible behind the church. VP 54 demonstrates that in the centre of the view, Block 6 with its distinctive roof profile and bronze cladding, would occupy the main sky-space behind the church. In addition, the top floors of the proposed hotel (Block 2) and of Block 5 (Independent Living Units) would be prominently visible to the left and right of the

church, respectively. The podium roof garden of Block 5 would also be visible above the roof of the church.

- 8.5.86. It is noted that views of the church would not be obstructed, but its setting would be changed in a significant way. As currently proposed, it is considered that the development would have an adverse impact on the setting of this Protected Structure as it would detract from the visual amenity in views from Victoria Place. I would accept that the required reduction (P.A. decision) in height of Block 2 (hotel by 2 storeys) and Block 5 (Independent Living Units by 2 storeys) would significantly reduce the visual impact on the setting of the Protected Structure. It is considered that Block 6 would be at a remove from the rear of the church, lying to the east of the proposed Blocks 2 and 5, respectively. This distance from the PS, together with the proposed design and materials of this block, would form an appropriate backdrop which would not be unduly obtrusive.
- 8.5.87. It is noted, however, that the podium roof garden to the north of Block 5 would appear as a discordant feature 'floating' behind the pitched roof of the Protected Structure. Although the balustrade is proposed to be glazed, and therefore appropriately lightweight in substance, the use of this space could become a considerable distraction which would diminish the views of the PS. The appearance of the podium should therefore be reviewed, in the event that the Board is minded to grant planning permission. It is considered that the roof garden may need to be recessed further and substantive planting should be provided to screen (hide) the roof garden from views from Victoria Place. Appropriate landscape screening should be provided along the western and northern sides of this roof garden such that the function of the space is disguised by vegetation.
- 8.5.88. Should the Board be minded to grant planning permission for the overall Augustine Hill development, therefore, the amendments required by the P.A. split decision should be imposed by refusing Pins 4 and 5 and by appropriately worded conditions attached to any such permission and a condition should be imposed requiring the podium garden to the north of Block 5 to be screened by landscape planting.

Conclusion – Design and Visual Impact

- 8.5.89. In the preceding sections, it was accepted that the proposed Augustine Hill Development would contribute to the regeneration of this underused and neglected part of the city centre by providing a vibrant new city quarter which would connect

the city centre with the seafront by means of a high quality public realm with lively active spaces/streets and would provide a range of city centre appropriate uses as well as a substantial quantum of residential development. Given its strategic location in the heart of the city and adjacent to a transport hub, which is also to be enhanced and expanded, the site was considered suitable for increased height, scale and density, which is generally provided for in the policy framework for the area, provided that it would positively contribute to the architectural character of the city. Specifically, the successful integration of the development requires an appropriate relationship between the proposed taller buildings and the city's historic core and important views and vistas, which would not adversely affect the context of the historic buildings within and in the vicinity of the site, the ACAs from which it would be visible or strategic views of the city.

- 8.5.90. I have considered these matters in the above analysis (8.5.1 - 8.5.88). In terms of the Protected Structures within the site, it is accepted that the proposed development would keep or bring back into use these historic buildings and that the proposed works and extensions to the Protected Structures would not be unduly invasive, notwithstanding the loss of some original historic fabric. It is considered that the interventions have been kept to a minimum and are generally in accordance with best conservation practice, subject to the imposition of certain conditions on any planning permission, as outlined above.
- 8.5.91. The impacts of the development as currently proposed on Forthill Cemetery would be unacceptable due to the height, scale and mass of Blocks 8 and 9 and to their proximity to the historic site. It would be visually intrusive and detrimental to the character and setting of the RMP and RPS. However, the mitigation measures contained in the planning authority's split decision, which would remove Pins 4 and 5 and significantly reduce the scale and height of Block 8 (Pins 2 and 3) adjoining the cemetery, together with the proposed restorative works to the cemetery walls, would ensure that the proposal would adequately mitigate the adverse effects and would be more respectful of the setting of the Recorded Monument and Protected Structure. Should the Board be minded to grant permission for the overall development, it is considered, therefore, that a similar approach would be necessary.
- 8.5.92. The permitted refurbishment and extension of Ceannt Station (PS) would complement aspects of the proposed Augustine Hill development, such as the establishment of Connaught Square, Festival Square and the enhancement of Eyre's

Walk, thereby creating an enlivened and attractive public realm integrating with the re-orientated station building, which would benefit both the station and the associated protected structures that are to be refurbished and re-purposed. Thus the proposed development would enhance the setting of the Ceannt Station Protected Structure. The impacts on the setting of the Methodist and Presbyterian Church PS would be mitigated by the reduction in the height of Block 2 and Block 5 and could be further reduced by landscape screening of the podium garden to the north of Block 5. This can be addressed by condition.

- 8.5.93. The Augustine Hill development, as currently proposed, would have unacceptable adverse impacts on Eyre's Square ACA and on the Long Walk ACA due to the scale, height and design of the taller buildings together with the cumulative effect of the cluster of tall buildings, which would detract to a significant degree from the character and visual amenities of these ACAs. However, it is considered that the amendments required by the P.A. split decision, which would significantly reduce the height of most of the taller buildings and reduce the effect of the cluster of tall buildings, would adequately mitigate the adverse impacts on the character and amenities of the ACAs. Should the Board be minded to grant permission for the overall development, it is considered, therefore, that a similar approach would be necessary.
- 8.5.94. In terms of strategic and important views, (including Protected Views in the CDP), it is considered that given the location of the site at the inlet to Lough Atalia, the views which would be most impacted would be the views across Lough Atalia and along the coast from the east and the west of the city. Many of the protected views are designated due to the high level of amenity associated with the location, such as Ballyloughane Beach, Mutton Island, Grattan Road and Salthill Promenade. In other cases, such as the views from Nimmo's Pier, the view towards the Long Walk ACA is of equal if not greater importance than the amenity value of Nimmo's Pier.
- 8.5.95. In general, whilst the composition of these views would clearly be altered by the proposed development, the views from many of these locations would generally not be obstructed or diminished by the proposed development. Such views would include those from Quincentenary Bridge, Ballyloughane Beach and Salthill Promenade. Thus, the amenity value of such views would not be unduly affected and, in many cases, would be enhanced by the introduction of a new feature of

interest which would identify the city centre. This would significantly improve the legibility of the city and provide some definition to the city skyline.

- 8.5.96. Notwithstanding this, in certain cases, the cumulative impact of the cluster of tall buildings would impinge on several of the views, such as those from Nimmo's Pier, Lough Atalia Road (with Forthill Cemetery) and Lakeshore Drive. However, it is considered that the amendments required by the P.A. split decision, which would remove Pins 4 and 5 and would significantly reduce the height of most of the remaining taller buildings and reduce the effect of the cluster of tall buildings, would adequately mitigate the adverse impacts on these strategic and protected views. Should the Board be minded to grant permission for the overall development, it is considered, therefore, that a similar approach would be necessary.

Conclusions - First Party Appeal re Spilt decision and Conditions 9-6

- 8.5.97. The first party grounds of appeal are summarised at 6.2 above. In brief, the appellant seeks the reversal of the decision to refuse Pins 4 and 5 of Block 9 and to impose conditions numbered 6, 7, 8 and 9. The reason for refusal was based on the excessive height, scale and massing of these blocks, together with their unsatisfactory relationship with the balance of the development and their extreme proximity to Forthill Cemetery, which it was considered would have a detrimental impact on adjoining heritage assets, key views and the character of Galway's townscape, and would be contrary to the policies of the Development Plan and to the proper planning and sustainable development of the area.
- 8.5.98. Conditions 6 and 7 sought reductions in the scale and layout, as well as amendments to the design and appearance, of the southern elevation of the retained portion of Block 9, with specific reference to the 'large vertical colonnades' and 'dominant horizontal band feature', in order to reduce the impact on Forthill Cemetery and to protect the visual amenity and archaeological heritage of the city. Condition 8 required the removal of five floor levels from Pin 3 (Block 8), two floor levels from Pin 2 (Block 8) and two floor levels from Pin 6 (Block 5). Condition 9 required the removal of two floor levels from each of Pins 7 and 8 (Block 2 hotel). The stated reasons for these conditions are to reduce the impact of the excessive clustering of tall buildings, improve the relationship between buildings within the scheme and to reduce the impact on architectural areas of architectural character in

the interests of visual amenity and built heritage. The appellant is seeking the omission of these four conditions.

8.5.99. The grounds of appeal are addressed under two main headings, firstly, the relationship of the proposed development to Forthill Cemetery and secondly, the justification for a cluster of taller buildings.

8.5.100. In respect of the relationship with Forthill Cemetery, the appellant disputes that the design and scale of Block 9 results in an inappropriate relationship with the cemetery or that the buffer zone is inadequate. Additional benefits to the historic cemetery arising from the proposed development were also pointed out as it would result in a significant improvement to the setting and accessibility of the cemetery, which is currently hidden away, and that the boundary wall would be retained, repaired and reinforced in accordance with best conservation practice. It was further considered that the design of the adjoining blocks, with their slender forms and generous gaps in between the towers, would enhance the sense of enclosure and visual amenity of the cemetery without overwhelming or overshadowing it. These matters have been fully addressed in sections 8.4 and 8.5 above.

8.5.101. In respect of the justification for a cluster of taller buildings, the appellant strongly refutes the P.A.'s stance that the scheme represents a tight cluster of tall buildings. Justification is provided for the height strategy adopted, including the approach to landmark buildings, which results in a clearly identifiable group of taller buildings which provides a sense of enclosure and an attractive townscape setting. The use of several slender towers is considered to successfully provide for views through the development and to maximise access to sunlight and daylight, whilst simultaneously avoiding the creation of a monolithic structure. These matters have been fully addressed in sections 8.4 and 8.5 above.

8.5.102. The appellant also submits that the impacts of the P.A. decision to reduce the scale and height of the development include the loss of 40% of the planned residential units, as well as the weakening of the character of this new city quarter together with the obstruction of the realisation of the vision of a contemporary, high density cluster on this strategic regeneration site. It was further submitted that the reduction in scale and height would not benefit Galway city's townscape character or its key views, nor any other character area in the city. These matters have been fully addressed in sections 8.2, 8.3 and 8.4 above.

Overall Conclusions on Impacts on Visual Amenity and Built Heritage

- 8.5.103. In conclusion, it is considered that the Augustine Hill development, by reason of its design and scale, which incorporates a significant element of height, would have a profound and enduring impact on the character and visual amenities of Galway city. However, cities have always and will, continue to evolve and change and will need to regenerate areas such as Ceannt Station lands. It is considered that provided that the proposed new urban quarter would enhance and positively contribute to the character and amenities of the city and would not detract from the historical, cultural and architectural essence of the city, it would be acceptable.
- 8.5.104. It is considered that the proposed development, as amended by the planning authority's split decision, and subject to some additional conditions as outlined above, would regenerate this highly accessible site in the city centre and would make a significant positive contribution to the architectural character and vibrancy of the city centre, whilst respecting its historic core, its valued heritage assets and the city's identified strategic and important views. It would also create a focal point with a landmark building of high quality design which would enhance the legibility of the city. It would, therefore, be generally consistent with the policies set out in the current City Development Plan and in the national and regional policy framework for the area.

8.6. Residential development

- 8.6.1. The main concerns raised in the third party grounds of appeal may be summarised as follows:
- Premature development in absence of Housing Strategy/HNDA;
 - Housing need not addressed – 24 social/affordable units inadequate;
 - Apartment standards – bare minimum standards met;
 - Unit mix inappropriate – over-reliance on 2 bed/3 person apartments and on Build-to-Rent (BTR) and not enough on Build-to-Sell or family type units;

Housing Strategy and Housing Need Demand Assessment

- 8.6.2. The planning authority and the First Party appellants reject the assertion that the development is premature pending the adoption of a Housing Strategy and a

Housing Need Demand Assessment. It is stated that the development has been prepared in accordance with the Council's current Housing Strategy (i.e. the strategy in place at the time of decision). It was further stated that the HNDA was being prepared as part of the forthcoming Housing Strategy, which was anticipated to be adopted as part of the new City Development Plan.

- 8.6.3. The Board should note that the **Galway City Housing Strategy and HNDA 2023-2029** has been prepared by KPMG Future Analytics, and forms part of the new Galway City Development Plan (2023-29), which has been adopted and has become operative (4/01/23) since the determination of the application by the planning authority and the lodgement of the appeal. Furthermore, the Board will note that an amendment to the Apartment Guidelines (2020) came into effect on the 22/12/22, which removed certain SPPRs relating to Build-to-Rent type apartments. However, the Transition Arrangements (Circular NRUP 07/2022) state that these amendments will not affect appeals that were lodged before 21st December 2022.
- 8.6.4. The Housing Strategy provides an estimate of the present and likely future housing demand in the area and ensures that adequate lands are set aside in the CDP to meet such needs. The former Housing Strategy (2017-2023) had estimated that lands zoned for residential development had the potential to deliver 9,093 housing units during the plan period. The new Housing Strategy (2023) has reviewed existing and future housing need in Galway and has a new Housing Supply Target of 5,879 to meet forecasted housing demand, reduced to 4,245, following the application of the Convergence Scenario.
- 8.6.5. The HNDA notes that the 2016 census indicated that the dominant tenure type in Galway was owner-occupation (47%), but that this was significantly less than this tenure type nationally (70%). Conversely, the private rented sector was much higher than that nationally, (35.5% compared with 19%). However, the census indicated that socially rented housing has been increasing, whilst private rentals have been decreasing. It was further revealed that 75.5% of people in Galway live in a house/bungalow, whereas 24.1% live in an apartment/flat. The greatest population cohort increase has been in the over 65 age group. In terms of household sizes, the majority are 1 or 2 person households (25% and 31% respectively), with 3-person households at 19% and 4-person households at 15%.

- 8.6.6. The growth strategy in the Housing Strategy has had regard to the national trend that household size is decreasing, which is also evident in Galway. The private rental sector was noted as forming a significant element in the housing supply in Galway. The proposed development, with a varied mix of apartment types and tenures, including a block of Independent Living Units, and a range of Studio, 1-bed, 2-bed and 3-bed apartments, would make a positive contribution to meeting of the housing need requirements identified in the housing strategy.
- 8.6.7. The Housing Strategy Policies (6.2) include Policies PO4 and PO8, which refer to the need to deliver sustainable and compact growth and a diverse mix of housing types and tenures, and to ensure that 50% of housing development is provided within the built footprint of the city. Policy PO7 highlights the importance of catering for the needs of older people and the adherence to universal design principles. Policy PO14 requires that in developments involving multiple housing units, there would be a sufficient mix of type and size of units to satisfy the demands of the evolving reduction in household sizes. It is considered that the proposed development is generally consistent with the policies set out in the Housing Strategy.

Social and Affordable Housing

- 8.6.8. The previous Housing Strategy/CDP required the transfer of up to 10% of units as social housing. It is noted that the Affordable Housing Act 2021 (which was enacted (21/07/21) after the P.A. decision on the Augustine Hill development), has amended the legislative provisions regarding Part V contributions for social and affordable housing. The changes include an increase in the contribution by developers in terms of the transfer of social and affordable housing from 10% to 20%. This Act provides the legislative and policy framework to facilitate the purchase and rental of housing to become more affordable for eligible households. It gives the State a greater role in the provision of affordable housing and enables local authorities to work with the Land Development Agency, Approved Housing Bodies and community-led housing bodies, as well as with private landlords, with the intention of delivering homes at below market prices.
- 8.6.9. The current Housing Strategy reflects this new legislation and the Government's 'Housing for All' policy (Sept. 2021). It is intended to meet 'unmet' social housing need in Galway using a range of delivery mechanisms in accordance with Government policy (PO3) and Policy PO5 requires the transfer of 10% Social and

10% Affordable Housing. The Affordable Housing Act makes provision for exceptions during the transition period. Where planning permission is granted between certain dates, and the land to which the application relates is purchased between 1st September 2015 and 31st July 2021, the provisions of the Act will not apply. As the applicant is not the landowner, it is likely that the amount of social and affordable housing to be transferred to the local authority will have to be reviewed to ensure consistency with the current guidance and legislation. This is a matter for the local authority.

8.6.10. The third parties raised concerns regarding the concentration of Part V units in Block 5 and the restriction of the ILU to the elderly. However, the first party has stated that all units across the scheme are designed to be universally accessible, but additional features were incorporated into the design of Block 5. I note that the P.A.'s preference is for the Part V units to be more evenly distributed across the site, and that Condition 52 requires the applicant to enter into a legal agreement in respect of the delivery of Part V units. It is considered that these matters could be resolved by agreement between the developer and the local authority.

8.6.11. In terms of addressing the national homelessness crisis, it is considered that the approach to resolving such matters, as set out in Government policy, is likely to be a multi-faceted one heretofore. This will involve a range of public and private agencies working together with the State in the provision of social and affordable homes. The Part V provisions are just one part of this larger framework. The proposed scheme with a substantial residential component, makes a significant contribution to new housing provision in Galway and is consistent with the Housing Strategy for the area.

Apartment Standards and Housing Mix

8.6.12. Many of the issues raised in the third party submissions had been addressed by the P.A. in the initial planning report (14/06/20) and had resulted in a request for FI (Item 5(a)). It was noted from the Housing Quality Assessment that all of the apartments complied with or exceeded the minimum standards, as contained in the Apartment Guidelines (including SPPRs 1-7), apart from SPPR 7(b) in respect of the services and facilities to be provided for the BTR units. [*It should be noted that the recent amendments to the Apartment Guidelines (22/12/22) which removed SPPRs 7 and 8 does not apply to the current proposal before the Board as the amendments are subject to the transitional arrangements.*] Following the receipt of RFI, it was

confirmed that the standards in the Apartment Guidelines had now been met. Notwithstanding this, the P.A. had considered that the mix and tenure was generally unsatisfactory with an over-reliance on Build-to-Rent units and 2-bed apartments.

8.6.13. The RFI had introduced several changes to the housing unit mix, which had increased both the overall number of apartment units and the proportion of units as Build-to-Sell (BTS). The details are set out in the Housing Quality Assessment provided with the RFI and is summarised in the Response to Further Information document (page 85). The differences between the original application, the RFI and the outcome of the P.A. decision are summarised in the following table:-

	Planning App.	RFI Scheme	RFI Change	P.A. Decision
Total No. Units	376	404	+28 (7.5%)	241 (-163)
No. BTR Units	248	235	-13	86 (-149)
% BTR	66%	58%	-8%	36%
No. BTS Units	85	107	+22	107 (Same)
% BTS	23%	27%	+4%	44%
No. ILU	43	62	+19	48 (-14)
% ILU	11%	15%	+4%	20%
No. Studios	3	6	+3	6 (Same)
% Studios	0.8%	1.5%	+0.7%	2.5%
No. 1 Bed Units	76	96	+20	56 (-40)
% 1 Bed Units	20.2%	23.8%	+3.6%	23%
No. 2 (3P) Bed Units	14	29	+15	16 (-13)
% 2 Bed (3P)	3.7%	7.2%	+3.5%	6.6%
No. 2 (4P) Bed Units	260	255	-5	146 (-109)
% 2 Bed (4P)	69.1%	63.1%	-6%	60.5%
No. 3 Bed Units	23	18	-5	18 (Same)
% 3 Bed Units	6.1%	4.5%	-1.6%	7.5%

- 8.6.14. It should be noted that the BTS apartment units are all contained within Pin 1, (Block 7 - Landmark Building, 21 storeys), the Independent Living Units (for elderly/people with disabilities) are all contained within Block 5 (Pin 6), and the remainder of the units, which are all Build to Rent are located within Block 8 (Pins 2 and 3) and Block 9 (Pins 4 and 5).
- 8.6.15. As can be seen from the above table, whilst the number of apartments (as per the P.A. decision) would be reduced significantly (by c.40% of RFI number, and 36% of the original number of units), the main losses relate to BTR apartments. The loss of 149 BTRs represents over 90% of the units that would be lost by the required reduction in floor levels of Pins 2, 3 and 6 and the omission of Pins 4 and 5. Thus the proportion of BTR units in the overall scheme would be almost halved compared with the original scheme.
- 8.6.16. However, the number of BTS units would remain the same and would in fact represent 44% of the overall tenure type compared with 23% and 27%, respectively, in the original and revised schemes. The number of Independent Living Units would also be reduced to a significant degree with the loss of 14 units from the RFI scheme. However, the number of ILUs (48) would still be greater than the number in the original scheme (42) and the overall proportion of ILUs across the development would be higher at 20% than either of the two previous schemes, (11% and 15%, respectively). Thus in terms of tenure, the proposed development would be more balanced with a high proportion of apartments for sale (44%), a good level of BTRs (36%) and a reasonable level of ILUs (20%).
- 8.6.17. The mix of units was altered by the RFI and would be further altered by the P.A. decision. It is noted that the RFI had increased the number of Studio and 1-bed apartments, but that the P.A. decision would maintain the level of Studio apartments at 6 no. and almost halve the number of 1-bed apartments (from 96 no. to 56 no.). However, as a proportion of the overall scheme, the percentage of 1-bed apartments would remain roughly the same at c. 23% and the percentage of Studios would increase marginally to 2.5%, as per the planning authority decision.
- 8.6.18. The alterations to the mix of units are most notable in the 2-bed (3 person) and 2-bed (4 person) apartment types across the scheme. The number and percentage of 2-bed (3P) units had doubled in the RFI, (from 14 units (3.7%) to 29 units (7.2%)),

but this would be reversed by the P.A. decision (16 units). However, the percentage of units of this type would be 6.6% of the overall residential scheme. This is still a relatively low figure and complies with Section 3.7 of the Apartment Guidelines (Dec. 2020). It does not therefore represent an over-representation of this type of unit as claimed by the third parties.

- 8.6.19. The greatest loss would, however, be in the number of units in the 2-bed (4P) category, which are highly valued in terms of creating a sustainable community. The RFI had indicated a slight loss of 5 no. units to 255 in total, but the P.A. decision would result in the loss of a further 109 units. This would represent the greatest loss in terms of unit type, reducing the total number of these units to 146. However, once again, it can be seen that, as a proportion of the overall scheme, the percentage of 2-bed (4P) units (60.5%) would remain similar to that of the revised scheme (63%) and would not be unduly reduced compared with the original scheme (69%). The number of 3-bed apartments, which is very low at 18 no. units, would remain the same but the percentage of such units would increase from 4.5%(revised) to 7.5% (P.A.).
- 8.6.20. It is considered, therefore, that the reductions in height and scale required by the P.A. decision, would result in the loss of a significant number of units, the majority of which are BTR, and would see a significant loss of the proposed 2-bed (4P) type Apartments. In general, however, the tenure would be more balanced and the proportions of the different types of units would remain quite similar to the scheme as presented in the RFI. The percentage of 2-bed apartments (all types) would be c.52% while the percentages of 1-bed and 3-bed apartments would be c.26% and 7.5%, respectively. Given the highly accessible and central city location, this seems appropriate apart from the low level of 3-bed units, which are attractive to families.
- 8.6.21. It is noted that the Apartment Guidelines (3.7) state that no more than 10% of the total number of units in a scheme should be 2-bed (3 Person) units, and this would be complied with (in all three scenarios). Notwithstanding the requirements of SPPR1 of the Apartment Guidelines, which does not place any minimum limit on the number of apartments with three or more bedrooms, it is considered that the proportion of 3-bed units should be increased to 10%. This can be addressed by a condition of any permission, should the Board be minded to grant permission.

Conclusions on Residential Development

8.6.22. In conclusion, it is considered that the proposed development, as revised by the RFI and by the P.A. decision, has had regard to, and would be consistent with, the Housing Strategy currently in place for Galway City. The concerns that the proposed development would have been premature pending the adoption of a new Housing Strategy or HNDA have been addressed by the coming into operation of a new Development Plan with associated Housing Strategy/HNDA. The design of the scheme has ensured that the proposed apartment units would be in compliance with standards set out in the Apartment Guidelines (as amended). The unit mix is considered appropriate apart from the low level of 3-bed apartments, which should be increased. The proposed scheme makes adequate provision for social housing as required by the legislation and policies currently in place. The suitability of tall buildings for residential accommodation will be addressed in the following section.

8.7. Microclimate and Residential Amenity

8.7.1. The assessment in terms of microclimate is split into two separate assessments, firstly, pedestrian wind comfort and distress and secondly, sunlight, daylight and shadow analysis. The assessments compared the proposed conditions relative to those prevailing. The third party appellants express concern regarding the impact of the proposed development on the amenities of future occupants and of existing occupants of adjoining properties and open spaces, in respect of downdrafts, wind tunnels and overshadowing.

Wind microclimate

8.7.2. The Wind Microclimate Assessment is contained in Chapter 13 of the EIAR and in the associated appendices. It was amended in the RFI submitted to the P.A. on 19/03/21. The assessment examines whether undesirable wind conditions would give rise to adverse effects on pedestrian safety and comfort. It was undertaken using a wind tunnel testing model for (1) the Baseline Scenario, (2) the Proposed Development with Existing Surrounding Buildings Scenario and (3) the Proposed Development with Cumulative Impact of Future Schemes Scenario. The assessment used several criteria to define the reaction of an average pedestrian to wind conditions for four different comfort activities. These are Sitting, Standing, Strolling and Walking, and beyond this, there is a fifth category of 'Uncomfortable'. The wind conditions for each activity were deemed unacceptable if the threshold wind speed

was exceeded for more than 20% of the time. Targets were set for different elements of the mixed use development, such as amenity areas, balconies, entrances and thoroughfares. Thus for example, the target for balconies would be standing, for amenity areas would be sitting, but for thoroughfares it would be strolling. The assessment also considered the impact of strong wind conditions.

- 8.7.3. The existing site is described as windy, which is not unexpected given the lack of shelter and proximity to the coast, with general conditions being suitable for standing to walking use during the winter season, and calmer in the summer. The proposed development is, however, expected to drastically alter the wind conditions. Oncoming winds would interact with the building massing, which would change the wind conditions on site. In addition, the proposed development would introduce new uses which would be more sensitive to wind microclimate.
- 8.7.4. The proposed development (RFI), in terms of Configuration 2 (Proposal plus Existing Surrounding Buildings and Proposed Landscaping) was assessed as being suitable for the intended use in respect of Entrances, Car Park, Ground Level and Roof Level Amenities. The majority of probe locations in the other categories were also found to be suitable for their intended uses with the exception of the top four balconies of Pin 1 (Probe 249), some Thoroughfares including Bastion Lane and Athy Passage (Probes 29, 72, 76) and some Podium Level amenity locations on Blocks 7 and 8 (Probes 58, 91 and 92). One instance of strong winds was identified for Probe 72. Mitigation was required for each of these locations. In Configuration 3, (Proposal plus Cumulative Surrounding Buildings and Proposed Landscaping), the same issues arose apart from Probe 92, and the Strong Wind incidence (Probe 72) which were resolved.
- 8.7.5. To reduce the identified impacts, mitigation measures were proposed and integrated into the design. These included the placement of 8 no. deciduous trees at Probe Location 72 on Bastion Lane, (which would be distributed in the gap between Blocks 8 and 9); the planting of additional trees on the podium of Block 8 – (7 no. deciduous trees on the southern half and 8 no. evergreen trees on the northern half of the podium – Probes 91 and 92); 4 no. evergreen trees distributed around the podium of Block 7 (Probe 58); and the provision of a solid balustrade of 1.5m height on the top of the four balconies to Pin 1 (Probe 249). Following mitigation, two small areas of pedestrian distress would remain, at Probe Locations 29 and 76. It is stated in the EIAR that these thoroughfares are located in areas where pedestrians are unlikely to

linger and would be passing by. As such, it was considered that no mitigation was required. In view of the small areas involved, this breach is considered acceptable.

- 8.7.6. In conclusion, having regard to the assessment of the microclimatic wind conditions associated with the proposed development, I am satisfied that following mitigation as proposed, the proposed development would not result in any adverse effects on pedestrian safety and comfort.

Microclimate Daylight and Sunlight

- 8.7.7. Daylight and Sunlight are addressed in Chapters 10 and 11 of the EIAR and associated appendices, as well as in the RFI - response to Item 8 - on 19th March 2021. The assessments have been carried out by ARC Architectural Consultants using the guidance in the Site Layout Planning for Daylight and Sunlight – Guide to Good Practice BRE Guide 2011 (BRE209) and British Standard BS 8206-2:2008 Lighting for Buildings – Part 2 Code of Practice for Daylighting. The assessment used digital modelling to cast shadows and then applied standards for acceptable sunlight and daylight.
- 8.7.8. Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The guidelines state that appropriate and reasonable regard should be given to quantitative approaches to daylight provision outlined in guides such as the BRE 'Site Layout Planning for Daylight and Sunlight (2nd Edition) or BS 8206-2:2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.
- 8.7.9. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution. The Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020 (as amended) also state that planning authorities should have regard to these BRE or BS standards.

- 8.7.10. The guidelines relied upon by the developer were the standards in the BRE209 report and BS 8206, but it is noted that British Standard BS 8206-2:2008 has been updated and has been replaced by IS EN 17037:2018 Daylight in Buildings. However, the relevant guidance documents remain those referred to in the Sustainable Urban Housing Design for New Apartments Guidelines for Planning Authorities and in the Urban Development and Building Heights Guidelines. As such it is considered acceptable that the guidance relied upon is the BS 8206:2008.
- 8.7.11. In addition, it is noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria. The BRE guidance states that although numerical guidelines are given, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design, with factors such as views, privacy, security, access, enclosure, microclimate and solar dazzle also playing a role in site layout design (Section 5 of BRE 209 refers). The standards therefore described in the guidelines are one of several matters to be considered in a balanced assessment of the site context and building design.

Daylight Internal to the Proposed Buildings

- 8.7.12. In general, Average Daylight Factor (ADF) is the ratio of the light level inside a structure to the light level outside of a structure, expressed as a percentage. The BRE 2009 guidance, with reference to BS8206 – Part 2, sets out minimum values for Average Daylight Factor (ADF) that should be achieved, these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidance notes that non-daylight internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley-type kitchen is inevitable, it should be directly linked to a well daylighted living room. This guidance does not give any advice on the targets to be achieved within a combined kitchen/living/dining layout. It does, however, state that where a room serves a dual purpose the higher ADF value should be applied.
- 8.7.13. The submitted report sets out the methodology in terms of the rooms selected for assessment. Detailed quantitative assessment of sample units was carried out, with emphasis on the worst case scenarios, such as lower floors, which was followed by analysis of potentially problematic unit types on each floor, and adjustments were made to the design and layout accordingly. The location of the sample study rooms

is shown in figures 1 and 2 of the submitted document and the results are set out in Table 2.1.

8.7.14. For living rooms, a 1.5% ADF is applied, for combined living/kitchen/dining rooms a 2% ADF value is applied and 1% for bedrooms. Of those rooms requiring assessment, all bedrooms and living rooms achieved ADFs above the BRE and BS 8206-2:2008 guidelines. In terms of Kitchen/ Dining/ Living Rooms, the vast majority achieved or exceeded the ADF targets, but two sample rooms achieved a level of daylight access slightly below the 2% recommended average. One was located in Block 7 (1.98%) and the other in Block 8 (1.85%). I consider the approach as set out to be robust and in accordance with best practice. I accept the conclusions that a large majority of units would meet or exceed the level of daylight access recommended in the BS standards. The planning authority was satisfied with the access to daylight for the proposed buildings and no third party objections have been raised in this regard. It is considered that this aspect of the proposed development is acceptable.

Sunlight in Proposed Outdoor Amenity Areas

8.7.15. Section 3.3 of the BRE guidelines state that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development. It is recommended that at least half of a garden or amenity area should receive at least two hours of sunlight on 21st March, in order to appear adequately sunlit throughout the year.

8.7.16. This issue is not specifically addressed in the submitted documents. However, it can be seen from the submitted shadow diagrams that the open spaces within the proposed development will receive far in excess of two hours or more of sunlight on 21st March and are therefore in compliance with the BRE standard.

8.7.17. **In conclusion**, I have had appropriate and reasonable regard of quantitative performance approaches to daylight provision, as outlined in the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. I am satisfied that the design and layout of the development has been fully considered alongside relevant sunlight and daylighting factors. The standards achieved are in

my opinion acceptable and will result in an acceptable level of residential amenity for future occupants, as per the Building Height and Apartment Guidelines.

Daylight – Vertical Sky Component (VSC) – Impact on Adjacent Properties

- 8.7.18. In designing a new development, it is important to safeguard the daylight to nearby buildings. BRE guidance given is intended for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms. The Daylight Analysis in the EIAR (Chapter 11), as amended by the RFI, notes that the existing buildings outside the application site, (which is a large brownfield vacant site, identified as a centrally located regeneration site), are likely to experience considerable change to the daylight environment, which is to be expected. A detailed analysis was carried out for a representative sample of sensitive receptors in buildings close to the site (Fig 11.1). The buildings selected included the Victoria Hotel, the Hardiman Hotel, Nos. 16 and 17 Eyre Square, the Methodist and Presbyterian Church and some building further down Queen Street. The results are set out in Table 11.1, with cumulative impacts set out in Table 11.2.
- 8.7.19. It can be seen that the potential likelihood for significant daylight impacts arises in the case of existing buildings with windows directly opposing and in close proximity to the new structures. The most significant effects are identified on bedrooms on the eastern side of the Victoria Hotel, with more moderate impacts on the United Methodist and Presbyterian Church and No. 16 Eyre Square. The P.A. raised concerns regarding the potential impact of Block 1 and Block 2 (Hotel) on neighbouring lands, notwithstanding the benefits of regeneration and the expectation of shadowed environments in the city centre. In addition, concern was raised regarding the likely impacts in terms of overshadowing, on the regeneration lands to the north of Ceannt Station, which are also the subject of a Masterplan proposal for a mixed use development. These matters formed Items 8(a) and 8(b) respectively of the Request for FI.
- 8.7.20. The results of the analysis set out in Tables 11.1 and 11.2 indicate that the impacts on the Victoria Hotel are likely to be Significant to Very Significant. In the sample representation, I note that the Vertical Sky Component is above 27% for just two of the four locations at present (existing situation), but would be significantly reduced for all samples. In addition, the mean VSC is likely to be less than 0.8 of the former value in all cases for this premises. The existing VSC values for a considerable

number of the properties assessed is also noted as being quite low, which is generally representative of a city centre location. [*The Board should note that a recent planning application P.A. Ref. 22/335 has been submitted (Dec 2022) to Galway City Council for a substantial extension (10-11 storeys) to the Victoria Hotel, immediately adjoining the western boundary of the site. This application is still awaiting a decision from the P.A. and a FI Request was issued on 20/02/23*].

- 8.7.21. The impact on many of the properties assessed is identified as either imperceptible or imperceptible to slight. The impact on the Church is assessed as Slight to Moderate. It is noted that the VSC would be reduced from c.32% to c.17% and the mean VSC would decrease to c.0.53 times its former value. However, the cumulative impact on the church (primarily due to the proximity of the permitted Student Accommodation), would increase the impact to Moderate to Significant. The impact on No. 16 Eyre Square is also assessed as Moderate to Significant as the VSC would decrease from 11.8% to 5.7%, with the mean VSC being 0.48 times the former value. However, the impact on No. 17 Eyre Square would not be significant.
- 8.7.22. The Response to the FI (Item 8a) states that a key part of the design of the proposal is to provide an active built edge along the public realm from Eyre Square to Ceannt Station. The public street created along Eyre's Walk is stated to be 11-14m, similar to that of Shop Street, and increases to 25m at the entrance to the station with a public plaza. It is argued that the presence of Blocks 1 and 2 at this location are important contributors to the creation of an active built edge along the public walkway and that the height of Block 1 has been minimised at 1 storey with plant above recessed. Block 2 has also been reduced in height by 5m. However, it is argued that reducing the height of Block 2 would not alter the overshadowing, even to the extent of removing the two pins entirely, as it would have no impact on the volume of overshadowing to the public realm outside Ceannt Station. Notwithstanding this, it is considered that the impact in terms of access to daylight created by proposed Block 2 on the guest rooms on the eastern side of the Victoria Hotel would be very significant.
- 8.7.23. The submitted Daylight and Sunlight Access Analysis Report by ARC assesses a representative sample of rooms and windows for detailed quantitative analysis at several properties in the vicinity as outlined in 8.7.17 above. I have reviewed the information submitted and accept the methodology adopted in the report. I further note that the baseline information in relation to levels, as submitted with this

application, was available to ARC consultants and I have no reason to believe the data as presented is inaccurate. It is noted that the tests/checklist for access to daylight, which are outlined in Figure 20 of the BRE Guidelines, are to be used as a general guide. The document states that all figures/targets are intended to aid designers in achieving maximum sunlight/daylight for future residents and to mitigate the worst of the potential impacts for existing residents. It is further noted that there is likely to be instances where judgement and balance of considerations apply.

Sunlight Access Impacts

- 8.7.24. Annual Probable Sunlight Hours (APSH) is a measure of sunlight that a given window may expect to receive over the period of a year. The percentage of APSH that windows in existing properties receive might be affected by a proposed development. The BRE Guidelines suggest that windows with an orientation within 90 degrees of due south should be assessed. The receptors most sensitive to changes in the daylight environment as a result of the construction of development on the application site would extend to the west to Queen Street and Victoria Place during the mornings throughout the year and for a short time in the afternoons in the autumn, winter and spring. The buildings identified as being most likely to be affected are the buildings along the western boundary, including the United Methodist and Presbyterian Church and the Victoria Hotel.
- 8.7.25. The analysis set out in Chapter 10 of the EIAR (as revised) provided an overview of both the potential effects of the proposed development and of the cumulative impact on the shadow environment from a combination of the proposed development with the Bonham Quay development (17/83) and the Student Accommodation permitted development on Queen Street (17/121). The likely cumulative impacts on the Victoria Hotel (Zones 11-14) and the Church (Zone 10) ranged from Moderate to Very Significant or Profound, with Moderate impacts also being likely at the rear of No. 17 Eyre Square (Zone 4) and at the hostel on Queen Street (Zone 9).
- 8.7.26. In response to the P.A.'s concerns regarding the impact of proposed Blocks 1 and 2 (Item 8(a) of RFI), it was stated that the assessment did not find there to be a likelihood of significant sunlight impacts on the surrounding buildings at Eyre Square or Victoria Place, the Hardiman Hotel or Ceannt Station and surrounds. However, it was acknowledged in the EIAR (as revised), that the cumulative impacts are likely to result in considerable change to the shadow environment such that access to

sunlight would fall below that recommended in the BRE Guide at certain properties on the west side of Queen Street and in certain rooms in the Victoria Hotel (eastern side) and in the Church.

- 8.7.27. It was concluded however, that having regard to the policies in the CDP which envisage major change to these lands which are designated as regeneration opportunity sites and to the national and regional policies seeking densification of urban areas such as this, the impact on the shadow environment is considered to be consistent with emerging trends. As noted above, there is a current planning application with the P.A. for an extension to the Victoria Hotel of 10-11 storeys, which is pending (status at time of writing this report – Further Information Requested 20/2/23).
- 8.7.28. In response to Item 8(b) of the RFI, which had erroneously referred to the impact on lands to the south rather than to the north of the site, the applicant carried out an assessment of daylight and sunlight impacts on the ‘Ceannt Quarter Masterplan’ to the north of the station. The assessment is based on a hypothetical development of these lands comprising a commercial development of 3 blocks ranging in height with a maximum height of 17 storeys. It was concluded that all rooms assessed would have the capacity to achieve adequate daylight and sunlight and that the amenity areas would also exceed the level of sunlight recommended in the BRE Guide.
- 8.7.29. The BRE guidelines recommend that at least half of a garden or amenity area should receive at least 2 hours of sunlight on 21st March, or not less than 0.8 of its current situation, in order to appear adequately sunlit throughout the years. The submitted Daylight and Sunlight Assessment notes that the analysis concluded that the shadows cast by the proposed development are not likely to extend to Eyre Square and would not result in a material change to the amount of sunlight in Eyre Square on the 21st March. Thus the proposed development would not have the potential to interfere with the amount of sunlight received and would not adversely impact the amenity area at Eyre Square, in accordance with the recommendations in the BRE Guide. I am satisfied that based on the layout, height and design of the development, in addition to the orientation of the site, and based on the data submitted, no significant impacts will arise.

Conclusions on shadowing issues

- 8.7.30. The proposed development relates to a brownfield and underused site which is largely vacant and is situated in the heart of the city centre, but which has been earmarked for regeneration and densification in the pursuit of compact growth and sustainable development. It is also situated in an area that is in transition, where permission has recently been granted for development at a higher density than the prevailing density in the city centre. There is also a current application for a 10-11 storey extension to the Victoria Hotel, (22/335), the decision for which is pending. I would accept, therefore, that the existing shadow environment is not consistent with that which would normally be expected in the heart of a city centre. It is accepted that the construction of any development is likely to result in dramatic changes to the existing shadow environment, particularly as these lands are envisaged in the CDP as being likely to experience major change and densification.
- 8.7.31. It is acknowledged that shadow impacts to commercial/retail uses would not be as significant as those in which there is a residential component. The adjacent buildings that are identified as being likely to experience a significant impact are largely located to the north and west, and do not have a residential component. The impacts in terms of daylight and sunlight on the Victoria Hotel and on the Church are considered to be quite significant, with other properties on Queen Street and Victoria Place also likely to experience a reduction in sunlight access, albeit to a lesser extent. In terms of the east-facing and north-facing windows of the Victoria Hotel, the impact would be quite profound, particularly in winter and with the cumulative impacts of the permitted development on adjacent sites. It is noted, however, that the annual probable sunlight hours and vertical sky component figures for these existing windows is also quite low.
- 8.7.32. It should be noted that the hotel has benefitted to date from largely unrestricted access to sunlight and daylight arising from the vacant and underused nature of this centrally located site. The planning application to extend the hotel by the addition of a 10-11 storey extension was submitted after the lodgement of the appeal for the current proposal on Augustine Hill. However, the continuation of the vacant status of the subject site, or consideration of a low-rise development on such a strategic site, would run contrary to the overarching policy basis for densification and regeneration of this area, and to the proper planning and sustainable development of the area.
- 8.7.33. It is noted that no mitigation measures have been put forward as the opportunities to do so were considered to be very limited. However, it should be noted that proposed

Block 2 (which would immediately oppose the elevation in question), has already been reduced in height by 5 metres in the RFI, and should the P.A. decision to reduce this block by a further two storeys be incorporated into any permission from the Board, this would reduce the height at this location even further. Although the mitigative effects of such a height reduction on the amenity of the Victoria Hotel are not certain, it is noted that no appeal or observation was submitted by the hotel, notwithstanding an objection to the planning authority. Furthermore, the proposal to extend the Victoria Hotel (22/335), if granted, would change the baseline scenario considerably.

8.7.34. In conclusion, I have used the Guidance documents referred to in the Ministerial Guidelines to assist in identifying where potential issues/impacts may arise and to consider whether such potential impacts are reasonable, having regard to the need to provide new homes in this central city area which has been identified for compact growth and regeneration with a significant residential component, and increased densities within zoned, serviced and accessible sites. I would accept that the proposed daylight conditions reflect what might be seen in a more densely arranged urban environment than that which currently exists on the site and surrounds at present. In meeting objectives to increase city centre densities and consolidate the core areas it is not unreasonable to expect that the overall resulting sunlight and daylight character would adapt to reflect this. Mitigation of all of the impacts is not possible and has to be balanced against the overall gain that will be achieved through the development of this inner city site. As such the anticipated impacts are not considered so significant as to warrant a refusal in this case.

8.8. Traffic and Parking

- 8.8.1. The Third Party appellants considered that the scope of the TTA was inadequate as the only junctions that were assessed were those closest to the development site. They also considered that the parking provision was excessive at 425 spaces overall and should be reduced to take account of the corresponding reductions in the residential component of the proposed development and in the no. of hotel bedrooms.
- 8.8.2. The First Party responded by stating that the scope of the TTA had been agreed with the P.A. in advance, as it was considered that development would help to fulfil the

objectives of the Galway Transport Strategy. It was further noted that the car parking provision had already been reduced to well below the CDP standards (2017). The P.A. considered the parking provision to be appropriate but stated that no objection would be raised to any further reductions should the Board consider this to be necessary. It was further considered that the proposed development is a highly sustainable form of development which would enable sustainable travel patterns to be secured.

Scope of TTA

- 8.8.3. Traffic and transport matters are addressed in Chapter 15 of the EIAR (as revised March 2021) and in the Traffic Impact Assessment and Mobility Management Plan (separate document), which were also updated as part of the RFI. Assessment and analysis of traffic related matters were carried out by ILTP Consulting on behalf of the developer. It is stated that regard was had to the Galway Transport Strategy, the current Galway CDP (2017) and to Smarter Travel: A Sustainable Transport Future.
- 8.8.4. The EPA's EIAR Guidelines (2022) state that the scope of an EIAR commonly emerges from a dialogue between certain participants, including the competent authority, other authorities/agencies, the public and competent experts on the developer's team. The planning authority appears to have been involved in the scoping for the EIAR, and neither Transport Infrastructure Ireland nor the NTA have raised any objections to the proposed development. As referenced previously, the proposed development was also subject to a public consultation exercise as part of the master-planning for the site.
- 8.8.5. The methodology and scope of the studies carried out is set out in 15.2 of the EIAR. It is noted that the baseline information for the EIAR was based on traffic count surveys undertaken in 2018 and 2019, as well as survey information on signal phasing, sight lines, traffic conditions, pedestrian and cyclist patterns and behaviours in the vicinity of the site. In addition, a study of public transport provisions in the area was carried out to determine the likely usage of public transport by residents, staff and customers of the proposed development. The Galway Transport Strategy (GTS), which seeks to reduce traffic levels and congestion in the city, proposes the implementation of an outer orbital route in order to reduce congestion in the city. The GTS also includes planned improvements for the wider road network, for upgrading of bus and rail services across the city, and for the bicycle network in both the wider

city and in the vicinity. However, in order to present a worst case scenario assessment, it was agreed with the P.A. to assess the projected traffic impact of the proposed development at Augustine Hill without the proposed Galway City Ring Road or other specific GTS measures in place.

- 8.8.6. It is noted that the planning authority's Transport Section initial report (June 2020) had considered that the projected volume of traffic generated by the proposed development had been underestimated and that the scale of the impact on the receiving street network needed to be revisited. It had, therefore, sought further information in respect of, inter alia, the traffic surveys, traffic generation rates and the methodology and assumptions regarding trip distribution and trip assignment to the street network. The P.A. had also requested revisions to the Mobility Management Plan, as it was not accepted that sufficient data had been provided in relation to the assumptions regarding the use of the train station, the car park management plan or to justify the future modal split targets for the development as a whole.
- 8.8.7. The RFI (Item 9, received 19/3/21) had included a revised TIA which incorporated additional information as requested such as a weekend transportation assessment, additional midweek/mid-afternoon peak hour information and traffic generated by the Bonham Quay development. This provided more accurate information about the likely impacts at times when the development would be attracting a higher usage rate, such as at weekends and in the afternoons mid-week. The analysis of trip generation had taken account of research which suggested that a significant number of trips to shopping centres are made by vehicles which are already on the road network. These trips are classified as pass-by trips (close to site), diverted trips (from usual routes) and transferred trips (from similar developments elsewhere).
- 8.8.8. The P.A. had considered that the 20% 'pass-by' rate was too high and more suited to a suburban shopping centre with a strong convenience shopping element and free parking. The P.A. had come to the view that the Ceannt Station site would have a considerable attraction rate and as such, the 'pass-by' rate would be more like 5%. The revised TTA used a pass-by rate of 15%, following further sensitivity tests. The TTA did not apply reductions in relation to diverted or transferred trips in order to ensure a robust analysis. Trip generation data was also required to be adjusted to account for Iarnród Éireann parking spaces, as these spaces would now be accessed from Lough Atalia Road. Trip generation and distribution data for Bonham Quay were also taken into account. These matters and several other issues were

addressed in the revised documents to the satisfaction of the planning authority. The Transport Section was satisfied with the RFI and made no further comments.

- 8.8.9. At 15.3.3 of the EIAR it is noted that, following pre-application discussions with the P.A., the developer had made a number of assumptions in respect of increases in traffic that might result from the proposed development. It was acknowledged that traffic patterns and growth rates in cities tend to differ between central areas and the suburbs, in that little growth in traffic tends to occur in the heart of a city whilst expansion in traffic growth continues outside of the centre. It was further noted that the redevelopment of city centres tends to result in more vibrant centres coupled with a reduction in traffic flows in the city core. This is stated to be partly due to the regeneration process, which reduces the need to travel, the distances required to travel and promotes greater use of public transport and other sustainable modes of travel. This is consistent with the surveys undertaken in 2018-2019 which showed a decline in the traffic flows in the vicinity of the site. It was further noted that the policy framework embodied in the CDP and the GTS seek an ongoing reduction in private car trips, in line with national policy. Notwithstanding this, the TIA applied a worst-case scenario by using TII Low Traffic growth rates for the Galway Metropolitan area up to the assumed opening year of 2027, with no growth up to 2041. This is consistent with the guidance provided by TII.
- 8.8.10. The site is located in a highly accessible central location within the heart of Galway city. It is strategically located directly adjacent to an existing transport hub which is designated for significant enhancement in terms of improved public transport services, together with proposed improvements to pedestrian and cycle networks. It is considered that the proposed development, which includes the provision of the vehicular access to the site from Lough Atalia Road (as opposed to Eyre Square), embraces the proposed enhancement of Ceannt Station as a reinvigorated and expanded transport interchange and prioritises pedestrian and cycle permeability through the site, is generally in accordance with principal aims of the GTS to reduce through-car movement and to prioritise public transport. Part of the overall strategy of the GTS to reduce congestion in the city is to implement an outer orbital route and to restrict traffic through the city centre. The GTS seeks to achieve these aims in the city centre by means of the 'city centre access network', which circumvents the core city centre area incorporating Lough Atalia Road as part of this network, and a new public transport 'Cross-City Link'.

- 8.8.11. The TIA and modelling results indicate that the proposed development will have no significant adverse effect on the capacity or operation of the surrounding network. The junctions assessed were in the vicinity of the site and all would operate within the design capacity. It was observed that during peak traffic conditions, queues from Dock Road often extended along Lough Atalia Road, indicating that the capacity issue was elsewhere in the network. Although the junctions that were assessed in terms of capacity and operation were close to the site, it is considered that the overall assessment was robust and comprehensive.
- 8.8.12. I am satisfied that the Traffic and Transport Assessment, as revised, is adequate and has been carried out in accordance with the guidance provided by TII.

Car parking provision

- 8.8.13. As originally submitted, the proposed development included a total of 572 car parking spaces to be accommodated in the Multi-Story Car Park (MSCP) in Block 7, which would be accessed from Lough Atalia Road. This included 332 managed commercial/retail car parking spaces, 110 residential spaces (for 376 units), and 130 spaces for Irish Rail (passengers and staff). Table 5.1 of the original TTA & MMP sets out the max. CPD parking standards in comparison to the spaces provided. The proposed parking provision of 572 spaces compared with a requirement of 1,958 spaces. The parking strategy included an overnight parking system whereby commercial parking spaces would be shared with residents. The P.A. however, objected to this provision and it was omitted.
- 8.8.14. The current proposal (as amended by RFI on 19/03/21) reduced the quantum of floor space for commercial retail uses and increased the number of apartments. The development as currently proposed incorporates carparking for a total of 425 spaces, of which 63 spaces would be for the 404 no. residential units, and 232 would be for the managed retail/commercial element. The figure of 425 spaces also includes the 130 Irish Rail parking spaces, (currently accommodated on the site, accessed from Eyre Square, and serving the train passengers and staff). The residential parking allocation represents a reduction from c.0.30 spaces per unit to 0.16 spaces per unit. It is still proposed to allow sharing of some commercial parking spaces with residential units in the form of visitor parking spaces. The allocation for the managed retail/commercial floorspace was also reduced by 100 spaces. The reduced parking

provision was based on the central location of the site, which was stated to be consistent with the guidance in the Apartment Guidelines 2018.

8.8.15. It is noted that Section 4.5 of the recently adopted CDP (2023) adopts a 'demand management approach' to car parking provision, where a differentiation in standard requirements is applied to proposed development based on spatial location, public transport services and whereby flexibility is applied to achieve performance based outcomes. The Regeneration and Opportunity sites in the City Centre are identified as being particularly suited to this approach. However, an exception is made in respect of the Ceannt Quarter

“ where there is an objective for the provision of a car park that can support the transportation hub and a substantial level of mixed-use development constituting an extension to the city centre”.

8.8.16. As outlined in the **Mobility Management Plan** accompanying the application and the target modal split provided at 11.9.4 and 11.9.5 therein, it is estimated that 20% of patrons and new employees will travel to work by private vehicle with a further 15% by carpooling/as passenger etc, and 10% by bicycle, 20% walking and 35% by public transport. In terms of the residential target modal split, the corresponding figures are given as 15% and 10% by car, 20% by bicycle, 20% by walking and 35% by public transport. These targets compare favourably to those set out in the Government's Smarter Travel policy document (2009-2040) which seeks an objective that by 2020, 10% of all trips will be made by bicycle and that car commuting be reduced from 65% to 45%.

8.8.17. The level of parking on the site has been established having regard to:

- The scale and impact of the development
- The strategic location of the site in the heart of the city with high levels of connectivity to shops, services and amenities as well as a high quality public realm within the site which provides permeability for pedestrians and cyclists
- The proximity of the site to Ceannt Station with its high frequency, high capacity public transport facilities
- The measures set out in the Galway Transport Strategy which seek further improvements to the public transport network and also to the cycling network in the vicinity of the site and to pedestrian facilities

- The generous cycle parking provision within the scheme, which includes 608 cycle parking spaces for the residential element and 620 cycle parking spaces for the commercial/retail elements/CIE Transport Interchange, and two cycle hubs within the development and
- The availability of other car parks in the area.

8.8.18. I would agree that the relaxation of the car parking provision is justified to promote alternative means of transport in accordance with the principles of the Government's **Smarter Travel A Sustainable Transport Future** and the transport demand management policies in the current CDP and in the GTS. In addition, the relatively low provision on site will provide an opportunity whereby the successful implementation of smarter travel measures can encourage employees to use more sustainable modes for their journey to work and residents, patrons in their choice of travel modes. In this regard the NTA in its submission to the Board supports the proposal as it seeks to maximise the use of this city centre site and to manage access by private car by departing significantly from the prevailing car parking standards.

8.8.19. The third party appellants have criticised the parking provision as being excessive. However, as set out above, the parking provision is significantly below the standards set out in the CDP. The total number of parking spaces to be provided is 425, but this includes 130 spaces for the CIE Transport Interchange. The analysis in the TTA included an investigation into the nature of the existing parking in the surface car park on the site, and it was established that the spaces were genuinely associated with the users of Ceannt Station, and the 130 spaces is intended to replace these spaces which will be lost by the development of the site. This leaves 295 spaces to serve the proposed development.

8.8.20. The proposed parking provision to serve the shopping centre, retail units, department stores, a 186-bed hotel, restaurants, cafes and community facilities (combined GFA of c. 42,000m²) is 232 spaces, and that dedicated to the residential use (404 units) is 63 spaces. The parking provision is considerably less than the capacity of other multi-storey car parks in the vicinity (Table 8.1 of the TTA & MMP). For example, the Eyre Square car park has 444 spaces and the City Centre Car Park has 480 spaces. It is noted that the ratio of spaces to commercial floorspace

and to residential units was reduced significantly in the RFI (by 100 spaces and from 0.3 to 0.16 spaces per unit, respectively).

- 8.8.21. The revisions required by the P.A. decision, if incorporated into the Board's decision, would reduce the number of residential units by 40%, from 404 to 246 apartments. The third parties considered that there should be a corresponding reduction in the number of parking spaces assigned to residential use. The P.A. has stated that it would not have an objection to this should the Board deem it necessary to do so. If the same ratio of 0.16 is applied, this would reduce the parking provision for residential by a further 24 spaces to 39 spaces, and the total parking provision on site to 255. Given the nature and scale of the project and the parking provision which is already quite low and which has already been reduced in the RFI, I do not feel that it is necessary to reduce the parking provision further. Furthermore, the 2023 CDP states that Ceannt quarter should be treated differently due to the need to support the transport hub and given the substantial level of mixed-use development on the site, which would represent an extension to the city centre.
- 8.8.22. Following the completion of the proposed development there will be a slight increase in average daily traffic flows on the roads near the site. However, all junctions will continue to operate within capacity for all scenarios tested. This will lead to a slight increase in driver delay in the area, but the effect is not significant.
- 8.8.23. A **Construction Methodology and Phasing Management Plan (CMPP)** has been prepared which, coupled with a **Construction Traffic Management Plan (CTMP)**, will detail mitigation measures to address impacts during the construction phase.

8.9. Sustainability and Climate Action

- 8.9.1. The third party appeals raise issues of sustainability, firstly, in terms of the proposed scheme which it is considered represents an unsustainable pattern of development and secondly, in terms of the sustainability of the project/buildings by reason of the embodied carbon in the design and use of materials.

Sustainability of development

- 8.9.2. The reason for questioning the sustainability of the scheme is grounded in the belief that the development does not contain a sufficient quantum of residential or affordable housing accommodation, which would give rise to an unsustainable pattern of development. This issue has been addressed in various topic areas

above. For the sake of efficiency, I do not propose to repeat these discussions but would refer the Board to sections 8.3 and 8.8 above.

- 8.9.3. I would accept that the proposed mix of uses and density of development, (subject to further revisions as discussed above), is appropriate for this strategically located central city site, which is proximate to a wide range of facilities and services and to high quality public transport. This form of development in the heart of the city would help to counteract the recent trends toward urban sprawl in the outskirts of the city, which have exacerbated unsustainable travel patterns, and would help to create a critical mass of development to provide for a new community in a new vibrant urban quarter which is highly accessible by a variety of modes of transport. In addition, the low level of parking provision together with the high level of cycle parking and facilities, would make a significant contribution to modal shift to more sustainable travel patterns.

Sustainability of buildings/project

- 8.9.4. The appellants criticise the One-planet document as being too generic and unambitious, with no specific proposals relating to Galway or with timelines given. They also believe that tall buildings consume more materials and have a higher 'embodied carbon' to deliver the same GFA. Criticism was also made of the methodology used to calculate the embodied carbon. It was pointed out that as the embodied carbon is committed up-front and cannot be mitigated once construction is complete, and as the GHGs will already have been emitted by the end of construction, emissions from the construction phase should not be averaged out over the 60 year life span of the project. It was submitted that the release of carbon emissions during the manufacturing, transportation, construction and end-of-life phases of the development must also be taken into account. In addition, the embodied carbon from the operational phase should be averaged out over the lifespan of the project and should be mitigated.
- 8.9.5. In response, the first party appellant absolutely refutes that the embodied carbon calculation is incorrect, as it was undertaken by specialists in accordance with the standard approach for all large scale projects. It was further stated that the embodied carbon estimates are not likely to be significant and would not have a significant impact on Ireland's ability to achieve the EU 2030 target.

- 8.9.6. I would accept that the issues of sustainability of both the project and the individual buildings appear to have been comprehensively addressed by the developer. In addition to consideration of the issue of Climate Impact in Chapter 9 of the EIAR (as amended), it is also addressed in several stand-alone documents submitted with the application. These submissions, which have been prepared by specialists in this area, include 'One Planet Action Plan for Galway' (Bioregional Development Group), the 'Building Life Cycle Report' (Aramark) and the Residential and Commercial Energy Statements (respectively) prepared by Ethos Engineering.
- 8.9.7. The '**One Planet Action Plan**' is based on ten sustainability principles which are aimed at maximising the environmental and socio-economic sustainability of the Augustine Hill Scheme. It was prepared by a sustainability charity on behalf of the developer and developed specific key objectives for the development proposal (Table 1.0). The ten principles of sustainability range from the health and happiness of the residents to the local economy, culture and community, transport, products and materials, zero waste and zero carbon energy. The approaches to achieving these objectives are set out in the executive summary (pages 3-5) and include the provision of air-tight, well ventilated homes, walkable pedestrianised site with green spaces, local employment opportunities, sustainability and cycle hubs, net biodiversity gain, water efficient development, use of building materials with reduced carbon emissions and highly energy efficient homes.
- 8.9.8. The One Planet Action Plan assesses the sustainability principles and specific objectives for the scheme against local and national policy objectives. It sets out the specific objectives and proposed sustainability features of the proposed development in relation to each of the ten principles. In Chapter 15 of the document, it models the ecological footprint for Galway and Ireland and sets out the key ways in which the proposed development will take action to reduce this. Chapter 16 summarises the measures that have been identified to meet each of the key objectives so that residents, workers and visitors can achieve a high-quality, low-impact lifestyle with the associated reduction in carbon and ecological footprints.
- 8.9.9. It is stated that
- “By meeting the sustainability objectives, the scheme at Augustine Hill can help the residents reduce their ecological footprint by a significant proportion from the estimated Galway baseline of 4.75gha (global hectares) and all-Ireland

average of 5.12gha, of which 60% is carbon. The most impactful actions for ecological footprint reduction will be the actions that relate to carbon reduction, specifically:

- Meeting NZEB standard and supplying low carbon energy to site with green tariff.
- Reducing the need to travel by road, supporting cleaner transport modes.
- Promoting low carbon business operations via green leases, and giving retailers the facilities that allow them transition to a more circular business model.
- Helping shift diets towards more local produce, more vegetables and a smaller proportion of meat and dairy by showcasing local food and onsite food growing.”

8.9.10. It is considered that the ‘One Planet Action Plan’ addresses the sustainability of the project in a holistic and comprehensive manner and that it incorporates measures and actions which are specifically designed to reduce the carbon and ecological footprints of the proposed development. I note that in the response to the third party grounds of appeal, the applicant advised (5.14) that it is intended to explore ways to eliminate the need for the natural gas top up for the peak load, which would make a significant contribution to achieving zero fossil fuel on site.

8.9.11. I would disagree with the third party’s assertion that this plan is unambitious and aspirational. It is further considered that the One Planet Action Plan provides a context within which the proposed development can be assessed against the new policy objectives contained in Chapter 2 of the Galway City Development Plan 2023-2029. The proposed development is considered to be generally consistent with the goals and objectives contained in this chapter including Policy 2.2 – Climate Change and Policy 2.4 – Sustainable Building Design and Construction.

8.9.12. In addition, the **Energy Performance** of the **residential** component and of the **commercial** component of the development are specifically addressed in two further separate documents. The energy performance is measured against the legislative and policy requirements for energy performance and carbon dioxide emissions which are set out in the Part L of the Building Regulations. (The relevant standards for the residential component are contained in Technical Guidance Document, Part L 2019

– Conservation of Fuel and Energy – Dwellings, and for the commercial component - Part L 2017 – Conservation of Fuel and Energy 2017- Buildings Other Than Dwellings). The Part L document is also referred to as the NZEB, and the principles underlying it are energy demand reduction through passive measures and increased supply from renewable and efficient sources. The Energy Statements indicate that the proposed development will meet or exceed the requirements of Part L of the Building Regulations. The energy and servicing strategy would ensure compliance with these standards and would also achieve an A2 BER.

8.9.13. **Embodied carbon** is the carbon dioxide emitted not only during the operational life of a project, but also during the manufacture, transport and construction of building materials together with site activities. This concept is further refined in the term ‘**upfront embodied carbon**’. This is defined by the Irish Green Building Council as follows:

The emissions associated with all the activities of procuring, mining, harvesting raw materials, transforming these materials into construction products, transporting them to site and incorporating them into a building, and subsequently maintaining, replacing and removing and disposing at the end of their life.

Thus, the carbon emissions released before the building begins to be used are referred to as ‘upfront carbon’. It is generally acknowledged that this element is rising as a proportion of GHG emissions associated with the whole life cycle carbon of the building, due to the increasingly high standards required by Part L of the Building Regulations, which results in lower operational carbon and use stage (maintenance) carbon.

8.9.14. Chapter 9 of the EIAR addresses this issue. The embodied carbon emissions associated with the development were calculated using emission factors published by the Civil Engineering Standard Method of Measurement (CESSM) and by the Inventory of Carbon Energy (ICE). They were calculated under several headings representing various materials and construction processes from pre-construction phase to removal of waste material off site and including GHG emissions from materials, construction activities and transport emissions associated with the different phases. The Total Construction Phase Emissions were calculated as 52,260 Tonnes CO_{2e}. The embodied carbon associated with the construction

materials is stated as representing the largest contributor to greenhouse gas emissions during the construction phase, at 88% of the total, as can be seen from Table 9.6. This is effectively the upfront EC emissions.

- 8.9.15. The EIAR (9.5.1.2) states that the total construction phase emissions (52,260T CO_{2e}) can be averaged over the full lifetime of the development, which has been assumed to be 60 years. This would amount to 0.001% of Ireland's national GHG emissions in 2019 or 0.003% of Ireland's 2030 target. As stated previously, the third party appellants took issue with the averaging out of the embodied carbon over the lifetime of the project as the upfront carbon will have been released prior to occupation of the development and cannot therefore be mitigated following construction.
- 8.9.16. The First Party in its response to the grounds of appeal (19/07/21) replied that averaging out the embodied carbon over the lifetime of the development is a standard approach for large infrastructure projects such as wind farms where embodied carbon would make up a significant contribution (5.13). However, it was stated that if the embodied carbon from the construction phase was averaged out over the construction period (7 years), which would equate to 7,466 tonnes CO_{2e} p.a. when this was compared to the Climate Action Plan (2019) Built Environment Target of 5 MtCO_{2e} for 2030, it was estimated that the GHG emissions associated with the proposed development (averaged over 7 years) would amount to 0.15% of the CAP target (or 0.02% of the EU 2030 target). (Although two further Climate Action Plans have been published for 2021 and 2023, the 2030 targets remain the same). It was pointed out that as the extent of the material specifications will not be known until the detailed design stage, the figures produced in the EIAR are the best estimates and may differ depending on the materials selected. The incorporation of more 'carbon friendly' materials will also mitigate the climate impact further as it will reduce the overall embodied carbon of the development. Furthermore, the reuse of materials, the reduction of wastes and the sourcing of materials locally will also reduce the embodied carbon. It was concluded that the estimated embodied carbon associated with the proposed development is not predicted to have a significant impact on Ireland achieving the CAP or EU 2030 targets.
- 8.9.17. It is considered that the various stages of the construction lifecycle have been included in the calculation of the embodied carbon of the construction phase, as set out in the EIAR and response to the grounds of appeal, as summarised above. It is noted that the embodied carbon associated with the operational phase has been

assessed in relation to the potential for increased traffic volumes (9.5.2.3). The results show that CO₂ emissions in the opening year (2037) and the design year (2042) would be increased by 0.00013% of Ireland's 2030 target, which would have an imperceptible impact. However, the embodied carbon associated with the energy used to operate the development or to maintain the buildings etc., which would contribute to the whole lifecycle of the development, do not appear to have been specifically set out in the EIAR. Notwithstanding this, at 9.7.2.2, it is pointed out that the Residential and Commercial Energy Statements (Ethos Engineering) had also outlined how the proposed development will meet NZEB (Nearly Zero Energy Buildings) and the requirements of Part L of the Building Regulations, which in turn stipulate requirements on minimum renewable contribution, minimum fabric and air permeability requirements, maximum energy use and carbon dioxide emissions.

8.9.18. It is acknowledged that that a new-build development, such as that proposed, will have a significantly higher up-front embodied carbon compared to refurbishment projects. It is also accepted, however, that the proposed development is designed to be highly energy efficient in terms of its energy performance, with a nearly zero or very low amount of energy required, which will comply with or exceed the Part L Regulations (NZEB). This matter is ultimately dealt with separately to the planning code under the Building Regulations. It is further noted that the overall design of the project incorporates a high level of natural lighting and ventilation, the use of high quality, long lasting materials which will be low in maintenance. Thus, it is likely that the overall development would have a low embodied carbon associated with the operational phase.

Changes in Climate Action policy since P.A. decision

8.9.19. As stated previously a new Development Plan for Galway City came into effect on the 4th January 2023. This Plan incorporates a new chapter – Climate Action – which sets out the policies and objectives of the planning authority to mitigate and adapt to climate change and facilitate a transition towards climate resilience and carbon neutrality. It is stated that the Plan, which has been framed by the Core Strategy, has been prepared in line with climate legislation and align with national ambition on climate action. In addition, climate action has been integrated into the policies of the development plan. Section 2.4 sets out how climate action policies have been integrated into each chapter of the CDP.

- 8.9.20. It is noted that at the time of writing this report, a new Climate Action Plan (2023) was in place and that a further Climate Action Plan (2021) had been published following the P.A. decision and lodgement of the appeal. These Climate Action Plans supersede the CAP relied upon in the EIAR. The publication of annual CAPs arises from the Climate Action and Low Carbon Development (Amendment) Act 2021, which places the national climate objective on a statutory footing. The Act requires Ireland to achieve a 51% reduction in emissions by 2030 (relative to 2018 levels) and net-zero emissions no later than 2050. It also requires that the annual update of CAPs be supported by a system of carbon budgeting and sectoral emissions ceiling targets.
- 8.9.21. The carbon budget represents the total amount of emissions, measured in tonnes of CO₂ equivalent that may be emitted by a country/region during a specific time period. The sectoral emissions ceilings represent the maximum amount of GHG emissions permitted within different sectors during a carbon budget period. The first carbon budget was approved in April 2022 and forms part of a series of three 5-year carbon budgets for Ireland, within which the sector-specific ceilings operate. The sectoral emission ceilings were approved by the Government in July 2022. These are set out in Table 3.2 of the CAP 2023.
- 8.9.22. The national emissions reduction targets for the Built Environment are indicated as 4-5 Mt CO₂ (Residential) and 1 Mt CO₂ (Commercial) by 2030 (i.e. over two carbon budget periods). This is broadly similar to the targets set out in the previous CAPs. The targets for the transport sector are 6-10 Mt CO₂. The measures and actions required to achieve these and other sectoral targets are set out in the CAP 2023. It is also proposed to identify additional abatement measures to further reduce emissions for the next carbon budget period.
- 8.9.23. The measures/actions include improving the fabric and energy efficiency of the existing building stock in terms of retrofitting, strengthening the Building Regulation, supporting the development of district heating, electrification and geothermal heating in order to reduce dependence on fossil fuels. It is further stated that the introduction of NZEB for new dwellings has resulted in the effective phasing out of fossil fuels as the heat source, and that the effects of high regulatory standards will continue to be seen as we move towards carbon neutrality and resilience. Actions also include that all new dwellings will be designed and constructed to Nearly Zero Energy Building (NZEB) standard by 2025 and Zero Emissions Building (ZEB) by 2030.

- 8.9.24. It is stated (14.3.1) that as technology and construction evolves, policy and regulation will continue to change, setting high standards in relation to construction and materials. It is anticipated that the EU Energy Performance of Buildings Directive will be finalised in mid-2023. This will include a new ZEB standard and mandatory Whole of Life Carbon Assessments at building design stage. It is considered that these measures will require industry stakeholders to increase the use of low carbon materials and technologies in construction and will develop a framework for calculating the embodied carbon of a building in accordance with international best practice.
- 8.9.25. **In conclusion**, it is considered that the proposed development at Augustine Hill would result in a highly sustainable mixed use development due to the nature and mix of uses within the scheme, including a significant quantum of residential development, combined with its strategic location in close proximity to a wide range of services and facilities and to the high frequency public transport interchange. In addition, the provision of a substantial range of new shops, cafes, restaurants and community facilities and directly adjacent to the established city core would expand the range and quantum of city centre services which would enhance the attractiveness and sustainability of the city centre, reducing the need to travel and promoting sustainable travel within the city. It is considered that Augustine Hill has been designed to maximise the environmental and socio-economic sustainability of the scheme with a very high level of energy efficiency and a low level of embodied carbon. The objectives set out in the One Planet Action Plan, which are based on 10 sustainability principles, include achieving a net-zero carbon emissions rate from all building services, use of green lease arrangements with commercial tenants, restrictions on use of materials in buildings to minimise carbon emissions, minimising car parking provision and promoting sustainable transport initiatives.
- 8.9.26. The applicant has also given commitments that as the design evolves, further measures to achieve greater energy efficiencies and continued reduction of embodied carbon associated with the development will be identified and implemented. It should also be noted that the planning authority's split decision, if implemented, would further reduce the embodied carbon emissions associated with the development.

8.10. Other Issues

Adequacy of wastewater treatment

- 8.10.1. The third party appellants have raised the issue of deficiencies in Galway City's wastewater treatment network. The claimed deficiencies relate to leakages in the stormwater overflow network resulting in untreated effluent being discharged into the River Corrib, which ultimately reaches both Lough Corrib SAC and Galway Bay SAC. It is asserted that the proposed development is premature pending the resolution of these wastewater issues. The proposed development, it is stated, will increase pressure on the system which will result in a cumulative impact, which is unacceptable. It is further claimed that the local authority is failing to meet some of their requirements under the Waste Water Discharge Licence granted in 2010 in respect of the city's wastewater treatment plant at Mutton Island.
- 8.10.2. The applicant submitted a Civil Engineering Infrastructural Report which addressed the issues of surface water and wastewater drainage and treatment and water supply. These issues are also addressed in Chapter 8 of the EIAR. It is noted that the existing wastewater system comprises combined sewers on Queen Street and Bothar na Long. There is a 950mm diameter sewer crossing the site. The existing buildings on site are largely disused apart from the enterprise building for start-up companies in the centre of the site. However, foul drains from the railway station are also likely to drain into the 950mm sewer, but it is stated in the EIAR that these will be addressed by means of diversion or otherwise. The proposed development will discharge to the 450mm public combined sewer.
- 8.10.3. The foul water volume was calculated on the basis of 150 l/person/day (dry weather flow). The proposed foul network within the site consists of 150mm diameter pipes of at least 14 l/s (at 1:100) and 225mm pipes of at least 21 l/s (at 1:200), and the proposed connection to the public sewer is also a 225mm diameter pipe. As such, the capacities were all described as being more than adequate to accommodate the estimated flows in the EIAR. It is noted that the application was accompanied by a Confirmation Feasibility Letter from Irish Water and that the EIAR assessment concluded that with the proposed measures in place, there are no likely significant effects on the hydrological environment associated with the proposed development. This is re-stated in the first party response to the grounds of appeal and it is further

stated that all sewer connections will be made with the approval of Irish Water and the Local Authority and checked prior to commissioning.

- 8.10.4. The planning authority in its response to the grounds of appeal noted that the application was accompanied by a comprehensive level of information with regard to site services, which have been reviewed by the planning authority and prescribed bodies. It is pointed out that Irish Water did not raise any concerns and had stated that the proposed connections to foul and water networks are feasible. Reference is made to Condition 48 of the P.A. decision which states that the applicant must sign a connection agreement with IW and adhere to the standards and conditions attached to same and that it will be subject to the IW Capital Investment Programme. It is further noted that the P.A. Environment Section had not raised any concerns regarding the proposed development during the application process.
- 8.10.5. Irish Water, as the body charged with the provision of water services infrastructure and treatment facilities in the city, is responsible for developing and improving the wastewater and water services and infrastructure to support the planned development of the city as set out in the Development Plan, and is required to do so in order to achieve the required environmental and public health standards. It is noted that Mutton Island WWTP and the associated overflows along the network, operates under EPA Licence D0050-01 and the overall network is required to meet environmental standards. Mutton Island WWTP has a current design capacity of 170,000PE and the current load (as reported in the AER 2021) is c.103,000, and therefore is acknowledged as having sufficient capacity to accommodate the projected growth of the city over the remainder of the decade. The Annual Environment Report 2021 confirms that the plant is compliant with emission limit values and is operating within its capacity. The impact of the proposed development on the overall discharge is therefore likely to be negligible.
- 8.10.6. Notwithstanding the adequacy of the capacity of both the Mutton Island plant and the proposed foul water drainage network to serve the development, the concerns raised by the third parties related to the surface water overflow incidents (SWOs) that have occurred in the wider sewer network serving the City of Galway, which it was believed had not been fully addressed in successive AER reports. The concerns focussed on the uncontrolled release of untreated sewage, prior to arrival at Mutton Island WWTP, through the SWOs into Lough Corrib SAC and Galway Bay SAC. It was asserted that the additional units of accommodation, together with the proposed

commercial development GFA, would be likely to increase the sewage output and therefore result in increased leakages of sewage into Galway Bay.

8.10.7. Brendan Mulligan makes specific reference to a number of SWOs along the network in the context of the asserted failure by IW to comply with Condition 5 of the Discharge Licence (requiring a Programme of Improvements for Storm Water Overflows to be addressed). It is pointed out that, in the 2020 AER, of the 13 SWOs identified for improvement, only one is said to be meeting the DoEHLG Criteria. I note that this has been increased to two SWOs in the more recent 2021 AER. Further criticism is made in the grounds of appeal of the apparent lack of progress with the 'Drainage Area Plan'. On this basis, it is asserted that the proposed development is premature pending resolution of these matters.

8.10.8. I note that in the 2019 AER there were 6 reported incidents of uncontrolled releases (3.2.1), but that this was reduced to 3 incidents in the 2021 AER. It is not entirely clear whether these three incidents related to SWOs. The report on 'Progress Made and Proposals being Developed' (4.2) indicates that several of the works identified have been completed and the remainder are at planning stage. In terms of the latter status, the report further indicates that these works are to be undertaken as part of the 'Drainage Area Plan' which has a completion date of 2024. It is acknowledged, therefore, that there are several issues on the wider network requiring attention that have been identified in the AERs. However, no evidence has been presented to indicate how environmentally significant such incidents of non-compliance may be, whether any deterioration of water quality has been linked to such incidents, or the frequency of such incidents. It should be noted that neither the Local Authority Environment Section nor Irish Water have raised any concerns regarding the capacity of the wastewater treatment system, which includes the stormwater overflows along the network, to accommodate the discharges from the proposed development.

8.10.9. It is further noted that as part of the preparations for the management of the growth of the city, a Drainage Area Plan is being prepared for Galway City which is due for completion in 2023. I note from the recently adopted City Development Plan 2023-2029 (Water Services, Section 9.4), that this plan will "assess the wastewater network in detail to identify issues and needs" and that a 'Network Development Plan' will also be advanced as a "high-level study to help inform servicing of

undeveloped zoned sites within the city”, in the context of the planned city growth. It is stated that the Council will continue to work with IW in order to -

“progress matters such as sewer rehabilitation activities, capital maintenance activities, stormwater overflow monitoring and will continue to monitor the performance of the network to ensure that the most urgent works are prioritised as required.” (9.4 CDP 2023-2029)

It is considered, therefore, that the necessary measures to maintain and rehabilitate the sewer network, including any upgrades to the stormwater overflows, will continue to be progressed by the local authority in conjunction with Irish Water, which appears to be conducted on a rolling programme in accordance with the urgency of the deficiencies identified within the network.

8.10.10. It is also worth noting that the proposed surface water network is addressed in the EIAR (Chapter 8). It is stated that at present, surface water from the site is drained by the existing 225mm diameter surface water pipe, which is connected to the 450mm public sewer on Lough Atalia Road, and which is likely to outfall to the sea at Galway Bay. The site is largely covered in hard surfaces with no SUDS measures in evidence. The proposed new independent surface water drainage system will discharge to the public sewer at the manhole junction of Queen Street and Bothar na Long. I note that this would be designed in accordance with the principles of SUDS and measures will include green roofs, permeable paving, bio retention systems, tree pits and on-site surface water retention. The surface water discharge will be at greenfield rates. It is likely, therefore, that the surface water discharge from the proposed development would be considerably less and more controlled than it is at present, which would have a beneficial effect on the overall existing network.

8.10.11. **In conclusion**, it is considered that the capacity of the existing wastewater network and of the proposed internal site network would be adequate to accommodate the estimated flows that would be generated by the proposed development. The Ceannt Station lands have again been identified as a major regeneration site in the recently adopted Development Plan for the city. In addition, the proposed new surface water network will result in improvements to the surface water discharges from the site. The applicant will be required to sign a connection agreement with Irish Water, which is the body responsible for the provision of and management of wastewater services

for the city and the proposed connection will be subject to the infrastructural capacity requirements of IW.

- 8.10.12. The concerns of the third party appellants regarding SWO incidents on the network are acknowledged. However, no information has been presented to show that there has been a deterioration in water quality as a result of such incidents. Furthermore, as the Drainage Area Plan for Galway, (which is being progressed by the City in conjunction with IW), is designed to identify and address wider network issues including monitoring, maintenance and rehabilitation of the sewer network, it is considered that any outstanding issues on the network will be addressed in due course, in order of priority. In light of the above, it is considered that the proposed development is unlikely to result in any significant effects on the hydrological environment or on the overall water quality status of Galway Bay. I do not consider, therefore, that the proposed development would be premature in respect of the existing wastewater network in Galway.

Duration of permission

- 8.10.13. The third parties believe that a 10-year permission would be inappropriate as the applicant has indicated that the proposed development could be completed within 4.5 years, and as such, a 7-year permission would be adequate. In the response to the grounds of appeal (15.5), the first party states that given the complexity and scale of the development, a 10 year timeframe is appropriate. The rationale provided included the time required for excavation and removal of material off site, as well as a certain amount of time needed to meet compliance conditions, developing the detailed design and tendering for construction works. Once construction is scheduled to commence, it is stated that time for mobilisation will need to be accounted for and towards the end of construction, time for fitting out commercial units and for any agreements with management companies for the residential pins.
- 8.10.14. I would agree that given the scale and complexity of the proposed development, a 10-year timeframe seems appropriate.

Phasing

- 8.10.15. Concerns were raised in the TP appeals regarding the potential for front-loading the commercial components of the development at the expense of the residential component and it was stated that the impact of Condition 13 of the P.A.'s decision (which required a revised phasing programme to be agreed), was unclear. The First

Party has addressed this issue in the Response to the grounds of appeal (5.12) and it is also raised in the First Party grounds of appeal, (4.4 - Appeal against Condition No. 13). The latter is addressed in 8.11 below.

- 8.10.16. It is noted that the phasing plan incorporates flexibility to allow for changes in market conditions and commercial considerations, as requested by the P.A. The first party denies that the commercial elements would be front-loaded as the phasing plan is designed to deliver the development in 'clusters'. The first cluster would comprise Blocks 01, 02 and 05 (which relate to offices, hotel and Independent Living Units), and would take an estimated 28 months to deliver. The second cluster which would take 36 months to complete would comprise Blocks 07 and 09, excluding the residential tower Pin 1 (B7), which would be in the fourth cluster. The third cluster would comprise Blocks 06 and 08 and would take 30 months to complete. It is clear from the construction Management Plan phasing that the clusters would be progressed simultaneously as the total number of months given is 54 (i.e. 4.5 years), but the sum of the times given for the individual phases amounts to 111 months, which is 9.25 years.
- 8.10.17. It is noted that significant elements of the residential component would be delivered in the initial clusters as Block 5 is the Independent Living Units and Block 9 was proposed as part of Cluster 2. However, the Board will note that the residential element of Block 9 is to be omitted as per the P.A. split decision. It should further be noted that as part of the first party appeal, the developer is seeking permission for Block 9 residential element and for the phasing scheme to be agreed between the P.A. and the developer.
- 8.10.18. The first cluster is located at the north-western end of the site, immediately adjacent to the Bonham Quay development (which is progressing at the moment) and to the permitted student accommodation on Queen Street. Much of the development associated with these blocks is located at a substantially lower ground level, and it would make sense to commence with this part of the overall development. It would also enable the early delivery of a mix of uses with a hotel, offices/retail and a significant element of housing in Block 5. However, it is noted that Block 4 (conversion of the stable block), which is also at the same lower ground level, is not specifically listed as part of this cluster, although it is stated that Blocks 3 and 4 will be carried out in line with a 'flexible timetable'. I note the P.A. was dissatisfied with

this part of the phasing plan and sought amendment as part of Condition 13 to address this issue, which will be discussed in 8.11 below.

- 8.10.19. It is considered that Blocks 7, 8 and 9 are also critical elements of the overall scheme that should be provided early on, as they will enable the streets and public realm infrastructure to be provided. I note that the P.A. condition 13 sought amendments to ensure that certain elements of the public realm enhancement would be delivered as part of the first phase. This will be addressed at 8.11 below. As the residential pins are located above the commercial podium levels, it is inevitable that a substantial part of the commercial development will be developed in advance of the residential. However, the clustered approach is likely to result in a good mix of uses being delivered in tandem with each other, as the construction of the clusters will overlap.
- 8.10.20. It is considered, therefore, that the proposed phasing plan is acceptable in principle, subject to further discussion below (8.11).

8.11. First party appeal against Condition Nos. 4, 13, 26-29, 37 and 40

Condition 4 - Financial contribution

- 8.11.1. The first party appellant is seeking the ability to make phased payments of the financial contribution in accordance with the phasing of the proposed construction works. The planning authority has no objection to this request in principle. However, it is stated that this would normally be at the discretion of the P.A. and would be agreed prior to commencement, in compliance with the standard condition.
- 8.11.2. The contribution payable as per condition 4 is €4,025,290. It is considered reasonable that this could be paid in phased payments as agreed between the planning authority and the developer, prior to commencement of development.

Condition 4 should therefore be **amended** to include the provision to pay the financial contribution in phased payments.

Condition 13 – Phasing

- 8.11.3. Condition 13 reads as follows:

Condition 13

Prior to the commencement of development, a revised phased construction programme shall be submitted for agreement in writing with the planning authority which shall include for revisions in the scheme as required under this grant of permission and for inclusion of Block 4 in the first construction phase, described in the access off Bothar na Long/Coalyard Walk and all associated landscaping and public realm enhancement shall be completed in association with Cluster 2. This order of development shall be included in the revised construction programme unless otherwise agreed with the planning authority.

Reason: *To provide for the orderly development of the site and to ensure that key planning gain elements are delivered corresponding with construction phases as required under section 10.2.1 of the City Development Plan 2017-23*

8.11.4. The first party has requested that the wording of this condition be amended to reflect the outcome of the appeal against the split decision and conditions 6, 7, 8 and 9. In addition, the first party is seeking amendment to the wording of this condition to enable the developer to agree the phasing of the construction works with the planning authority as it is believed that the ultimate sequencing of the works should be determined by the developer, with the agreement of the P.A.

8.11.5. The P.A. in response (20/07/21) has advised that the purpose of this condition was to ensure that Block 4 (Stables Building – Food & Beverage/public realm works) would be completed as part of the first phase and that Block 3 (Train Shed), together with the works to facilitate access from Bothar na Long/Coalyard Walk and all associated landscaping and public realm enhancement, would be completed as part of the second phase. Reference was made to Specific Objective 10.2.1 of the former Galway City Development Plan (2017), which influenced the wording of this condition, which stated -

Any scheme for redevelopment should have a phasing programme that demonstrates delivery of public benefits corresponding with each stage of construction such as public square/cultural facilities.

It was stated that the P.A's position on this matter had not changed and that these buildings and public realm works should be 'front-loaded' to provide any benefits to the public, early in the construction period. It is noted that this matter has been addressed in Policy 10.5 of the new CDP (2023) which includes the following requirement in respect of the site

Include a delivery strategy and phasing programme which demonstrates delivery of public benefits corresponding with each stage of construction such as a public square/cultural facility. The phasing programme should also be so designed that it is sensitive to market changes and that development of each phase can be, as far as is feasible, completed to a level that is self-contained and will not result in a negative visual impact on any publicly exposed area for a long period.

- 8.11.6. I note from the developer's Outline Construction Management Plan – OCMP - (as revised March 2021), that it is intended to construct the project in a number of phased clusters, which would overlap to some extent, prior to handing them over (as discussed in 8.10 above). However, it is stated (7.1) that as the exact number of phases and the make-up of each will be subject to market conditions and commercial considerations at the time of construction, the phasing plan is currently in outline form. Appendix 2 of the OCMP sets out the outline programme and sequencing. This indicates that the construction of Block 4 would be likely to commence two years after the start of the construction stage and that the construction of Block 3 would not commence for a further 6 months after that, although these works are annotated as 'flexible delivery'.
- 8.11.7. The planning authority's objectives of seeking to have Block 3 and Block 4 constructed earlier in the overall programme and to seek the early provision of pedestrian/cycle through-routes within the site linking Eyre Square with Bothar na Long, close to the Lough Atalia Road end, seem reasonable and worth pursuing. As stated previously, Block 4 is at a significantly lower ground level and is located at the Queen Street end of the site, and the delivery of the Stables Block, (together with the associated F & B uses and public realm enhancement works), in conjunction with Block 5 would seem appropriate. The entrance from Bothar na Long already adjoins the recently constructed Bonham Quay development and since Block 10 has been omitted from Augustine Hill, it seems conceivable that Coalyard Walk could be part of the early delivery phases also. Blocks 1 and 2 would provide the visual focus of the development when viewed from Eyre Square and from Ceannt Station, and Block 3 with the associated civic plaza, would generate significant footfall throughout the site from the northern end. However, Block 3 and its extension are quite close to Ceannt Station, which is also due to undergo significant works which may influence the timing of these works.

8.11.8. Notwithstanding the justification for these objectives, however, I would accept that the Augustine Hill project is a particularly large and complex development, in terms of the overall use mix and the vertical and lateral range and expression of these uses, together with the significant variation in levels across the site which are reflected in the design and layout of the project. This will result in a series of external stairs and other measures employed to provide accessible linkages through the development. As such, the phasing and sequencing of the project is likely to be a key consideration in terms of its design and delivery, which may need further refinement post-permission, as the construction phase moves into the detailed design stages. It is, therefore, considered that Condition 13 should be amended to facilitate a more flexible approach to the phasing of the construction works, which should be determined by the developer with the agreement of the planning authority.

8.11.9. I would suggest that, should the Board be minded to grant permission for the scheme as revised by the FI submitted in March 2021 and by the P.A.'s split decision as discussed above, **Condition 13 be omitted and replaced by the following wording -**

The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall prioritise the delivery of pedestrian priority routes, public realm enhancements, public squares and cultural facilities and the food and beverage uses associated with Blocks 3 and 4. The phasing scheme shall be submitted to and agreed in writing with the planning authority prior to commencement of development. In the event of any disagreement on phasing between the developer and the planning authority, the matter shall be referred to An Bord Pleanála for determination.

Reason: *To ensure that key planning gain elements are delivered as early as possible in the construction phases as required under Policy 10.5 of the City Development Plan 2023-2-29 and to ensure the timely delivery of services and amenities for the benefit of the occupants of the proposed residential units.*

Conditions 26-29 and 37 – Detailed design matters

8.11.10. Conditions 26-29 read as follows:

Condition 26

Prior to commencement of development, specific details of all the external finishes to the development, including materials, colours and textures of the buildings, shall be submitted to the planning authority for written agreement. This shall include for a revised brick type to block 5. Such finishes and materials shall be of the highest quality. Detailing of elevations shall be demonstrated where appropriate by construction of sample panels.

Reason: In the interest of orderly development and the visual amenities of the area.

Condition 27

Prior to commencement of development a co-ordinated overall design shall be submitted to be agreed in writing with the planning authority for all external and internal signage, including any temporary construction hoarding signage, associated with the development. Use of the Irish language/Bi-lingual signage shall be incorporated within the signage regime.

Reason: in the interest of visual amenity and orderly development.

Condition 28

Prior to the occupation of the development the developer shall submit a Wayfinding and Road Marking Strategy for the periphery of the site and where relevant for the internal routes, this shall include for all access points in compliance with relevant national guidelines. The strategies shall include information for all users and shall be implemented in accordance with a programme to be agreed in writing with the planning authority.

Reason: In the interest of legibility, traffic safety and the proper planning and sustainable development of the area.

Condition 29

Prior to the commencement of development, specific details of a signage regime shall be submitted that includes for the design discipline for all commercial signage, shopfronts and internal wayfinding. This regime shall be submitted to the planning authority for a written agreement and should include for high quality finishes and specification and sensitivity in design where associated with protected structures. Such signage shall include for use of the Irish language.

Reason: In the interest of visual amenity.

8.11.11. The first party is seeking greater flexibility in respect of the timing of the provision of the details required under these conditions. As the duration of permission is intended as ten years and that it is to be carried out in various phases, it is requested that the provision of the details be co-ordinated with the phasing plan, which would be agreed with the planning authority in advance. The planning authority has no objection to the request for greater flexibility with regard to the agreement of external materials. It would make sense that the materials are agreed prior to the construction of each building block, and Condition 26 could be amended to reflect this flexibility.

8.11.12. The planning authority appears to wish to retain control over the overall co-ordination of the design of the signage, road-marking and way-finding. It was therefore requested that conditions 27, 28 and 29 remain unaltered. I would agree that there is a need for an overall co-ordinated design of the commercial signage as well as the way-finding signage and road marking strategy in the interests of visual amenity and to provide for continuity and coherence within the development. In this respect, an agreement between the developer and the P.A. on the proposed signage regime and design discipline for all commercial signage, shopfronts and internal way-finding, as suggested by the P.A., seems reasonable.

8.11.13. I would agree, therefore, that **Conditions 26, 27, 28 and 29 should remain unaltered.**

8.11.14. Condition 37 reads as follows:

Condition 37

Details of a proposal to tender for competition or of an artists' brief to secure 4 no. art work/features shall be submitted for written agreement by Galway City Council prior to the commencement of the development

Reason: In the interests of visual and cultural amenity.

8.11.15. I would agree that the P.A. should have an input into the details of the proposals to tender for an art competition or an artist's brief in order to secure the four art works or features as required by Condition 37. I would agree therefore that **Condition 37 should remain unaltered.**

8.11.16. Condition 40 reads as follows:

Condition 40

Prior to the occupation of Blocks 1, 4, 8 and 9, the associated community spaces/facilities shall be fully fitted out for the purpose so designed. The developer shall ensure that access to these areas shall be made available to local community/culture/art events on reasonable demand and at a not for profit cost. A legal agreement providing for same shall be entered into by the developer with Galway City Council.

Reason: In the interests of social and cultural amenity.

8.11.17. The first party appellant considers that this condition would put an undue burden on the proposed development and would undermine the viability of the scheme. The total floor space for community facilities is stated to be 1,428 sq.m. The facilities include the following

- a cycle hub/mobility hub (Block 1),
- a reflection/meditation space (Block 4),
- a creche with associated external open space/play space (Block 8)
- A cycle hub, cycle parking and sustainability hub (Block 8)
- a flexible use Community space (Block 9)
- a large cultural space (Block 7)

8.11.18. The appellant does not agree to making the community facilities available as not-for-profit, as it is considered essential that they are operated by commercial entities to ensure that the facilities are implemented and that they do not become abandoned. It is also pointed out that 20.5% of the c. €4 million to be paid under the General Development Contribution Scheme levy is under the heading of 'community and culture' and a further 21.32% under the heading of 'regeneration'. Thus, it is estimated that the proposed development will contribute a further €1.65 million towards the community/cultural facilities and regeneration in the city of Galway as well as the provision of a substantial new public realm of considerable high quality.

8.11.19. The P.A. response was that the creche could be considered on a commercial basis but that the remainder of the community spaces should be made available to the community/residents on reasonable demand and at a not-for-profit basis, given the scale and density of the development, together with the asset value of the development site.

8.11.20. I would agree that the proposed development includes significant elements of public facilities and amenities inherent in the design, which would benefit the citizens of Galway, as well as the residents and staff of Augustine Hill. These amenities include the provision of a high quality public realm, the design of which will incorporate substantial levels of pedestrian priority along a network of new streets, which would be animated environments with active uses and would be linked to a series of civic spaces with associated food and beverage and retail uses. In addition, the public realm will include an outdoor stage (adjacent to Block 1) and an amphitheatre (in the sky garden over Block 6), a climbing feature, outdoor play areas, as well as a range of public open spaces with views over Galway Bay. The combination of these features with the range of uses is likely to encourage people to visit the community spaces and to linger there, which would provide a significant high quality addition to the public realm of the city and would involve a substantial community gain. Furthermore, the financial contribution required under the GDSCS will make a significant and substantial contribution to the community/cultural facilities of the city.

8.11.21. In addition, there are several community facilities incorporated into the design of the development, as listed above (8.11.17). Condition 40 seeks to ensure that these spaces are provided on a not-for-profit basis. However, the main objective is to ensure that they will remain available to both residents and the local community. I do not see any justification for requiring these spaces to be made available on a not for profit basis, provided that the facilities/spaces remain available as community facilities. It is further noted that Policy 10.5 of the 2023 CDP includes the following requirement

Include the provision of an arts/cultural facility at the developer's expense and with a management regime incorporated into the development delivery that enables the long term sustainable use of such a facility.

It is considered that a condition restricting the use of the creche to a childcare facility and the use of the other community facility/spaces to be retained and made available as such, would ensure that these spaces are protected as spaces for the local community/culture/art events for the long term sustainable benefit of the community.

8.11.22. It is considered, therefore, that **Condition 40** should be **amended** by omitting the requirement for the developer to ensure that access to these areas shall be made available at a 'not-for-profit' cost. This should be replaced by a requirement that the

childcare facility and the use of the other community spaces/facilities, hereby permitted, shall be retained in perpetuity and made available to the local community on reasonable demand and shall not be converted to any other use without the prior grant of planning permission.

8.12. Conclusion on planning assessment

- 8.12.1. The proposed mixed use development at Augustine Hill, which is a strategically located city centre site earmarked for regeneration in national, regional and local policy, would introduce a new vibrant urban quarter in the heart of Galway City, encompassing a broad range and variety of uses, including a substantial residential component, which would be highly accessible by a variety of modes of transport and would provide for a natural expansion of the city centre with a very high quality and engaging public realm connecting the city core with the seafront. The proposed development incorporates a substantial increase in density and height which would help to achieve compact growth in a manner which, with some further amelioration of height and scale, would positively contribute to the architectural character of the city and add new elements of townscape interest with enhanced legibility and a distinctive sense of place. The reduction in height and scale, however, is necessary to enable successful integration and protection of the city's heritage assets.
- 8.12.2. The proposed network of streets and civic spaces, with a strong pedestrian priority and attractive places to linger, would create a high quality, liveable and safe public realm, which would serve to integrate the new urban quarter into the fine urban grain of the historic city core. This form of mixed use development, located adjacent to all the services and facilities that the city has to offer, together with a high quality public transport interchange, which is due to be significantly upgraded in the near future, would help to counteract the recent trends toward urban sprawl in the outskirts of the city, which have exacerbated unsustainable travel patterns to date, and the low level of parking provision together with the high level of cycle parking and facilities, would make a significant contribution to modal shift to more sustainable travel patterns.
- 8.12.3. It is considered, therefore, that subject to the amendments discussed in the preceding sections, the proposed development would make a significant contribution towards the achievement of compact and sustainable development as envisaged in the NPF, the MASP and the City Development Plan 2023-2029, by providing a new

and vibrant urban quarter, which would have a transformative and positive effect on the character and townscape of Galway City.

9.0 Environmental Impact Assessment

9.1. Introduction

9.1.1. This section sets out in the environmental impact assessment of the proposed project. Some of the matters considered have already been addressed in the Planning Assessment above. This section of the report should therefore be read, where necessary, in conjunction with relevant sections of the Planning Assessment. **In the sections below (9.0), the Board should note that all references to the EIAR relate to the revised EIAR and associated appendices which were submitted with the FI on 19th March 2021, unless specifically noted otherwise.**

9.1.2. The requirement for EIA arises as the project, entailing a site area of 3.46 hectares within Galway City Centre, is of a type and scale identified in Part 2, Schedule 5 Part 1 of the Planning and Development Regulations 2001, as amended. The type and class of project is:

10 (b) (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district.

Both the 2014 amending EIA Directive (Directive 2014/52/EU) and the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 are applicable in this instant case.

Compliance with Legislation

9.1.3. The EIAR consists of three volumes, grouped as follows:

- Volume 1: Non-Technical Summary
- Volumes 2 (Parts 1 and 2) Environmental Impact Assessment Report
- Volume 3 (Parts 1 and 2) Appendices

9.1.4. In accordance with Article 5 and Annex IV of the EU Directive, the EIAR provides a description of the project comprising information on the site, design, size and other relevant features of the project. It identifies, describes and assesses in an appropriate manner, the direct and indirect significant effects of the project on the following environmental factors: (a) population and human health; (b) biodiversity,

with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape and it considers the interaction between the factors referred to in points (a) to (d). It provides an adequate description of forecasting methods and evidence used to identify and assess the significant effects on the environment. It also provides a description of measures envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects. The mitigation measures are presented in each chapter and are summarised in Chapter 20 of the EIAR. Where proposed, monitoring arrangements are also outlined. Environmental interactions are addressed in Chapter 22. Any difficulties which were encountered in compiling the required information are set out under the respective environmental topics.

9.1.5. I am satisfied that the information provided is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the project on the environment, taking into account current knowledge and methods of assessment. I am also satisfied that the information contained in the EIAR complies with the provisions of Articles 3, 5 and Annex (IV) of EU Directive 2014/52/EU amending Directive 2011/92/EU.

9.1.6. I have carried out an examination of the information presented by the applicant, including the EIAR and revisions to the EIAR as submitted to the planning authority on the 19th March 2021, and of the submissions made during the course of the application and appeal. A summary of the submissions made by the third parties, the first party, the planning authority and the prescribed bodies, has been set out at Sections 6.0 and 7.0 above. The main issues raised specific to EIA can be summarised as follows:

- Landscape and visual impacts arising from the proposed development with specific regard to the proposed tall buildings.
- Population and human health issues including potential positive impacts through the redevelopment of a brownfield and underutilised city centre site for employment, cultural and amenity spaces that will improve the townscape and visual setting.

- Cultural Heritage impacts arising from the demolition and intervention in terms of the historic fabric and impact of the development on the setting of historic buildings and streetscapes.
- Impacts on biodiversity arising from the proposed foul drainage and storm water overflows in the drainage network to Galway Bay.

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

9.1.7. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality. I note the qualifications and expertise demonstrated by the experts involved in the preparation of the EIAR which are set out in Table 1.1 and Section 1.6 of the EIAR. The information contained in the EIAR and supplementary information provided by the developer, adequately identifies and describes the direct, indirect effects and cumulative effects of the proposed development on the environment and complies with Article 94 of the Planning and Development Regulations 2000, as amended.

9.1.8. I am satisfied that the information provided in the EIAR is sufficiently up to date and is adequate for the purposes of the environmental impact assessment to be undertaken.

Vulnerability to Risk of Major Accidents and/or Disaster

9.1.9. The requirements of Article 3(2) of the Directive include the expected effects deriving from the vulnerability of the project to risks of major accidents and/or disaster. The EIAR addresses this issue in Chapter 19 and in Appendix 19.1. It is noted that the site is located within the 400 metre consultation distance surrounding the Circle K Galway Terminal Upper Tier COMAH establishment at Galway Enterprise Park. The EIAR chapter includes an assessment of the existing environment and the likely impacts of major accident hazards at the proposed development associated with the Circle K fuel terminal.

9.1.10. The Fuel Terminal is located c.360m from the site of the Augustine Hill development. The terminal provides for the transfer of fuel from ship, storage in bulk fuel tanks and offloaded to road bunkers. The following products are stored on the Circle K site:

- KERO (Kerosine)
- Gasoline

- Derv (diesel)
- MGO (medium gas oil)
- Ethanol

The assessment identified the main risks associated with the fuel terminal as those relating to large vapour cloud explosions, uncontrolled pool fires and bund fires. The impacts of physical effects from fire and explosion scenarios were determined by modelling accident scenarios in accordance with the guidelines set out in the H.S.A. COMAH Land Use Planning Policy document (2010). The results of the modelling are set out in Table 19-4 of the EIAR. It was concluded that the land use planning zones do not extend to the Augustine Hill development site and that no fatalities are expected to arise.

9.1.11. During the demolition and construction phase of the proposed development, there is potential for personnel to be exposed to the physical effects of a major accident scenario at the Circle K fuel Terminal such as a fire or an explosion. However, the quantitative risk assessment (19.3.4 and 19.3.5 of EIAR) concluded that no fatalities would occur as a result of the worst case scenario of fire or explosion and the level of individual risk of less than 1E-07 per year. This is considered to be an acceptable risk in accordance with the HSA criteria. There were no risks identified for demolition and construction activities to initiate a major accident event at the fuel terminal. Any accidental spillages of oils, fuels, concrete or cement stored on the development site during construction were not expected to result in environmental effects equivalent to a major accident to the environment.

9.1.12. During the operational phase, there will be an increase in population at the Augustine Hill site, as well as a more vulnerable population than is there at present. However, the quantitative risk assessment concluded that no fatalities are expected to arise as a result of the worst case scenario of fire or explosion major accident scenarios at the Circle K terminal. The level of individual risk of fatality is less than 1E-078 per year. As the site is located outside of the outer land use planning zone surrounding the fuel terminal, it is considered that residential, commercial, childcare, recreational and community based activities are acceptable in this zone. The level of risk of fatality during the operational phase was assessed as acceptable.

9.1.13. The assessment concluded that the level of individual risk of fatality posed by the Circle K fuel terminal at the Augustine Hill development site during both the

demolition and construction phases and the operational phase of the development have been assessed as acceptable. No mitigation measures were deemed necessary and the assessment of residual impacts were not therefore applicable.

- 9.1.14. Worst case effects at the proposed development were identified as damage to property from a large vapour cloud explosion at the fuel terminal. The damage effects were identified as glass breakage, damage to the building panels and damage to brickwork. These impacts were assessed as temporary and not significant.
- 9.1.15. Potential risk from flooding has been identified and covered in the flood risk assessment and assessed in Chapter 8 of the EIAR. The vulnerability of the project for coastal flooding has been mitigated in the design.
- 9.1.16. It is considered that having regard to the nature and scale of the development itself, there are unlikely to be any effects deriving from major accidents and or disasters and I am satisfied that this issue has been addressed satisfactorily in the EIAR.

Alternatives

- 9.1.17. Chapter 4 addresses alternatives. Article 5(1)(d) of the 2014 EIA Directive requires:
(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment,
- 9.1.18. Annex (IV) (Information for the EIAR) provides more detail on ‘reasonable alternatives’ as follows:
2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.
- 9.1.19. The EIAR addressed the alternatives studied in Chapter 3. Reference is made to the Draft EPA Guidelines (2017). However, I note that since the appeal was lodged, the EPA has published the EIAR Guidelines, 2022. The guidelines provide advice on the sequence of alternative options that exist (Fig. 3.3), but state that not all options (such as alternative site locations) will be available for every project. Thus, the

applicant is required to describe the reasonable alternatives examined during the design process with an indication of the main reasons for selecting the chosen options. The main types of alternatives that should be considered are the 'Do Nothing' alternative and alternative locations, layouts, designs, processes and mitigation measures. The reasonable alternatives studied by the project design team are in accordance with this advice.

- 9.1.20. In terms of the 'Do Nothing' alternative, it is stated that this would represent a 'lost opportunity' to develop this brownfield city centre site and would result in the unsustainable and inefficient use of these lands. It is further stated that it would potentially result in the continued failure to meet the housing needs and the natural expansion of the city. In terms of alternative locations, it is stated that the applicant has entered into an agreement with CIE to develop the lands on the basis of the site's CC zoning and identification as a key regeneration site in the City Development Plan, which has also undergone a Strategic Environment Assessment. Specific Objective 10.2.1 of the 2017 CDP (similar to Policy 10.5 of the 2023 CDP) is also referenced whereby the site is identified as being suitable for regeneration and the sequential expansion of the city centre onto a site with the advantage of an improved bus and train interchange. On this basis, no further alternative locations were considered. The main alternatives examined related to alternative layouts and designs. It is noted that the chosen processes, mitigation measures and land uses were considered appropriate to the location, nature and extent of the project and its potential impacts. As such, no further alternatives with respect to these matters were considered.
- 9.1.21. It is noted that during the course of the design process, various iterations of the site layout were considered, assessed and modified. As the application for the redevelopment of the site was required by the CDP to be accompanied by a masterplan for these regeneration lands, (as it is by the 2023 CDP), the options were largely determined during the course of the preparation of the masterplan. The CDP also required that 30% of the use mix comprise residential use. The applicant also engaged with the planning authority and members of the public/stakeholders as part of the masterplan for Ceannt Station Lands.
- 9.1.22. The masterplan was required to set out the parameters for development of the site including matters such as the distribution of uses and activities, movement patterns, a layout and design which would enable the development to seamlessly integrate

with the established urban fabric and street network, the provision of highly permeable linkages through the site to facilitate connectivity between the city and the sea, an ambition for greater density and height but whereby important views, vistas, landmarks and the character of the built heritage are respected. I would accept, therefore, that the scope for consideration of a wide range of alternatives was somewhat limited and was influenced by these key considerations.

9.1.23. Notwithstanding this, alternative layouts and designs were developed over the course of the design process and these are described in the EIAR. For example, a crescent shaped multi-level street layout was rejected in favour of the island concept on the basis of smaller urban blocks, a variety of public spaces and better connectivity with the inner harbour area. The design has continued to evolve in an iterative manner, with revisions to the design and layout submitted as further information in March 2021. This included significant revisions to the project including the distribution of the use mix, design and appearance of various blocks and the height of certain buildings within the scheme. The principal reasons for the chosen scheme (as revised) are set out at 3.7.1.4. The detailed analysis of the architectural design process is set out in the Architectural Design Statement prepared by BDP Architects which provided an insight into the development of the building height strategy for the site including the location of height. This information was further refined in the Response to the Further Information document.

9.1.24. On the basis of the comprehensive information provided as referenced above, I am satisfied that the requirements of the Directive in terms of consideration of alternatives have been discharged.

Consultations

9.1.25. I refer the Board to Section 8.2 of the Planning Assessment of this report (8.2.36-38), wherein this issue has been addressed. Details of the non-statutory consultation entered into by the applicant as part of the preparation of the masterplan, the application and the EIAR prior to the lodgement of the application are set out in Chapter 1 (Section 1.9) of the EIAR and in a separate document by Insight Consultants, which accompanied the application. A number of channels were used to provide information about the project, the scoping document and the period of consultation, which is stated to have occurred over an 18-month period. The methodologies employed included an on-line survey, interviews, drop-in forums and

further forums with interest groups, brochures, newspaper adverts, interviews on local radio and information packs. In addition, a project-specific website was established together with a dedicated email/postal address.

- 9.1.26. The third parties expressed concern regarding the inadequacy of the public consultation process. However, having regard to the information provided by the applicant and confirmed by the planning authority, I consider that the public consultation undertaken prior to the lodgement of the application to be within the spirit of the requirements.
- 9.1.27. This application has been made accessible to the public by electronic and hard copy means with the public notices accompanying the application afforded adequate timelines for written submissions. Comments were made by An Taisce regarding the inaccessibility of the electronic copy on the planning authority's website, where files are not readily downloadable or easily searched. I would agree that the way in which the information is stored/displayed on the P.A. website is not as accessible as on other planning authority websites. However, the scanned documents are separated into different folders and although some of the folders contain large amounts of information, it is stored in a logical order, and is accessible by electronic means. The hard copy of the documents is also available at the planning offices. I am satisfied that the participation of the public has been effective.

9.2. Likely Significant Effects on the Environment

Introduction

- 9.2.1. The likely significant indirect effects of the development are considered under the following headings, as set out in Article 3 of the EIA Directive 2014/52/EU:
- population and human health;
 - biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
 - land, soil, water, air and climate;
 - material assets, cultural heritage and the landscape;
 - the interaction between the factors referred to in points (a) to (d).

My assessment is based on the information provided by the applicant, including the EIAR, (as revised 19/03/21), in addition to the submissions made in the course of the application and the appeal, as well as my site visits.

- 9.2.2. In total the main EIAR includes 23 chapters. Chapters 1 to 4 provide an introduction to the project, description of the proposed development, alternatives considered and consultations undertaken. Chapter 5 addresses population and human health, Chapter 6 addresses Biodiversity, Chapters 7 and 8 address land, soils, geology and water, Chapters 9, 10, 11, 12 and 13 address air, climate including microclimate, noise and vibration, Chapter 14 addresses landscape and visual impact, Chapter 15 addresses material assets - traffic and transport, Chapter 16 material assets - waste management, Chapters 17 and 18 archaeological, cultural and architectural heritage Chapter 19 risk management and Chapters 20, 21 and 22 interactions, mitigation and monitoring, including cumulative impacts. Chapter 23 contains the bibliography. Each of the above chapters are considered in detail below, (apart from chapters 3 and 19, which have been discussed above), with respect to the relevant headings set out in the Directive.

Population and Human Health

- 9.2.3. Chapter 5 in addition to the chapters on air and climate, noise and vibration, traffic and landscape are relevant.

Receiving Environment

- 9.2.4. I refer the Board to Section 1 above which gives a site location and description. In summary the site is a large brownfield site which is located within Galway City Centre, immediately adjacent to Ceannt Station and Eyre Square, and which is principally used for parking and storage in association with the railway lands at Ceannt Station. The surrounding area comprises a mix of commercial, residential, and vacant properties and lands surrounded by a road network. The existing demographic profile is identified in the EIAR as 'City Area' and 'ED Level' and the populations likely to be affected by the proposed development as 'resident population', 'working population' (employment) and 'visiting population' (tourism attractions and culture). The closest residential unit is 160m from the centre of the site. In a 'Do Nothing Scenario' the site will remain an underutilised city centre site which would have a knock-on negative impact on the vibrancy and vitality of surrounding areas.

Potential Impacts

- 9.2.5. Positive impacts in terms of the direct effects on job creation and retail during the construction and operational phases are expected. The estimated construction period is at least 4.5 years. The proposed development will result in a direct significant increase in employment (working population), and potentially an increase in indirect employment due to the need for additional staff in local shops and services, during the demolition and construction phases. There would be no potential adverse effects on either the resident population or the visiting population during construction/ demolition.
- 9.2.6. Significant positive impacts are anticipated to the local community arising from the redevelopment of the site and provision of an improved public realm and public spaces. Due to the residential component, the resident population of the city will increase significantly by approx. 300-575 persons. This will have a significant positive permanent impact on the area. Due to the mixed use nature and scale of the proposed development, the employment opportunities associated with the operational phase of the proposed development will be significant. The proposed development will also enhance the city's gateway status and make it more attractive for investment. The proposal will have a positive impact on the regeneration of the area and by the provision of additional services, amenities and facilities for both the working and resident populations as well as for visitors to the city. Indirect positive impacts identified include the improvement of the economic and social prosperity of the surrounding area and commercial linkages with existing business/retail industry throughout the city. It would also contribute to the social and cultural growth of the city centre. Thus there would be no adverse impacts on the resident, working or visiting population. No mitigation measures are required.
- 9.2.7. The potential effects on human health are identified in the EIAR (5.2.5) which included impacts relating to air quality, noise, visual impact, traffic, soil, water, housing supply, tourism and local amenities. Some adverse impacts could arise from increased noise, air quality, dust and traffic. A summary of the main potential impacts on human health and population are contained in Table 5.11 of the EIAR. The assessment of these impacts and mitigation measures proposed are set out in the various chapters under the relevant topic headings.

- 9.2.8. Air quality and noise during construction could have potential impacts on human health. The greatest potential impact on air quality during the demolition and construction phase is from dust emissions. There are some sensitive receptors approx. 50m to the north of the site boundary and in the absence of mitigation there is potential for significant short-term negative dust soiling impacts to these nearby receptors and localised moderate impacts to human health. Air dispersion modelling was undertaken to assess the impact with reference to EU ambient air quality standards which are based on the protection of human health. It was demonstrated (Chapter 9) that emissions from the proposed development would be compliant with all National and EU ambient air quality limit values and will not therefore result in a significant impact on human health either from the proposed development itself or cumulatively with surrounding development.
- 9.2.9. The major noise generating activities for construction noise are identified including demolition and site clearance, rotary bored piling and construction traffic. Each activity is assessed for potential impact. Vibration is also addressed. The main noise sources during the operational phase are traffic, entertainment and internal building façade noise. Noise impact assessments were undertaken with reference to BS Codes of Practice and the professional guidance on planning noise documents, which are based on the protection of human health. It was demonstrated (Chapter 12) that there would be no discernible noise impact to human health arising from traffic during the operational phase. However, there is potential for noise impacts arising from entertainment noise and internal building façade noise. There would be potential for some noise impact from traffic during construction phase.
- 9.2.10. In terms of daylight and sunlight, the construction period will introduce a gradual change. The impacts in respect of sunlight and daylight during the operational phase will range from imperceptible to moderate to very significant. The greatest impacts were identified on the immediate environment to the northwest and north east, with windows directly opposing and in close proximity to the new structures. The significant impacts, where the levels of both daylight and sunlight would be reduced to levels well below that deemed as minimum standards in the BRE Guidelines, relate principally to the adjoining sites with hotels and a church building. Of the 15 zones assessed, 3 were assessed as slight-no effect, 9 were assessed as moderate or slight-moderate effect, 2 were assessed as having a very significant effect and 1 as very significant to profound effect.

- 9.2.11. The most significant effects were identified on bedroom windows on the eastern elevation of the Victoria Hotel with more moderate effects on the United Methodist and Presbyterian Church and 16 Eyre Square. The sample representation, however, indicate that only two of the existing four hotel windows assessed had a VSC above 27%, although this would be reduced significantly for all samples as a result of the proposed development, and would be less than 0.8 times its former value. The VSC for the church would also be reduced significantly below 27% and would be less than the 0.8 times the former value. The Annual Probable Sunlight Hours for these windows (Victoria Hotel East and church) would also be quite low at present and would be impacted further by the proposed development. The cumulative impacts, taking into account the effects of Bonham Quay and the student accommodation, would increase the significance of the effects in certain of the representative samples.
- 9.2.12. Other properties on Queen Street and Victoria Place are also likely to experience a reduction in sunlight access. However, it was acknowledged that the shadow impacts to commercial/retail uses would not be as significant as those in which there was a residential component. The properties that would experience the greatest impacts do not have a residential component. It is concluded that the site is largely a vacant brownfield site. As such, the arguments presented are that the impacts on sunlight and daylight have been balanced with the regeneration potential of the site which is in accordance with the policies and objectives for the area as set out in the CDP and in the national and regional policy for sustainable development and compact growth. The proposed development is centrally located, is expected to achieve sustainable densities and is in a city centre location where the shadow environment is expected to be low.
- 9.2.13. Shadows cast by the proposed development are unlikely to extend to Eyre Square and would not be likely to materially change the amount of sunlight on the 21st March. Thus it would not interfere with the capacity of the amenity area to be adequately lit by sunlight throughout the year. However, there is potential for shadows cast during the winter months to extend some distance to the northwest, north and northeast over the course of a day, and thereby affect some properties on Queen Street and Victoria Place. Having regard to the density of the shadow environment of urban areas during this time of year, to the short duration of any overshadowing, and to the non-residential component of the affected properties, the

potential effect would range from imperceptible to moderate. Given the strategically central location of the site, which is currently a brownfield largely vacant site, the impacts in terms of sunlight and daylight have been balanced with the regeneration potential of the site and its ability to facilitate sustainable development and compact growth. No ameliorative, remedial or reductive measures are proposed on the basis of the arguments in favour of development at this location as outlined above.

Mitigation Measures

To minimise significant nuisance arising from dust a Construction Methodology and Phasing Management Plan (CMPP) has been formulated. This plan includes site management, management of movement of trucks, timing of site clearance and demolition, earth moving works and location and moisture content of storage piles. In terms of construction noise and vibration Best Practicable Means are to be employed with the measures to be used detailed.

- 9.2.14. Options for mitigation in terms of noise from entertainment include double-glazing, appropriate wall linings, double doors and acoustic lobbies, attenuated ventilation and good practice measures during the operational phase.

Residual Impacts

- 9.2.15. The residual impacts arising are considered positive in terms of creation of employment, redevelopment of a city centre site and improvements to the public realm. With the provision of a bespoke mitigation strategy for the retained historic buildings and the new buildings, taking into account best conservation practice, acceptable internal noise levels will be achieved, and the significance of operational noise effects will be negligible. Noise monitoring will be undertaken post introduction of the bespoke mitigation strategy to determine compliance with recommended internal noise levels.
- 9.2.16. There will be negative impacts on existing buildings in the vicinity of the site arising from the reduction in access to daylight and sunlight and increase in overshadowing which will not be mitigated. No residual impacts are anticipated for building services noise provided that the noise limits specified in the design goals are adhered to and no residual impacts are likely from entertainment noise as this will be controlled. However, there may be some short terms negative noise associated with external entertainment areas during events.

Cumulative Impacts

9.2.17. There are a number of developments which have secured planning permission in the vicinity of the site. Cumulative impact on human health, from both the construction and operational phases of these developments, together with the impacts from the proposed development are assessed in terms of air quality, noise quality and traffic and have been incorporated into the various models and assessments, which have contributed to section 5.2 of the EIAR.

Population and Human Health - Conclusion

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

Biodiversity

9.2.19. Chapter 6 of the EIAR addresses biodiversity. The Board is advised that an NIS accompanies the application with an appropriate assessment undertaken in section 10 below. There is also an overlap with land, soil and water which are addressed below. I recommend that the relevant sections be read in conjunction with each other.

Receiving Environment

9.2.20. The site is in a city centre location dominated by existing buildings and hardstanding. Extensive areas of the site are built up with only a few semi-natural areas. Most of the lands surrounding the site are urban and industrial in nature including Ceannt Station and associated railway tracks and a number of hotels. The site's location in proximity to Galway Docks, Ceannt Station and on a busy main road (Lough Atalia Road) make the site an area of high disturbance. The site is not within a designated area but is close to Lough Atalia which is an inlet of Galway Bay with 2 Natura sites, Inner Galway Bay SPA (004031) and Galway Bay Complex SAC (000268).

9.2.21. The EIAR sets out details regarding the existing environment in terms of flora and fauna. Detailed surveys were undertaken to determine pattern of bat usage on the

application site and on nesting birds. Surveys of other protected and notable species are also detailed.

Flora

9.2.22. No plants protected under the Flora Protection Order were identified and none are endangered species. The plants recorded were either garden escapes, such as Privet, Barberry, Mallow and Fuschia or trees such as Alder, Ash, Willow and Hawthorn. A full list of the plants recorded is set out in 6.3.3.2. The habitats recorded were Spoil and bare ground (ED2), Recolonising bare ground (ED3), Scrub (WS1) and Ornamental, non-native shrub (WS3). All are of low ecological value. A small triangular shaped area to the south of the railway track had been planted with Pampas Grass and Mallow and these species have spread throughout the site.

Fauna

9.2.23. Chapter 6 of the EIAR addresses biodiversity. All of the bird species recorded are common and widespread and none are of conservation concern. They include Hedge sparrow, House Sparrow, Blackbird, Robin, Starling, Song thrush, Goldfinch, chaffinch, Rook, Jackdaw, Hooded crow, Magpie, Blue tit, Herring gull, Black headed gull, Swallow and Swift. A full list is contained in paragraph 6.3.3.3 of the EIAR.

9.2.24. Two years of bat surveys were conducted. Bat activity surveys were carried out by Aquafact International Services and the full report is contained in Appendix I of the EIAR. The surveys included a Roost Assessment, Dusk Emergence and Transect Surveys which were carried out on four separate dates in August 2018, a summary of which is set out in paragraph 6.3.3.4 of the EIAR. Activity was high, particularly in areas with less high-intensity lighting. The highest bat activity was recorded in the Stables building and the car park of 16 Eyre Square with bats commuting to and from Eyre Square. Activity increased after midnight. No roosts were identified, although some potential roost features were identified.

9.2.25. A further survey was carried out by Eire Ecology on a number of dates in August and September 2020, a summary of which is set out in Table 6-1 of the EIAR. This survey reaffirmed that the main bat activity took place in the darker areas of the site, primarily close to the Stables building and the adjacent yard and tree line. It was established that bats flew from there to the graveyard where good feeding grounds were located and over towards Queen Street. Bats were also recorded at the Methodist Church, the area around the Victoria Hotel and No. 16 Eyre Square car

park. I accept that the survey work undertaken is robust, accords with best practice and was undertaken by appropriately qualified individuals.

9.2.26. The following species of bat were recorded, Common pipistrelle, Soprano pipistrelle, Pipistrellus species, Nathusius pipistrelle, Brown Long-eared bat and Leisler's Bat. None are qualifying interests of the nearby Galway Bay Complex SAC and are not listed in Annex II of the EU Habitats Directive. A small common and soprano pipistrelle roost was identified in the Stable Building during the 2020 surveys. In view of the site's inner city location and the absence of vegetation cover or suitable habitat the conclusions that it is not suitable for Lesser Horseshoe Bat are accepted and the potential for its presence can be discounted.

Potential Impacts

9.2.27. In a Do Nothing Scenario, colonisation of the site by both native and garden escapes will continue, which will give rise to an increase in invertebrate numbers. This in turn will increase the number of birds and bats. Thus, the Do Nothing effect would be permanent and positive.

9.2.28. For a detailed assessment of the impact of the development on designated sites and their qualifying interests and to avoid undue repetition, please refer to the appropriate assessment carried out in section 10 below. In summary, there is the potential for impacts arising from noise, vibration and dust, which may impact water quality, as well as the loss of a bat roost during the construction phase. Airborne dust from increased traffic and construction may impact water quality in Lough Atalia, which has the potential to impact flora and fauna by altering the levels of oxygen in the water. The impacts during the operational phase would include disturbance from increased noise and traffic, an increased risk of bird collision and altered bird flight behaviour and the increased artificial lighting may also alter bat flight paths and foraging behaviour.

9.2.29. **Birds** - No bird species listed under Annex 1 of the Birds Directive were recorded breeding, foraging or commuting in the site and the conclusion that the urban habitats within the site do not offer feeding or roosting habitat to birds of conservation concern is accepted. Concerns regarding the potential collision risk arising from the proposed tall buildings are noted. As the site is currently largely devoid of any structures, the introduction of several tall buildings is likely to result in increased bird strikes. The EIAR (6.5.2) references research on this issue in the

United States which indicates that windows in buildings can deceive the perceptual systems of birds as concealed barriers with impacts being fatal at times.

9.2.30. The EIAR concluded that notwithstanding the potential for increased collision, birds are likely to alter their flight paths to fly around or over the taller buildings. However, the impact on bird species is considered to be low, as the species recorded are not migratory and are of low conservation concern. Notwithstanding this, mitigation measures are proposed to make the buildings more visible to birds. The proposed planting measures will also provide refuges and feeding resources for birds and other species.

9.2.31. **Bats** - The primary potential impact on biodiversity is in relation to bats which are a protected species. There is potential for disturbance to and loss of bat roost sites during construction and operation. There will be permanent loss of foraging habitat due to the elevated levels of artificial light during construction which would interfere with flight paths. An increase in noise and traffic in and around the site is also likely to cause disturbance to bats. The works to the Stables building will result in the removal of the bat roost identified there.

Mitigation Measures

9.2.32. The measures to be employed to protect ground and surface water which are detailed under the heading 'Water' below in addition to measures to deal with excavated soil which are addressed under the heading 'Soil' are relevant in terms of biodiversity. To avoid undue repetition, I recommend that these sections be read in tandem.

9.2.33. Mitigation measures during construction and demolition are set out in section 6.6 of the EIAR and in Appendix 6.2 – the Bat Survey. In addition, the Outline CMPP, which is included with the application, sets out the procedures, standards, work practices and management responsibilities of the appointed contractor to address potential negative environmental effects that may arise during construction of the proposed development. The contractor shall produce site-specific Method Statements for review and agreement with the Ecologist and Inland Fisheries Ireland, to demonstrate adherence to specific, tried-and-tested pollution control measures. Mitigation measures recommended to reduce levels of noise, vibration and dust include use of noise screens, turning off machinery when not in use, ensuring staff are aware of parking areas and that deliveries are not queuing outside

the site, use of rubble chutes and receptor skips, spraying surfaces in dry weather and transport of aggregates in covered trucks. Mitigation measures to reduce the effects on water include ensuring appropriate licences are in place and proper oil/fuel/chemical management and storage on the site.

- 9.2.34. A derogation licence from the National Parks and Wildlife Service will be required as the proposal will result in the loss of the identified roost in the Stables building. Mitigation measures include the installation of strategically located bat boxes throughout the site to mitigate the loss of the roost. This includes 4 no. crevice bat boxes and 2 no. Schwegler integrated bat boxes. The location of the bat boxes is shown in Fig. 6-1 of the Appendix 6.2. The bat boxes will be placed in locations where bats can utilise dark corridors. No works will take place in the buildings which are suitable for bat roosting until works have been completed to remove such potential roosting sites and works will be phased in order to allow the bats time to exit any roosts and deterred from returning.
- 9.2.35. A dark zone will be created leading from the Stables building to Eyre Square to allow bats to fly over the roof of the buildings proposed at the rear of No. 16 Eyre Square. In addition, a dark corridor between Queen Street and Forthill Cemetery will be created providing a route from the roost site to an area where high bat activity has been recorded. A dark corridor will be retained providing access for bats from the United Methodist and Presbyterian Church, Stable Yard/Building and the Cemetery Wall. A final dark zone is proposed towards the north-east of the site close to Lough Atalia Road, linking the integrated bat boxes to the road and shore-side habitats.
- 9.2.36. The dark zones/corridors will be achieved by reducing lux levels and avoiding uplighting. Mitigation measures to reduce the impact of light on bats include limiting the duration of lighting, use of low intensity sodium lights, directing lights downwards and minimising the brightness of lights. Landscaping plans include the planting of trees by the graveyard wall and the stables building to aid bats. The roof of Block 1 behind No. 16 Eyre Square will also have a grass roof. The proposed development includes several green roofs throughout the development which will be planted with a good mix of plant species, providing screening, habitat and foraging for bats. A monitoring programme is also proposed.
- 9.2.37. Mitigation measures to minimise bird strikes include the provision of bird friendly glazing to be applied to windows that face outwards to either Lough Atalia or Fort Hill

Cemetery. These would consist of 5mm dots spaced a maximum of 50mm x 50mm apart and would be applied to windows between 4 metres above ground level to 20 metres above ground level. Windows facing green roofs or planted terraces would also be treated, independent of their height above ground level.

Residual Impacts

- 9.2.38. There will be a loss of habitat, but the impact of this is considered to be minimal, as the habitats are of low conservation value, apart from the bats. The loss of foraging habitats for bats can be mitigated by the use of bat boxes, low intensity lighting and planting. Following the implementation of the Construction Management Plan and the mitigation measures described above, there are no likely significant negative residual effects anticipated during demolition and construction.

Interactions

- 9.2.39. Interactions include disturbance from noise, vibration, dust, light and traffic and impact on water quality during the construction phase. As there are two Natura sites close to the site, this is regarded as the most sensitive interaction between the development and the receiving environment. During the operational phase, the interactions include light, traffic and the buildings themselves. However, in light of the proposed mitigation measures outlined above, it is not anticipated that these will be of any significance.

Cumulative Impacts

- 9.2.40. Taken in the context of other permitted developments in this city centre location as detailed in sections 4.2 and 4.3 above, no significant cumulative impacts are anticipated. The main developments of significance nearby are the Bonham Quay development and the student housing development on Queen Street, both of which are situated on brownfield sites. Cumulative impacts in the context of designated sites are addressed in the appropriate assessment in section 10 below. The worst case scenario effect is identified as an uncontrolled large fuel spill or fire, which would have serious negative effects on biodiversity.

Biodiversity – Conclusion

- 9.2.41. I have considered all of the written submissions made in relation to biodiversity. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and

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

Land and Soil

9.2.42. Chapter 7 supported by Appendix 7 A & B of the EIAR assesses the potential impact on land, soils, geology and hydrogeology. The Board is advised of the interrelationship of land and soil, water and biodiversity and the relevant sections should be read in conjunction with each other.

Receiving Environment

9.2.43. The site is described as a city centre brownfield site which is built up and covered by buildings/hardstanding, with few semi-natural areas. The site has been and continues to be primarily used as part of the Ceannt Station. There is considerable variation in ground levels across the site. Most of the site is at +9.5 and +11.0m O.D., close to the railway level. There is an existing 225mm diameter surface water drain from the site connected to the 450mm diameter public sewer on Lough Atalia Road. There is limited surface water drainage in evidence on the site except in the vicinity of Ceannt Station. A 950mm diameter sewer crosses the site, under Ceannt Station from Frenchville Lane and connects to the 900mm diameter sewer on Queen Street at the Victoria Place corner.

9.2.44. The soils and subsoils under the hardstanding are described. The Teagasc Soil Mapping indicates that the soils are composed of 'Made Ground'. The subsoils are indicated to include 2 principal soil types. Extensive site investigations have been carried out by Irish Drilling, details of which are provided in Appendix 7.2 and in Figure 7-8 of the EIAR. It is noted that 19 no. soil samples were collected, which are summarised in Table 7-1. These were mainly composed of Made Ground, Fill-Made Ground and Tills.

9.2.45. Bedrock underlying the site is Metagrabbo and Orthogneiss. Bedrock depths range from 9.1m to 12m below ground level. The bedrock aquifer underlying the site is classified as a 'Poor Aquifer' which is 'Generally Unproductive except for local zones'. Groundwater flow direction was established as to the south-east. The aquifer is classed as being of moderate vulnerability, with 5-10m of overburden material overlying the bedrock aquifer. Groundwater elevations were found to range between

9.25m OD and 10.73m OD. There are no groundwater wells within the site boundary and the area is supplied by a public mains water supply.

- 9.2.46. The Groundwater Body underlying the site is the Clarinbridge Aquifer, which is stated to be of Good Status, with a WFD score 'At Risk'. Site investigations indicate that groundwater within the meta limestones underlying the development site presents some evidence of hydrocarbon contamination. This is stated to be likely to have resulted from local industrial activities in the vicinity of the site rather than as a result of contamination of the site itself. Details of the results are presented in Appendices 7-2 and 7-4 of the EIAR.
- 9.2.47. There is no evidence of springs or karstification and there is no geological heritage in the vicinity of the site. However, the site is located in a High Radon Area. There is a negligible risk of a landslide in the area and no volcanic activity in the vicinity.
- 9.2.48. It is stated that Metagrabbo and Meta-limestones, which underlie the site, are poor aquifers with a low permeability. The site investigations state that they are 'extremely strong' and as such, fracture connectivity within the bedrock aquifer is low. It is therefore stated that hydrogeological connectivity to Galway Bay is likely to be poor with short discrete fracturing being normal, and hence migration of contaminants towards the bay is not expected.

Potential Impacts

- 9.2.49. In a Do Nothing Scenario there will be no change to land and soil within the site.
- 9.2.50. There is no land take involved as the site can be classified as a brownfield city centre site. Cross sections for the proposed development are shown in Figure 7.16 and 7.17. The construction depth (7.16) indicates that minimal rock will need to be removed and hence, no significant dewatering is likely. The excavations will be typically in the boulder clay or made ground surface layer. Depth of rock removal will be a maximum of 1.5m. The earthwork quantities are set out in Table 7-5. The material will largely be suitable for disposal as inert waste. Where material is not suitable for inert disposal, it will be sampled and disposed of to a licensed facility.
- 9.2.51. Temporary dewatering will only be required in areas where the rock is exposed. The deepest excavation is c.4m below Lough Atalia Road and limited groundwater ingress is expected due to the ground condition of the relatively impermeable

boulder clay overlying rock and the local, shallow area of excavation into rock in the Service Yard area. Any minor ingress of groundwater and collected rainfall will be pumped out during construction. Water will therefore be discharged to the surface water sewer under a discharge licence.

- 9.2.52. During construction there is a risk of accidental pollution incidences from spillages/leakages of oil, fuels, concrete and cement. Such spillages may result in contamination of soils and groundwater underlying the site in the absence of mitigation. However, the presence of low permeability clay across most of the site will protect the poor aquifer and in areas of exposed rock, any contamination would be localised and limited due to the nature of the bedrock. There will be a temporary effect on the local soils and hydrogeological environment associated with soil and rock movement. As perched water was not encountered on site and as excavation is only into the top of a poor aquifer, it is not anticipated that there will be any significant impact on the existing groundwater flow regime during construction.
- 9.2.53. There is potential for increased surface water run-off during the operational phase of the development. However, surface water run-off will be collected and discharged to attenuation areas and the discharge will be restricted to greenfield rates with a negligible decrease in the recharge rates. Thus, there are no significant potential impacts anticipated.

Mitigation Measures

- 9.2.54. Prior to commencement of development, testing will be carried out to determine the soil classification (i.e. inert, hazardous or non-hazardous). All excavations and exposed soils in blind cuts will be blinded and protected with clean broken stone as soon as possible after exposing the subsoil in order to prevent erosion. Minor groundwater ingress and collected rainfall in the excavated areas will be pumped out. The water will be monitored to ensure that it is of sufficient quality to discharge to the sewer. The use of silt traps and an oil interceptor will be used and consultation will be undertaken with the local authority and Irish Water to determine the monitoring and discharge requirements.
- 9.2.55. Construction works will be in accordance with a Construction Methodology and Phasing Management Plan, a copy of which accompanies the application. Best practice measures to prevent spillages to ground of fuels and use of concrete are

detailed. A water quality management plan shall minimise impacts and monitor effects on the water environment during construction.

- 9.2.56. The soils geology and bedrock would be well protected during the operational phase due to the presence of hardstanding. Any fuel tanks will be bunded and there will be oil interceptors in car parks.

Residual Impacts

- 9.2.57. Residual impact during the construction, demolition and operational phases is considered to be slight.

Cumulative Impacts

- 9.2.58. Having regard to other planning applications and developments in the vicinity of the site, it is considered that there are no cumulative impacts from the perspective of land, soils and the hydrogeological environment.

Land and Soil – Conclusion

- 9.2.59. I have considered all of the written submissions made in relation to land and soil. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme and the mitigation measures. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on land and soil.

Water

- 9.2.60. Water is addressed in Chapter 8 of the EIAR. As noted above there is an interrelationship between water, biodiversity, land and soil and the relevant sections should be read in conjunction with each other.

Receiving Environment

- 9.2.61. The site is located within Hydrometric Area No. 29 of the Western River Basin District and lies within Galway Bay South East catchment. There are no watercourses within or around the site. It is located adjacent to Lough Atalia and the Estuary Corrib, which belong to the Galway Bay Special Area of Conservation. The Corrib River flows through the city approx. 500m to the west of the site and enters Galway Bay south of the site at Nimmo's Pier. The River Corrib has an ecological status of 'Good' and its environmental status is 'Not at risk'. The Corrib Estuary

(Lough Atalia) also has an ecological status of 'Good' and an environmental status of 'Not at Risk'.

- 9.2.62. The existing 225mm surface water sewer running through the site discharges to a combined public sewer (450mm) on Lough Atalia Road, which probably discharges to the sea at Galway Bay. There is an additional 950mm diameter sewer crossing the site, under Ceannt Station and Frenchville Lane, which connects to the 900mm diameter sewer on Queen Street at the corner with Victoria Place. This runs south onto Dock Road and thereafter outfalls nearby to the sea at the Mud Dock. Following inconclusive site investigations, it is assumed that the existing hard surfaced areas on site drain into the 950mm sewer, but without passing through a hydrocarbon separator. There are no Sustainable Drainage systems measures in place.
- 9.2.63. There are combined sewers on Queen Street and Bothar na Long, which bound the site. Wastewater from these sewers discharge to the wastewater treatment facility at Mutton Island.
- 9.2.64. The site is served by a public water supply. There are existing watermains on Bothar na Long, Eyre Square, Queen Street and Lough Atalia Road.
- 9.2.65. A Site Specific Flood Risk Assessment was carried out (Appendix 8-2). Coastal flooding is considered to pose the primary risk. The site is marginally within Flood Zone B as a small proportion of the site around the Stables Building is shown as being susceptible to the 0.5% tidal flood event. However, the commercial elements of the scheme would be classified as less vulnerable whilst the residential and apartment would be classified as vulnerable. As the apartments are located above the retail podium levels, and residents can safely exit onto Eyre Square, the proposed development has been classified as 'Less Vulnerable' in the Civil Engineering Infrastructure Report, and is therefore deemed appropriate within Zone B. The risk assessment includes a justification test as per Box 5.1 of the Planning System and Flood Risk Management Guidelines (Appendix 8-2, Section 6-4).
- 9.2.66. The importance of the hydrological attributes at this site are rated as 'Extremely High' due to the presence of a surface water body ecosystem protected by EU legislation (Galway Bay Complex SAC/SPA) adjacent to the development site. As the site is drained by the public surface water network, which outfalls to this surface waterbody, it provides a hydrological connection between the site and the Galway Bay Complex.

- 9.2.67. In a Do-Nothing Scenario there will be no change in the hydrological regime.
- 9.2.68. The proposed development will be served by a new separate gravity surface water drainage network which will discharge to the public sewer at the corner of Queen Street and Victoria Place. The existing surface water network will be decommissioned. The connection to the sewer on Queen Street will require a 130m pipe and 2 no. manholes on Bothar na Long, following agreement with Galway Harbour Company who own the road.
- 9.2.69. The new foul drainage network for the development s proposed to discharge to the 450mm public combined sewer in bother na Long to the south of the site. The proposed foul network within the site consists of 150mm and 225mm diameter pipes and the connection to the public sewer is via a 225mm diameter pipe. The capacity of the pipes has been designed to accommodate the estimated flows.

Potential Impacts

- 9.2.70. Potential impacts during demolition and construction are detailed including increased runoff, sediment loading, accidental spillage and leaks of oils and fuels, and use of concrete and lime.
- 9.2.71. Potential impacts during the operational phase identified include fuel leaks from cars or delivery vehicles and elevated levels of suspended solids in runoff from the site.

Mitigation Measures

- 9.2.72. Mitigation measures are described which seek to avoid or minimise potential effects through the implementation of best practice construction methods as set out in the Construction Methodology and Phasing Management Plan. It also includes environmental monitoring for the duration of the construction works.
- 9.2.73. An Outline CMP has been prepared and a further Construction Stage CMP will be prepared by the contractors which will contractually oblige them to operate in compliance with the said plan. Surface water runoff from the working areas will be intercepted on site during construction, and runoff generated will be filtered and treated to remove hydrocarbons and sediment prior to pumping to the surface water sewer network. Filters and traps will be used to prevent rain washing silts and other materials into the surface water network. Regular inspections of settlement tanks will be undertaken and additional treatment used if necessary. Other measures to be taken during construction include:

- Temporary stockpiles generated during construction to be covered to minimise run-off with the location of spoil and temporary stockpiles to be least 15 m from drainage systems, the Abbey River and the River Shannon.
- Dewatering of all working areas (at the end of each working day) shall only be carried out if necessary, using pumping to appropriate treatment facility of settlement tanks, and transport of water off-site in tankers if volumes prevent effective attenuation and treatment prior to discharge. Concrete will be delivered to site and will not be allowed to be washed out on site.
- Wheel washers and dust suppression on site roads (to be captured within the proposed SUDS system) and daily plant maintenance checks and corrective actions where required to be undertaken.
- Contingency measures to be established to cater for potential impacts to unknown services underlying the construction site (for example, old sewers, culverts). All onsite drains should be tested and surveyed prior to connection to the public system to prevent any ingress of groundwater.
- Spill control measures in line with industry best practice to be employed.

9.2.74. During the operational phase, the foul waste will be discharged to the public foul water network. The site will be connected to the local water supply network. Irish Water has confirmed there is adequate capacity within the existing network.

9.2.75. The new foul drainage network will discharge to the 450mm combined sewer in Bothar na Long. Foul effluent has been calculated assuming a dry weather flow of 150l/house/day. The domestic average flow (total) is 1.76l/s and the total domestic peak flow is 10.78l/s. The total average commercial flow is 2.71l/s and the total peak flow for the commercial component is 12.56l/s. As the proposed connection to the public sewer is via 225mm pipes and the pipes within the development are either 150mm or 225mm, the capacity of the proposed system is stated to be more than adequate to accommodate the estimated flow. The Board should also note that should permission be granted on the basis of the split decision made by the P.A., the residential component will be significantly reduced, thereby allowing for greater capacity in the proposed system.

9.2.76. The separate gravity storm water drainage network to be provided will collect, attenuate and treat runoff generated within the development. The surface water

system will be designed in accordance with the principles of SUDS, which will significantly reduce run-off rates and improve storm water quality discharging to the public sewer. It is stated (8.4.2.2) that full implementation of SUDS measures is not deemed necessary in the case of the proposed development due to the proximity of the surface water sewer outfall (700m from site connection) and the absence of any watercourse. Notwithstanding this, it is proposed to reduce the discharge rate and to increase the quality of the outflow from the site, by the implementation of SUDS measures. The measures that have been chosen for the site are outlined in Section 2.4 of the Civil Engineering Infrastructure Report.

- 9.2.77. The SUDS measures include a series of green roofs/extensive green roofs/intensive green roofs, bioretention systems and tree pits. A cellular attenuation tank is proposed which will have a flow control device restricting the discharge to the equivalent greenfield run off rate. It is designed for the 1 in 100 year storm +20% climate change. The SUDS measures are linked in series (SUDS Management Train) which will ensure that rainwater falling on the site will be captured, conveyed, stored, intercepted and removed of any pollutants before discharge to the Queen Street outfall. Thus, interception storage will be provided to retain the first 5-10mm of rainfall over the new impermeable area of the site, thereby replicating the run-off characteristics of a greenfield site. Surface waters will be discharged via petrol interceptors.
- 9.2.78. In the event of flooding, the invert of the last manhole will not be above the sea level, but the proposed ground floor (+5.0mOD) will be above the design flood level set out in Section 8.3.3 of the EIAR, (i.e. +4.27mOD). It is stated (8.4.2.2) that this will prevent the manhole from flooding, although it may still surcharge, and that a non-return valve will be fitted to the outfall to ensure no backflow in a tidal event, which is not accompanied by heavy rainfall. The pipe network is limited in extent due to the high rise nature of the development and as such, the pipes have been oversized to prevent surcharging in the 1 year and 30 year events, and will not flood in the 100 year event.
- 9.2.79. Based on a 1 in 200 year return period coastal flood level of +3.77m and a climate change allowance of 500mm (Mid-Range Future Scenario), the design tidal flood level is +4.27mOD. The lowest proposed floor level is +5.00mOD, which is above the design flood level in all buildings except the Stables Building, which has a floor level of +4.2mOD. Vehicular entrances off Lough Atalia Road are at +4.8mOD and

+5.6mOD and off Bothar na Long are at +4.2mOD and +5.0mOD, and are therefore above the design flood level (apart from one of the entrances off Bothar na Long). The basement levels will be below the design flood level at -1.4mOD and -0.4mOD, but are accessed off Lough Atalia Road (+5.6mOD). The retail floor levels will be at +5.0mOD, +10.0mOD, +15.0mOD and +20.0mOD, whilst the apartment floor levels will be at +20.0m and upwards.

9.2.80. Although a Justification Test is not required in accordance with the Planning System and Flood Risk Management Guidelines, it is stated that the proposed development passes the justification test. It is pointed out that the site is a key brownfield regeneration site which is located in the city centre and is earmarked for comprehensive development to meet the consolidation needs of the city centre. It is stated that it will not increase the risk of flooding elsewhere and that the SUDs measures will reduce the rate and quantity of surface water discharge off site. It was concluded that the development is appropriate from a flood risk assessment perspective.

Residual Impacts

9.2.81. Residual impacts following mitigation measures are considered non-significant.

Cumulative Impacts

9.2.82. There are no likely significant effects on the hydrological environment associated with other projects in the vicinity. Cumulative impacts are not therefore considered unlikely to occur.

Water - Conclusion

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

Air and Climate

9.2.84. Chapter 9 of the EIAR addresses air quality and climate. Air and dust are assessed in respect of compliance with national air quality standards/limit values and dust deposition guidelines and the assessment addresses the risk to human health and the impact on ecology. The potential impacts on climate are assessed in the context

of national commitments under EU and UN climate change agreements and the Government's commitments to reductions in levels of certain atmospheric pollutants-greenhouse gas emissions. These commitments are noted in the EIAR to be further supported through Climate Action legislation and the Climate Action Plan (2019). Reference is also made to the Galway City Council Climate Adaptation Strategy (2019). The Board should note, however, that since the appeal was lodged, the Climate Action Plan has been updated twice and the new City Development Plan (2023-2029) has been adopted.

Receiving Environment

9.2.85. Air quality monitoring programmes have been undertaken by the EPA. Galway City is within Zone C where air quality is good with pollutant concentrations falling below EU limit values. The background monitoring results are set out in Tables 9.3 (Nitrogen dioxide) and Table 9.4 (PM₁₀). The nearest sensitive receptors are residential properties located within 200m of the site, one to the north (R1- Property on The Elms) and one to the south (R2 – Property on Queen Street), and the ecologically sensitive designated sites - Galway Bay Complex SAC and the Galway Bay SPA, which are potentially sensitive to NO_x and deposited nitrogen. The Board is advised that to avoid undue repetition the latter is addressed in the Appropriate assessment in section 10 below. However, it was concluded that the impact on the designated sites, particularly for NO_x from traffic during the operational stage was deemed negative, long term and imperceptible.

9.2.86. In a Do Nothing Scenario there would be no change in prevailing conditions in terms of air and climate.

Potential Impacts

Air Quality Impacts

9.2.87. The greatest potential impact on air quality is from dust nuisance during the demolition and construction phase, with the major dust generating activities likely to arise from demolition, earthworks, construction and trackout. Construction vehicles will give rise to CO₂ and NO₂ emissions during the construction phase due to the increase in HGVs. However, the emissions for construction vehicles and machinery were considered low and were scoped out using the UK Design Manual for Roads and Bridges. It is noted that whilst dust tends to be deposited over a 350m distance of a construction site, the majority of the dust falls within 50m of the source. There is

significant potential for dust soiling from the construction and demolition phases of the proposed development within 50 metres of the source. There are a few sensitive receptors which are located to the north and the southwest. Thus, in the absence of mitigation, there is the potential for significant, short-term dust soiling impacts to these receptors.

9.2.88. During the operational phase, the development will influence the volume of traffic using local roads during the operational phase. Vehicles will give rise to CO₂ and NO₂ emissions. The impact has been assessed by modelling emissions from the traffic that would be generated by the proposed development. The impact of NO₂ emissions for the opening and design years was predicted at the nearest sensitive receptors. Impacts were assessed at two worst-case sensitive receptors, residential properties R1 and R2, within 200m of the road links impacted by the proposed development (Fig. 9.1).

9.2.89. The results of the assessment in respect of NO₂ concentrations are set out in Tables 9.7, 9.8 and 9.9. The annual average concentration of NO₂ would be in compliance with the limit values for both the opening and design years and there would be no annual exceedances. The impact on annual mean NO₂ concentrations is assessed relative to Do Nothing levels. The predicted changes are imperceptible increases in NO₂ concentrations at the worst-case receptors of 0.07% at R1 and 0.6% at R2 for the opening year and 0.08% and 0.6% in the design year. The impact of the proposed development on NO₂ concentrations was therefore deemed to be long-term, negative and imperceptible. Concentrations of PM₁₀ were also modelled for the baseline year, but as concentrations were well within the annual limit at all receptors, further modelling was not required. The impact of the proposed development on ambient air quality was deemed to be long-term, localised, negative and imperceptible.

Climate Impacts

9.2.90. During the construction phase the impact on climate was assessed by using best estimates of building materials to quantify the likelihood of embodied carbon dioxide associated with construction under the following headings - pre-construction, materials used, construction activities and construction waste. In addition, transport GHGs associated with the delivery of materials and removal of waste were also included in the calculator. Table 9.6 sets out the predicted GHGs associated with

each stage/activity. It is noted that the embodied carbon from the building materials was considered to represent the greatest contribution at 88% of the total. However, it was emphasised that the precise materials to be used is not yet known and that the figures provided are indicative only.

9.2.91. The total emissions from the construction phase were predicted to be 52,140 tonnes CO₂e. These emissions are compared against the total national emissions (59.9 Mtonnes CO₂e in Ireland in 2019) and the 2030 targets and Ireland's EU targets for 2030 (32 Mtonnes CO₂e). The assessment in the EIAR (Table 9.6) averaged these emissions over the lifespan of the buildings (taken to be 60 years), prior to comparison with the aforementioned targets. This would reduce the overall emissions to 871 over the lifetime of the project which equates to 0.001% of the National Emissions in 2019 and 0.003% of the 2030 EU Targets for Ireland, or estimated to be 0.017% of the CAP (2019) target of 5 MtCO₂e.

9.2.92. It is noted that the third parties objected to the averaging of the emissions from the construction phase across the entire lifetime of the project. The Board will note that this matter was addressed in some detail in the planning assessment (8.9) above. However, it is noted that the predicted emissions from the construction stage, if not averaged out over the life of the project, but averaged over the estimated 7 years of construction, would amount to 0.012% of the emissions in 2019 and to 0.02% of the 2030 EU Target for Ireland. This would amount to 0.15% of the CAP target 2019 (as updated in 2021 and 2023). The embodied carbon emissions associated with the construction stage would not therefore have a significant impact on Ireland achieving its CAP or EU targets for 2030. It was also reiterated that the extent of the material specifications was not known and that the figures may differ depending on the materials selected, with considerable reductions where 'carbon friendly materials' are used. Furthermore, the proposed development as submitted has been reduced significantly by the P.A. split decision, and should the Board decide to grant permission on this basis, the emissions would be reduced further.

9.2.93. In terms of the operational phase and the impact on climate, annual quantities of carbon dioxide were predicted. Table 9-11 shows that the impact of the proposed development in the opening year of 2027 will be to increase CO₂ emissions by 0.00013% of Ireland's EU 2030 Target and by a similar amount in the design year. The impact of the proposed development on national greenhouse gas emissions is therefore considered to be insignificant in terms of Ireland's obligations under the EU

2030 Target. The proposed buildings will be designed to be highly energy efficient and will comply with or exceed the NZEB requirements of Part L of the Building Regulations. The magnitude of change on climate in the operational phase is considered to be imperceptible, negative and long term.

Mitigation Measures -Air Quality and Climate

- 9.2.94. To minimise significant nuisance a Construction Methodology and Phasing Management Plan has been formulated. This plan includes site management, management of movement of trucks, timing of site clearance and demolition, earth moving works and location and moisture content of storage piles. An air quality monitoring programme will also be in place for the duration of the construction phase
- 9.2.95. No mitigation measures are proposed during operational phase.
- 9.2.96. Mitigation measures in place to address the vulnerability of the proposed development to the potential effects of climate change are covered in chapters 8 and 9 of the EIR. These include a finished floor level for the new buildings which allows for climate change and emergency plans and evacuation procedures with respect to a flood event. In addition, the residential element is located above podium level which is well above the flood design level. Mitigation measures to reduce the impact which the proposed development may have on climate change will include the measures which are consistent with good practice regarding sustainable building design, safe bicycle storage and electric car charge points.
- 9.2.97. Greenhouse gas emissions from traffic generated by the development has been assessed. The proposed development entails the regeneration of a strategically located brownfield city centre site with a broad mix of uses and which promotes a higher density of development in a sustainable location. As such, the redevelopment of the site is likely to offset any impacts that would arise.

Residual Impacts

- 9.2.98. It is predicted that there will be no significant air quality or climate impacts.

Cumulative Impacts

- 9.2.99. Several construction projects in the vicinity are identified. Should construction of any of these projects coincide with the construction phase of the proposed development, there is the potential for cumulative dust impacts. Dust mitigation measures proposed will avoid significant cumulative impacts on air quality. Impacts due to

increased traffic as a result of these developments have been accounted for in the traffic data used in the assessment. These are deemed not to be significant as outlined in the residual impacts.

Air and Climate Conclusion

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

Air – Sunlight and Daylight

9.2.101. Sunlight and Daylight impacts are addressed in Chapters 10 and 11, respectively in the EIAR. The assessment has been carried out having regard to the Site Layout Planning for Daylight and Sunlight – a Guide to Good Practice BRE Guide 2011 and with the assistance of digital modelling. The results of the 3D modelling are contained in the Appendices to the EIAR. The assessment includes cumulative impacts relating to adjacent developments that have been permitted but not yet constructed.

9.2.102. The Board should note that these issues have been addressed under the topic heading of Population and Human Health in the EIA section of this report above and also in the Planning Assessment section of this report (8.7).

Receiving Environment

9.2.103. The site comprises a large brownfield site in the city centre which is currently largely vacant. It is earmarked in policy terms for large scale regeneration. Although there are a few free-standing buildings on the site, the majority are disused and of a relatively low height and are associated with the use of the site in connection with Ceannt Railway Station. To the north, there is a 5-6 storey hotel – the Hardiman (formerly the Meyrick) Hotel, which fronts onto Eyre Square but has a cantilevered extension which over-sails the entrance to the site from Eyre Square. Ceannt Station building (also due for major refurbishment works and extension) lies to the east of the hotel.

9.2.104. To the west of the site, there is a further 4-storey hotel building which backs onto the site, the Victoria Hotel. In addition, the United Methodist and Presbyterian Church (PS) on Victoria Place, together with some vacant warehouses and the site of a recently permitted student accommodation building on Queen Street (not yet constructed) are located to the west, as are Nos. 16 and 17 Eyre Square together with their rear garden areas which abut the site. To the south, the site is bounded by Forthill Cemetery and Lough Atalia Road runs along the eastern boundary. On the opposite side of Lough Atalia Road, there are industrial lands, which are in low intensity uses, and the banks of Lough Atalia itself.

Potential impacts

9.2.105. It was noted that given the largely vacant nature of the existing city centre site and the regeneration objectives for these lands, the likelihood is that any major development will result in considerable change to the daylight/sunlight environment. However, the greatest impacts in terms of daylight and sunlight were confined to the immediate environment to the northwest and the northeast, where there would be directly opposing windows in close proximity. A detailed analysis was carried out for a representative sample of sensitive receptors in buildings close to the site (Figs 10.1-10.4 and 11.1-11.4). The buildings selected included Victoria Hotel, Hardiman Hotel, 16 and 17 Eyre Square, UMP Church and some buildings further down Queen Street. The results are set out in Tables 10.1 (Sunlight) and 11.1 (Daylight), with the cumulative impacts in the corresponding Tables 10.2 and 11.2, respectively.

9.2.106. The principal buildings affected would be the Victoria Hotel and the UMP Church, where the levels of both daylight and sunlight would be reduced to levels well below that deemed as minimum standards in the BRE. The most significant effects were identified on bedroom windows on the eastern elevation of the Victoria Hotel, with more moderate effects on the church, the Hardiman Hotel and 16 Eyre Square. It should be noted that these impacts were the worst-case scenarios and that the impact on daylight access diminishes with distance from the development.

Daylight

9.2.107. In general, the proposed development is likely to result in moderate to very significant daylight impacts on properties in existing buildings on the northern side of Victoria Place and the eastern side of Lough Atalia Road. It is noted that the existing (baseline) daylight conditions in the representative sample of the Victoria Hotel

bedrooms is generally quite poor, with only two of the sample windows having a VSC above the recommended 27%. The proposed development would reduce the daylight levels for all sample rooms and would be less than 0.8 times their former values. In the most profound effect (Zone 12 – Victoria Hotel), the VSC would be reduced to 1.8% from 18.9%, which is 0.10 times its former value. This would represent a Very Significant Effect. Other decreases in daylight at the hotel would be in the order of 0.23 times, 0.35 times and 0.65 times, respectively, the previous values.

9.2.108. The impact on other properties in the vicinity is more varied with the majority of impacts deemed imperceptible to slight. However, the impact on the church would also be quite significant as the VSC would be reduced from 32-32.5% to 16.6-17.9%, representing 0.53 times the former values. The impact on daylight on the ground floor of the Hardiman Hotel (Zone 3) and No. 16 Eyre Square (Zone 4) were also more significant than other properties assessed. However, the reduction in the Hardiman would be 0.75 times the previous level (which was below the 27% VSC), but the sample room is at the rear of the hotel. The reduction in respect of 16 Eyre Square (Floor 3) would be greater at 0.48 times, but the existing VSC is only 11.8%. This property will be refurbished and modernised as part of the overall development.

9.2.109. The cumulative impact assessment in respect of daylight access indicated that any such impacts would be confined to Queen Street and the junction of Queen Street and Victoria Place, and in particular, the buildings on the western side of Queen Street. The combined effect has the potential to reduce the daylight access to the Victoria Hotel and the UMP Church in particular. However, it is stated (11.5.3.2) that although the potential cumulative effect might be slightly greater, it is likely to be similar in all material respects to the potential effects in circumstances where the permitted developments are not constructed. It should be noted that a planning application was submitted to the P.A. in December 2022, for a 10-11 storey extension to the Victoria Hotel on the western boundary of the site, a decision on which is still pending (P.A. Ref. 22/335). The P.A. website indicates that a FI request was issued on 20/02/23, and a response is awaited. This application was not included in the cumulative impact assessment of Augustine Hill as it was only submitted in December 2022. However, the proposed development at Augustine Hill appears to have been included in the assessment of cumulative impacts for this proposed hotel extension.

9.2.110. It was concluded in the EIAR that having regard to local, regional and national planning policy objectives for the densification and regeneration of this central urban area, the potential effect of the proposed development on daylight access within existing buildings is likely to be consistent with emerging trends for development in the area under a worst-case scenario. It is further noted that the impacts on daylight access, as discussed above, relate to buildings which are mainly in commercial/retail use and as such, the impact would not be considered as significant as if the buildings were in residential use. Furthermore, the proposal is expected to achieve sustainable densities on a centrally located brownfield site, where both the baseline shadow environment and the expected shadow environment would be low.

Sunlight

9.2.111. In general, shadows cast by the proposed development are likely to extend to the west as far as Queen Street and Victoria Place during the morning throughout the year, and to adjoining lands for a short time during the afternoons in the autumn, winter and spring months. Shadows cast by the proposed development are unlikely to result in any undue adverse effects on sunlight access to buildings on the opposite sides of these streets to the application site. It is noted that the existing (baseline) sunlight conditions for buildings on Queen Street and Victoria Place are generally quite poor. The more detailed analysis of representative sample rooms included several windows which do not face 90° of due south, and which are not required to be assessed under the BRE guidelines. However, these were included in the assessment, as if they had a reasonable expectation of sunlight access, for the sake of completeness.

9.2.112. The greatest impacts from the proposed development would be on the Victoria Hotel and the UMP Church. The impacts on the hotel (zones 11-14) are likely to be very significant or profound in terms of sunlight access to some east and north-facing bedroom windows. It is stated that given the nature of this property as a city centre hotel, the scale of development envisaged and already permitted in the area and the urban context of the site, there may be a lower expectation of sunlight access to hotel bedrooms. The potential impacts on the church are likely to be more moderate, but it would continue to receive the recommended level of sunlight after construction of the development. Similarly, in respect of many of the properties assessed on Queen Street, Victoria Place and Eyre Square, where potential moderate impact had

been identified, it was predicted that the majority of windows would continue to receive the recommended level of sunlight.

9.2.113. Cumulative impacts, from the proposed development in conjunction with permitted developments in the vicinity of the site, are likely to result in considerable change to sunlight access within certain properties on the west side of Queen Street and within certain rooms in the Victoria Hotel, as well as within the church building. The potential impacts on the hotel (zones 11-14) would not be materially intensified, but the potential impacts on the church would be worsened such that sunlight access to these windows would be below that recommended in the BRE guidelines. The cumulative impacts on the hostel on Queen Street (Zone 9) would also be more significant. As noted at 9.2.109 above, there is a current application for a major extension to the Victoria Hotel pending at present, which has not been included in the cumulative impact assessment of Augustine Hill as it was only submitted in December 2022.

9.2.114. It was concluded that where impacts have been identified that would result in sunlight access being reduced to levels below that recommended in the BRE, the impacts must be balanced with the regeneration potential of the centrally located brownfield site, which is earmarked in the CDP for major redevelopment at sustainable densities, and which is supported in regional and national policy objectives for achieving sustainable and compact growth. Furthermore, the site is located in the city centre where there is an expectation of shadows in this urban environment.

9.2.115. In a *'Do Nothing'* scenario, the existing sunlight and daylight environment within neighbouring buildings will remain unchanged.

Mitigation measures – Sunlight and Daylight

9.2.116. No mitigation measures are proposed for either the construction/demolition phase or the operational phase in respect of access to sunlight or daylight. The reasons given are that it is proposed to develop a largely vacant and underutilised brownfield site, which has been identified for major redevelopment under statutory planning policy and scope for mitigation measures are therefore limited.

Residual impacts – Sunlight and Daylight

9.2.117. As no ameliorative, remedial or reductive measures are proposed, the residual effect of the proposal on sunlight and daylight access is predicted to be as discussed above and in 11.5.2 of the EIAR.

9.2.118. It should be noted, however, that should the Board decide to issue a decision which would reflect the split decision of the planning authority, the volume and height of buildings will be reduced to a significant level which would be likely to reduce the impact on neighbouring properties.

Conclusion - Air – Sunlight and Daylight

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

Air – Noise, Vibration

9.2.120. The noise assessment was carried out by AWN Consulting and is addressed in Chapter 12 of the EIAR. It describes the receiving ambient noise climate and assesses the potential noise impact during both the construction and operational phases of the development. The methodology included the preparation of a noise model.

Receiving Environment

9.2.121. There were five Noise survey locations which were located within and in the vicinity of the site. The noise surveys were conducted during the day and at night. The noise environment was generally dominated by rail activity and vehicular traffic.

Potential impacts

9.2.122. Noise and vibration during the construction stage were assessed using the BS Code of Practice for Noise and Vibration Control on Construction and Open Sites. The main site activities which would give rise to noise were identified as site clearance, demolition of existing buildings, building construction, road works and landscaping. The likely sources of noise and construction impacts would include use of plant, and equipment traffic. The predicted noise levels for each of the activities/items of plant

are set out in Table 12.7. It was noted that there is limited rock excavation anticipated and as such, vibration levels are likely to be low.

- 9.2.123. The daytime criteria adopted was 70dB(A) for residential properties and 75dB(A) for non-residential properties. Lower values were adopted for evenings/weekends, (60dB(A) residential / 65dB(A) non-residential) and for night-time, (45dB(A) residential and 55dB(A) non-residential). It was indicated that the range of construction activities are likely to be carried out within these limits. In terms of construction traffic, the potential increase in traffic flow and associated noise levels are set out in Table 12.8. This relates to the worst-case scenario. The increase is predicted as less than 1 dB(A), which would have an imperceptible impact.
- 9.2.124. In terms of operational noise, the impacts assessed included both inward and outward noise impacts. Thus, the occupied development was also assessed for capacity for noise impact and tolerance within the BS recommended standards. The main noise sources examined included building service noise (mechanical and electrical service plant), additional traffic on public roads and entertainment noise.
- 9.2.125. The predicted increase in noise levels associated with road traffic is less than 0.8dB(A), which was deemed to have an imperceptible impact. The majority of plant will operate at basement level. However, there will be some plant within plant rooms at Block 6 which will have louvres to the outside. Similarly, at Block 2 there would be plant externally at roof level and at Blocks 8 and 9, there would be plant at first floor level above the food and beverage outlets. As the precise uses and plant equipment are not yet known, daytime and night-time limits have been set at 50dB LAeq,1hr – Day and 45dB LAeq,15min – Night.
- 9.2.126. Entertainment noise was not assessed with a standard methodology due to the fact that the detailed design of the buildings has not yet been developed. However, some additional analysis has been carried out in respect of the roof of Block 6 whereby entertainment noise would have the potential to impact the residents of Block 5. The activities on the roof of B6 include bouldering and climbing, natural play, creative play, sensory play and occasional entertainment/performance (amphitheatre). There is also a cultural space with a roof-top element. A 3-D noise model was developed which demonstrated that no significant impact was anticipated for surrounding residential development. Other noise sources considered included the operation of

the carpark and the delivery/collection of waste. No significant noise levels were anticipated.

9.2.127. Inward noise was assessed in respect of the proximity of the site to both road and rail noise sources that have the potential to impact residential development on the site. The noise surveys indicate that both road and rail noise sources contribute most to the noise environment at the boundaries of the site. A 3 D noise model was prepared. Where façade levels are less than 55dB LAeq,16hr during the day and 50dB LAeq,8hr at night, it is possible to achieve reasonable internal noise levels while also ventilating the dwellings with open windows. Thus the façades with these noise levels would not require any mitigation. Where façade noise levels are above these limits, a minimum sound insulation performance specification of the building façade would be required. The facades where the noise levels are higher are shown on Fig. 12-8. The buildings identified are Block 7 (Pin 1), Block 8 (Pins 2 and 3) and Block 9 (Pins 4 and 5). It is noted that the residential facades of these buildings will have appropriate noise insulation through enhanced ventilation and glazing.

9.2.128. The external noise levels within the vast majority of the public open spaces on the site are stated to be centrally located away from road and rail noise sources. It is predicted that they will be within the recommended range of noise levels of 50-55dB LAeq,16hr.

Mitigation measures

9.2.129. Best practice noise and vibration control measures, as set out in BS 5228(2009) will be employed during construction/demolition in order to avoid significant impacts at the nearest sensitive buildings. These measures include selection of quiet plant, enclosures and screens around noise sources, limiting the hours of work and noise and vibration monitoring. Details are set out in 12.6.1 of the EIAR.

9.2.130. The noise impact assessment indicated that no mitigation measures would be required in respect of additional traffic noise or from building services plant. No mitigation is proposed in respect of noise from additional traffic on public roads. However, mitigation measures are proposed in respect of building services plant, details of which are set out at 12.6.2.2 of the EIAR. Measures proposed include noise control techniques such as duct mounted attenuators, solid barrier screening, anti-vibration mounts and splitter attenuators/acoustic louvres providing free

ventilation to internal plant areas. In terms of practices to be adopted, the plant will be maintained regularly and will not be permitted to exceed the stated noise limits.

- 9.2.131. It is difficult to be definitive about mitigation measures for entertainment noise at this stage, but certain issues that would need to be considered are set out in the EIAR (12.6.2.3) for inclusion at detailed design stage. These include use of appropriate linings in external walls, appropriate sound insulation in the glazing used, provision of acoustic lobbies and doors with good acoustic performance, attenuation of ventilation systems and adopting a maximum permissible noise level for each venue. Inward noise impact will be controlled by appropriate wall construction and glazing elements as well as controlling noise via ventilation paths. The dwelling units will have heat recovery ventilation systems where passive through-the-wall vents are not required, which will effectively control noise intrusion. Noise limits applied to any source of noise in the operation of the units are recommended to comply with standards in BS8233 thresholds for internal habitable spaces. The sound insulation requirements as set out in Table 12.11 will be applied.

Residual impacts

- 9.2.132. There will be some residual noise in terms of impact on nearby sensitive receptors due to construction traffic and other activities. However noise and vibration limits will ensure that noise and vibration impacts are kept to a minimum. Implementation of the noise and vibration limits and restricting hours of operation will ensure that noise and vibration impacts will be short-term, negative and slight to moderate. The P.A. has recommended that noise monitoring be carried out at sensitive locations during the construction phase.
- 9.2.133. In the context of the existing noise environment, the overall contribution of induced traffic is considered to be of a neutral, imperceptible and long-term impact to nearby receptors. No residual impacts are anticipated for building services noise provided that the noise limits specified in the design goals are adhered to and no residual impacts are likely from entertainment noise as this will be controlled. However, there may be some short term negative noise associated with external entertainment areas during events.

Conclusion Air – Noise and Vibration

- 9.2.134. I have considered all of the written submissions made in relation to noise and vibration. I am satisfied that potential effects would be avoided, managed and

mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on noise and vibration on sensitive receptors in the vicinity.

Air - Wind

- 9.2.135. The impact of the proposed development in terms of the creation of any undesirable wind conditions on site and in the surrounding area are addressed in Chapter 13 of the EIAR. It describes the receiving environment in terms of the wind microclimate and assesses the potential impacts from wind on pedestrian comfort and safety and in respect of the potential impacts on pedestrians and cyclists on surrounding roads as a result of the proposed development.
- 9.2.136. The methodology included the use of a wind tunnel testing model to establish the baseline conditions and to model and assess the pedestrian wind conditions following development. This involved assessment of areas within the site at ground level, podium level, balcony level and roof level which included circulation routes, residential balconies, residential amenity spaces and surrounding roofs for the safety and comfort of pedestrians and cyclists. The baseline was established using Shannon Airport meteorological records, which were considered to be applicable to Galway with some adjustment.
- 9.2.137. The wind tunnel testing was carried out using a physical scale model (with three configurations) of the proposed development and surrounding area to establish the wind microclimate. The 3 scenarios were the baseline, the proposed development with surrounding buildings and the proposed development with cumulative impacts. The assessment is quantified in terms of RWDI/Lawson Criteria based on the reaction of an average pedestrian to different wind conditions, sitting, standing, strolling and walking. Beyond this, there is a fifth category of uncomfortable. The wind speed was measured at 248 locations. Targets were set for different elements of the development, such as balconies, entrances and amenity areas. The different environments were assessed and classified in accordance with relative wind conditions in relation to the desired environment. A strong wind threshold of 90km/h for more than 0.1% of the time for 24 hours would require mitigation.

Receiving Environment

9.2.138. The existing site was described as windy with general conditions being suitable for standing to walking use during the winter and calmer in the summer. This was to be expected given the proximity to the coast and lack of shelter on the site. However, it is anticipated that the proposed development would have a significant impact on the site as oncoming winds would interact with the wind conditions on site and new uses would be introduced which would be more sensitive to the wind microclimate.

Potential impacts

9.2.139. The potential impacts during the Construction/Demolition phase were not assessed in the modelling as it would be a temporary condition and would be highly variable as buildings become demolished and new buildings emerge. Instead, the potential impacts were assessed using the judgement of an experienced wind engineer. In addition, there would be restricted access across the site and there would be health and safety standards for construction workers that would have to be complied with. It was considered that conditions would be suitable for a working construction site with hoarding in place. However, it was found that Probe Location 72 will be subject to strong winds which will require mitigation prior to commencement of construction.

9.2.140. Microclimate wind conditions were assessed for pedestrian comfort during the operational phase. In general, it was considered that the development, which consists of a cluster of tall buildings would have a significant effect on conditions due to massing and aerodynamics. The sensitivity of receptors is related to the intended pedestrian usage at each location in terms of the suitability of the location for the intended use. It is expected that the use of outdoor amenity spaces and rooftop terraces for sitting would be limited to the summer season. During the winter, these spaces would be expected to be suitable for standing use. Drop off and entrances were classified as standing areas during the summer season and would not have seating. Pedestrian circulation areas were targeted for suitability for strolling.

9.2.141. The proposed development (plus surrounding buildings) would be suitable for its intended use in terms of entrances, the car park, ground level and roof level amenity areas. However, impacts requiring mitigation would be required for several probe locations in other categories. These included the top four balconies in Pin 1 (Probe 249), some of the Thoroughfares such as Bastion Lane and Athy Passage (Probes 29,72, 76) and some of the Podium amenity locations on Blocks 7 and 8 (Probes 58,

91 and 92). One instance of strong winds would occur at Probe 72. The same issues arose in the cumulative impacts scenario apart from Probe 92 and the Strong wind incidence (Probe 72), which were resolved as the additional built landscape would provide more shelter.

Mitigation measures

9.2.142. During construction/demolition, the site would be hoarded off prior to occupation, but the throughfare between Buildings 8 and 9 would be subject to strong winds (Probe 72). Mitigation would be required. A wind mitigation strategy was developed for the operational phase which was integrated into the design and landscaping plan. These included minor design changes, balcony screens and additional landscaping and tree planting, as set out at 13.6.2 of the EIAR. It is noted that Probe Locations 29 and 76, respectively, are ones where pedestrians are unlikely to linger (Bastion Lane and Athy Passage) and that no mitigation was therefore required.

Residual impacts

9.2.143. With mitigation in place, it was predicted that pedestrian comfort would be achieved to target levels. No instance of strong winds would persist. All locations were deemed to be suitable for the intended use and the effect was therefore deemed to be negligible. Following the implementation of the proposed mitigation measures, no monitoring would be required.

Conclusion Air – Wind

9.2.144. I have considered all of the written submissions made in relation to air - wind. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on wind conditions in terms of pedestrian safety and comfort, as a result of the proposed development.

Landscape – Townscape and Visual Impact

9.2.145. Chapter 14 addresses landscape and is accompanied by a set of 68 no. photomontages. The original application was accompanied by 45 no. photomontages and an additional 23 were submitted as Further Information. In view of the context of this project within Galway City Centre 'Landscape' effectively refers to the

'Townscape'. This is defined by the Guidelines for Landscape and Visual Impact Assessment as -

“the landscape within the built-up area, including the buildings, the relationships between them, the different types of urban spaces, including green spaces and the relationship between buildings and open spaces”.

9.2.146. I would advise the Board that there is a significant overlap with sections 8.4 and 8.5 of the planning assessment above and should be read in conjunction with same.

Receiving Environment

9.2.147. I refer the Board to section 2 and section 8.5 above in which a detailed description is given of the receiving environment. In addition, the receiving environment is described in some detail at Section 14.3 of the EIAR.

9.2.148. In summary, the project relates to a large brownfield site in the heart of Galway City, which is largely underutilised and lies immediately adjacent to Ceannt Station and Eyre Square, is a short distance from the historic core, with which it connects to the evolving Inner Harbour. The site comprises mainly hardstanding areas with several buildings, three of which are Protected Structures, namely, No. 16 Eyre Square, The Goods Shed and The Stables Building. The site is on a rise, ramping down to Eyre Square to the north-west, and stepping down abruptly to the west at the location of the Stables Building. The levels also step down sharply to the east and south towards Lough Atalia Road and Forthill Cemetery, which is a historic walled graveyard that is both a Recoded Monument and a Protected Structure and bounds the site on two sides by means of stone retaining walls. Access to the site is gained from Eyre Square by means of a 2-way entrance to the railway carpark, which passes under an overhanging modern extension to the Hardiman Hotel. A second entrance is located to the south-east off Lough Atalia Road.

9.2.149. The **Key Townscape Character Areas** are identified in the EIAR (14.3.4). Each area is described in the EIAR and the viewpoints chosen for the visual impact assessment was informed by the identification and analysis of these potentially affected character areas. In summary, the key character areas are as follows:-

1. **The Ceannt Station Area** – low density, few buildings and streets, absence of urban grain or public realm – negative contribution to townscape. Obstacle

to connectivity within city. Protected Structures – positive contribution. **Low sensitivity to townscape change.**

2. **The Inner Harbour Area** – evolving area, predominantly late 20th century development and working docks. Nos. 1-6 Dock Road (ACA) has limited presence. Existing modern development does not reflect the potential of the area. Mixed character in transitional phase with Bonham Quay development and student accommodation on Queen Street. Merchants Road provides buffer between IH/site and historic core. **Medium sensitivity to townscape change.**
3. **New Docks** – industrial area to east of Lough Atalia Road. Prominently site to bay. Planning application for extension of harbour which would change the character of bay and streetscape significantly is currently pending – **Low sensitivity to townscape change.**
4. **Eyre Square** – open space and vegetation are defining features as are buildings enclosing the square. Many Georgian buildings ranging from 3-5 storeys. Hardiman Hotel dominant feature. Highly valued amenity space and ACA – **High sensitivity to townscape change.**
5. **Historic city core** – medieval walled city – narrow streets with dense urban grain – highly valued townscape with cultural and built elements. High degree of visual enclosure despite low height of buildings – **High sensitivity to townscape change.**
6. **Modern city core** – clusters of modern, large buildings on Fairgreen Road and Forster Street to north and east of Eyre Square. **Low sensitivity to townscape change.**
7. **Corrib River corridor and bridges** – Corrib River – one of key topographical elements of city. Urban grain alongside river reflects its sinuous alignment and the bridges over the river are important places due to movement of people concentrated over them with views along the corridor and into the adjacent townscape areas. As gateways in the townscape, **Bridges – High sensitivity to change. Long Walk ACA** forms part of river corridor – 18th and 19th Century houses alongside quay where river widens into Galway Bay. Panoramic views across the water towards an attractive pocket of historic architecture. **High sensitivity to townscape change.**

8. **The coastline to the west – Nimmo’s Pier, South Park, Seapoint –** important outdoor amenity area for the city providing walking routes, sports, play and picnic spaces and affording panoramic views across Galway Bay and towards the city centre. **Medium sensitivity to townscape change.**
9. **Lough Atalia –** large tidal bay, almost enclosed and connected to Galway Bay by an inlet, which is bridged by the railway line before terminating at Ceannt Station. Diverse nature of development fronting L. Atalia including Galmont Hotel, small apartment blocks and large houses on western side of lough and G Hotel fronting Dublin Road on the northern side To the east – low density suburbs and institutional lands. Views across the lough are protected in order to avoid foreground obstruction of these seascape views. Many of views are panoramic but also include views of industrial lands around docks. **Medium sensitivity to townscape change.**

9.2.150. In a Do Nothing Scenario there would be no change in the townscape and views available.

Potential Impacts

9.2.151. The EIAR noted that the degree of townscape and visual change arising from the proposed development is potentially transformative to the city. A review of the policy framework was therefore carried out (14.3.5) to establish the basis for such change. It was considered that the policy framework is supportive of a high density, mixed use quarter at a scale commensurate with Galway’s role as a regional Gateway city, including taller buildings and landmark structures, which will inevitably cause a change in townscape character and in views of and within the city. It was further considered that the regeneration of the area will necessitate development which complements the quality of the existing and historic townscape without causing harm to the valued historic features. I can confirm that there has been no material change to the policy framework with the adoption of the new City Development Plan.

9.2.152. The townscape impacts during demolition and construction were considered to be significant and negative in the immediate vicinity of the site, although short term (14.5.2). The impacts on townscape during the operational phase were examined in the context of several ‘Receptors of Change’. These included topography, urban grain and movement patterns, land-use patterns, plot/building typologies and public realm/streetscapes. In addition, the townscape impacts on the receptors of

perceptual/aesthetic factors and surrounding character areas were addressed. The assessment was informed by site surveys and was supported by the photomontages taken at representative viewpoints within the study area.

- 9.2.153. In general, the existing site and immediate environs were considered to be of low sensitivity in terms of these receptors, but with a potential for high magnitude of change. The proposed development would give rise to positive impacts on townscape topography, as it would resolve existing conflicts in terms of differential levels within the site and facilitate connectivity and permeability through the site. It would also have positive impacts as it would introduce a new fine urban grain with a complex but legible pattern of streets and squares, which would reflect that of the historic core, and would introduce new land uses more appropriate to the city centre and help to achieve the goals of higher density and more sustainable development. The proposal would also introduce a strong element of legibility to the city centre which is currently lacking.
- 9.2.154. Thus, the proposed development would generally have positive impacts on the townscape character within and in the vicinity of the site, as it would become a high quality urban quarter which would replace the degraded and neglected character of the existing site. Negative effects would arise, however, due to the height of some of the buildings and where sections of the proposed development intrude above the historic rooflines. This is particularly so in respect of Eyre Square ACA and the Long Walk ACA (as discussed in 8.4 and 8.5 above). The P.A. planner also had significant concerns regarding the cumulative impact of a number of tall buildings clustered together, which it was considered would have a profound to very significant impact on the townscape in and around Eyre Square. The surrounding character areas would not be physically changed by the proposed development, but they could be affected by changes to views from these areas, in terms of impacts on visual amenity.
- 9.2.155. The impacts during demolition and construction on visual amenity would be quite significant but would vary throughout the construction programme and with distance from the site. In the earlier stages, both townscape and visual impacts would mainly be limited to the immediate environs, but as the development progresses, the visual effects and townscape impacts would be more widespread. The magnitude of change would range from negligible to high and would generally be negative, with the significance varying with time.

- 9.2.156. The residual impacts for the construction phase are set out in Section 14.8 of the EIAR. The townscape impacts during construction would be significant and negative in the immediate vicinity of the site. The residual operational impacts (townscape) are deemed to be positive in respect of each of townscape receptors discussed above (see Table 14-19 of EIAR). The magnitude of change was found to be high for each receptor apart from topography (medium) and the significance of the effect was found to be moderate or significant for all but the topography. As the impacts were deemed to be positive, no mitigation was proposed.
- 9.2.157. Visual impacts during the operational phase are assessed within the framework of 68 no. representative viewpoints. These are divided into groups, representing the key surrounding townscape character areas (as discussed above) and as representative viewpoints in the wider city area as well as Protected Views set out in the CDP. The EIAR has assessed each one of the viewpoints in terms of the sensitivity and magnitude of change, the significance of the effect and the quality of the effect, as well as the type, probability and duration of effect, which are set out in Table 14-20.
- 9.2.158. It is noted that the majority of the 68 viewpoints are assessed as having a 'positive' effect, with the remainder having a 'neutral' impact. The most significant effects related to views from Eyre Square, Forthill Cemetery, Nimmo's Pier (towards Long Walk) and Lough Atalia Road/Lakeshore Drive, with moderate impacts in views from Ballyloughane Beach, Grattan Road (Salthill), Mutton Island causeway, Circular Road and Quincentenary Bridge (both panoramic to north). The key conclusions are set out in the EIAR in the section following Table 14-20 (pages 14-86 to 14-90).
- 9.2.159. I would agree that there would be no significant visual effect from the medieval city core due mainly to the alignment and visual enclosure of the medieval streets, which restrict views towards the site. The views from the Corrib River bridges would not be significantly affected either due in part to the low visibility of the site from many of the bridges, to the distances involved, as well as to the positive impacts of the introduction of a new feature which would improve the legibility of the city centre. I would also agree that parts of the inner harbour, which would have relatively significant visual impacts, could generally be considered to be positive as the proposed development would contribute to the transformation of this docklands regeneration area to a new modern urban quarter. I would further agree with the conclusions regarding the elevated vantage points (such as Circular Road at The Bailey VP 1) as only a small part of these panoramic views would be affected and

the impacts are likely to be of slight significance and positive. The views from the inner eastern and western parts of the city (College Road, Fr. Griffin Road and University Road) would also be slight and positive.

9.2.160. However, the conclusions regarding the impacts on Forthill Cemetery, Eyre Square, Long Walk, Lough Atalia, and the coastal views from the west and the east need further examination. As discussed in 8.4 and 8.5 of the planning assessment in detail above, the planning authority did not agree with the conclusions of the TVIA in respect of the impacts on the Eyre Square ACA, the Long Walk ACA, on Forthill Cemetery or on certain strategic views and maritime views. I would refer the Board to the planning assessment (8.4/8.5) above for a detailed assessment to avoid repetition.

Eyre Square ACA (VPs 6-10 and VPs 46-54)

9.2.161. The EIAR concluded that, despite Eyre Square's highly valued status in the townscape and its high sensitivity to change, it is capable of withstanding external change without negative effects on its integrity and amenities due to its strong definition and character. It was stated that although the new buildings would be visible, protruding above the roofline of the Square-front buildings, they would read as a distinct urban quarter and the original buildings on the Square would retain their legibility as a collective architectural unit. It was further considered that the variations in height, façade design and materials within the cluster would contribute to this effect and create visual interest in the skyline. It was, therefore, considered that the townscape of the Square would be visually enhanced and that its legibility would be improved.

9.2.162. As can be seen from VPs 48, 49 and 53, the proposed Blocks 2, 5, 7, 8 and 9 would feature prominently in views from Eyre Square, as they would protrude above the roof lines of the buildings on the Square and to the side of the Hardiman Hotel. As three of these five blocks have two towers each, the buildings behind would form a visibly prominent cluster behind the 4-5 storey Georgian buildings on the southern part of the Square, (most of which are Protected Structures). The closest blocks to the Square are B2 (Hotel – Pins 7 and 8) and B5 (Indep. Living Units – Pin 6), each of which would be 11 storeys high (45-46 mOD). The Landmark Tower (B7 – Pin 1) together with four separate Pins of the remaining two blocks, (B8 - Pins 2 and 3 and B9 – Pins 4 and 5), would form a further layer behind the 11 storey blocks, rising to

16 storeys and 21 storeys, respectively. The materials and roof profiles of these blocks vary also, as do their façade designs.

- 9.2.163. The P.A. planner's view was that the varying roof heights and planes of these buildings would result in a visually complex group of buildings with competing elements, which would have a "very profound impact" on Eyre Square ACA. The P.A. raised concerns that a graduated height increase (between established and new buildings) would not be achieved and that the density and tight (clustered) layout would exacerbate the impacts on the Square. However, it was considered that the Landmark building (Pin 1) could be tolerated if the other buildings in the cluster were reduced in height and scale.
- 9.2.164. I would agree that the townscape and character of Eyre Square would be profoundly negatively impacted by the scale, volume and height of the buildings rising up behind the Georgian Square. The number and tight arrangement of the structures, which would be significantly taller than any other buildings in the city skyline, combined with the variety of materials and façade/roof designs, and the height differentials, would create visual clutter and a sense of confusion. Whilst it would facilitate the legibility of the scheme as it would herald the presence of the new urban quarter beyond the Square, it would have a disruptive and discordant effect on the relatively unified architectural composition of the Square when viewed from the park or from several points to the north and the east of the Square.
- 9.2.165. It is considered that the magnitude of change is 'Very High' as it would introduce change that is large in extent and would result in major alterations to the historic skyline and appreciation of the architectural composition of the southern part of the Square. The group of 11-16 storey buildings would introduce large elements which would be uncharacteristic in the context of the Georgian Square. Given that the sensitivity of the Square is High or Very High, this would result in a Profound or Profound to Very Significant negative impact, which would be permanent.

Long Walk ACA (VPs 33 and 34)

- 9.2.166. The Long Walk ACA, as viewed from Nimmo's Pier and surrounds, is an attractive architectural townscape element, the views of which are enhanced by the maritime location, as evidenced by the frequent use of this iconic coastal view over the water towards the Claddagh as being partially representative of the character of Galway City. The cluster of tall buildings would protrude above the roofline of the terrace.

The view is described in the EIAR as complex and containing diverse elements but with an interesting character. It is noted that there would be a degree of tension in the view between the historic terrace and the new buildings but that this would not be unusual or undesirable in a city.

- 9.2.167. The EIAR classifies it as High Sensitivity and a Medium magnitude of change from Grattan Road and Low-Medium Sensitivity with a High magnitude of change from Nimmo's Pier. It is stated that the proposed development would add buildings of high quality to the view, establishing a new quarter in the city in accordance with relevant policy. It was concluded that whilst the proposal would alter the context, it would not reduce the integrity, legibility or value of the view of the Long Walk as an element of the townscape. This contributed to the assessment of a Significant and Positive impact, which would be Permanent.
- 9.2.168. The P.A. planner's report strongly disagreed with the assessment as outlined above. It was considered that the proposed buildings would result in an abrupt rise in height creating a dominant feature in the Long Walk vista, which would detract from the visual integrity and value as a heritage asset. However, the landmark building, as a singular element, was not considered to be detrimental to the integrity as it would form a backdrop, provided that the subsidiary buildings are reduced in scale.
- 9.2.169. It is considered that the sensitivity of the vista is very high and that any elements of diversity are either located to the side or form part of the backdrop with a gentle and gradual change and do not disrupt the composition of the view. This is clearly a highly valued townscape element in the city which would have very limited capacity for change. Some of the key elements of the view include the strong sense of uniformity of design and materials combined with the fine urban grain. I would, therefore, question the classification of sensitivity as Medium or High.
- 9.2.170. It is considered that the introduction of the proposed group of buildings at a significantly greater height and of a notably different contemporary design in the centre of the view would result in an incongruous feature which would distort the composition of the view. Notwithstanding the high quality of the architecture proposed, this would result in a negative impact. I cannot agree, therefore, that the development as currently proposed, would not have a detrimental impact on the integrity, legibility and value of the view. It is considered that the magnitude of change would be very high as it would result in fundamental change to the character

of the townscape. I would agree with the P.A. that the impact of Pin 1 as a singular landmark structure would not have the same impact as the grouping of the tall structures. The potential impact is therefore Profound or Profound to Very Significant and Negative.

Forthill Cemetery (VPs 55a, 55b, 56a, 56b, 57)

- 9.2.171. Forthill Cemetery is a significant heritage asset in the city which is designated as a Protected Structure and as a Recorded Monument. It comprises a Bastioned Fort which was built (1602) on the site of the original Augustinian Friary (1500). There are three Recorded Monuments within the site, namely the Graveyard, the Bastion Fort and the Friary. It includes several plaques of commemoration and contains burials dating back to 1860 as well as more recent burials. Two of the historic fort walls directly abut the site boundary. The planning authority, the DCHG and third parties have expressed serious concerns regarding the impact of the proposed development on the cemetery by reason of the height, bulk and scale of the proposed buildings together with their extreme proximity and overwhelming interface, which it was considered would create an overbearing and detrimental impact on the recorded monument/protected structure.
- 9.2.172. The EIAR assessment pointed out that the townscape setting of the cemetery at present is very poor and that the views out of the cemetery, particularly to the north are not of high amenity value. It is acknowledged that the proposed buildings - Pins 3, 4, 5 (Blocks 8 and 9 respectively), which would stand atop 3-4 storey plinths and would enclose the cemetery to the north and north-east, would dramatically change the views from the cemetery. However, they would not fully enclose the views as the design, spacing and orientation of the pins would maintain wide gaps of sky space between the pins. In addition, sky space would be maintained to the west (following the omission of Block 10) and to the east of the cemetery.
- 9.2.173. The EIAR states that it has been demonstrated that the built enclosure is not excessive, that the buildings themselves are attractive, light in form and colour, and that the facades are highly articulated to reduce the perception of massing. It is further stated that the regeneration project will change the function and value of the cemetery as an open space. It is submitted that although it is a rare and highly valued green space, its recreational use is limited due to the dense concentration of monuments and its future value is therefore as an area providing visual amenity. The

viewpoint sensitivity is classified as 'Medium' and the magnitude of change as 'Very High', resulting in a 'Significant' effect which would be 'positive'.

- 9.2.174. The P.A. planner's report broadly agreed with the viewpoint sensitivity and magnitude of change, following the receipt of FI (which omitted block 10 and increased the buffer with B8/B9, lowered the heights of B8 and B9, and altered the design of the facades of B8 and B9, with revised podiums with a strongly horizontal emphasis). However, the potential impact was considered to be 'Very Significant' and 'Negative'/'Adverse'. Buildings 8 and 9 were still considered to be too large/high and the proximity to the cemetery too great, resulting in a wholly insensitive presentation to the cemetery and a significant negative impact on the setting of Forthill Cemetery. The buffer with Block 8 was noted at c. 6.3-9.6m and with the podium structure of B9 at 2.2m-6.2m. It was concluded that the proposed buildings would have an overwhelming cumulative impact on the cemetery, which would be significantly negative, notwithstanding the attempts to break down the massing, increase the buffer and reduce the scale of the buildings at this location.
- 9.2.175. It is acknowledged that the proposed development would help to re-integrate the cemetery into the fabric of the city and that it would provide a new pedestrian space, Bastion Lane, from which to appreciate the cemetery walls. The omission of Block 10 would also facilitate greater visual appreciation of the cemetery from Coalyard Walk. However, the townscape setting at present, whilst of poor quality, is not greatly appreciated from the cemetery which has its own micro-environment and is largely contained by the formidable cemetery walls. It is considered that the excessive height, scale, mass and bulk of Blocks 8 and 9, combined with the design and scale of the podium levels with the overly horizontal emphasis, and the inadequate buffer zones provided around the perimeter of the cemetery, would result in an insensitive interface with the historic cemetery. I would also question the value of the cemetery as merely providing a role as visual amenity as assessed in the EIAR, as the role of the cemetery appears to me to be much greater than that for the community, as discussed in 8.5 above. The proposal would, therefore, have a visually intrusive and adverse impact on the character and setting of the cemetery and would also adversely impact the quiet ambience of the cemetery.
- 9.2.176. It is considered, therefore that the viewpoint sensitivity is greater than 'Medium' and that the magnitude of change would be Very High, as the introduction of the very large blocks in such close proximity to this valued and sensitive historic space would

create a fundamental change to the character and setting of the cemetery. Thus, the potential impact is considered to be negative and Profound to Very Significant

9.2.177. Lough Atalia and maritime views from East (VP23, VP27, VP28 and VP40)

9.2.178. There are several views listed as Protected Views in the CDP, (Table 5.9), which are discussed at 8.5 above and in the P.A. planner's report. These are views of high amenity with panoramic views over Galway Bay or Lough Atalia. The most relevant views are from Ballyloughane Beach (VP40 and Protected View V13 in CDP), from Lakeshore Drive (VP27/28) and from Old Dublin Road (VP23), both of which are included in Protected View V3 in CDP. I would generally agree with the assessment in the EIAR (as revised with the additional photomontages), that the impact on these views would be Significant but Positive, in that they would introduce a new feature of interest which would improve the legibility of the city centre in the skyline.

Notwithstanding this, the visual impact of the cluster of buildings would be mitigated by a further reduction in height and scale. As noted in the planning assessment, however, the reduction in height and scale required by the P.A. decision would adequately mitigate such impacts.

9.2.179. Panoramic/maritime views from West (VP33, VP35, VP36, VP37)

9.2.180. There are a number of highly sensitive and valued views towards the site from the West including from the Claddagh, Grattan Road (Protected V4), Mutton Island Causeway and from Seapoint/Salthill promenades. The views from Nimmo's Pier (VPs33/34) have been discussed above in the context of the views towards the Long Walk ACA. The views from Grattan Road (VP35) and Mutton Island (VP37) are assessed in the EIAR as Moderate and Positive. It is noted that the P.A. planner's report disagreed with the assessment of this viewpoint. It is considered, however, that whilst the magnitude of change may be somewhat greater than Medium, I would agree that the potential impacts on these views would be Moderate and Positive, as the principal element of the view that is of value is the scenic vista over Galway Bay, which is not obstructed by the view of the proposal and given that the city skyline from this location is quite bland. I would also agree that the sensitivity of the view from Seapoint is High and that the magnitude of change would be relatively low, for similar reasons.

Mitigation Measures

- 9.2.181. The principal mitigation measures are inherent in the design of the scheme. The design has evolved through an iterative process having regard to the site's location within the townscape and visual receptors. The EIAR does not propose any mitigation measures as the impacts during construction were assessed as being short-term and the impacts during operation were considered to be positive. However, as discussed above, there would be some significantly negative impacts relating to townscape and visual effects associate with Eyre Square ACA, Long Walk ACA and Forthill Cemetery.
- 9.2.182. It is considered, however, that the reduction in height and scale of the development together with the redesign of the podium level of Block 9 and the increase in the buffer zone between Block 9 and the cemetery, as required by the P.A. decision, would adequately mitigate such impacts. The removal of Pins 4 and 5 and the reduction in height of the remainder of the residential and hotel pins (apart from Pin 1), would significantly reduce the impact on these sensitive heritage assets and would not diminish the positive legibility aspects of the scheme in terms of allowing Pin 1 to remain as the prominent landmark structure.

Cumulative Impacts

- 9.2.183. The cumulative impacts with existing and proposed tall buildings elsewhere within Galway City were assessed in the EIAR, with particular emphasis on the combined effects of the future redevelopment of the Inner Harbour Area, which has been identified for expansion and intensification of the city centre through regeneration. The proposed development, with 8 no. 'Pins', ranging in height from 10-21 storeys, would significantly amend the city skyline when seen across maritime and coastal views from the east and west, such as Lough Atalia and Seapoint, and from elevated locations to the north, such as Quincentenary Bridge and Circular Road. Permitted developments in the vicinity of the site include the Bonham Quay development and the student housing scheme on Queen Street, which would both introduce a new element of increased scale and height at 7-8 storeys, would combine to create a visibly prominent new urban quarter which would significantly alter the city's skyline.
- 9.2.184. In addition there is a proposed hotel, 11-storeys in height, which is located on the site of the old coal yard, immediately to the south of Forthill Cemetery, which is currently before the Board (310615), which would further increase the prominence of the new urban quarter. A further recent planning application has been lodged with

the P.A. in December 2022, which involves a 10-11 storey extension to the Victoria Hotel (P.A. Ref. 22/335), which has not been included in the cumulative assessment. However, I note from the P.A. website that this application is currently subject to a FI request (dated 20/2/23) involving a considerable amount of further information. It is noted that the submitted application has taken into account the proposed development at Augustine Hill.

9.2.185. The specifics of the future development of the regeneration areas around the Inner Harbour are unknown, but it is likely to introduce further tall buildings and features of interest, which together with the proposed development would be likely to have an even more significant impact on the city's skyline. However, the prominence of the proposed development would probably diminish as additional new development takes place around it. In addition, other areas of the city have been identified for strategic, high density development at Ardaun, Murrough and Headford Road. Thus, it is likely that Galway's townscape and skyline will be transformed by the introduction of several high density developments including tall buildings and landmark structures.

Landscape Conclusion

9.2.186. In conclusion, it is accepted that the proposed development will add a prominent new feature of interest to both the existing townscape character and to a range of sensitive views across the city. It would affect different parts of the city in different ways and introduce a new landmark development in what is a largely low rise city centre. In many instances the impacts would be quite significant as the cluster of tall buildings would represent a dominant new feature in the city's skyline. However, in most of the views assessed, these impacts are likely to be positive, as the proposed development would introduce a new modern feature of high architectural quality which would help to identify the city centre and make it more legible in the skyline.

9.2.187. In general, the townscape views of the proposed new quarter would be restricted from the medieval core of the city centre by the alignment of streets and intervening buildings. However, the townscape and visual effects from some of the more sensitive heritage assets, such as Eyre Square ACA, the Long Walk ACA and Forthill Cemetery, would be potentially negative. It is considered that, contrary to the conclusions in the EIAR, in certain views as discussed above, the proposal would give rise to significant townscape and visual effects which would require mitigation.

- 9.2.188. I note the submissions made by the third party appellants regarding the appropriateness of the visual impact as referenced throughout sections 8.4 and 8.5 of the planning assessment above. It is evident that the introduction of several new tall buildings, of a significantly greater height and scale than any such development hitherto fore, are considered inappropriate by the appellants in view of their location within the historic Georgian streetscape and in proximity to the medieval core and to many of the city's highly valued heritage assets. On this basis, the conclusions in the EIAR as to the beneficial visual effects and amenity are disputed.
- 9.2.189. As discussed above, I would share some of the concerns regarding the impact on certain heritage assets. However, in view of the overall benefits of the proposed development and the retention and reuse of a significant quantum of historic fabric, together with the likely positive impacts in terms of the expansion of the city centre retail area and economic regeneration of the Ceannt Station area, which is a stated objective of Galway City Development Plan, as well as the introduction of a new residential community, I consider the proposed development to be acceptable. It also represents an important step towards the provision of development at scale in sustainable central locations which is likely to curb the current trends towards ever expanding urban sprawl.
- 9.2.190. Cities are continuously changing and evolving and Galway is likely to do so to a substantial degree in the near future, with new urban quarters representing compact growth and sustainable development. I accept that the proposal would have a significant impact on the existing streetscape and character of the area and in views from further afield, and that the proposed tall buildings would introduce a major new element visible in key views. However, I would also submit that the juxtaposition of the new and the old would provide for visual townscape interest, which would be further enhanced by the substantial element of new and upgraded public realm. In addition, the city skyline, which is unremarkable at present, would be reinvigorated and enhanced by the introduction of a contemporary and high quality architectural feature, signifying the new urban quarter.
- 9.2.191. Notwithstanding these positive impacts, it is considered that certain elements of the scheme, as discussed above, would need to be mitigated by a reduction in the height and scale of development as advanced in the P.A. split decision. Thus, additional mitigation would be required to reduce the height and scale of Blocks 2, 5, 8 and 9, to redesign the podium level of Block 9 and to increase the buffer zone

between Block 9 and the Forthill Cemetery. I would concur with the planning authority's approach to refuse Pins 4 and 5 of Block 9 and to reduce the height of the remaining residential pins and hotel pins, apart from Pin 1. The remainder of these matters can be addressed by means of appropriate conditions.

9.2.192. I have considered all of the written submissions made in relation to landscape. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures proposed and through further mitigation by means of a split decision and suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on landscape.

Cultural Heritage – Archaeology and Architectural Heritage

9.2.193. Chapters 17 and 18 of the EIAR refer to Archaeological and Architectural Heritage respectively. In addition, details are provided in a document entitled Architectural Heritage Impact Assessment (John Cronin) which accompanied the RFI. The Board is advised that there is a significant overlap with section 8.5 of the Planning Assessment above, and it is recommended that this be read in conjunction with same.

Receiving Environment - Archaeology

9.2.194. The site location is as previously described above. Archaeological testing was carried out on the development site in January 2021 (as outlined in 17.2.5 of EIAR). A full archaeological assessment report is included in Appendix 17.1 of EIAR. Testing was carried out under licence over five days. The test trenches targeted those areas that were available within the site. Details of the testing are set out in Section 3 of the report, together with results and conclusions. A summary of the findings is set out in 17.3.5 and of previous archaeological work in 17.3.6 of the EIAR.

9.2.195. The site is located within the Zone of Archaeological Potential for Galway Town (GA094-100), which is a recorded monument and there are nine other recorded monuments within a 250m radius of the site. These are listed in Table 17-1 of the EIAR. The closest group consists of a graveyard, bastioned fort and an Augustinian Friary located immediately to the south – Forthill Cemetery (GA094-099001-3). Archaeological testing and monitoring on the site revealed post-medieval cobbled surfaces, wall and building foundations, redeposited clays and an occupation

deposit/garden soil of probable post medieval date. Given the results of the investigations undertaken across the development area, along with baseline analysis, the site is deemed to possess a low to moderate archaeological potential. However, it is highlighted that the proposed development may have impacts on previously unrecorded archaeological features or deposits.

Potential Impacts

- 9.2.196. During construction and demolition, the potential impacts would range from moderate to significant negative in the absence of mitigation as ground disturbances associated with the proposed development may have a direct negative impact on previously unrecorded archaeological features or deposits that have the potential to survive below the ground.
- 9.2.197. With regard to cultural heritage, it is stated that construction will result in the removal of some aspects of the former use of the site, including railway tracks. This would represent a direct, moderate negative impact on the cultural heritage of the landscape.
- 9.2.198. No potential impacts were identified with regard to the operational phase for either archaeology or cultural heritage.

Mitigation measures

- 9.2.199. During construction and demolition, it is recommended that all ground disturbances associated with the proposed development be monitored by a suitably qualified archaeologist. Should any features of archaeological potential be discovered during the course of the works, further archaeological mitigation may be required, such as preservation in-situ or by record.
- 9.2.200. In terms of cultural heritage, a full written and photographic record will be compiled prior to construction in order to record the presence of features associated with the railway, which will be carried out by a suitably qualified archaeologist.
- 9.2.201. No mitigation was deemed necessary for either archaeology or cultural heritage during the operational phase. Following mitigation, there would be no residual effects. The archaeological monitoring recommended as mitigation would also serve as a monitoring system. However, further mitigation was required by the P.A. in terms of reducing the height and scale of the development, particularly in respect of Blocks 8 and 9, redesigning the podium level of Block 9 and increasing the buffer

between the cemetery wall and Block 9. These additional mitigation measures were required to address the negative impacts associated with the interface between the proposed development and Forthill Cemetery.

Cumulative effects and interactions

- 9.2.202. No cumulative effects on the archaeological or cultural heritage resource have been identified. Interactions with Architectural Heritage - Chapter 18 has been cross-referenced in the archaeological assessment.

Receiving Environment – Architectural Heritage

- 9.2.203. Architectural Heritage is addressed in Chapter 18. Three buildings are included in the Record of Protected Structures – The Stables Building (RPS No. 8202), The Goods Shed (or Train Shed) (RPS No. 10002) and No.16 Eyre Square (RPS No. 3802). No. 16 Eyre Square is also listed for protection in the NIAH and this part of the site is also located with the Eyre Square Architectural Conservation Area. There are several Protected Structures and buildings listed on the NIAH in the vicinity of the site. These are listed in Table 18.1 of the EIAR, including their distance from the site.

- 9.2.204. A detailed description of each of the Protected Structures, together with photographs, is given at 18.3.4.1/2/3, (and were also summarised in 8.5 above). A description of all other structures on the site, none of which are listed for protection on either the RPS or the NIAH, is set out at 18.3.4.4 of the EIAR. Section 18.4 contains a detailed description of the proposed works as they affect the protected structures on the site. The potential impacts of each part of the proposed development is set out in 18.5.

- 9.2.205. A brief summary of the protected structures and the proposed works is outlined below. However, I would recommend that the Board review the assessment at 8.5.27 – 8.5.49 above and also refer to the details provided in the AHIA, the 'Request for Further Information Response', to sections 18.3.4 of the EIAR, and to the submitted drawings.

- 9.2.206. **No. 16 Eyre Square** is described as an end-of-terrace four-storey, stone-built, former house with basement, dating from 1824. It is one of a pair of remaining late Georgian town houses on the southern side of Eyre Square. Internally, the building has been much altered and modernised including an internal new staircase, a flat

roof addition to the side/rear, and partitions added to internal rooms. No internal original features remain. An external staircase has also been added to the rear elevation and many of the windows have been replaced. This building will remain as offices (part of Block 1) but will be refurbished and altered internally including the provision of some new openings and removal of some partitions, as well as the lowering of the basement floor by 800mm. A light-weight extension will be added to the side which will continue to the rear. A new 2-storey building will be constructed in the rear garden, which is at basement level, also part of Block 1.

9.2.207. **The Train Shed** is one of a number of limestone buildings associated with the railway terminus. It is described as a detached, eight-bay, single-storey goods shed dating from c.1860. It has a pitched slate roof, rounded gables, a cut-stone chimney, Diocletian steel windows with cut dressed limestone on the northern elevation and elliptical windows on the eastern and western gables. Internally the building is a large open area with exposed roof trusses, concrete floors and the remains of a truncated raised platform, and the tracks had formerly run through it. The proposed works include the refurbishment and extension of the building as a Food & Beverage outlet, (Block 3), which will involve the creation of new openings on the northern elevation, the reinstatement and alteration of the 4 no. loading bays on the southern elevation and various other alterations to the building. The extension would be located to the north of the PS but would be separate from the main building and linked by means of a glazed roof, with ridge heights that are lower than the PS.

9.2.208. **The Cut Stone Stores** (also known as the Stable Building) is a multi-bay, 2-storey cut limestone range of buildings dating from c.1850. It has a pitched roof of corrugated iron and was originally used as a carriage store and stables and later as a railway stores. It is currently vacant. The building has been much altered in the past but retains many original features and some original windows. Internally, it consists of a group of stables with a timber-floored loft overhead and each stable was further subdivided by partitions. One bay was formerly used as a residence. It is proposed to retain and conserve the existing stables with minor alterations for use as a cafe/restaurant with individual outlets. New staircases will be fitted to facilitate access to the loft. The roof will be raised by means of a glazed collar and the end bay of the stables will be reinstated. The remains of the gate lodge will be preserved and used as a double-height contemplative space.

9.2.209. In a Do Nothing Scenario the existing historic fabric and built heritage on the site could continue to deteriorate in condition, as maintenance and repairs are unlikely to be a high priority due to their vacant status. Without maintenance and repairs, the buildings are likely to suffer from water ingress, invasive vegetation damage etc. This would result in negative impacts in terms of the quality of the immediate and surrounding streetscape.

Potential Impacts

9.2.210. The potential impacts are from the construction and demolition phases are set out in some detail in section 18.5 of the EIAR. The potential effects on No. 16 Eyre Square (Block 1), are summarised in Table 18-2. They include the construction of the new modern glazed extension, conservation of retained fabric as well as the removal of the unsightly rear fire escape and replacement of upvc windows with traditional sliding sash windows. These impacts are assessed as positive. In addition, the removal of the modern lean-to outbuildings to the rear is assessed as positive. The negative impacts are stated to involve the removal of masonry fabric to create new openings into the proposed extension and to alter communication between existing rooms in the building, which would have slight effects. The removal of the upper parts of the extant retaining wall and masonry parapet forming the north-east boundary of No. 16 was considered to be of more moderate significance and also negative, as it would result in the removal of a historic masonry retaining wall.

9.2.211. The potential impacts on the Train Shed (Block 3) are summarised in Table 18-3. Most of the impacts are assessed as positive or neutral including the construction of the new extension, conservation of the retained building fabric, the removal of modern infill, extensions, and of the modern railway tracks to the north of the shed. Negative impacts were identified as removal of the masonry fabric to create new openings in the northern elevation, to extend openings on the south elevation and to remove the remaining section of the raised platform as well as the removal of the masonry retaining wall. These works would result in the loss of historic fabric.

9.2.212. However, it is stated that the loss of the fabric would be minor in nature and that the use of square-headed openings would ensure that the form of the retained historic building would not be confused. Furthermore, the masonry material will be used elsewhere and the overall impact on the legibility of the historic building's former use and visual amenity would be retained. The P.A. Heritage Officer had objected to

many of these proposed works as discussed above (8.5.34-39). A condition was included in the P.A. decision to seek retention of the threshold for one of the bays on the southern elevation.

- 9.2.213. The potential Impacts on the Cut Stone Stores/Stable Building (Block 4) are summarised in Table 18-4. In terms of the former stable range, the removal of the roof structure, chimneys and the insertion of the glazed collar were assessed as positive, as was the retention and conservation of existing building fabric. It should be noted that the P.A. Heritage Officer requested that the chimneys be retained. However, negative impacts were identified in terms of the removal of internal floors/partitions and creation of openings, the significance was slight.
- 9.2.214. The potential impacts on the former gate lodge building were considered to be positive with a very significant impact due to the proposals to conserve the retained fabric and to reinstate windows, and to the high threat of further deterioration of the building. The works to the stable yard, which consists of a masonry gateway which has been infilled and include the remains of stone cobbling, were identified as both positive with significant effects and negative with significant effects, as it would retain and restore the roofless remains of gate lodge. The removal of existing infill and other modern features together with the repair and conservation of historic fabric would be beneficial and the removal of historic masonry fabric would be mitigated by the rehabilitation of the remaining parts of the structure.
- 9.2.215. The new build extensions and alterations to the Protected Structures, particularly to the side and rear of No. 16 Eyre Square and to the north of the Goods Shed, will be clearly read as modern interventions. The range of proposed new buildings, which are of a considerably greater scale than the historic buildings would have a visual impact on the existing 19th century protected structures within and adjoining the site. The proposed development will alter the character and setting of protected structures both within the site and in the vicinity. However, it will also rehabilitate, restore and bring back into use these valued heritage assets. It is stated that the high quality design of the proposed blocks will mitigate the impacts of the taller buildings.
- 9.2.216. The proposed new structures of Block 8 and Block 9 will create significant change to the existing site and to the visual impact on the adjacent Forthill Cemetery, which is less than 10 metres from the proposed new buildings. Block 8 will incorporate new structural support for the boundary of the graveyard which was left partially exposed

during previous railway ground works, which was deemed a positive impact. Furthermore, Block 9 will involve the removal and replacement of part of the embankment of the cemetery boundary. However, this comprises a late-twentieth century concrete structure, which will be replaced by a new reinforcement structure incorporated into the new building of Block 9. Further structural supports to the graveyard wall will be required along the proposed 'Coalyard Walk', which will be exposed during construction. The structural supports and consolidation and conservation of the graveyard wall was assessed as a positive impact.

9.2.217. On completion, the construction of Blocks 8 and 9 will also incorporate a new pedestrian route between the podium levels and the conserved exterior of the graveyard boundary, which will provide a new opportunity for the public to appreciate the previously inaccessible historic fabric and character of the masonry wall. The EIAR states that the proposed high quality design and predominantly glazed elevations of the podium levels of these buildings will ensure that the graveyard will remain the dominant feature and that the proposed new buildings could be considered to be a more aesthetically pleasing backdrop for the cemetery. Thus the impacts of the construction of Blocks 8 and 9 were deemed to be significant and positive.

9.2.218. However, these arguments were strongly rejected by the planning authority's Heritage Officer and planning officer, and also by the DCHLG (as discussed above 8.5.45-61), and resulted in the authority's split decision and range of conditions seeking further mitigation of the design and scale of the development, which have formed part of the subject of the first party appeal. I would concur with the planning authority's approach in this regard. Thus, further mitigation would be required in terms of reduction in height and scale of Blocks 8 and 9, the redesign of the podium level of Block 9 and the provision of an increased buffer zone between the cemetery wall and the proposed podium levels for Block 9.

9.2.219. In terms of impacts on protected structures outside the site, (other than Forthill Cemetery as discussed above), it was concluded (18.5.1.11) that there would be no direct impacts on any of these structures. It was acknowledged that there would be some indirect impacts on the settings of some of these protected structures, but that these would be slight in significance and neutral in quality. However, as discussed at 8.5.78 above, the impact on the setting of the United Methodist and Presbyterian

Church would need some further mitigation in the form of landscaping, in addition to the mitigation involving reduction in height and scale of the taller buildings.

Mitigation Measures

- 9.2.220. Building-specific mitigation measures are detailed for the buildings to be retained and refurbished. These include specific strategies for the repair, retention and adaptation of historic structures during the construction, demolition and operational phases. It is accepted that mitigation measures are also integral to the overall design approach. Furthermore, all works to protected structures and historic fabric will be in accordance with Conservation Best Practice and Methodologies, which are outlined in Appendix 18.2.
- 9.2.221. In the operational phase, the completed development will significantly alter the setting of the historic buildings within the site. However, as discussed above, it will be necessary to require further mitigation measures to the design, scale and height of the proposed development and an increased buffer zone with Block 9.

Residual Impacts

- 9.2.222. The demolition of a number of structures will result in an irreversible loss of fabric which will have a long term impact within the site, but will not have a significant impact on the streetscapes of the streets adjoining the site. The demolition of rear sections and out-buildings attached or associated with historic buildings will result in a permanent impact on the main buildings to be retained. In most cases the removal of these later additions will have a long-term positive visual impact on the historic structures.
- 9.2.223. The restoration of the principal facades, building envelopes, windows, and in some cases interiors, of all of the buildings to be retained will result in a long term positive physical and visual impact on the protected structures, historic buildings and to the streetscapes. Removal and replacement of internal fabric to the historic buildings will also comprise a permanent loss of historic fabric which will result in a long-term impact on the historic structures affected.
- 9.2.224. The construction of the new buildings will all have long term visual impacts on the historic buildings on the site, and in some cases also on adjacent buildings of historic significance. The level of impact resulting from the new buildings will vary depending

on the height, scale and location of the new buildings, but in all cases the impact will be long term.

- 9.2.225. The repair, retention and adaptation of the historic buildings for new uses combined with the creation of a high quality public realm which opens up an inaccessible site in the heart of the city will facilitate a greater appreciation of and re-purposing of the protected structures which will result in significant benefits for the built heritage of the city. The creation of new squares, civic plazas and streets will provide new amenity spaces for the users and residents of the site and to the wider community, which will also allow access to the previously inaccessible site and historic buildings for all visitors, with positive impacts for cultural heritage.
- 9.2.226. Notwithstanding the conclusions of the EIAR that there will be no residual impact from either the construction or operational phases of the development, and that no mitigation is required, it is considered that without mitigation, (as required by the P.A's split decision to refuse Pins 4 and 5 of Block 9 and conditions requiring the reduction in height of the other tall buildings, together with the redesign and setting back of the podium level of Block 9), there would be significant negative impacts on cultural heritage in terms of the effects described above on Eyre Square ACA, the Long Walk ACA and Forthill Cemetery. However, following the implementation of mitigation as discussed above by means of a split decision and suitable conditions, which would see the removal of Pins 4 and 5, a reduction in the height and scale of the remaining pins apart from Pin 1, the redesign of the podium to Block 9 and an increased buffer between B9 and the cemetery walls, it is considered that there would be no adverse residual impacts.

Cumulative Impacts

- 9.2.227. The EIAR points out that the development of this site is part of a larger framework plan for the emerging pattern of development in the area, which will be one of managed change, transformation and regeneration. It is stated that should the development proceed, there will be cumulative effects on the setting of protected structures and buildings/features of architectural heritage significance, particularly Ceannt Station, Eyre Square and Forthill Cemetery. The cumulative effect of a number of planned and permitted developments in this area, together with the proposed development, would be likely to result in moderate changes to the setting of buildings of architectural heritage significance, but following mitigation as

discussed above, would be unlikely to result in significant negative cumulative impacts and would give rise to many positive impacts on the cultural heritage of the area.

Cultural Heritage – Conclusion

9.2.228. The proposals for the site will result in the re-use and continued life and upkeep of a number of historic structures which are currently at high risk due to disuse and ongoing condition issues. The retention and conservation of these structures will have a long term positive physical and visual impact on the historic structures and on the immediate streets and adjacent historic properties and will add significantly to the preservation of the city's historic building stock. However, significant negative impacts on cultural heritage assets have been identified in the above assessments, with particular reference to Eyre Square ACA, Long Walk ACA and Forthill Cemetery, due to the scale, height, mass and bulk of certain elements of the proposed development. It is considered that following mitigation as discussed previously, these impacts can be addressed satisfactorily.

9.2.229. I have considered all of the written submissions made in relation to cultural heritage. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures proposed and through further mitigation by means of a split decision and suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on cultural heritage.

Material Assets

9.2.230. Material assets are addressed in the EIAR under the headings of Transportation and Waste, in Chapters 15 and 16, respectively.

Transport

Supporting information has been provided in respect of transport in the Traffic and Transport Assessment and in the Mobility Management Plan, which were submitted with the application (as revised).

Receiving Environment

9.2.231. The site is located in the city centre and is directly adjacent to the mainline train station and bus station. Ceannt Station is the terminus for several high capacity high frequency train services connecting Galway with Dublin, Limerick and Cork and

towns such as Athlone, Portlaoise and Mallow. There is a central bus station on the northern side of Ceannt Station and a wide range of local bus services at various bus stops in the vicinity of the site (Eyre Square, Merchant Street, Queen Street).

9.2.232. It has access to the following roads.

- Lough Atalia Road to the southeast
- Bothar na Long to the southwest
- Eyre Square to the northwest

9.2.233. There are significant improvements planned for the bicycle network in the vicinity of the site, most of which are set out in the Galway Transport Strategy. This includes a potential east-west greenway corridor for Galway City which passes in the immediate vicinity of the site. The GTS also sets out comprehensive bus and rail service upgrade proposals of which Galway City Centre Transport Interchange is a key element, including Ceannt Station. These proposals would enhance the public transport and sustainable travel patterns in the area.

9.2.234. The assessment established the baseline traffic through survey over a period from 2018-2020. It also took into account pedestrian and cycle movements and observations of sight lines, traffic conditions, signal phasing at nearby junctions. It took into consideration projected trends including the GTS and prevailing policies on transport. The baseline traffic environment is very heavy in the city centre during peak hours. Traffic flows on Lough Atalia Road, although high, are within the capacity of the road and congestion here is usually due to traffic congestion on the wider network. Picady and Linsig were used to model the junctions closest to the site (15.3.2). The traffic modelling for the 2019 base year show that these junctions are operating within capacity during peak hour traffic conditions without the proposed development in place.

Potential Impacts

9.2.235. The construction stage was not predicted to give rise to any significant impacts. Short term negative impacts would be experienced with construction traffic along the major haul routes, which will be agreed with the local authority prior to commencement of development. However, it is anticipated that the HGVs will predominantly travel along Lough Atalia Road and the national and regional road network to the east and north-east, thus avoiding the city centre.

- 9.2.236. For the operational phase, the additional AADT (2-way) to and from the proposed development was estimated at 1,790 movements per day. Projected trips were modelled and the modelling took into consideration the likely usage of public transport by residents as well as users and staff of the non-residential element. Trip generation using comparator multi storey carparks was also used. Trip generation estimates had reference to the comparator multi-storey car parks at Eyre Square Centre, Corrib Centre, Hynes Yard and City Centre Multi-Storey car parks (Fig 15-10). The car park with the highest no. of trips was Eyre Square Centre with a capacity of 444 spaces. As the proposed MSCP would have 232 spaces, (excluding the Irish Rail spaces), this represents 53% of the capacity of Eyre Sq. Centre.
- 9.2.237. A Mobility Management Plan was prepared with the objective of encouraging maximum patronage of public transport services. The RFI necessitated a revised model due to the change in the description of the development and the additional elements required by the FI request. Such matters included a further reduction in car parking numbers from 572 to 425 spaces, an omission of the office element (Block 10), an increase in the number of residential units and a reduction in the amount of retail floor space. The AADT was also revised to take account of Irish Rail movements onto Lough Atalia Road instead of Eyre Square. To ensure a robust analysis, it was assumed that 100% of all trips recorded entering and leaving the existing rail car park would be reassigned to Lough Atalia Road.
- 9.2.238. A worst case scenario was also included which involved an uplift of 20% in city traffic for sensitivity testing, as well as traffic generated by Bonham Quay development. In addition, account was taken of additional by-pass trips, trip generation rates for the peak weekday early/mid afternoon period and peak weekend periods. Further matters taken into consideration included additional bus routes, a revised junction onto Lough Atalia Road, and addition of pedestrian crossing on Bothar na Long.
- 9.2.239. The modelling indicated that the proposed access junction would operate at or below 42% capacity with the peak hour development in place. In addition, the other junctions modelled showed that even by applying robust traffic generation figures, these junctions had ample capacity during peak weekday periods with the proposed development in place. Thus, the likely effect of the operational phase of the development would be additional traffic which will have a slight long term adverse effect on the adjoining road network. However, it will not give rise to any significant long-term adverse effects. In addition, the proposed pedestrian routes through the

development and the proposed cycle hubs would have significant long-term positive effects with regard to reduced walking and cycle travel times to public transport facilities as well as improved permeability and connectivity to amenities in Galway City.

Mitigation measures

9.2.240. A number of mitigation measures are proposed for the demolition and construction phase. These include tracked excavators to be transported by low loaders, maintenance of public roads free of debris and rubbish and to be swept regularly and inspected for cleanliness. Any damage to public roads and footpaths to be made good. Construction staff will be encouraged to use public transport/ car share. Management of traffic to the site and co-ordination of times of deliveries and transport of waste, which will form part of the general construction traffic management plan. Deliveries will be organised to prevent queuing on the public roads. Hours of operation for construction will be adhered to and measures will be put in place to secure safety for all including pedestrians.

9.2.241. Mitigation for the operational phase of the development includes the proposals set out in the Mobility Management Plan. Personnel will be appointed to institute the MMP in order to reduce usage of private cars and encourage use of more sustainable modes of travel. In addition, a Stage 3 Road Safety Audit will be carried out prior to opening to address any safety issues relating to the completed scheme. The proposed pedestrian and cycling facilities would have a long term positive effect and would not require mitigation. However, mobility management would require monitoring by means of the appointment of a Mobility Manager to ensure the delivery of the ambitious aims of the MMP.

Residual effects

9.2.242. A worst case scenario for traffic has been assessed and it was found that the network can cope with the development in place, adequately. Following mitigation, therefore, there will be no residual effects.

Cumulative effects

9.2.243. No significant effects are predicted during the construction or operational phases and as such, there will be no significant cumulative effects. However, the assumed growth in background traffic volumes up to the opening year of 2027 would represent

a cumulative impact scenario. This has been included in the traffic impact assessment. The likely effect of this cumulative impact would be a slight increase resulting in a slight long-term adverse impact on the adjoining road network. However, the mitigation measures summarised above will be implemented which will minimise these effects.

Waste Management

9.2.244. The Waste Chapter 16 is supported by the Construction and Demolition Waste Management Plan and a separate Operational Waste Management Plan

Receiving Environment - Waste Management

9.2.245. The site is within Galway City Centre and is fully serviced. The majority of utilities are beneath public roads and footpaths.

9.2.246. In a Do Nothing scenario there will be no change to waste - material assets.

Predicted Impacts

9.2.247. During the construction and demolition phase, the project would generate a typical construction and demolition waste. The submitted C&DWMP sets out the types of hazardous and non-hazardous wastes that would be generated and provisions for management of same. The waste types are also set out in Tables 16-1 and 16-2 of the EIAR. Chapter 16 states that a planned approach to waste management and adherence to site specific construction and Demolition Waste Management Plan will ensure that the effects on the environment will be short-term, neutral and imperceptible.

9.2.248. The Operational Waste Management Plan provides an overview of waste management in Ireland together with the waste management policies and legislation governing this activity. It addresses typical waste categories for residential and non-residential components of the scheme. Estimated waste volumes arising from the residential element are set out in Table 4.1 (Table 16-3 of EIAR) and the estimated waste volumes for different elements of the non-residential part of the scheme are set out in Table 4.2 (Table 16-4 of EIAR).

9.2.249. Section 5 of the OWMP outlines the proposals for waste segregation, storage and collection for all waste generated during the operational phase of the development. It is noted that there is a service yard at the basement level which will be accessed via a new vehicular entrance from Lough Atalia, and will have dedicated areas for

storage of residential and commercial waste. The potential impacts were assessed as being long-term, slight and negative.

Mitigation Measures

9.2.250. The proposed mitigation measures for the construction and operational phases have been set out in section 16.6 of the EIAR. They are generally of a standard nature. It is stated that the proposed mitigation measures will ensure that any waste arising during construction/demolition will be dealt with in compliance with the provisions of the Waste Management Acts and regulations. During the operational phase, all recyclable materials will be segregated at source, stored in colour coded bins and will be transported by suitable contractors to licensed facilities.

Residual Impact

9.2.251. No residual impacts anticipated as the propose mitigation measures outlined above will ensure that optimum levels of waste reduction, reuse, recycling and recovery are achieved.

Cumulative Impact

9.2.252. No significant cumulative impacts anticipated.

Material Assets – Conclusions

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

Interactions between Factors and Cumulative Impacts

9.2.254. Chapter 22 of the EIAR evaluates the potential interactions which the proposal development may have on the receiving environment and sensitive receptors during the demolition/construction and operational phases of the proposed development. Table 21.1 of the EIAR provides a matrix of interactions for ease of reference.

9.2.255. The EIAR lists interactions between population and human health and most other environmental factors. Impacts, both positive and negative, might occur. Positive impacts encompass improvements to the townscape and visual setting and a more

comfortable environment for pedestrians. These include the opening up of the buildings and the enjoyment of the new facility by people. The proposal will also introduce a new area of townscape with a high intensity mix of uses including a large residential component, community and cultural uses, food and beverage, retail and leisure uses as well as offices and a hotel. The proposed development would also expand and diversify the public realm of the city centre by adding new streets, squares, podium and rooftop open spaces, and pedestrian connections across the site from the existing city core towards the harbour area and Lough Atalia. Other more adverse impacts on human health may occur from dust and noise nuisance and reduction in daylight/ sunlight access.

9.2.256. The EIAR also lists the potential interactions with other factors including architectural heritage, archaeology, transportation, landscape and visual impact, biodiversity, soils and geology and air quality. As discussed above, additional mitigation measures will be required in respect of Landscape, Archaeology and Architectural Heritage. Otherwise, I consider that overall, the EIAR document has satisfactorily addressed interactions. I am also satisfied that, except for the findings and mitigation measures outlined in Chapter 14 (TVIA), Chapter 17 (Cultural Heritage – Archaeology) and Chapter 18 (Architectural Heritage), potential effects arising as outlined in the other chapters, would be avoided, managed and mitigated by the measures which form part of the proposed development, including mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not result in significant adverse impacts in terms of the interaction of individual environmental factors.

9.2.257. A cumulative evaluation of the effects of the subject development and other relevant projects or activities on the environment is presented in each chapter and is assessed under each heading above. I am satisfied that the cumulative assessment is robust and fully assesses the impacts of the current proposal in the context of other permitted and proposed developments and all other relevant existing and approved projects.

Reasoned Conclusion

9.2.258. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the applicant, submissions from prescribed bodies, appellants and observers in the course of the

application and appeal, it is considered that the **main significant** direct and indirect effects of the proposed development on the environment are as follows. Where appropriate the relevant mitigation measures are cited.

- 9.2.259. **Population and human health:** Potential positive impacts through the redevelopment of a brownfield and underutilised city centre site, which is designated in the Galway City Development Plan 2023-2029 as a regeneration site, for residential, retail, employment, food and beverage, cultural and amenity spaces that will support compact sustainable growth and improve the townscape, visual setting public realm and permeability of the city centre. Potential negative impacts arising from noise, dust, traffic, excavation and demolition impacts during construction will be mitigated by a Construction Management Plan including traffic management measures. There will be negative impacts on existing buildings in the vicinity of the site arising from the reduction in access to daylight and sunlight and increase in overshadowing which will not be mitigated or otherwise addressed by condition. The proposed development will result in dramatic changes to the wind microclimate which will require mitigation by means of landscaping in order to provide safe and suitable wind environment for pedestrians and users of the site.
- 9.2.260. With respect to human health, I am satisfied that with effective mitigation of environmental effects, particularly noise, vibration, air quality including wind microclimate and access to sunlight and daylight, no residual adverse human health impacts would continue as a community or individual level. Negative impacts on population and human health that are predicted to arise can be avoided, managed and mitigated to an acceptable level by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. Therefore, the proposed development would not have any remaining unacceptable significant direct, indirect, or cumulative residual impacts in the short, medium and long terms on population and human health.
- 9.2.261. **Landscape:** The proposed development entailing modern design interventions and a tall building cluster would have a significant impact on the urban and visual character of the area. The proposed tall building Block No. 7 (Pin 1) would introduce a major new element in the townscape which would be highly visible in key views. This landmark structure would provide for legibility of both the proposed scheme and the city centre and the juxtaposition of the old and the new would introduce visual

interest which would add to the visual attractiveness of the city skyline. It would also be supplemented by a new public realm which would reinvigorate the area.

- 9.2.262. The proposed development would also give rise to negative impacts arising from the scale, height and massing of Pins 4 and 5 of Block 9, which would not be avoided, adequately mitigated or otherwise addressed by means of condition. The proposed scheme would need to be mitigated by a reduction in the height and scale of development as advanced in the P.A.'s split decision to refuse Pins 4 and 5 of Block 9, together with additional mitigation by means of suitable conditions to reduce the height and scale of Blocks 2, 5 and 8, to redesign the podium level of Block 9 and to increase the buffer zone between Block 9 and the Forthill Cemetery.
- 9.2.263. Impacts from the remainder of the development, with mitigation through conditions, would be positive/neutral and permanent due to provision of a quality streetscape, provision of quality public realm and high quality landscaping proposals. These impacts are considered acceptable given the policy provisions for the site as set out in the current Galway City Development Plan 2023-2029 and the identification of the site for redevelopment to a certain scale and strong presence to the public realm. Therefore, the proposed development would not have any remaining unacceptable significant direct, indirect, or cumulative residual impacts in the short, medium and long terms on landscape and visual amenity.
- 9.2.264. **Cultural heritage:** There will be adverse impacts on the cultural heritage assets of Forthill Cemetery, Eyre Square ACA and Long Walk ACA arising from the height, scale and massing of some of the elements of the proposed development. Some of these impacts can be avoided, mitigated and addressed by means of conditions but the impacts in respect of Pins 4 and 5 of Block 9 cannot be avoided, mitigated or addressed by means of conditions. The proposed scheme would need to be mitigated by a reduction in the height and scale of development as advanced in the P.A.'s split decision to refuse Pins 4 and 5 of Block 9, together with additional mitigation by means of suitable conditions to reduce the height and scale of Blocks 2, 5 and 8, to redesign the podium level of Block 9 and to increase the buffer zone between Block 9 and the Forthill Cemetery.
- 9.2.265. Potential negative impacts arising from demolition of some built fabric on the site and modern design interventions to protected structures including the redevelopment and extension of the former Goods Shed, Stables Building and No. 16 Eyre Square.

Mitigation measures are detailed including building-specific measures for the buildings to be retained and refurbished. There will be potential positive impacts on the cultural heritage of Galway city centre arising from the restoration, extension and reuse of currently vacant or underutilised historic buildings including a number of protected structures, as well as the opening up of the site to the public and the extensive provision of public realm. Therefore, the proposed development would not have any remaining unacceptable significant direct, indirect, or cumulative residual impacts in the short, medium and long terms on cultural heritage.

9.2.266. **Biodiversity:** Potential impacts on biodiversity will be mitigated by means of the landscaping strategy, good lighting management and good construction management practices. There will be disturbance and loss of the common pipistrelle bat roost site at the Stables Building, which will require a Derogation Licence. Mitigation measures include implementation of a Construction and Environmental Management Plan. In addition, the use of bat boxes and low intensity lighting is proposed, together with the creation/retention of dark zones and dark corridors between areas of high bat activity and potential roost sites. Planting and landscaping design is also intended to provide for new foraging areas for bats. The timing and phasing of construction and demolition works will be planned to facilitate the removal of potential roost sites. There is potential for negative impacts arising from bird collision with the proposed tall building. Bird friendly glazing is proposed in mitigation for the tall buildings above 20m grade, and where glazing faces open water or green terraces. Therefore, the proposed development would not have any remaining unacceptable significant direct, indirect, or cumulative residual impacts in the short, medium and long terms on biodiversity.

9.2.267. **Land and soils:** potential impacts on lands and soils will arise in respect of the groundwater within the aquifer beneath the site. Impacts will be mitigated by construction management measures including preparation of a construction Environmental Waste Management Plan, provision of silt traps, adequate storage of potential pollutants and dust suppression measures. Therefore, the proposed development would not have any remaining unacceptable significant direct, indirect, or cumulative residual impacts in the short, medium and long terms on lands and soils.

9.2.268. **Water:** potential impacts on surface water quality will arise during construction and operational phases. These impacts will be avoided, managed and mitigated by the

measures which form part of the scheme. These include management of surface water run-off during construction, good construction management practices and controlled run-off. Mitigation during the operational phase will be mitigated by the introduction of a new surface water drainage system which will attenuate and control run-off to green-field rates and include extensive SUDS measures. Subject to the implementation of these measures, it can be reasonably concluded that no significant adverse direct impacts would arise on water as a result of the construction and operational phases.

- 9.2.269. **Air Quality and Climate Change:** Potential air quality impacts would be avoided, managed and mitigated by measures that form part of the proposed scheme, the proposed mitigation measures such as the dust minimisation plan and through suitable conditions. The proposed mixed used development has been assessed in the context of a broad ranging climate focussed policy, including the Paris Agreement, the Climate Action and Low Carbon Development Amendment Act 2021 and Ireland's Climate Action Plans (2019-2023), which collectively set out the aims and objectives for reducing carbon emissions on the trajectory to a climate-neutral Europe by 2050. The National Development Plan, which is aligned with the National Framework Plan, has been designed to ensure that it supports the Government's climate ambitions set out in the Climate Action Plans (2019-2023).
- 9.2.270. The sustainable location of the proposed development adjacent to the city core and to the train and bus station, with high levels of access by means of public transport, walking and cycling to places of employment and study, retail, community, cultural, recreational and amenity assets, would promote sustainable mobility with positive impacts on climate change adaptation. The greenhouse gas emissions (including embodied carbon) that would be generated from the construction and operational phases would not be so significant as to have a long-term detrimental impact on the Government's ability to meet its 2030 and 2050 carbon targets.
- 9.2.271. **Noise and Vibration:** Potential impacts will be mitigated by adherence to requirements of relevant code of practice for construction sites, proactive community relations and noise control techniques.
- 9.2.272. **Material Assets:** Resource and waste management impacts will be mitigated by preparation of site specific Construction and Demolition Waste Management Plan.

Traffic and transport impacts will be mitigated by management of construction traffic and by urban realm improvement works.

9.2.273. **In conclusion**, notwithstanding the conclusions reached in respect of the inability of the proposed measures to fully mitigate the significant negative residual impacts in respect of various environmental matters as set out above, it is considered that having regard to the over-arching benefits of the proposed development, the environmental effects would not justify a refusal of planning permission for the overall development, apart from Pins 4 and 5 of Block 9, the environmental effects of which cannot be avoided, adequately mitigated or addressed by means of condition. The wide-ranging benefits of the overall scheme include the site's identified strategic importance as a regeneration site in the current Galway City Development Plan which is consistent with Regional and National policy, together with its role in providing additional residential accommodation in the city centre, in stimulating economic growth and expanding the city core area, and in achieving compact and sustainable growth in a highly accessible and centrally located site. These matters outweigh any negative impacts identified in relation to the construction and operation of the proposed development.

9.2.274. The proposed scheme would, therefore, need to be further mitigated by a reduction in the height and scale of development by means of a **Split Decision to Refuse** Pins 4 and 5 of Block 9, and to **grant permission** for the remainder of the scheme subject to additional mitigation by means of suitable conditions to reduce the height and scale of Blocks 2, 5 and 8, to redesign the podium level of Block 9 and to increase the buffer zone between Block 9 and the Forthill Cemetery.

10.0 **Appropriate Assessment**

10.1. **Overview**

10.1.1. Article 6(3) of Directive 92/43/EEC (Habitats Directive) requires that any plan or project not directly connected with or necessary to the management of a European site(s), but likely to have significant effects thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site(s) in view of the site(s) conservation objectives. The Habitats Directive has been transposed into Irish law by the Planning and

Development Act 2000, as amended, and the European Union (Birds and Natural Habitats) Regulations 2011-2015.

- 10.1.2. In accordance with these requirements and noting the Board's role as the competent authority which must be satisfied that the proposal would not adversely affect the integrity of Natura 2000 sites, this section of my report assesses if the project is directly connected with or necessary to the management of European sites(s) or in view of best scientific knowledge, if the project, individually or in combination with other plans or projects, is likely to have a significant effect on any European Site(s), in view of the site(s) conservation objectives.
- 10.1.3. The application is accompanied by a Natura Impact Statement. It outlines the methodology used for assessing potential impacts on the habitats and species within Three European Sites that have the potential to be affected by the proposed development. It predicts the potential impacts for these sites and their conservation objectives, it suggests mitigation measures, assesses in-combination effects with other plans and projects and it identifies any residual effects on the European sites and their conservation objectives.
- 10.1.4. Having reviewed the NIS, I am satisfied that it provides adequate information in respect of the baseline conditions, clearly identifies the potential impact and uses best scientific information and knowledge. Details of mitigation measures are provided. I am satisfied that the information is sufficient to allow for Appropriate Assessment of the proposed development.
- 10.1.5. I fully adopt the assessments undertaken by the Inspectorate Ecologist Dr. Maeve Flynn and her recommended determinations for Stage 1 Screening and Stage 2 Appropriate Assessment (Appendix C of my report). I consider that both screening and Appropriate Assessment have been carried out using the best available scientific information as provided by the following:
- The Natura Impact Statement (including screening report) prepared by Aquafact (2021)
 - Additional written submissions and observations provided by the appellants, prescribed bodies and information furnished by the applicant
 - Other relevant information such as that contained in the EIAR

10.2. Stage 1 – Appropriate Assessment Screening

10.2.1. In screening the Augustine Hill development on Ceannt Station Lands, Galway, the applicant determined that the potential for significant effects should be considered in respect of nine European sites (NIS section 2.3). However, following the application of the source-pathway-receptor model, the list was refined to four such sites as follows:

- Inner Galway Bay SPA (004031)
- Galway Bay Complex SAC (000268)
- Lough Corrib SAC (000297)
- Lough Corrib SPA (004042)

10.2.2. Potential impact mechanisms were considered as follows:

Mechanism 1: Discharges released during construction periods, release of dust, sediment, chemicals and/or waste material

Mechanism 2: Disturbance associated with construction activities

Mechanism 3: Collision risk of tall buildings for birds

10.2.3. A summary of these European Sites, including a list of the Qualifying Interests for which the sites were designated, is set out in Table 1 of the Inspectorate Ecologist, Dr. Flynn's Report. Having regard to the information presented in the AA Screening report, (contained within the NIS), the urban nature of the site within a fully serviced area, its likely indirect and cumulative effects, Dr. Flynn concluded that there would be a low probability of impacts of such magnitude that would result in significant effects on any nearby European sites. Notwithstanding this, given the close proximity to **Galway Bay Complex SAC, Inner Galway Bay SPA and Lough Corrib SAC**, and to the indirect hydrological connection between the site and these European sites via surface water and existing drainage, these European sites should be screened in for Appropriate Assessment.

10.2.4. However, in considering the potential for significant effects on **Lough Corrib SAC**, Dr. Flynn noted that the proposed development is located downstream of the main channel of the river and within an area of tidal influence. On this basis, and given the scale of the development, Dr. Flynn considered that any emissions to surface water and Galway Bay would be highly unlikely to be pushed up stream in any concentrations that could affect freshwater dependent species including brook

lamprey or white-clawed crayfish. It was further noted that Freshwater Pearl Mussel is not within a possible zone of influence for the proposed development, as the Conservation Objectives for this QI relate to the Owenriff catchment, which is approx. 30 km to the northwest of Galway City. However, it was noted that Atlantic Salmon and Sea Lamprey move through Galway Bay on migration and into and out of the main channel of the River Corrib. It was further noted that Otter is also a common QI to both Lough Corrib SAC and to Galway Bay Complex SAC.

- 10.2.5. Thus, it was considered that the only Qualifying Interests in respect of the Lough Corrib SAC and Galway Bay Complex SAC that would be likely to have any remote connection to the possible zone of influence for the development were Atlantic Salmon, Sea Lamprey and Otter. These two European sites were, therefore, screened in.
- 10.2.6. In considering the potential for significant effects on **Lough Corrib SPA**, it was noted that this site is located a distance of some 3.7km upstream of the proposed development at the closest point and as such, the only possible connection to the site could be through interaction of SCI species common to both SPAs that would be at risk of collision with tall buildings at this location. In this respect, four species are noted as being common to both SPAs with some potential for species interaction, i.e. Golden Plover, Black-headed Gull, Common Gull and Common Tern. The Inspectorate Ecologist, Dr. Flynn, was satisfied, however, that based on objective information including distance between SPAs, the low suitability of the development site for any wetland bird species and the low risk of collision for these species, that this site can be removed from further assessment, as the potential for impacts of any significance can be excluded. Lough Corrib SPA was, therefore, screened out.
- 10.2.7. In conclusion, it has been determined that the potential for significant effects arising from the mixed use development could not be excluded for **Inner Galway Bay SPA**, **Galway Bay Complex SAC** and **Lough Corrib SAC**, and as such, Appropriate Assessment is required. It was further determined that the potential for significant effects on other European sites in the wider area, alone and in combination with other plans and projects, can be excluded.
- 10.2.8. The AA report from Dr. Flynn also addressed other matters raised by third parties in the grounds of appeal. These relate to the potential additive effect of the proposed development on the Galway City wastewater network, which it is claimed is deficient

due to the potential for untreated sewage effluent escaping through storm water overflows into both the River Corrib SAC and the Galway Bay SAC. This matter was addressed in the Appropriate Assessment Stage of the report.

Stage 1 – Screening Conclusion

10.2.9. Based on my examination of the NIS report, supporting information, the NPWS website, the scale of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European sites, their conservation objectives and, taken in conjunction with my assessment of the subject site and surrounding area, I would conclude that a Stage 2 Appropriate Assessment is required for 3 of the 4 European Sites referred to above, namely:

- Lough Corrib SAC (site code 000297)
- Galway Bay Complex SAC (site code 000268)
- Inner Galway Bay SPA (site code 004031)

10.2.10. The remaining sites namely:

- Lough Corrib SPA (site code 004042)

can be screened out from further assessment because of the scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Conservation Interests, the separation distances and the lack of a substantive linkage between the proposed works and the European sites. It is therefore reasonable to conclude that on the basis of the information on file, which I consider adequate to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have significant effects on this European Site in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment is not, therefore, required for this site. In reaching this conclusion, I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

10.3. Stage 2 - Appropriate Assessment

10.3.1. The project is not directly connected with or necessary to the management of a European Site.

10.3.2. Having carried out screening for Appropriate Assessment of the proposed development, it was concluded that it would be likely to have a significant effect on the following European sites:

- Inner Galway Bay SPA (004031)
- Galway Bay Complex SAC (000268)
- Lough Corrib SAC (000297)

10.3.3. The Inspectorate Ecologist has had regard to the Conservation Objectives and Qualifying Interests/Special Qualifying Interests, including relevant attributes and targets as set out in the submitted NIS and to the Conservation Objectives Supporting Documents for the European sites, available through the NPWS website. Dr. Flynn was also satisfied that the applicant has had due regard to the conservation status of all relevant species and habitats and documented threats and pressures. Tables 2-4 of the Inspectorate Ecologist's Report lists the Qualifying Interests for each of the 3 European sites and summarises the conservation objectives (including relevant targets and attributes), potential adverse effects and the proposed mitigation measures to address these effects. An overall conclusion/integrity test is also provided for each European site.

10.3.4. Following Appropriate Assessment informed by a Natura Impact Statement, information contained in submissions from the various parties to the appeal and including the full application of mitigation measures, it has been determined by the inspectorate ecologist that the proposed Augustine Hill development, individually or in combination with other plans or projects would not adversely affect the integrity of Inner Galway Bay SPA, Galway Bay Complex SAC, or Lough Corrib SAC, in view of the Conservation Objectives of those sites.

10.3.5. This conclusion is based on a completed assessment of all aspects of the proposed mixed use development including consideration of the following in view of the conservation objectives of those sites:

- **Inner Galway Bay SPA** - It has been determined that following detailed assessment of potential significant effects to special qualifying interest bird species and their habitats, and the application of pollution prevention mitigation measures, noise mitigation measures and anti-strike glazing measures, no impact on habitat area, no significant levels of disturbance and

no significant decrease in the range, timing or intensity of use of areas by SCI birds will arise that could undermine the conservation objectives of the bird assemblages of the SPA.

- Following the implementation of mitigation measures to prevent deterioration of water quality during construction and operation to prevent noise disturbance during construction, the proposed development will not adversely affect the integrity of the SPA. In addition, following the implementation of mitigation measures to control the risk of bird collision with tall buildings during the operational phase, such as bird-friendly glazing 16m above grade and on windows facing a green roof or terrace, the proposed development will not adversely affect the integrity of the Inner Galway Bay SPA. Thus, the risk of adverse effects on site integrity can be excluded, having regard to the Conservation Objectives for the SPA and no reasonable doubt remains as to the absence of adverse effects.
- **Galway Bay Complex SAC** – It has been determined that following a detailed assessment of potential significant effects on qualifying interests habitats and species and the application of pollution prevention mitigation measures, there will be no loss or deterioration of Annex I / Annex II habitats or priority habitats due to the location, scale and design of the scheme and there will be no loss of supporting habitats or species required to maintain the functioning of these habitats that form the qualifying interests of that or other European sites.
- Following the implementation of mitigation measures to prevent any deterioration in water quality during construction or operation, and to prevent disturbance from noise during construction, the proposed development will not adversely affect the integrity of any Annex I/II habitats or species of the European site including Mudflats and Sandflats, Coastal Lagoons, Large Shallow Inlets and Bays, Otter and Harbour Seals. Due to the distance of the development from this European site, its location downstream of the natura site, and the scale and nature of the development, there are no other habitats or species within the zone of influence of the proposed development.
- With the application of pollution control mitigation measures including sediment traps for surface water, dewatering requirements and erection of noise screens, there will be no risk of contamination from sediment or other

construction related emissions or disturbance of any significance, which would undermine the conservation objectives of these habitats and species. The conservation objectives of maintaining or restoring favourable conservation condition will not be undermined or delayed by the proposed development. Thus, the risk of adverse effects on site integrity can be excluded, having regard to the Conservation Objectives for this European site and no reasonable doubt remains as to the absence of adverse effects.

- **Lough Corrib SAC** – It has been determined that following a detailed assessment of potential significant effects on qualifying interests habitats and species and the application of pollution prevention mitigation measures, there will be no loss or deterioration of Annex I / Annex II habitats or priority habitats due to the location, scale and design of the scheme and there will be no loss of supporting habitats or species required to maintain the functioning of these habitats that form the qualifying interests of that or other European sites.
- Following the implementation of mitigation measures to prevent any deterioration in water quality during construction or operation, and to prevent disturbance from noise during construction, the proposed development will not adversely affect the integrity of any Annex I/II habitats or species of the European site including Otter, Sea Lamprey and Atlantic Salmon. Due to the distance of the development from this European site, it's location downstream of the natura site, and the scale and nature of the development, there are no other habitats or species within the zone of influence of the proposed development.
- With the application of pollution control mitigation measures including sediment traps for surface water, dewatering requirements and erection of noise screens, there will be no risk of contamination from sediment or other construction related emissions or disturbance of any significance, which would undermine the conservation objectives of these species or the habitats supporting them. The conservation objectives of maintaining or restoring favourable conservation condition will not be undermined or delayed by the proposed development. Thus the risk of adverse effects on site integrity can be excluded, having regard to the Conservation Objectives for this European site and no reasonable doubt remains as to the absence of adverse effects.

Proposed Mitigation measures

10.3.6. A summary of the mitigation measures is presented in the Inspector Ecologist's Report and reference is made to the details of the mitigation measures which are set out in Section 3.6 of the NIS and associated appendices. The main mitigation measures are also outlined in Section 4.6.3 of Dr. Flynn's report, wherein she expresses confidence that each of the proposed set of measures is satisfactory. In particular, the following is noted:

- **Construction pollution prevention** - The measures set out in the Outline Construction Management Plan in respect of pollution control, surface water drainage and ground water control are considered standard pollution prevention measures. The Inspector Ecologist is satisfied that these measures can be implemented and managed effectively to avoid ingress of sediment, construction related and waste pollutants into Galway Bay or into the main channel of the River Corrib.
- **Operational pollution prevention** - The Inspector Ecologist also considered that the measures to manage wastewater and surface water proposed for the operational phase can also be implemented and managed effectively to avoid operational wastewater and surface water ingress into Galway Bay or into the main channel of the River Corrib.
- **Noise prevention** - The Inspector Ecologist was satisfied that the noise screens that are proposed to be erected during the construction phase are standard measures and that they can be easily implemented on site.
- **Glass treatments** – The Inspector Ecologist was satisfied that the proposed measures to apply treatment to glazing in order to increase visibility of the glass to flying birds would reduce the potential for bird strike. It was further noted that the Inspector Ecologist was of the opinion that the proposed development did not pose any significant risk of bird strike to SCI species, as it is more likely to be a risk to smaller common passerine bird species.

Potential in-combination effects

10.3.7. A description of the in-combination effects is detailed in the NIS (section 2.3.2 and Table 2.3 with due consideration given to other development both existing and proposed in the vicinity, and to relevant plans.

- 10.3.8. The in-combination effects are also considered by the Inspector Ecologist at 4.6.2 of her report. This section also addresses the issues raised by third party appellants regarding the potential additive effects of the development with other developments on the local wastewater network at times when the storm water overflow is activated. This issue has also been discussed in the Planning Assessment section of my report, (at 8.10 above), and I would recommend that the Board read that section in conjunction with the Inspector Ecologist's assessment of the issue.
- 10.3.9. It was acknowledged that any storm water overflow is likely to discharge to the SAC and SPA when activated by high levels of rainfall, but that this would not necessarily be contrary to the discharge licence, and the appellants had not provided any evidence of such overflow incidents resulting in an adverse effect on water quality. The Inspector Ecologist also noted that no objections had been raised by either the local authority or Irish Water to the proposed development on these grounds, and that the control of the effectiveness of the wastewater network was outside the control of the applicant. However, it was noted that the issues relating to the combined sewer overflows in Galway have been identified and are currently being addressed by the local authority in conjunction with Irish Water under the Galway City Drainage Area Plan. It was further noted that the issues have been addressed in the recently adopted City Development Plan (2023-2039) and associated SEA.
- 10.3.10. Overall, Dr. Flynn was satisfied that once implemented, the proposed development would not add significantly to the wastewater services that are likely to be in place at that time, and that there is sufficient capacity in the wastewater system to accommodate the proposed development. As such, it was concluded that the proposed development, either alone or in combination with other developments, would not pose a risk of significant effects to European sites in terms of additional loading of wastewater and the operation of the stormwater overflow functioning.

10.4. Appropriate Assessment – Conclusion

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

11.0 Recommendation

Having regard to the foregoing I recommend a **split decision** to

Refuse permission for Residential towers Pin 4 and Pin 5 of Block 9 for the reasons and considerations set out below marked (1)

Grant permission for the mixed use development comprising Blocks 1, 2, 3, 4, 5, 6, 7, 8 and 9 for the reasons and considerations marked (2) subject to conditions as set out in the schedule below and to

12.0 Reasons and Considerations

12.1. Reasons and Considerations (1)

The proposed residential towers, Pin 4 and Pin 5 of Block 9, by virtue of their excessive height, scale and massing coupled with their unsatisfactory interrelationship with the balance of the development proposed and their extreme proximity to Forthill Cemetery, cannot sympathetically assimilate into the scheme and will have a detrimental impact on adjoining heritage assets, key views and the character of Galway's townscape. These elements of the proposed scheme are considered contrary to the policies and objectives of the current Galway City Development Plan 2023-2029 and therefore to the proper planning and sustainable development of the area.

12.2. Reasons and Considerations (2)

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

(a) EU legislation including in particular:

- EU Directive 2014/52/EU amending Directive 2011/92/EU (EIA Directive) on the assessment of the effects of certain public and private projects on the environment,
- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives) which set out the requirements for Conservation of Natural Habitats and of Fauna and Flora.

(b) National Legislation including in particular:

The Planning and Development Act 2000 (as amended),

The Affordable Housing Act 2021, and

The Climate Action and Low Carbon Development (Amendment) Act 2021

(c) National Policy and Guidance including in particular:

- National Planning Framework which cites the delivery of regeneration projects to extend and intensify the city centre as a key future growth enabler and .
- Architectural Heritage Protection: Guidelines for Planning Authorities, 2011,
- Retail Planning Guidelines 2012
- Urban Development and Building Heights: Guidelines for Planning Authorities, December 2018 and Specific Planning Policy Requirement 1 to support increased building height in locations with good public transport accessibility, particularly town/city cores to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies.
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2020
- Climate Action Plans (2019, 2021 and 2023)

(d) The Northern & Western Regional Assembly – Regional Spatial and Economic Strategy 2020-2032 (incorporating the Galway Metropolitan Area Strategic Plan)

(e) Local Planning Policy including in particular

- The provisions of the Galway City Development Plan, 2023-2029 which incorporates the Galway Urban Density and Building Heights Study and the Galway Housing Strategy/Housing Needs and Demand Assessment.

(f) The following matters:

- the nature, scale and design of the proposed works as set out in the application for approval and the existing character and pattern of development in the area and the city centre location of the site,

- the documentation including the environmental impact assessment report, the natura impact statement and associated documentation submitted with the application and by way of further information and the range of mitigation and monitoring measures proposed,
- the submissions and observations made to An Bord Pleanála in connection with the application,
- the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European sites, and
- the report and recommendation of the inspector.

Appropriate Assessment: Stage 1:

The Board agreed with and adopted the screening assessment carried out and conclusions reached in the Inspectorate Ecologist's Report (as summarised in the Inspector's Report), that Galway Bay SPA (site code 004031), Galway Bay Complex SAC (site code 000268) and Lough Corrib SAC (site code 000297) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, the Inspectorate Ecologist's assessment, and the Inspector's assessment. The Board completed an Appropriate Assessment of the implications of the proposed development for the aforementioned European Sites 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 Sites.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspectorate Ecologist's report, (as summarised in the Inspector's report) in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' 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.

Environmental Impact Assessment

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

- (a) the nature, scale and extent of the proposed development;
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application;
- (c) the submissions from the third party and first party appellants and from the prescribed bodies in the course of the application, and
- (d) the Inspector's report

The Board agreed with the summary of the results of the consultations and information gathered in the course of the Environmental Impact Assessment and the examination of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application, as set out in the Inspector's report. The Board was satisfied that the Inspector's report sets out how these various environmental issues were addressed in the examination and recommendation, and are incorporated into the Board's decision.

Reasoned Conclusions on the Significant Effects:

The Board considered that the Environmental Impact Assessment Report, as revised, and supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment.

The Board was satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU, amending Directive 2011/92/EU.

The Board considered that the main significant effects both positive and negative of the proposed development on the environment are:

- **Population and human health:** Potential positive impacts through the redevelopment of a brownfield and underutilised city centre site for employment, food and beverage, cultural and amenity spaces that will support compact sustainable growth and improve the townscape, visual setting, public realm and permeability of the city centre. Impacts arising from noise, dust, traffic, excavation and demolition impacts during construction will be mitigated by a Construction Management Plan including traffic management measures. There will be negative impacts on existing buildings in the vicinity of the site arising from the reduction in access to daylight and sunlight and increase in overshadowing which will not be mitigated or otherwise addressed by condition. Negative impact arising from changes to the wind microclimate will be mitigated by landscaping.
- **Landscape:** The proposed development entailing modern design interventions and the introduction of several tall buildings would have a significant impact on the urban and visual character of the area. Pin 1 (Block 7) will introduce a major new landmark element in the townscape which will improve legibility and add to the visual attractiveness of the skyline. It will also be supplemented by a new public realm which will invigorate the area. These are positive impacts. However, negative impacts will also arise from the height, scale and massing of Pins 4 and 5 of Block 9 which would not be avoided, adequately mitigated or otherwise addressed by means of condition. Furthermore, mitigation will be required by a reduction in height and scale of Block 2 (Pins 7 and 8), 5 (Pin 6) and Block 8 (Pins 2 and 3), respectively, and by a redesign of the podium level of Block 9 together with an increase in the buffer zone between Block 9 and Forthill Cemetery. Otherwise, the landscape impact is considered acceptable (subject to these further amendments) given the policy provisions for the site as set out in the Galway City Development Plan 2023-2029 which identifies the site for redevelopment to a certain scale.

- **Cultural heritage:** Adverse impacts on cultural heritage assets such as Forthill Cemetery, Eyre Square ACA and Long Walk ACA, will arise from the height, scale and massing of some elements of the proposed development, which will need to be mitigated and addressed by means of conditions requiring a reduction in height and the redesign of some elements. However, the impacts in respect of Pins 4 and 5 of Block 9 cannot be avoided, mitigated or addressed by means of conditions. Potential negative impacts arising from demolition of some built fabric on the site and modern design interventions to protected structures including the redevelopment and extension of the former Goods Shed, Stables Building and No. 16 Eyre Square. Mitigation measures are detailed including building specific measures for the buildings to be retained and refurbished. There will be potential positive impacts on the cultural heritage of Galway City Centre arising from the restoration, extension and reuse of currently vacant or underutilised historic buildings including a number of protected structures.
- **Biodiversity:** There will be disturbance and loss of the common pipistrelle bat roost site at the Stables Building. Mitigation measures include the use of bat boxes, low intensity lighting and the creation of dark zones and dark corridors between high bat activity areas and potential roost sites, as well as the implementation of a Construction and Environmental Management Plan. There is potential for bird collision with the proposed tall buildings. Bird friendly glazing will be used in mitigation for the tall buildings to repel birds above 20m grade and where glazing faces open water or green terraces.
- **Air quality and climate change:** The sustainable location of the proposed development adjacent to the city core and to the train and bus station, with high levels of access by means of public transport, walking and cycling to places of employment and study, retail, community, cultural and recreational amenity assets, would promote sustainable mobility with positive impacts on climate change adaptation. The greenhouse gas emissions that would be generated would not be so significant as to have long-term detrimental impact on the Government's ability to meet its 2030 and 2050 carbon targets. Potential air quality impacts would be avoided, managed and mitigated by measures that form part of the proposed scheme and through suitable conditions.

The Board completed an environmental impact assessment in relation to the proposed development. In light of the conclusions reached in respect of the inability to avoid, adequately mitigate or otherwise address by means of condition, the negative impacts arising from the scale, height and massing of Pins 4 and 5 of Block 9, the Board considered that the environmental effects would be such that refusal of planning permission for these elements of the proposed development would be justified, having regard to these residual impacts.

Notwithstanding the conclusions reached in respect of the inability of the proposed measures to fully mitigate the impact on existing buildings in the vicinity of the site arising from the reduction in access to daylight and sunlight and increase in overshadowing, the Board considered that these environmental effects would not justify a reason for refusal of planning permission having regard to the overall benefits of the proposed development.

The Board otherwise concluded that subject to the implementation of the mitigation measures referred to above, including proposed monitoring as appropriate and subject to compliance with the conditions set out below, by itself and in combination with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions set out in the Inspector's Report, and in the Inspectorate Ecologist's Report.

Proper Planning and Sustainable Development Reasons & Considerations (2)

It is considered that subject to compliance with the conditions set out below the proposed development would:

- secure the regeneration of strategic, underutilised urban land in a prime city centre location served by high quality public transport and assist in the redevelopment and rejuvenation of this part of Galway City in accordance with the policies and objectives of the current Galway City Development Plan 2023-2029, which in turn is supported by national and regional policy.
- create a high quality, liveable and vibrant urban quarter with a distinctive sense of place and attractive public realm which would facilitate the natural expansion of the city centre by linking the historic core with the sea and a new residential neighbourhood close to a range of amenities and facilities.

- would involve the retention and sensitive re-use of the bulk of the historic building fabric within the site thereby securing its future.
- would make a positive contribution to the architectural character of the area.
- would not seriously injure the amenities of development in the area and the character and appearance of protected structures in the vicinity.
- would not have a significant and detrimental impact on any heritage assets or important views and vistas within the city.

The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 19th day of March 2021 and by the further plans and particulars received by An Bord Pleanála on the 16th June 2021, 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. The proposed development shall be amended as follows:
 - (a) The development shall be reduced in scale by the removal of the following floors in the respective buildings as shown on drawings submitted on 19/03/21.
 - i. Block 8, Pin No. 03, remove floor levels 04, 05, 06, 07 and 08.
 - ii. Block 8, Pin No. 02, remove floor levels 04 and 05.
 - iii. Block 5, Pin No. 06, remove floor levels 04 and 05.
 - (b) The development shall be reduced in scale by the removal of the

following floors in the respective buildings as shown on drawings submitted on 19/03/21.

- i. Block 2, Pin No. 07, remove floor levels 01 and 02.
 - ii. Block 2, Pin No. 08, remove floor levels 01 and 02.
- (c) The permitted portion of Block 9 shall be amended in layout and scale by the relocation of the southern building line a minimum of 4m to the north starting at Podium level shown as +10m in section drawings submitted on 19/03/21 (Drg. No. P2008544). The southern building line shall be taken to be that defined by the supporting structural colonnades. The reduction in floorspace shall be taken from the commercial (retail/café and restaurant) element of the scheme.
- (d) The treatment of the elevation of the southern boundary of Block 9 shall be revised to address the unsympathetically large scale of structural elements of the building, consisting of large vertical colonnades and an extensive, dominant, horizontal band feature.
- (e) The podium roof garden of Block 5 shall be screened by additional robust screen planting on the northern and western sides of the garden.
- (f) Additional childcare facilities shall be provided with a minimum capacity to cater for 80 no. children in accordance with “Childcare Facilities: Guidelines for Planning Authorities” (2001) as updated.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to reduce the clustering effect of the tall buildings, to improve the relationship between the buildings within the scheme, to reduce the impact on the sensitive areas of architectural character and built heritage within the city and in the interests of the protection of the visual and residential amenities of the area.

3. The period during which the proposed development hereby permitted may be carried out shall be ten years from the date of this order.

Reason: Having regard to the nature and extent of the proposed

development, the Board considered it appropriate to specify a period of validity of this permission in excess of five years.

4. All mitigation and environmental commitments identified in Chapter 20 of Volume I of the Environmental Impact Assessment Report (2021), shall be implemented in full as part of the proposed development, except as may be otherwise required to comply with the following conditions.

All monitoring measures identified in Chapter 20 of Volume I of the Environmental Impact Assessment Report, shall be implemented in full as part of the proposed development, except as may be otherwise required to comply with the following conditions.

Reason: In the interests of development management public information and clarity.

5. All mitigation and environmental commitments identified in the Natura Impact Statement shall be implemented in full as part of the proposed development, except as may be otherwise required to comply with the following conditions.

Reason: In the interest of development management, public information and clarity.

6. A revised phasing plan which shall provide for amendments to the scheme required by this grant of planning permission and shall incorporate the following additional revisions:

- Inclusion of Block 4 in the first construction phase (Cluster 1)
- Inclusion of Block 3 (Train Shed) in Cluster 2
- Inclusion of works to facilitate access off Bothar na Long/Coalyard Walk and all associated landscaping and public realm enhancement in Cluster 2.

The development shall be carried out in accordance with the revised phasing plan which shall have regard to the requirements of Policy 10.5 of the Galway City Development Plan (2023) and shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of clarity and to ensure the timely provision of services

7. Prior to the occupation of Blocks 1, 4, 8 and 9, the associated community spaces/facilities shall be fully fitted out for the purpose so designed. The developer shall ensure that access to these areas, including the childcare facilities, shall be retained in perpetuity and made available to the local community on reasonable demand and shall not be converted to any other use without a prior grant of planning permission.

Reason: In the interests of social and cultural amenity.

8. (a) The cultural space within Block 6 shall be amended to provide for a singular cultural space and shall not be subdivided into separate units without a prior grant of planning permission. Revised plans with the necessary alterations shown thereon shall be submitted and agreed in writing with the planning authority prior to commencement of development.
- (b) The roofspace/amenity space over Block 6, including the green roof, recreational amenities and amphitheatre shall be completed in full as per the landscape masterplan prior to the occupation of any part of this block and the developer shall ensure that this area is available for public access and activities.

Reason: In the interest of social and cultural amenity.

9. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development, including the external fabric of the buildings, internal common areas (residential and commercial), open spaces, landscaping, roads, paths, parking areas, public lighting, waste storage facilities and sanitary services shall be submitted to and agreed in writing with the planning authority, before any of the residential or commercial units are made available for occupation.

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

10. The landscaping scheme shown on the Public Realm and Landscape Master Plan and associated drawings submitted to the planning authority on the 19th March 2021 shall be carried out in its entirety and delivered in accordance with the phasing plan agreed with the planning authority as required by Condition 6.

Prior to commencement of development, the developer shall submit detailed specifications addressing the following matters :-

- (a) The areas of open space shown on the Public Realm and Landscaping Masterplan shall be reserved for such use and shall be levelled, contoured, soiled and seeded and landscaped in accordance with the requirements of the planning authority
- (b) A management strategy and public access arrangements which demonstrates that the public spaces are designed flexibly to both accommodate and invite a range of appropriate activities and uses for the general public and local residents.
- (c) A programme for all landscaping works setting out the proposed detailed design and maintenance of the landscaping including the accommodation of year round interest with high biodiversity and pollinator friendly species.
- (d) Details of architectural treatment, street furniture, lighting and signage for each public space which shall reflect the character, function and use of each space with an objective of achieving good quality public realm and maximum social interaction.
- (e) Details of public art installations at the locations indicated on the masterplan, apart from the route referred to as Coalyard Walk, which is to be revised.

On completion of the landscaping scheme, a certificate of completion from a qualified landscape designer confirming that the landscaping works have been satisfactorily carried out in accordance with the approved landscaping scheme shall be submitted to the planning authority for agreement.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development shall be replaced within the next planting season with others of a similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of achieving a high standard of public realm, to encourage activity and reflect the prime location and function of the site in and the interests of residential and visual amenity.

11. Public access to all streets, routes and access points within the development shall be made available at all times including areas identified as public open space on the submitted Schedule of Accommodation. This includes the covered street indicated on the submitted drawings as 'Meadle Street'. Details of the management of these routes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that permeable access is available throughout the development in the interests of creating a vibrant public realm.

12. (a) Between the hours of 11.00 and 19.00, the link between Eyre Square and the proposed development/Ceannt Station (south), and the link between Bothar na Long and the proposed development, which are indicated on the submitted drawings as 'Eyre's Walk' and 'French's Garden', respectively, shall be restricted to pedestrians and cyclists (dismounted). Provision for service vehicles may be made between the hours of 19.00 and 11.00.
- (b) The route identified as 'Coalyard Walk' shall remain free from development. The proposed monumental sculptural piece along this route shall be omitted and replaced with a graded soft landscaped area banked onto Forthill Cemetery together with a smaller public art installation, public seating and an interpretive plaque relating to the adjoining historic cemetery.
- (c) No works associated with this development shall prejudice the

functioning, operation of or future development of Ceannt Station. Exceptional access to the train station may be provided for through prior arrangement. Emergency access to the station will be maintained.

Details of the management of these restricted access points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to secure a priority for pedestrian movements and a high quality street environment.

13. Prior to the commencement of development details of the following pedestrian crossings shall be submitted to and agreed in writing with the planning authority:

- A Toucan crossing adjacent to the car park entrance
- A signalised pedestrian crossing on Bothar na Long adjacent to the access point described as 'Coalyard Walk' on the submitted drawings.

These pedestrian crossings shall be provided at the developer's expense and shall be implemented in accordance with the agreed phasing plan.

Reason: To facilitate connectivity between the development and the established city centre and in the interest of pedestrian safety.

14. An artist's brief or tender for competition shall be prepared in order to secure 4 no. art work features/installations in the locations as indicated on the Landscape Masterplan submitted to the planning authority on the 19th day of March 2021. Details of the proposals shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interests of visual and cultural amenity.

15. (a) The extent of development hereby permitted for Build-to-Rent units and associated facilities shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing : Design Standards for New Apartments, Guidelines for

Planning authorities (2020) as amended, and shall be used for long term rentals only. No portion of the Build-to-Rent development shall be used for short term lettings.

- (b) Prior to commencement of development of the Build-to-Rent element, the developer shall submit, for the written agreement of the planning authority, details of a proposed covenant or legal agreement which confirms that this element of the development shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period. The period of 15 years shall be from the date of occupation of the first residential units within the scheme.
- (c) Prior to the expiration of the 15 year period referred to in the covenant, the developer shall submit for the written agreement of the planning authority, ownership details and management structures proposed for the continued operation of the entire development as a Build-to-Rent scheme. Any proposed amendment or deviation from the Build-to-Rent model as authorised in this permission shall be subject to a separate planning application.

Reason: In the interests of orderly development and clarity

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

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

development plan for the area.

17. The layout and composition of the retail units shall have the flexibility for amalgamation of any 2 of the proposed 21 no. small shop units with a maximum capacity for amalgamations restricted to 4no. amalgamations in total (impacting 8 units). Any such amalgamations shall be agreed in writing with the planning authority in advance of the occupation of any such shop units.

Reason: In the interests of provision of a range of retail opportunities to support a vibrant city centre.

18. No additional development shall take place above roof parapet level on any building, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, other than that shown on drawings as submitted to the Planning Authority with the application unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

19. 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.

20. Details of the materials, colours and textures of all the external finishes to the proposed buildings and open spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This shall include a revised brick type to block No. 5. Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

21. Details of all external shopfronts and signage for the proposed commercial units shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, and notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no further advertisement signs (including any signs installed to be visible through windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on any of the proposed building or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: In the interests of visual amenity and orderly development and to permit the planning authority to assess any such development through the statutory planning process.

22. No external security shutters shall be erected on any of the commercial premises fronting onto public roads and public spaces, unless authorised by a further grant of planning permission. Details of all internal shutters shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

23. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water.

Reason: In the interests of public health.

24. 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 interest of public health and to ensure a proper standard of development.

25. Prior to the commencement of development, the developer shall contact the Irish Aviation Authority to agree an aeronautical obstacle warning light scheme for the development and notify the Authority of intention to commence crane operations with a minimum of 30 days prior notification of the erection. As-constructed co-ordinates in WGS-84 format together with

ground and tip height elevation should also be supplied to the Aviation Authority for information.

Reason: In the interest of aviation and public health safety.

26. Prior to commencement of the use of the car park, the following matters shall be submitted to and agreed in writing with the planning authority: -
- (a) A copy of the agreed Car Park Management Strategy and operational strategy.
 - (b) Details of all directional and safety signage.
 - (c) A certified layout showing the built distribution of car parking spaces to include specifically designated residential spaces, commercial spaces, Irish Rail dedicated spaces for staff and customers (in accordance with rate of distribution submitted to the planning authority in March 2021), car sharing spaces, EV spaces and spaces dedicated for persons with disabilities.
 - (d) Proposals for VMS signage at the car park entrance giving details regarding available space and demonstrate how this can be linked to the Galway City Information Systems.
 - (e) Confirmation of the payment structure for the car park, confirming that commercial car parking is restricted to a regime of a short stay hourly rate benchmarked against prevailing commercial car parking price structures with no discount scheme provided. The exception will be for spaces dedicated to Irish Rail customer which provides for longer stays. Details of these rates shall be submitted for agreement in writing with the planning authority.
 - (f) A minimum of 10% of the proposed car parking spaces in the multi-storey car park shall be provided with electrical connection points, to allow for functional electric vehicle charging. The remaining car parking spaces in the car park shall be fitted with ducting for electric connection points to allow for future fitout of charging points.

Reason: In the interest of sustainable transport.

27. The submitted Mobility Management Plan shall be implemented with

specific regard to the following points and shall provide for a review with the planning authority prior to activation.

- (a) Information and incentives shall be provided to reduce usage of private cars and increase the use by residents, employees and patrons within the development of more sustainable modes of travel reviewed in conjunction with prevailing conditions on occupation.
- (b) The plan shall be implemented by the management company within the development and shall provide for evaluation and monitoring of modal split targets as provided for in the plan.
- (c) A Mobility Manager shall be appointed prior to occupancy of any of the elements of the development and the appointed person shall co-ordinate the implementation of the mobility strategy with all of the occupiers of the development and the planning authority.

Reason: In the interests of encouraging the use of sustainable modes of transport, traffic and pedestrian safety.

28. Bicycle storage and parking facilities, together with related facilities for cyclists, shall be provided as shown on submitted plans, including amendments in revised details submitted to the planning authority on the 19th day of March 2021. These facilities shall be provided in accordance with the National Transport Authority guidelines. The quantum of cycle parking shown in the plans shall be retained on site, with no reduction permitted, along with the associated dedicated space except for the following revision:-

30 cycle spaces currently designated to the cycle hub at the rear of Block 2 shall be redistributed throughout the site and shall include for some spaces dedicated to cargo type bicycles.

Details of the revised cycle parking layout shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In order to provide for a high standard and good distribution of cycle facilities within the development.

29. (a) A conservation expert shall be employed to manage, monitor and implement the works on the site, to supervise all works to the protected structures on site and within the curtilage of the protected structures and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained buildings and facades structure and/or fabric.
- (b) All repair works to the protected structures shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of environment, Heritage and Local Government in 2004. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structures and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.
- (c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings), staircases including balusters, handrails and skirting boards, shall be protected during the course of refurbishment.

Reason: to ensure that the integrity of the retained structure is maintained and that the structures are protected from unnecessary damage or loss of fabric.

30. Prior to the commencement of development, the developer shall provide for the following:
- (a) Submit details and methodology of all conservation works, external materials and salvaging proposals for re-use of built heritage fabric, including walling to the rear of No. 16 Eyre Square and existing stone walling along Lough Atalia Road. These details shall be submitted and agreed in writing with the planning authority prior to any works

commencing on these buildings/features.

- (b) Submit revised drawings for the southern elevation of the former Train Shed (Block 3) showing a maximum of 2 no. external openings and restoration of the balance. These revised drawings shall be submitted and agreed in writing with the planning authority prior to any works commencing on this building.
- (c) The chimney to the former Stables Building (Block 4) shall be restored and reinstated in the new roof of the building. Prior to works commencing on the building, the developer shall submit revised drawings, indicating the methodology for restoration and insertion of the chimney in the Stables Building to the planning authority for written agreement.

Reason: In the interest of preserving the architectural integrity and heritage value of the retained structures.

31. Prior to commencement of development, the developer shall employ, at his/her expense, a qualified archivist to provide a report recording the industrial heritage of the site. A copy of this report shall be forwarded to the planning authority and made available to the Archive Section of the Public Library. This information shall form part of the interpretative material to be exhibited in Block 4 – Gate Lodge, where prior to restoration, a design and content schedule of historic interpretative material shall be submitted for agreement in writing to the City Museum and Heritage Office.

Reason: To ensure that the quality of the development and works are commensurate with the protection afforded to the structure.

32. 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:

- (a) 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,

(b) employ a suitably-qualified archaeologist prior to the demolition works and commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) 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 and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

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.

33. Site development and construction works shall be confined to the hours of 0700 and 1800 on Mondays to Fridays excluding bank holidays and 0800 and 1400 hours on Saturdays and not at all on Sundays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of residential amenity and clarity.

34. 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 Resource & Waste Management Plans for Construction and Demolition Projects”, (2023). The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the North-western Region.

Reason: In the interest of sustainable waste management.

35. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan and a Construction Traffic 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 traffic management plan, hours of working, noise management measures and off site disposal of construction/demolition waste.

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

36. Prior to commencement of development, the developer shall submit to, and obtain the written agreement of the planning authority, a plan containing details for the management and safe disposal of all 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.

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

37. Public lighting shall be provided in accordance with a scheme, which shall

include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development or installation of lighting. Such lighting shall be provided prior to the making available for occupation of any apartment unit.

Reason: In the interest of amenity and public safety.

38. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing overground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

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

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

40. Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit or bond of an insurance company, or other security to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such

security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

41. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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 made under section 48 of the Act be applied to the permission.

Mary Kennelly
Senior Planning Inspector

28th February 2023