



An  
Bord  
Pleanála

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

### **Inspector's Report ABP-310575-21**

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#### **Strategic Housing Development**

Demolition of 4 no. dwellings with associated outbuildings, construction of 102 no. residential units (13 no. houses and 89 no. apartments), childcare facilities and associated site works.

#### **Location**

Monivea Road, Ballybrit, Co. Galway.

#### **Planning Authority**

Galway City Council

#### **Applicant**

Sathel Limited

#### **Prescribed Bodies**

Irish Water

Transport Infrastructure Ireland

**Observers**

Anthony Ryan

Martin White

**Date of Site Inspection**

10<sup>th</sup> September 2021

**Inspector**

Rónán O'Connor

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## 1.0 Introduction

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

## 2.0 Site Location and Description

- 2.1.1. The site comprises a stated area of 1.4ha located on the eastern side of Galway City. The site is bounded by the Monivea Road to the north and the Ballybane More Road to the south. Briarhill District Centre is located approx. 400m east of the site, with frontage to the N6. This irregularly shaped site is largely greenfield in nature but is occupied by four houses currently. Three semi-detached bungalows have frontage to Monivea Road, while there is a detached dwelling in the southern part of the site which is currently derelict and bounded by hoarding. In the southwestern corner there is a concrete / foundation slab. Ground levels fall by approx. 12m across the site south to north. There are mature internal boundaries of varying condition, generally running north-south, while there are some mature trees / hedgerow along the eastern boundary. Frontage to Ballybane Road comprises a low wall and hoarding and the road is rural in character at this location, with no footpaths on either side of the road immediately adjacent to the site.
- 2.1.2. To the west of the site is the Maryam Mosque and a small residential development, Dún Briota which comprises a mixture of two and three storey units, with varying levels. To the east of the site, accessed from Monivea Road, is a development of two-storey apartments, An Luasán. A detached bungalow has frontage to Ballybane Road to the southwest of the site.

## 3.0 Proposed Strategic Housing Development

- 3.1.1. The development will consist of: -
  1. The construction of 102 no. residential units, comprising:
    - 13 no. Housing units comprising:

- Type A – 1 no. 4 bed semi-detached (single/two storey) house adjoining existing dwelling
- Type B – 6 no. 3 bed semi-detached houses (two-storey)
- Type C – 6 no. 2 bed mid terraced houses (two-storey)
- 34 no. Duplex units (16 no. ground floor apartments & 18 no. 2 storey units over) comprising:
  - 9 no. 1 bed apartments
  - 7 no. 2 bed apartments
  - 4 no. 2 bed 2 storey units
  - 14 no. 3 bed 2 storey units
- 55 no. Apartment in 2 no. separate blocks (Block A: 5 storey including lower ground floor & Block B: 5 storey including lower ground floor) comprising:
  - 18 no. 1 bed units
  - 32 no. 2 bed units
  - 5 no. 3 bed units

(The Gross Floor Area of the proposed development is 9,042.50 sq.m comprising 8,733 sq.m of residential floorspace and 309.50 sq. of other floorspace.)

2. Provision of 195 sq.m creche facility including an external secure play area.
3. The demolition of 4 no. dwellings on the site and associated outbuildings (GFA of demolition 702.85 sq.m).
4. The demolition of existing concrete slab on site.
5. New vehicular and pedestrian accesses from the Monivea Road.
6. New pedestrian access from Ballybane More Road and pedestrian crossing on Ballybane More Road
7. Provision of 94 no. car parking spaces comprising:
  - 4no. crèche spaces
  - 90no. residential spaces

8. Provision of shared communal and private open space, playground, bicycle parking, bin storage, public lighting, site landscaping, connection to existing services, footpath connections, signage and all associated site development works.

### Key Figures

Site Area	C1.4 ha
No. of units	102
Density	73 units/ha
Height	Up to 5 storeys
Public Open Space	2,130 sq. m
Part V	10 units
Vehicular Access	From Monivea Road
Car Parking	94 spaces (90 residential/4 creche)
Bicycle Parking	220 spaces
Other uses	Creche 195 sq. m.

Unit Type	1 bed	2 bed	3+ bed	Total
<b>Apts/Duplexes</b>	27	43	19	<b>89</b>
<b>Houses</b>	-	6	7	<b>13</b>
<b>Total</b>	27	49	26	<b>102</b>
<b>As % of Total</b>	<b>26%</b>	<b>48%</b>	<b>25%</b>	

## 4.0 Planning History

4.1.1. There is no recent relevant planning history on the subject site.

### Adjoining lands:

ABP Ref no. ABP-306222-19 Permission granted in April 2020 for an SHD development on lands on the southern side of Ballybane More Road, comprising 101

houses, duplex and apartment units, and crèche (1 residential unit omitted by condition). Works included provision of a section of new footpath along Ballybane More Road.

PA ref. 18/354: Permission granted for the development of 7 no. houses on Ballybane More road, approx. 120m east of the subject site.

## 5.0 Section 5 Pre Application Consultation

5.1.1. A section 5 Consultation meeting took place via Microsoft Teams on the 1<sup>st</sup> February 2021 in respect of the following development:

Demolition of 4 no. dwellings and concrete slab, construction of 102 no. units (13 no. houses, 34 no. duplexes, 55 no. apartments) creche and associated site works.

5.1.2. In the Notice of Pre-Application Consultation Opinion dated 23<sup>rd</sup> February 2021 (ABP Ref. ABP-308577-20) the Board stated that it was of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála** under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

5.1.3. The prospective applicant was notified that the following specific information should be submitted with any application for permission:

1. Further detail and clarification with regard to the extent of changes to ground levels proposed across the site should be provided. A construction management plan should be submitted which should describe the proposed construction methodologies and any requirement for rock breaking as part of the proposed works.

Proposals for the landscaping and planting of the overall site, including proposed retention of trees, should have regard to the proposed changes in ground levels.

2. Further detail and elaboration of the treatment of ground levels across areas of public open space should be provided, to include detailed section and plan drawings. The provision of usable and functional open space should be demonstrated, in the interest of residential amenity.

3. Details of areas proposed to be taken in charge by the local authority should be provided.
4. Further detail of the relationship between the proposed development and adjoining residential properties should be provided, to include additional cross-section drawings, and elaboration in particular of how the proposed development will avoid overbearing impacts on those properties given the difference in levels across the sites.
5. Further detail and consideration with regard to the location and operation of communal bin storage in apartment Blocks A and B and how a high level of residential amenity for ground floor residents will be maintained. An operational waste management plan should accompany any application in this regard.
6. A clear and comprehensive assessment of the sunlight and daylight aspects of the development should be provided, which should have regard to the provisions of BRE publication, "Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice", by Paul Littlefair. The stated conclusions of the assessment should be clearly supported by the analysis and illustrations contained therein. The assessment should include analysis of daylighting to proposed north-facing apartment units, particularly at lower ground floor level.
7. A review of car parking provision on the site should be provided along with a detailed justification for any departure from development plan standards, having regard to the location of the site and the capacity of existing and future public transport services in this area. Any such justification should include a detailed Mobility Management Plan and Parking Demand Management Plan.
8. Full details should be provided of all road and footpath improvement works along Ballybane More Road required to connect the proposed development to the existing footpath network in the area and to ensure connectivity to local services and amenities. Such details shall include evidence of consent to carry out such works where required.
9. The application should clearly identify the extent of works proposed on the Monivea Road in respect of footpath and cycleway provision and include evidence of consent to any works which may be required in this area.



10. Further detail and analysis should be provided with regard to the relationship of the proposed development, in particular Block B, with Ballybane More Road and the approach from the west. Additional drawings and images should be provided in this regard which should also have regard to the adjoining permitted development to the south.

## 5.2. Applicant's Statement

The application includes a statement of response to the pre-application consultation (Statement of Response to Notice of Pre-Application Consultation Opinion), as provided for under section 8(1)(iv) of the Act of 2016 and within this document the applicant has responded to each item of Specific Information.

### Material Contravention Statement

- 5.2.1. The applicant has submitted a Statement of Material Contravention which refers to potential material contraventions of the Galway City Development Plan 2017-2023 as relates specifically to the following:
  - Density
  - Car Parking Provision
- 5.2.2. I refer the Board to Section 10.2 of this report which summarises the contents of same.

## 6.0 Relevant Planning Policy

### 6.1. National Planning Framework

The NPF seeks to realise the potential of Galway to become a city of scale, growing by 40-45,000 by 2040.

National Strategic Outcome 1 is identified as Compact Growth, recognising the need to deliver a greater proportion of residential development within existing built-up areas. Activating these strategic areas and achieving effective density and consolidation, rather than sprawl of urban development, is a top priority.

Objective 3A seeks the delivery of at least 40% of all new housing in existing built-up areas of cities, towns and villages on infill and/or brownfield sites.

Objective 3b is to deliver at least 50% of all new homes targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.

Objective 11 favours development within existing cities, towns and villages, subject to appropriate planning standards and achieving targeted growth

Objective 13 provides that, in urban areas, planning and related standards will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.

Objective 33 prioritises the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

#### **6.1.1. Rebuilding Ireland – Action Plan for Housing and Homelessness (2016)**

This Plan sets ambitious targets to double the annual level of residential construction in the period to 2021, while at the same time making the best use of the existing housing stock and laying the foundations for a more vibrant and responsive private rented sector. The actions are categorised under five pillars. Pillar 3, Build More Homes, seeks to increase the output of private housing to meet demand at affordable prices.

#### **6.2. Regional Policy**

##### **6.2.1. Regional Spatial and Economic Strategy for the Northern and Western Region**

In order to achieve the NPF targets and address the weak urban structure, the RSES growth strategy has taken a strategic approach to develop urban places of regional-scale through:

- Delivering on the population targets for the Metropolitan and Regional Growth Centres through compact growth.
- Delivering significant compact growth in Key Towns.
- Developing derelict and underutilised sites, with an initial focus within the footprint of urban areas.
- Delivering critical enabling infrastructure and services.

Population growth in Galway between 2016 and 2026 of +23,000 is proposed.

Galway Metropolitan Area Strategic Plan (MASP)

A key ambition of the RSES strategy is to grow globally competitive urban centres of scale that shall be compact, connected, vibrant and inclusive places for people and for businesses to grow. The primary centre identified for growth in the region is Galway City through its designation as a Metropolitan Area in the NPF.

Key Transport Components of the Galway Transport Study for MASP include:

**Public Bus Transport:** Development of a cross-city network of bus services which can serve the major trip attractors with five core bus routes to provide a minimum 15-minute frequency service during the peak periods and sustain a high-frequency service throughout the day.

**Cycle Network:** Provision of a core, secondary and feeder cycle network which includes segregated cycle routes, on-road cycle lanes and /or wide bus lanes to cater for both buses and cyclists along the same route.

Develop a secondary cycle network that will comprise connections from residential areas and areas of employment to the primary network accessing key destinations. (This includes a core bus route and a secondary cycle route along Monivea Road)

### 6.3. **Section 28 Ministerial Guidelines**

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

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual').(2009)
- 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (Updated December 2020)
- Urban Development and Building Height, Guidelines for Planning Authorities, 2018.
- 'Design Manual for Urban Roads and Streets' (DMURS) (2019) / DMURS Interim Advice Note – Covid 19 (2020)
- 'The Planning System and Flood Risk Management' including the associated 'Technical Appendices'.
- 'Childcare Facilities – Guidelines for Planning Authorities'.

- Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities – May 2021

#### 6.4. Local Policy Context

##### **Galway City Development Plan 2017 - 2023**

The subject lands are zoned to provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and contribute to sustainable residential neighbourhoods.

Monivea Road is identified as a Bus Route as part of the Galway transport Study, while Ballybane More Road is identified for road improvements.

The core strategy notes that outside identified growth areas, other residential areas of the city will grow but at a more constrained rate and in character with the established nature of development. The policy is to allow for consolidation and densification where appropriate. The plan identified a requirement for approx. 8,000 dwellings units to 2022.

The site is located within the Outer Suburban areas.

##### Policy 2.5 Outer Suburbs (includes)

- Encourage higher residential densities at appropriate locations especially close to public transport routes and routes identified in the Galway Transport Strategy as suitable for high frequency, public transport services.
- Ensure sustainable neighbourhoods are places where housing, streets, open spaces and local facilities come together in a coherent, integrated and attractive form.
- Ensure the layout of residential developments has regard to adjoining developments.
- Encourage a mix of housing types and sizes within residential developments.
- Encourage the use of homezones within residential developments.
- Require residential developments of over 10 units to provide recreational facilities as an integral part of the proposed open space.
- Ensure a balance between the reasonable protection of the residential amenities of the outer suburbs and the protection of the established character and the need to provide for sustainable residential development.

- Encourage the integration of energy efficiency in the design and layout of residential development.
- Encourage the promotion of universal design principles and lifetime adaptability in the design and layout of residential developments.

6.4.1. The transport strategy set out in section 3.1 supports integrated land use and transportation and implementation of the Galway Transport Strategy (GTS), which will deliver a high-quality public transport network, provide and encourage the use of other sustainable modes of transport, and facilitate the efficient movement of private vehicles and freight. This includes the consolidation of development.

6.4.2. Residential development standards for the Outer Suburbs include

- Plot ratio of 0.46:1 for residential development shall not normally be exceeded.
- Planning applications for new large-scale residential developments shall be accompanied by assessments of the capacity of local schools.
- Developments shall provide amenity open space made up of the following ratios:

Communal Open Space: 15% of the gross site area.

Private open space exclusive of car spaces shall be provided at a rate of not less than 50% of the gross floor area of the residential unit.

- Car Parking Standards

In order to provide for flexibility in residential layouts the following are the options for car parking requirements:

- 2 on-site spaces per dwelling and 1 grouped visitor space per 3 dwellings or
- 1 on-site space per dwelling and 1 grouped visitor space per dwellings or
- 1.5 grouped spaces per dwelling and 1 grouped visitor space per 3 dwellings
- 3 spaces for dwellings over 200m<sup>2</sup> and 1 grouped visitor space per 3 dwellings
- 1 space for one-bedroom dwellings and 1 grouped visitor per 3 dwellings

6.4.3. These standards should not be exceeded unless acceptable additional need can be demonstrated.

6.4.4. Section 11.10.1 notes that a reduction in these car-parking standards may be acceptable when an application for development includes a Travel Plan, which demonstrates alternative methods of dealing with traffic generation.

- 6.4.5. Cycle Parking Standards: A minimum of one cycle stand (five bicycles) per 20 car spaces or over shall be provided. For every additional 50 car parking spaces, an additional cycle stand should be provided. Cycle parking must be sheltered where appropriate.

## 7.0 Observer Submissions

- 7.1.1. 2 no. submissions on the application have been received from the parties as detailed above. The issues raised in the submissions are summarised below.

### Anthony Ryan

- Idea that not all residents will own a car and that they will use public transport is not realistic/Will lead to residents parking neighbouring estates/Creche needs more parking/Area does not have sufficient public transport or infrastructure/Needs one space per unit/SHD should not be granted. Will add to traffic congestion/No footpath network to connect with on a large section of the Ballybane More Road/Current Ballybane More Road is not suitable for pedestrian traffic from the proposed development.
- Insufficient open space for the density of the development. 102 units at capacity will house a large group of residents circa 400. There is a lack of amenities in this area.
- A proposal for high density apartments is out-of-sync with the area/proposal represents an overdevelopment/represents poor planning/developer lead.

### Martin White

- Live in the house in part adjacent to a portion of the development to the SE
- The proposed development here will have a line of terraced 2/3bed houses with the back gardens adjacent to the boundary. The observation concerns the boundary and not the nature of the development itself.
- Plans for boundary treatment along this property are unclear/trees do not provide a sufficient boundary/a proper boundary is required here (i.e. a 2m high wall)
- Boundary will need to take account of existing Telecom line.
- Best option would be to remove the trees to construct a boundary.

## 8.0 Planning Authority Submission

8.1.1. Galway City Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016.

- Is an appropriate location for the quantum of housing proposed.
- Density and mix of house types and sizes is acceptable.
- Consistent with the requirements of the Core Strategy
- Layout is acceptable/permeability provided through the site for pedestrians and cyclists.
- Layout takes advantage of the orientation of the site.
- Block A provides natural surveillance of the pedestrian link
- Variety and choice of housing types promotes diversity and a degree of interest
- Blocks A and B provide a degree of enclosure and active street edge
- Blocks reflect the scale and height of SHD development permitted on the southern side of Ballybane More Road (ABP -306222-19).
- Cognisance has been taken of scale and height of adjacent dwellings
- Duplex Block 3 does not achieve the minimum overlooking standard of 11m towards the north overlooking the proposed Duplex Block 2 and crèche/difference in ground levels between Blocks 2 and 3
- Concerns are raised regarding the layout of the car parking spaces along areas of communal open space, this may reduce the amenity value of these spaces.
- Shortfall of approximately 23 spaces/site would qualify for a reduced overall car parking standard under Section 4.15 of the Apartment Design Guidelines/Full implementation of the TTA, Road Safety Audit and Estate Management Report should be conditioned.
- Concerns are expressed in relation to the phasing of the scheme, with the delivery of the crèche and the larger open space/playground earmarked for the final phase of development/these should be delivered in the first phase of development

- Site is in an area of high groundwater vulnerability with shallow subsoil cover over regionally important karst aquifer.
- Best practice measures as outlined in the submitted reports should be put in place

Recommendation:

8.1.2. Section 8 of the Chief Executives Report recommends permission for development be **Granted** subject to conditions.

Conditions:

8.1.3. Section 9 of the Chief Executives Report sets out conditions in the event that the Board decides to grant permission. Conditions of note are as follows:

2. – redesign of Block 3 No.'s 38-47 to achieve the minimum overlooking standards of Section 11.3.1 of the CDP.

4 – Revised phasing plan

6 – Revised cycle details

7- Details of proposed measures on public road

15 – Special contribution for road improvement works on the Monivea Road and Ballybane More Road

30- Pre-construction Bay Survey/3 no bat boxes

Internal Reports

Water Services: - issues relate to the water pressure available to the southern portion of the site due to its elevation/proximity to Briarhill Reservoir/pressurised system will need to be upgraded

Surface water design acceptable to Water Services

Parks – questionable if area near street no. 3 and narrow planted strips between car parking spaces should be included in the open space calculations/no amenity provision for teens/no age groups specified for playground/additional detail needed/raised crossings would improve safe access/concerns in relation to loss of vegetation/contributes to carbon sequestration/planting should have regard to the



All-Ireland Pollinator Plan/method statement required in relation to the proposed retention of Hedgerow H2/Conditions recommended

Transportation – proposed planting should ensure visibility is maintained/deficit of 75 cycle spaces/this is unacceptable/car parking deficit is 117 at a minimum/scale of deficit is excessive/unclear how the 30km/hr limit within the development will be enforced/no taking in charge drawing has been submitted/no lighting details submitted/must cover public road space on both Ballybane More Road and Moivea Road/Conditions suggested

## 9.0 Prescribed Bodies

### Irish Water:

- Water - A connection for the lower elevation housing units on this development site can be facilitated off the 200mm AC watermain which runs along the Monivea Road to the north of development site/ connection for the higher elevation multi storey apartment type units can be facilitated off the pressurised Irish Water watermain to the south of development site/pumps at the existing pump station which serve the existing pressurised watermain may require to be upsized to cater for the demands associated with the high level apartment blocks on the development site/where an upgrade is required the applicant may be responsible for the costs associated with the pump upgrade or a portion of same.
- Wastewater - A wastewater connection can be facilitated without upgrade to the 225mm diameter foul sewer network which runs along the Monivea Road to the north of development site.
- Design Acceptance Applicants have been issued a Statement of Design Acceptance for the development.
- Conditions recommended

### Transport Infrastructure Ireland

- The proposed development shall be undertaken in accordance with the recommendations of the Transport (Traffic) Assessment and Road Safety Audit submitted.

## 10.0 Assessment

10.1.1. The main planning issues arising from the proposed development not already dealt with in the EIAR can be addressed under the following headings-

- Principle of Development
- Design
- Residential Amenities/Residential Standards
- Surrounding Residential Amenity
- Traffic and Transportation
- Ecology/Trees
- Flood Risk
- Site Services
- Other Issues
- Planning Authority's Submission
- Material Contravention

### 10.2. Principle of Development

#### Zoning

10.2.1. The application site is zoned R 'To provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods'. As per Table 7 of the Galway City Development Plan 2017-2023 (hereinafter referred to as 'the Development Plan') residential and childcare uses are use which are 'compatible with and contribute to the zoning objective'. As such, the principle of the residential use and crèche use is in compliance with zoning objective.

#### Demolition

10.2.2. I note that within Chapter 2 'Housing and Sustainable Neighbourhoods' of the Development Plan it is stated that:

*'In the interest of protecting the amenity of existing residential neighbourhoods in the outer suburbs demolition of existing dwellings for higher density apartment development will not be acceptable. Exception to this policy will only be considered*

*on recently zoned residential lands, undeveloped lands where no pattern of development has been established, on main distributor roads where mixed uses have already been developed and where the existing form of development is not predominantly conventional housing and where the development will not reduce the existing residential amenity’.*

10.2.3. There is no explicit policy in relation to this in the associated text in ‘Policy 2.5 Outer Suburbs’. The Planning Authority have not raised this as an issue nor have observers on the application. In any case, I am of the view that, in principle, an exception applies in this instance, given the location of the site on a main distributor road, where mixed uses have already been established, and there exists non-conventional housing already (such as student accommodation, for example), subject to a detailed consideration of the impact on existing amenity. Non-residential developments include the Briarhill Retail Centre (c350m east of the site) and the Clayton Hotel (c220m from the site) and the Maryam Mosque, located directly to the west of the site and which shares a boundary with the site. Also on the Monivea Road, is a large light industrial park (Oldenway Business Park, located c450m to the west of the site). There is an existing student accommodation development at Cúirt na Rásaí, located 140m east of the site and there is self-catering accommodation located at Tir na gCapall, located 60m to the north-east of the site. In principle, I am satisfied that demolition is open for consideration here, subject to there being no material reduction in residential amenity. I have considered the issue of residential amenity in Section 10.5 below.

#### Core Strategy

10.2.4. The Applicant’s submission states that, taking account of the 467 housing units completed up to September 2016, there is an estimated residential demand for 8,043 housing units to meet housing need in Galway City, up to 2022. It is therefore submitted the proposed development is consistent with the requirements of the Core Strategy and will contribute 102 no. residential units which will help to meet the housing demand identified above. The Planning Authority have not raised an objection to the application, as relates to the Core Strategy. While the figures in the Development Plan are likely to be somewhat outdated, in terms of housing completions (which has increased at a national level since the publication of the Development Plan), it is unlikely that the that the proposal would come close to

breaching the housing target of 8,043 cited in the Development Plan. I am satisfied that the proposal would not materially contravene the core strategy of the CDP.

### Density

- 10.2.5. The proposed density is 73 unit/ha. I note the applicant has submitted a Statement of Material Contravention which refers to potential material contraventions of the Galway City Development Plan 2017-2023 (GCDP) as relates to density and car parking and I have considered same in Section 10.12 of this report.
- 10.2.6. The Planning Authority have stated that the density is acceptable. An observer submission has stated that the current proposal for high density apartments is out-of-sync with the area and represents overdevelopment and poor planning.
- 10.2.7. In relation to national policy on density, Project Ireland 2040: National Planning Framework (NPF) seeks to deliver on compact urban growth. Of relevance, objectives 27, 33 and 35 of the NPF seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures.
- 10.2.8. In relation to Section 28 Guidance, the most relevant are the Design Standards for New Apartments, Guidelines for Planning Authorities (2018) and the Sustainable Residential Development in Urban Areas. In relation to the Design Standards Guidelines, applying the criteria as set out in same, I am of the opinion the site falls within the category of an 'Intermediate Urban Location'. In such locations a density of greater than 45 units/ha is appropriate.
- 10.2.9. These 'Intermediate Areas' include sites that are:
- Sites within or close to i.e. within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m), of principal town or suburban centres or employment locations, that may include hospitals and third level institutions;
  - Sites within walking distance (i.e. between 10-15 minutes or 1,000-1,500m) of high capacity urban public transport stops (such as DART, commuter rail or Luas) or within reasonable walking distance (i.e. between 5-10 minutes or up to 1,000m) of high frequency (i.e. min 10 minute peak hour frequency) urban bus services or where such services can be provided;

- Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) of reasonably frequent (min 15 minute peak hour frequency) urban bus services.

10.2.10. The site is served by a number of bus services including the 401-bus route serving Dr Mannix Rd (Rockbarton Rd) - Parkmore Industrial Estate, is located immediately north of the site on the Monivea Road. The frequency of the 401 is every twenty minutes. The frequency of the 409-bus route from Eyre Square Galway - Parkmore Industrial Estate is every ten minutes and is a 5 minute walk away (400m) from the application site on the Doughiska Road. As such the site is served by a high frequency bus service, and complies with the latter criteria above.

10.2.11. I note also that the site is a 7 minute walk from Briarhill Retail Centre (approximately 550m), a 6 minute walk from Oldanway Business Park (approximately 500m) and is an approximately 13m walk from Briarhill Business Park (approximately 1 km), which could be defined as employment locations, and the site therefore complies with the first criteria above.

10.2.12. As such the density proposed is in line with the Design Standards for New Apartments, Guidelines for Planning Authorities (2018).

10.2.13. In relation to the Sustainable Residential Development in Urban Areas (2009), the site can be defined as a 'Public Transport Corridor', as defined within the Guidelines, given that it lies within 500m walking distance of a high capacity/frequency bus service. The Guidelines state that in general, minimum net densities of 50 dwelling/ha should apply, with the highest densities being located at rail stations/bus stops, and decreasing with distance away from such nodes. The proposed density is in compliance with the above guidance.

10.2.14. Section 2.5 'Outer Suburbs' of the Development Plan, in relation to density, states that regard shall be had to the Sustainable Residential Development in Urban Areas (2008) as well as to the accompanying design manual. Reference is also made to the Section 28 Ministerial Guidelines – Sustainable Urban Housing: Design Standards for New Apartment Guidelines for Planning Authorities, 2015 (since updated, latest version published 2020) and it stated that the requirements for size and design of apartments in same shall be adhered to. As noted, the proposed density complies with the guidance set out in both of these documents. Policy 2.5 'Outer Suburbs' encourages higher densities at appropriate locations especially

close to public transport routes. As noted the site is situated proximate to high frequency existing public transport connections, and such the principle of the proposed density is acceptable, having regard to the Policy 2.5 'Outer Suburbs' of the Development Plan (see also discussion of the issue of Plot Ratio in Section 10.4 of this report).

### 10.3. Design Issues

- 10.3.1. The proposed heights range from 2, 3, 4 and 5 storey with the taller apartment blocks A and B to south of the site facing Ballybane Road. Block B is a part 3, part 4, part 5 storey building, with the top floor set back. Block A is also a part 3, part 4, part 5 storey building, with the top floor set back. To the north of the site, facing onto Monivea Road are 3 story Duplex Units (Blocks 1A and 1B). Within the development there is a mix of three storey duplexes and two-storey houses.
- 10.3.2. In relation to national policy on heights, the National Planning Frameworks supports increases in densities generally, facilitated in part by increased building heights. It is set out that general restrictions on building heights should be replaced by performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth (NPO Objectives 13 and 35 refer). The principle of increased height, such as that set out here, is supported by the NPF therefore, subject to compliance with the relevant performance criteria.
- 10.3.3. In relation to Section 28 Guidelines, the most relevant to the issue of building heights, is the Building Height Guidelines (2018). Within this document it is set out that that increasing prevailing building heights has a critical role to play in addressing the delivery of more compact growth in our urban areas. (Section 1.21 refers).
- 10.3.4. Section 3.2 of the Guidelines set out development management criteria to be applied when assessing development proposals for buildings taller than prevailing building heights. SPPR 3 of the Height Guidelines states that where a planning authority is satisfied that a development complies with the criteria under section 3.2 of the guidelines, then a development may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise. However, in this instance, there is no restriction within the Development Plan in relation to the heights proposed here and the Planning Authority have not objected to the heights proposed. However, given that the 5 storey height proposed is generally higher than

prevailing building height (which is generally 2 storey housing, although there are exceptions to this, as set out below), the criteria contained with Section 3.2 of the guidelines are an appropriate framework within which to address the issue of height.

- 10.3.5. At the scale of the city, I note the site is well served by public transport, with good links to Galway City and the connecting bus and train services therein. In relation to impacts on architecturally sensitive areas, on key landmarks and on key views, I note the Planning Authority have not raised concerns in relation to impacts on any specific ACA, Conservation Area or on any Protected Structures and I do not consider there is any impact on same. While the proposal is not accompanied by a landscape and visual impact assessment, I am of the view that there is sufficient information on file, including but, not limited to, the Architectural Design Statement and the 3D Views Booklet, to allow an informed assessment of the application.
- 10.3.6. At the scale of the district/neighbourhood/street, I am of the view that the proposal responds well to the context of the site, and provides a positive contribution to the creation of streetscapes along Monivea Road and Ballybane More Road. In relation to the 3 storey duplexes fronting onto the Monivea Road, while higher than the immediate single storey and 2 storey dwellings, they are not dominant in appearance, and there are other examples of 3 storey residential buildings on the Monivea Road, including but not limited to, the student accommodation block at Cúirt na Rásaí. The Clayton Hotel is a large 5 storey structure, located approximately 250m to the east of the site. In relation to the 5 storey blocks (Blocks A and B) proposed for the Ballybane Road frontage, to the south of the site, these will have the appearance of a 4 storey building (with the top floor set back) when viewed from Ballybane Road, given that the ground level sits below the level of the Ballybane Road. While again this is higher than the immediate context of the neighbouring dwellings, which are generally two storey (with 2 Dún Bríota to the immediate west having the appearance of a single storey dwelling, when viewed from the Ballybane Road), the overall appearance is not overbearing or dominant, with the heights stepping up from 2, 3, 4 and 5 storeys, and the use of a diverse pallet of materials to break down the massing. In relation to Block A, this has a maximum height of 5 storeys. However, given the proposed site levels it will have an appearance of a 4 storey building, when viewed from Ballybane Road, with reductions in height as one approaches the eastern boundary of the site. Close to the boundary with the

neighbouring dwelling to the east, it will have a height of 3 storeys. I note also the approved SHD development (ABP ref: 306222) currently under construction, which will be 3 storeys in height fronting onto Ballybane Road. The proposed development, while generally higher than same, will not appear overly so, due to the site levels as discussed above (I refer the Board also to View 6 of the '3D Views' booklet which demonstrates same).

- 10.3.7. In relation to the materials proposed, the design statement sets out the approach to same. For the duplex units, a mix of brick and render is proposed with seam metal finish for the dormer elements. Render and brick are proposed for the main apartment elevations with metal cladding on the top setback floor and on the projecting staircases. I have no objection to the materials proposed, and I consider that there are of sufficient quality.
- 10.3.8. Criteria 3.2 sets out that, at the neighbourhood scale, proposals such as these are expected to contribute positively to the mix of use and building dwelling typologies, I have considered the mix and building typologies below in section 10.4, and I have concluded the proposal complies with this criteria.
- 10.3.9. While the principle of the proposed heights are acceptable, further criteria to be considered within Section 3.2 include the need to ensure that the massing and height of the proposed development is carefully modulated so as to maximise access to natural daylight, ventilation and view and minimise overshadowing and loss of light, with appropriate and reasonable regard taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. 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. I have set out my assessment of the internal amenity of the proposed units, as results to daylight and sunlight in Section 10.4 below, and I am satisfied that a sufficient standard of daylight and sunlight would be provided to the units. I have considered the issue of overshadowing of proposed amenity spaces in Section 10.4 below. I have considered the issues of surrounding residential amenity, in relation to overshadowing, daylight and sunlight in Section 10.5 below, and I am satisfied that there will be no significant adverse



impact on surrounding residential amenity, as relates to daylight, sunlight and overshadowing impacts.

10.3.10. In relation to specific assessments, the Guidelines require that such assessments may be required, and refer to an assessment of the micro-climatic effects of the proposed development. In relation to same, I am not of the view that the height is such that any specific technical assessments such as wind study or telecommunications study is required nor are the site sensitivities (in relation to birds and bats) such that at a specific bat or bird collision study/assessment is required.

#### Layout

10.3.11. I have considered the issue of layout in Section 10.6 of this report and I refer the Board to same.

### **10.4. Residential Amenities/Residential Standards**

#### Daylight, Sunlight and Overshadowing

10.4.1. I note that the criteria under section 3.2 of the Building Height Guidelines include the performance of the development in relation to daylight in accordance with BRE criteria, with measures to be taken to reduce overshadowing in the development. Sections 6.5 to 6.7 of the Sustainable Urban Housing: Design Standards for New Apartments (December 2020) also contain similar requirements as relates to daylight provision. However, it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria. Section 1.6 of the BRE 209 Guidelines states that the advice given within the document is not mandatory and the aim of the guidelines is to help, rather than constrain the designer. Of particular note is that, while numerical guidelines are given with the guidance, these should be interpreted flexibility 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).

10.4.2. There is no specific policy or objective in the Galway City Development Plan requiring compliance with BRE or BS standards, although Section 11.3.1 (e) Daylight of the Development Plan states that 'all buildings should receive adequate daylight and sunlight. All habitable rooms must be naturally ventilated and lit and living rooms and bedrooms shall not be lit solely by roof lights'.

10.4.3. The applicants have submitted a 'Sunlighting Assessment Report'. This considers *inter alia* the daylight and sunlight amenity within the dwellings of the proposed development as well as the sunlight availability for the proposed outdoor amenity spaces.

10.4.4. The report is based on the following standards:

- Building Research Establishment (BRE) Report 209 "Site Layout Planning for Daylight and Sunlight – a guide to good practice, 2nd Edition, 2011 (BRE 209).

#### Daylight

10.4.5. In relation to daylight, the BRE 209 guidance, with reference to BS8206 – Part 2, sets out minimum values for ADF that designers/developers should strive to achieve, with various rooms of a proposed residential unit, and 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-daylit living room. This BRE 209 guidance does not give any advice on the targets to be achieved within a combined kitchen/living/dining layout. However, Section 5.6 of the BS8206 – Part 2: 2008 Code of Practice for Daylighting states that, where one room serves more than one purpose, the minimum average daylight factor should be that for the room type with the highest value. For example, in a space which combines a living room and a kitchen the minimum average daylight factor should be 2%. As such the default ADF value to be applied to a Kitchen/Living/Dining Room (KDL) should be 2%.

10.4.6. In the proposed development, combined open plan kitchen, living and dining spaces are included within the proposed apartment and duplex units. The submitted 'Sunlighting Assessment Report' (which in fact considers the issues of daylight *and* sunlight to the proposed units) sets out to achieve a target of 2% for the living/kitchen/dining areas and 1% for bedrooms. It would appear from the diagrams submitted with the report that the permitted development to the south of the site (ABP Ref 306222-19) has been factored into the assessment results, although this is not stated explicitly within the report. I note that this permitted development is now

under construction and includes 3 storey duplex units facing towards the proposed development site, at a distance of c20.2m from the nearest proposed built form.

- 10.4.7. The report considers only the most 'critical' (or 'worst-case scenario') rooms in each block or building, with these sample rooms generally being on the lowest floors. The report runs a VSC analysis initially on all windows within the proposed development, and a selection of rooms that are on the lower floors, that do not achieve a VSC of 27%, are selected for ADF analysis. The applicant has elected to use non-compliance with VSC as a means of identifying worst case scenario windows/apts and I am satisfied that this approach would allow for the identification of worst case scenario windows (re. daylight) in line with BRE guidance.
- 10.4.8. The rooms selected for more detailed analysis are shown to pass BRE requirements, in terms of ADF values. I note that not all of the rooms that have a VSC of 27% or lower have been analysed for ADF. For example within Block A (North Façade), the bedroom adjacent to 'Space 3' (which is also a bedroom) has not been analysed. However, the layout is similar to 'Space 3', which achieves an ADF of 3.2%. As such it can be predicted that this bedroom would achieve a similar ADF result, well above the standard of 1% for bedrooms. Space 2, a KDL on the upper ground floor of Block A has been analysed and achieves an ADF of 3.5% and I am satisfied that other KDLS of similar depth (such KDLS of Apt No.s A09 and A10, also on the upper ground floor) would achieve similar values.
- 10.4.9. Within Block B, I note that only a selection of the rooms on the 'Upper Ground Floor Plan' have been analysed, and the rooms within the 3 no apartments on the 'Lower Ground Floor Plan' (B01, B02 and B03) have not been assessed (although the window diagrams indicate 2 no. bedroom windows and 1 no. K/L/D window at Lower Ground Floor level have a VSC of less than 27%). However, rooms on the 'Upper Ground Floor, with similar layouts and depths, have been analysed, and significantly exceed BRE targets. For example on the 'Upper Ground Floor, the KDL area of Apt. No. B08 achieves an ADF of 3.7%, well above the 2% target. A bedroom area of Apt. No. B09 achieves an ADF of 3.3%, well above the 1% target. There is no built form in proximity to the lower ground floor units that would result in the levels of daylight to this floor being materially lower than the floor above, and as such I am satisfied that daylight levels to the rooms on the Lower Ground Floor would be sufficient.

- 10.4.10. On the upper ground floor of Block B (North Façade), the bedroom adjacent to 'Space 2' has not been analysed, although it has a VSC of less than 27%. Space 2 achieves an ADF of 3.3%. While the layout and orientation of the bedroom which has not been analysed is similar, there is a balcony which somewhat overhangs the window, which has the potential to reduce daylight to the room in question. However, it is unlikely it would reduce it to such an extent so daylight to the room would be reduced significantly. As such I am satisfied that daylight provision to this particular room would be acceptable and meet BRE 1% ADF target.
- 10.4.11. In relation to the housing and duplex units, save for the Unit 17, Unit Block 2 30-37, the report indicates that all of the main façade windows that serve habitable rooms have a VSC of 27% or more. Notwithstanding, the report selects a number of rooms on the ground, first and second floors for ADF analysis and it is demonstrated that the rooms exceed BRE standards for same, in most cases by a significant amount. One window (part of a two window patio door) of the playroom/study/bedroom within Unit 17 did not achieve a VSC of 27%, but this space achieved an ADF of 3.5% (I note a typo running through the report which occasionally refers to 'DF' rather than 'ADF'. I am satisfied that 'ADF' is meant where 'DF' is referred to).
- 10.4.12. In relation to the ground floor of Unit Block 2 (No's 30-37), I note that 'Space 3' is a K/L/D but is labelled living room. However, it is shown to achieve an ADF of 3.3%, greater than the BRE standard of 2%.
- 10.4.13. Overall, in relation the development as a whole, I am satisfied that the 'worst case scenario' rooms have been analysed and have been shown to achieve well in excess of BRE targets, and I am therefore satisfied that other rooms within these blocks and housing units will also exceed relevant BRE daylight targets.

#### Sunlight

- 10.4.14. In relation to sunlight to windows, the BRE guidelines refer to a test of Annual Probable Sunlight Hours (APSH) to windows. The submitted assessment provides analysis in this regard, although the analysis that is provided is diagrammatic only, and no supporting figures or tables are provided.
- 10.4.15. The Building Height Guidelines do not explicitly refer to sunlight in proposed accommodation and within Section 3.2 of same it is stated 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'. Therefore, while daylight and overshadowing are explicitly referenced, there is no specific reference to sunlight, and reference is only to daylight, overshadowing or more generally 'light'. However, as noted above Section 11.3.1 (e) Daylight of the Development Plan states that all buildings should receive adequate daylight *and* sunlight (my emphasis). As such it is my view that an adequate analysis of sunlight is required in this instance.

10.4.16. As noted, the report considers internal sunlight levels to the proposed living rooms (those which face 90 degrees of due south). Façade diagrams and coloured windows are utilised to demonstrate BRE compliance with same (i.e. an APSH of 25% or greater and a Winter PSH of 5% or greater). It is stated and illustrated that all living rooms are compliant, within all of the blocks and terraces of the proposed development. Where non-compliance with the APSH or WPSH is illustrated, it is stated that these windows do not serve living rooms.

10.4.17. While I consider the presentation of the results within the report to be more challenging to analytically interrogate, in that the report relies on façade diagrams alone to demonstrate compliance, with no supporting tables or window reference numbers that would allow cross-referencing, I am satisfied that the report adequately demonstrates compliance with BRE standards, as relates to sunlight levels to living rooms which face 90 degrees of due south, and no failures or non-compliance have been identified.

#### Overshadowing

10.4.18. The BRE Guidelines recommend that for a garden or amenity area to appear adequately sunlit throughout the year, at least 50% of the area should receive at least two hours of sunlight on March 21st. With the summary of the Sunlighting Assessment report, it is set out that the development is in line with the BRE Requirements for sunlight on the communal playground (although within the summary there is no discussion of the other proposed amenity areas such as the private and communal amenity spaces). However, the main body of the report considers areas of private and communal spaces in proximity to each block/building. For Blocks A and B, the communal area to the south has been analysed, but not the communal area to the north of same. It is stated that 'over 50% of the garden area

receives more than 2h of sunlight'. While it has not been verified that the communal areas to the immediate north of the blocks would comply with BRE targets, taken as a whole, it is likely that the areas of communal open space would achieve BRE targets, given that the majority of the larger area of communal open space to the south of Blocks A and B, would receive sunlight from an eastern and westerly aspect, and during the summer months at least, would receive sunlight from a southerly aspect. While the playground within the centre of the development has been analysed and exceeds BRE standards, the large area of open space within the development (Open Space 1) has not. However, given its location within the centre of the development setback from any built form of scale, it is likely that this area would exceed BRE standards, in relation to overshadowing. Overall I am satisfied that at least 50% of the communal, public and private amenity areas will achieve 2 hours of sunlight on the 21<sup>st</sup> March, as per BRE standards.

#### Conclusion on Daylight/Sunlight/Overshadowing

10.4.19. As expected in a scheme of this nature, in which heights are not excessive, with adequate separation between blocks, and where the site is surrounded by low density development, levels of internal daylighting and sunlighting are shown to be relatively high, and the proposed amenity spaces receive sufficient sunlight, and no instances of 'failures' or non-compliance with BRE targets have been identified. As such the proposal complies Section 11.3.1 (e) Daylight of the Development Plan, with the requirements of criteria 3.2 of the Building Height Guidelines, and is in line with Sections 6.5 to 6.7 of the Sustainable Urban Housing: Design Standards for New Apartments (December 2020).

#### Public Open Space/Communal Open Space

10.4.20. Section 11.3.1 of the Development Plan requires that residential schemes provide communal recreation and amenity space at a rate of 15% of the gross site area. I note an observer submission has stated that insufficient open space has been provided.

10.4.21. In terms of the quantum of open space provided, the proposal provides for a total of 2,130 sq. m. of public open space, equating to 15% of the site area. The public open space comprises a large area of open space (OS1), a smaller area (OS2) and the playground area. In relation to communal open space areas, this is mainly provided

to the south of Blocks A and B, with smaller areas provided to the north. The quantum of same is not set out within the application documentation although I have estimated that approximately 500 sq. m has been provided, with the majority to the south of Blocks A and B. Having regard to the standards set out in Appendix 1 of the Design Standards for New Apartments (updated December 2020), the overall communal space provision required for the apartment units is 352 sq. m. As such I am satisfied that the standards for communal space have been met in this instance..

10.4.22. In terms of the quality of open space provided, the areas of communal open space provided to south and north of the apartment units (Blocks A and B) would provide sufficient amenity for the proposed apartment units, with the boundary plan (Dwg. No. 160604-3A-112) indicating a defined boundary treatment for the larger element of communal open space. The sloping nature of the communal space to the south would limit its usability somewhat, but it does provide for a visual amenity and a defensible space from the road frontage. The areas of communal open space to the north of the apartment blocks are of greater amenity value, in my opinion, and benefit from shielding from the road frontage and the courtyard nature of this element of Block B. In addition, the residents of the proposed development, as well as the general public, will have access to the large area of public open space (OS1) and the play area, which are both generous in extent.

#### Private Amenity

10.4.23. The houses, duplex and apartment units are provided with either a terrace or garden area, or balcony of sufficient size and which meet or exceed standards.

#### Dual Aspect

10.4.24. 62% of the proposed apartments within the scheme are dual aspect, in excess of the 50% required by the SPPR 4 of the Apartments Guidelines, for intermediate sites such as this one.

#### Mix

The proposal provides for the following mix of units, within a range of apartments, duplexes and houses.

- 27 no. 1 bed units – 26.4%
- 49 no. Two Bed Units – 48%

- 25. no Three Bed Units – 24.5%
- 1 no. Four Bed Unit – 1%.

10.4.25. I consider the mix to be acceptable in this instance and is compliant with SPPR 1 of the Apartment Guidelines.

#### Floor Area

10.4.26. The apartment floor areas meet or exceed the minimum standards provided in Appendix 1 of the Apartment Guidelines.

#### Plot Ratio

10.4.27. Within the Development Plan, residential development standards for the Outer Suburbs include 'a plot ratio of 0.46:1 for residential development shall not normally be exceeded', as set out in Section 11.3.1 (a) of the report. The proposal has a plot ratio of 0.61:1. While this does not comply with the standards in the Plan, I am not of the view that the breach is material (see Section 10.12 of this report for further consideration of same), and I note that the Planning Authority have not raised a concern specifically in relation to the plot ratio proposed here. As discussed in other sections of this report, I am satisfied that the quantum of development is appropriate for the site, and as such the plot ratio proposed in this instance is also, therefore, acceptable.

#### Block Separation Distances

10.4.28. The Planning Authority note that Duplex Block 3 does not achieve the minimum overlooking standard of 11m towards the north overlooking the proposed Duplex Block 2 and crèche and also difference in ground levels between Blocks 2 and 3. In relation to same I note the gable end of Block 3 faces towards the north elevation of Block 3, and there is a minimum distance of 5.4m from the boundary with the crèche play area same. However I note there is a crèche located on the ground floor of the southern end of Block 2 with one window serving the crèche on this elevation. I am satisfied that the proposed boundary treatment will serve to prevent any overlooking of same. At first and second floor plans there are no proposed windows on the southern gable elevation of Block 2, and no overlooking to or from Block 3 will result.

### 10.5. **Surrounding Residential Amenity**



- 10.5.1. To the north of the site is Monivea Road, with residential properties located on the opposite site at 'The Paddocks' and 'Lios Caisil'. To north-west of the site are residential properties (5 The Paddocks) and at Dun Briota. The Maryam Mosque is located to the western boundary of the site. To the east of the site are a number of residential properties including a dwelling to the immediate east and properties within An Luasán estate. To the south of the site, on the opposite side of Ballybane More a recent SHD has been permitted, with residential properties facing towards the application site.
- 10.5.2. The Planning Authority have not raised any concerns in relation to residential amenity, nor have observers on the application.

#### Daylight and Sunlight

- 10.5.3. I note that the criteria under section 3.2 of the Building Height Guidelines include reference to minimising overshadowing and loss of light. The Building Height Guidelines refer to the Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice' and ask that '*appropriate and reasonable regard*' is had to the BRE guidelines. However, as noted in Section 10.4 above, the standards described in the BRE guidelines are discretionary and are not mandatory policy/criteria and this is reiterated in Paragraph 1.6 of the BRE Guidelines.
- 10.5.4. Paragraph 2.2.7 of the BRE Guidance (Site Layout Planning for Daylight and Sunlight - 2011) notes that, for existing windows, if the VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this would be kept to a minimum. If the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in daylight.
- 10.5.5. The submitted report considers the impacts on daylight to existing adjacent buildings, in terms of Vertical Sky Component (VSC) and considers impacts on sunlight, in terms of APSH, as well as overshadowing impacts.

#### Daylight

- 10.5.6. The report considers the impacts on daylight and sunlight on the following surrounding properties:

- An Luasán 1 & 2, Ballybrit (H91 K8WH/H91 PK0H)
- An Luasán 10-15 (H91 PD85)
- Maryam Mosque (H91 V9PP)
- 5 The Paddocks, Ballybrit (H91 EYR9)
- 2 Dún Bríota, Old Ballybrit Road (H91 CXW2)

10.5.7. The report graphically illustrates where windows have a VSC of greater than 27%. It is illustrated that all of the windows considered, save for 7 no. windows on the south façade of 2 Dun Briota, have a VSC of greater than 27% with the proposed development in place. Section 1 of the report indicates that all of the properties have 'passed' the VSC test. I note No. 2 Dun Briota is incorrectly represented in the illustration in Appendix 5 of the report. This property is in fact a two storey property with a blank façade facing towards the application site (it would appear that a section of the 'proposed development' is shown instead). As such no VSC analysis of No. 2 Dun Briota has been carried out. From my site visit, I note that this property has 3 no. windows at ground level, with additional windows below the road level (the property sits below the level of the road, due to the nature of the existing topography. The impacts on the upper or lower windows are not considered in the report, nor have the windows at first and second floor level to the rear of this property. In relation to same, I am of the view that the south facing windows that are below the road level are likely to have relatively poor levels of daylight as existing. The nearest proposed built form is Block B, which is a part 3, part 4, part 5 storey building. The element of built form that is likely to have the most impact is the four storey element, set back approximately 6.7m from No. 2 Dun Briota and in my view this is sufficiently close to have the potential to result in some impacts on daylight levels to these windows. However, a relatively open aspect remains to the south (notwithstanding the permitted 3 storey development approximately 20m to the south) and to the west and it is likely that the impact on this property, in terms of daylighting, is likely to be In terms of the impacts to the rear facing windows of this property, again this has not been quantified. However for the most part, these windows will retain their open aspect and impacts on daylight to these windows are unlikely to be material.

#### Sunlight

- 10.5.8. The impact on sunlight to neighbouring windows is generally assessed by way of assessing the effect of the development on Annual Probable Sunlight Hours (APSH). The BRE Guidelines suggest that windows (to living rooms and conservatories) with an orientation within 90 degrees of due south should be assessed.
- 10.5.9. The report graphically illustrates the impact of the surrounding development on sunlight to surrounding windows. It is reported that with the development in place all windows have either over 25% of sunlight probable hours during the year, or are existing windows which have less than 25% of sunlight probable hours during the year. The report explicitly states that 'Windows that already had less than 25% before the construction of the new development are also compliant given that it is not affecting the existing properties' access to sunlight'. This is incorrect. BRE guidelines page 17 para.3.2.6 'If the available sunlight hours are both less than the amount above and less than 0.8 times their former value, either over the whole year or just in the winter months, then the occupants of the existing building will notice the loss of sunlight; if the overall annual loss is greater than 4% of APSH, the room may appear colder and less cheerful and pleasant.' The report does not tabulate the results so impacts are not readily discernible and it is therefore not possible to quantify the impact on those windows that already have less than 25% sunlight probable hours throughout the year. The results for the winter months are also shown, and again it is reported that all windows have either over 5% of winter sunlight probable hours during the year, or are existing windows which have less than 5% of winter sunlight probable hours during the year. The report does not tabulate the results so impacts are not readily discernible. There appears to be an error in relation to 'No. 5 The Paddocks' as the illustrations both show the property 'Before New Development' although it is likely a typo, with the right hand diagram likely showing 'After New Development'. In relation to No. 2 Dun Briota, the windows to this property are not correctly indicated within the report and as noted above, this property has 3 no. windows at road level, with additional windows below the road level. The impacts on the lower windows are not considered in the report.
- 10.5.10. Notwithstanding the above issues identified in the report, the report does not identify any breaches of BRE targets for those windows which already have 25% sunlight probable hours throughout the year or have over 5% of winter sunlight probable hours. I am of the view that for those windows that already have less than 25%

sunlight probable hours throughout the year or less 5% of winter sunlight probable hours, the impacts of the proposed development would not be significant, given the limited height of the built form relative to the majority of the existing residential units that are near or adjoin the site. Where significantly higher built form is proposed adjacent to an existing residential unit, such as at No. 2 Dun Briota, the windows of this existing property retain for the most part an open aspect and will still receive sufficient levels of sunlight from a southerly and westerly aspect, in my view.

### Shadow Analysis

In relation to overshadowing, the BRE guidelines state that an acceptable condition is where external amenity areas retain a minimum of 2 hours of sunlight over 50% of the area on the 21<sup>st</sup> March. The report graphically illustrates existing amenity spaces associated with surrounding residential properties. The report states that 'almost 100% of the existing properties' back gardens receive over 2 hours of direct sunlight after the proposed development has been constructed'. I note that the rear gardens of 10-15 An Luasán have not been considered as the report incorrectly states that these properties have no gardens. However, these properties do have rear gardens, although they appear to be heavily overshadowed by existing foliage. While a supporting Shadow Study, which demonstrates shadowing either on the 21<sup>st</sup> March or at other times of the year, is not included within the report, I do not consider that this is a fundamental omission, having regard to the requirements of BRE 209. While there are some omissions in this section of the report, having regard to the scale and nature of the proposal, I am of the view it is unlikely that the proposal would result in material overshadowing of existing rear gardens.

### Impacts on the Permitted Development to the South

10.5.11. The report considers the impacts on the '3<sup>rd</sup> Party – New Development' (this refers to the permitted SHD development (ABP Ref 306222-19) and it is graphically indicated that windows will pass BRE Guidance. It is not stated what test has been applied, although I note the relevant test is a test for daylight utilising the VSC test. The illustrations within the report, to my mind, do not correctly indicate or represent the permitted development. The most relevant elements of the permitted development to the south are those 2 no. three storey apartment blocks which face towards the development site (Apartment Types D – 17 no. units in total) and are set back

approximately 20m from the proposed development. The submitted report indicates a four storey block and does not correctly represent the window arrangements as per the permitted scheme. Notwithstanding, I am of the view that the report's fundamental conclusions are correct. Despite the diagrammatic errors (which do not have a material bearing on my assessment), I am satisfied therefore that any impacts on daylight to this new block are acceptable and within BRE targets.

#### Overlooking/Loss of Privacy

10.5.12. On the western boundary, the property with the most potential to be impacted is No. 2 Dun Briota. There are proposed windows and balconies that face towards this property but there are no directly opposing windows, and as such there will be no impact on same, as relates to overlooking. To the eastern boundary, the closest existing properties are 1 and 2 An Luasan. The closest proposed block (Block 1A) has an eastern facing dining room window at ground floor level. However this does not directly oppose an opposite window at 1 and 2 An Luasan and screening will be provided by the proposed boundary treatment. Proposed units 20-29 (two storey housing units) are set back at least 11 m from the eastern boundary, and again do not have windows that directly oppose a neighbouring property. Unit No. 29 has a bedroom window on the southern gable end elevation which is set back approximately 18 m from the rear elevation of the existing dwelling house to the south, and approximately 1.5m from the boundary of same. I note this is a secondary window and in my view should be omitted from the plans, given its proximity to the boundary of the existing dwelling house and the potential to overlook the rear amenity space of same. Should the Board be minded to approve, I recommend that this is omitted by way of condition. Overall, and subject to condition, I am of the view that the layout of the proposed development, and its relationship to existing residential properties is such that no material overlooking or loss of privacy will occur.

#### Visual Impact/Visual Amenity

10.5.13. In relation to visual impact, I have discussed this in detail in Section 10.3 above, and in summary I am of the view that the proposal has responded well to its context and has incorporated sufficient variations and reductions in height, where appropriate, to

ensure that the proposal would not present an overbearing visual impact on surrounding developments.

### Boundary Treatments

10.5.14. I note an observer submission as raised the issue of boundary treatments, in particular that boundary treatment to the rear garden of the existing dwelling house immediately to the south of 10-15 An Luasán ('Nolton'), stating that the existing tree cover would be insufficient to provide screening. I note the boundary plan submitted with the application indicates that this boundary will be assessed for suitability of retention with new block walls to be constructed where insufficient screening exists. I am of the view that more definitive details of boundary treatments to 'Nolton' and to 10-15 An Luasán should be agreed by the Planning Authority by way of condition, to ensure that sufficient privacy is provided to both existing residents adjoining the site and to future occupiers of the development.

### **10.6. Traffic and Transportation**

10.6.1. In relation to traffic and transport issues, I have had regard to the Traffic and Transport Assessment (dated 16/06/21), the Stage 1 Road Safety Audit (dated October 2020/Rev 1 June 2021), the DMURS Statement of Compliance (dated 16/06/21) and the Construction and Environmental Management Plan (dated 14/06/2021).

10.6.2. I have also had regard to the submission from the Planning Authority, from Prescribed Bodies as well as observer submissions.

10.6.3. The Planning Authority submission, in relation to transport Issues, states that concerns are raised regarding the layout of the car parking spaces along areas of communal open space and this may reduce the amenity value of these spaces. It is also stated that there is a car parking shortfall of approximately 23 spaces but site would qualify for a reduced overall car parking standard under Section 4.15 of the Apartment Design Guidelines. Full implementation of the TTA, Road Safety Audit and Estate Management Report should be conditioned.

10.6.4. I note that an observer submission has contended that there is insufficient car parking proposed for the development. In addition it is stated that the proposal will lead to traffic congestion. Furthermore, it is stated that there is a lack of suitable footpath provision on the Ballybane More Road. I have considered car parking

provision, footpath provision and the impacts on the surrounding road network in the assessment below.

Layout/Connections/ Permeability/DMURS

- 10.6.5. A DMURS Statement of Compliance has been submitted with the application. This considers connectivity with the surrounding road network and the design of the internal road network. It is noted that junction radii of 6m and a raised pedestrian crossing at the access junction are proposed in accordance with DMURS. Visibility splays of 2.4m X 49m are proposed in accordance with DMURS.
- 10.6.6. Section 3.3 of the Design Manual for Urban Roads and Streets considers permeability and legibility and states that *inter alia* designers should maximise the number of walking and cycle routes between destinations. Criteria 2 of the Urban Design Manual (the companion document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009 ) considers connections and notes that attractive routes should be provided for pedestrians and cyclists and that proposals should prioritise the pedestrian and cyclist in the layout and design of the public realm.
- 10.6.7. In terms of connectivity with the surrounding areas, I note that that there is a continuous footpath link on the Monivea Road to the east and west of the site. I note also that there are currently no footpaths on the Old Ballybrit Road/Ballybane More Road, to the south of the site. However, as noted within the TTA, footpath provision is proposed as part of the permitted SHD scheme on the southern side of the road (ABD Ref 306222-19). Given that this permitted scheme is currently under construction, to my mind there is a sufficient level of certainty that this footpath provision will be provided in the short-term. This current application proposes a footpath to the immediate southern boundary of the site, and ties into the existing footpath provision to the west of the site. An uncontrolled pedestrian crossing is proposed to tie into the permitted footpath to the south (I refer the Board to Dwg. No G1939DG0050 Rev P02 'Proposed Traffic Engineering Layout for details of same). I am satisfied that this scheme, in conjunction with the permitted scheme, will deliver sufficient footpath links both to the west and the east of the site. I note also the Planning Authority have requested a special contribution to facilitate upgrades to the Monivea Road and Ballybane More Road, and I am of the view that this is

reasonable, and such upgrades have been identified in the Galway Transport Strategy (GTS). Section 3.1 of the Development Plan supports the implementation of the Galway Transport Strategy (GTS) and as such, given that the proposed development will benefit from such upgrades, a special contribution is reasonable in this instance, and is allowed for under Section 48(2)(c) of the Planning and Development Act 2000 (as amended).

- 10.6.8. Criteria 2 of the Urban Design Manual also considers links to existing movement routes and to places people want to get to. In this regard, a pedestrian access is proposed from the Old Ballybrit Road which is a stepped access, which is necessitated by the topography of the site. While it may have been preferable to provide for universal access, as set out in Section 1.10 'Universal Design' of the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities' and Criteria 3 'Inclusivity' of the associated Urban Design Manual, I am conscious of the constraints of the site, as relates to topography. Permeability for cyclists is again limited by the stepped access, although the application documents refer to a cycle ramp being provided adjacent to the stepped access.). Further details of the cycle ramp should be required by way of condition.
- 10.6.9. In relation to the road and car parking layout, I note that, by virtue of the scale of the proposal, the extent of the road network is limited. Shared surfaces have been provided in less trafficked areas of the proposal, north of Blocks A and B, and south of Block 1A, in line with DMURS. Parallel parking has been provided on Street No. 1 which will serve as a traffic calming measure. For the most part, design recommendations in DMURS to reduce the visual impact of parking, such as avoiding perpendicular parking on both sides of a street, to encourage a greater sense of enclosure and ensure that parking does not dominate the streetscape, have been applied, and where this is not the case (Street 4) the quantum of parking is limited, and hence the visual impact of same will subsequently be limited.

#### Access/Servicing

- 10.6.10. Proposed vehicular/servicing and pedestrian access to the site is via the Monivea Road, with a stepped pedestrian access from the Ballybane More Road.

#### Car and Cycle Parking

- 10.6.11. Section 11.3.1 (g) of the GCDP sets out the following car parking standards:



In order to provide for flexibility in residential layouts the following are the options for car parking requirements:

- 2 on-site spaces per dwelling and 1 grouped visitor space per 3 dwellings or
- 1 on-site space per dwelling and 1 grouped visitor space per dwellings or
- 1.5 grouped spaces per dwelling and 1 grouped visitor space per 3 dwellings
- 3 spaces for dwellings over 200m<sup>2</sup> and 1 grouped visitor space per 3 dwellings
- 1 space for one-bedroom dwellings and 1 grouped visitor per 3 dwellings

These standards should not be exceeded unless acceptable additional need can be demonstrated.

10.6.12. Section 11.10.1 notes that a reduction in these car-parking standards may be acceptable when an application for development includes a Travel Plan, which demonstrates alternative methods of dealing with traffic generation.

10.6.13. Applying the third criteria, this would result in a requirement for 187 no. car parking spaces. A total of 90 no. car parking spaces are proposed for the residential element, with 4 no. spaces proposed to serve the crèche.

10.6.14. I note a Material Contravention Statement has been submitted by the applicant which considers the issue of *inter alia* car parking provision. As I have concluded in Section 11.12, I am not of the view the proposal represents a material contravention as relates to car parking. The Development Plan allows for flexibility in the application of these standards, in that a reduction in car parking provision may be acceptable when an application includes a Travel Plan, which demonstrates alternative methods of dealing with traffic generation. While the application is not accompanied by a standalone travel plan, Chapter 8 of the Traffic and Transport Assessment sets out provisions for sustainable modes of travel, including walking, cycling, bus and rail and also includes a Creche Staff Travel Plan. Section 5.2 of the TTA sets out parking demand management procedures to be applied. To my mind these elements within the TTA have in effect fulfilled the requirements of the Development Plan, and therefore a reduction in parking can be considered. The Planning Authority do not consider the parking provision to be a material contravention of the development plan. However the submission from the Planning Authority is somewhat conflicting, in that the Planning Report note that there is a shortfall of approximately 23 spaces (it is unclear what criteria has been applied

here) but that the site would qualify for a reduced overall car parking standard as per the Apartment Design Guidelines. The submitted report from the Transportation Department notes a shortfall of 117 spaces and states that the scale of the deficit is excessive.

10.6.15. Notwithstanding, I am of the view that the proposed car parking provision is acceptable, having regard to the accessibility of the site, as set out in Section 11.2 of this report, and having regard to the Section 4.21 of the Apartment Design Guidelines which states that in urban locations served by public transport, planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard.

#### Cycle Parking

10.6.16. Section 11.10.3 sets out cycle parking standards and it is stated a minimum of one cycle stand (five bicycles) per 20 car spaces or over shall be provided. For every additional 50 car parking spaces, an additional cycle stand should be provided. Cycle parking must be sheltered where appropriate. I am of the view that the standards as per the Design Standards are more applicable in this instance, noting Section 11.3 of the Development Plan, which states that the Council shall have regard to the recommendations of *inter alia* Sustainable Urban Housing: Design standards for New Apartments (DECLG, 2015), which I note have now been updated (latest version December 2020). The recommended cycle parking standards therein require a general minimum standard of 1 cycle storage space per bedroom, and visitor parking provision of 1 space per 2 residential units. Applying this standard to the apartment and duplex units only, this would require a total of 217 no. spaces. A total of 220 secure cycle bays have been provided, which is acceptable in my view.

#### Impacts on the surrounding road network.

10.6.17. The Traffic and Transport Assessment states that Traffic Surveys took place on Tuesday 3<sup>rd</sup> December 2010, in the AM and PM peak hours. In order to determine Traffic Growth, a Design Year (Opening Year) of 2023 is expected, and a Future Design years (+15 years 2038) were adopted. A + 5 Year Forecast was not carried out. Based on TII medium growth factors for cars and light vehicles, traffic is forecast to grow by 6.9% between 2019 and 2023, and by 29% between 2019 and 2038. The TTA notes that the N6 Galway City Transport Project may be in place by the future

year assessment, which would reduce traffic volumes in the vicinity of the proposed development, but for the purposes of the submitted report, future conditions without the N6 project in place were assessed.

10.6.18. Rather than utilise the TRICS database, trip generation rates from an existing residential estate comprising of 190 residential units and a crèche located on the Western Distributor Road in Galway City, known as Leargan, was used (observed Traffic Counts were undertaken in 2016). The use of these trips rates is justified within the report, with similarities in location and nature of development referred to, and I am satisfied that the use of these trip generation rates is appropriate.

10.6.19. Three no. junctions were considered

- Monivea Road / development access junction.
- Monivea Road / Ballybane Road junction.
- Monivea Road / Old Ballybrit Road junction

10.6.20. Increase of 5% or over were observed at the Monivea Road / development access junction and Monivea Road / Old Ballybrit Road junction, but not at the Monivea Road / Ballybane Road junction. However all three were considered for more detailed analysis at the request of GCC. Of note is that, for design year 2023 and for future year 2038, the Monivea Road / Ballybane Road junction is operating above capacity during the AM period (for traffic turning left), in both 'with development' and without development scenarios, with the proposed development having a marginal impact on 2023 capacity (capacity is 104.2% without development and 109.5% with (2023), with a slightly larger impact in 2038 (capacity is 130.9% without development and 136.3% with development). The TTA concludes that remedial measures will be required to alleviate congestion, although it is reiterated that this would be required with or without the development in place. The remaining two junctions are seen to operate within capacity with minor impacts on the capacity of both.

10.6.21. No assessment of cumulative impacts were carried out. However, I have had regard to the TTA of the permitted development (30622 for 102 residential units), which concludes that only marginal increases in vehicle traffic would result from same (e.g. at the Monivea Road/ Ballybane Morean increase of 1.62% in the AM with an

increase of 1.7% in the PM period, with smaller percentage increase at other analysed junctions).

10.6.22. In conclusion therefore, I am satisfied that any impacts on the surrounding road network will be acceptable, in terms of additional traffic volumes.

## 10.7. Ecology/Trees

- 10.7.1. The application is accompanied by an Ecological Impact Assessment. Section 4.4 notes that previously Annex 1 Lowland Hay Meadow Habitat was mapped on the site to the south of this site, but as of May 2021 has been cleared to facilitate the construction of the approved residential development. Habitats on the site are as described in Section 12 of this report and are mapped in Section 5 of the EclA (Habitat Map). There are no records for any EU Annex I habitats recorded within the development site, and none were recorded on site during the field surveys. A total of 11 no bird species were recorded but there was no evidence of Annex I or Special Conservation Interest (SCI) bird species associated with any SPA. The habits on site do not provide supporting habitat for any bird species that are listed as SCIs of Inner Galway Bay SPA. In relation to bats, and as detailed in the Bat Survey Report, Soprano pipistrelles were observed commuting and foraging in the area during the emergence surveys, and numerous foraging and commuting bats were recorded during the dusk and dawn bat activity surveys with a total of 178 bat passes recorded. Static detectors placed on site for a total of 28 nights recorded activity on site also, with 5 no. species being identified and a total of 8,888 passes recorded. No bats were recorded exiting or re-entering buildings on site. No evidence of roosting within the trees was recoded. There was no evidence of other mammals on site.
- 10.7.2. In relation to impacts at construction stage, the loss of habitats on the site is not considered to be significant, given that they are widespread and have a low biodiversity value. The loss of 83m of native hedgerow is considered to have a moderate effect, having regard to the retention of a further 59m of hedgerow on the eastern boundary of the site. The loss of 17m of Treeline and 0.04ha of Scattered Tree is concluded to have a slight effect. Mitigation proposals are noted and include the planting of individual native trees throughout the green spaces, as well as the retention of the hedgerow to the east of the site, with no significant effect predicted with the implementation of same. In relation to birds, it is noted that vegetation

clearance will be undertaken outside of the nesting bird season and no significant effects on same are predicted.

- 10.7.3. Specifically in relation to bats, best practice measures will be followed, including pre-construction surveys on all structures and trees to be felled, with the function of the survey to assess any changes in baseline environment since the initial surveys undertaken in August/September 2020. A minimum of 3 no. bat boxes are proposed. There will be some loss of foraging and commuting habitat. Mitigation in relation to same includes tree planting and diverse shrub planting, providing new habitats for commuting and foraging bats. With the implementation of mitigation measures, no significant effects are predicated.
- 10.7.4. In relation to impacts at operational stage, the potential for bat disturbance as a result of human activity, noise and lighting is highlighted. Best practice measures such as designing exterior lighting so as to reduce light spillage will reduce any disturbance to bats. With the implementation of mitigation measures, no significant effects are predicated.
- 10.7.5. Potential impacts on NHAs and pNHAs and Ramsar sites are considered in the EclA. Galway Bay pNHA was identified as being vulnerable to pollution as a result of the proposed development, via groundwater (as described in Section 12 and Section 10.8 of this report). However, with mitigation as described in Section 12 and Section 10.8, no significant effects are this pNHA are anticipated
- 10.7.6. In relation to trees, a Tree Survey Report has been submitted with the application. This states that a total of 13 no. individual trees, 2 no. tree groups and 2 no. hedgerows were recorded on the site. The trees, individually, were assessed as having a value from moderate to low, although collectively their values increases. A total of 30 trees are to be removed (12 no. B Class, 16 no. C class and 2 no. C Class). Recommendations, including tree protection measures are set out in the report. The mitigation measures and protection measures as relates to the trees on site should be required by way of condition.

## 10.8. Flood Risk

- 10.8.1. Section 9.3 of the National Planning Framework (NPF) includes guidance for water resource management and flooding with emphasis on avoiding inappropriate development in areas at risk of flooding. National Policy Objective 57 requires

resource management by “ensuring flood risk management informs place-making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities”.

10.8.2. A Stage 1 Flood Risk Assessment & Hydrological and Hydrogeological Assessment has been submitted with the application.

10.8.3. The report notes that the nearest surface waterbody is the Terryland River, located approximately 1.8km to the northwest of the proposed development site. The underlying bedrock geology of the site is mapped as Dinantian pale grey clean skeletal Limestones of the Burren Formation. This is classified by the GSI as a Regionally Important Aquifer – Karstified (conduit) (Rkc). The report indicates that there is no recorded or recurring flood incidences in the area of the proposed site. CFRAM mapping has not been carried out for the immediate area of the proposed development sites, although CFRAM mapping that has been carried out for areas to the west, indicates that the site lies outside Flood Zones A or B Fluvial Flood Zones, mainly due to its significant elevations relative to the areas within the Flood Zone. The site is also outside the 10-year and 200-year tidal and 1 in 1000 year flood extents, reflecting the inland location of the site and the significant elevation above sea level. It is concluded therefore that the site is located in Flood Zone C.

10.8.4. There is no previous evidence of groundwater flooding on this from the GSI Maximum Historic Groundwater Flood Map. GSI mapping little water infiltrates into the subsurface on this site, with groundwater recharge at 20%. Most rainfall therefore likely flows over land surfaces to lower elevations or to local drainage networks. However site investigations indicate that soil occupies most of the site, and as such recharge is greater than that indicated on GSI Mapping. To the immediate south of the site, land is classified as limestone outcrop, with a recharge co-efficient of 80%. As such some groundwater recharge and flow will be occurring at this site due to the very shallow bedrock found in places. It is concluded that groundwater is likely to be flowing radially away from the proposed site, given that flows normally reflect the local topography (the site is on a topographical high) with evidence for this in the form of several springs and a turlogh located to the east and south of the site with the Terryland River rising to the north. Given that groundwater

and surface water flow away from the site the site is not susceptible to flooding from pluvial or groundwater sources.

- 10.8.5. The primary risk associated with the development is downstream flooding. Additionally the proposed basements located in the residential blocks at the northern and southern site boundaries may impede shallow groundwater flow in the subsoils and limestone bedrock, with the potential to cause damming and local rises in the water table.
- 10.8.6. However, the FRA rules out risks associated with surface water off site flooding, having regard to the drainage proposals for the site (as outlined in detail in Section 10.9 of this report). In summary the proposals include two attenuation tanks, each capable of catering for 1 in 100 year storm events. These tanks will be fitted with hydrocarbon interceptors and will have overflow connection to the public system. In terms of potential damming, this is ruled out due to lack of an apparent risk from groundwater flooding.
- 10.8.7. Section 5 of the report is a 'Hydrological and Environmental Impact Assessment. This considers the hydrological impacts of the proposed development, including the impact of excess surface water runoff and a deterioration of surface and groundwater quality. It is noted that the surface water system to which the proposed development will drain outfalls to Galway Bay, with groundwater below the site also considered a receptor.
- 10.8.8. At the construction and operational phases, the impacts of potentially greater surface run off from the site is considered. At construction stage, mitigation measures are set out which include minimising soil and vegetation disturbance, and the provision of a suitably designed, constructed and well-maintained surface water drainage system. In terms of sediment runoff, mitigation measures related to same include the construction of an on-site drainage systems to prevent sediment related pollution of nearby surface waters, silt fences and wheel wash tanks, with exposed surfaces re-vegetated as soon as possible after construction. Mitigation measures are also set out in relation to potential hydrocarbon pollutants, including designed hardstanding areas for refuelling. At operational stage, measures to minimise surface water run off include the implementation of drainage proposals which utilise SUDS principles. Surface waters from the site will be collected into two storm water attenuation tanks,

designed to cater for 1 in 100 year storm events. The tanks are fitted with hydrocarbon interceptors to prevent pollution of watercourses. The water will be discharged to existing public drainage systems located to the north, along Monivea Road. With the implementation of mitigation measures are both construction and operational stages, no significant residual impacts are expected.

- 10.8.9. Impacts on groundwater are also considered in the report, and it is noted that groundwater vulnerability at the development site is 'Extreme-E'. Depth to weathered bedrock is shallow (0.1 to 0.6m) in the northern section of the site and to potentially competent bedrock ranging from 0.7 to 3.4m across the site. Removal of the clay soil is considered to increase the groundwater vulnerability at the site. However, with mitigation measures relating to the prevention of leaks and spills of contaminants as outlined in Section 6.3 of the report, no significant residual impacts are expected.
- 10.8.10. Cumulative impacts are ruled out due to the existing urban nature of the area, and the existing and available services, including foul drainage and stormwater infrastructure, the development is not expected to significantly contribute to increased surface water runoff or changes to downstream water quality. As a result of the application of mitigation measures as relates groundwater, the proposal is not considered to have any significant in-combination impacts.
- 10.8.11. The report concludes that the overall risk of flooding posed by the proposed residential development and downstream of the site is low and that there is negligible risk of adverse hydrological or environmental impacts resulting from the development subject to the best practice measures and mitigation measures set out in the report being adhered to.
- 10.8.12. In terms of surface water management, details of same are set out in the FRA (and also within the Drainage and Water Supply Report) and I have considered same in Section 10.9 below. Generally I am satisfied the proposals for surface water management are adequate for the site and will ensure the risk of flooding of the proposed development and existing surrounding developments is minimised. However, the report does not consider the risk of a failure of the storm water system, and the subsequent risk of down-stream flooding. Overland exceedance flow routes should have been provided and detailed in the report in the event of failure. However I am satisfied that such details can be requested by way of condition. This is in line



with Section 5.20 of the Flood Risk Management Guidelines which state that conditions should deal with any residual risk and should be guided by the development management objectives set out in the development plan. Section 5.22 of the Guidelines state that in most cases, conditions will be required to amend, clarify or further detail flood mitigation measures.

10.8.13. In relation to the conclusions of the report, I am satisfied that the site is not subject to pluvial, fluvial flooding, groundwater or tidal flooding. I have examined the mapping available on the OPW run website 'Floodinfo.ie' and this does not indicate any previous flooding events in the vicinity of the site. The Planning Authority have not raised any concerns and the report from the Drainage Section states that conclusions of the Flood Risk Assessment are accepted. In relation to the operational stage of the development, subject to a condition as described above. I am satisfied that the measures outlined in the FRA are sufficient to ensure that no residential properties on the site or adjacent to the site will be at an increased risk of pluvial flooding.

10.8.14. In conclusion, having regard to the fact that the site lies within Flood Zone C, the lack of an evident history of flooding on the site itself and having regard to the foul and surface water management proposals as set out in the application documents, I do not consider that the proposal will increase flood risk on this site or on surrounding sites, subject to conditions.

#### 10.9. **Site Services**

10.9.1. The application is accompanied by a Drainage and Water Supply Report. In terms of foul water, it is noted that foul water from the proposed development will discharge via gravity into the existing manhole located on the Monivea Road, with the public sewer having sufficient capacity to cater for the additional loading from the development.

10.9.2. In relation to surface water the proposals include two attenuation tanks, each capable of catering for 1 in 100 year storm events. These tanks will be fitted with hydrocarbon interceptors and will have overflow connection to the public system. A flow control device will limit the discharge into the public sewer to a maximum of 6.0l/s. It was found that the existing public sewer has sufficient capacity to accommodate the development. Table 3.1 of the Drainage and Water Supply Report

indicates that a 20% volume allowance has been made for climate change, in line with industry practice.

10.9.3. Water supply for the development will be via two existing watermains adjacent to the site.

10.9.4. I am generally satisfied that, subject to the conditions as suggested by the Planning Authority, the proposed foul and surface water infrastructure will be adequate to serve the proposed development.

#### **10.10. Other Issues**

10.10.1. Archaeology - The application is accompanied by an Archaeological Assessment (dated June 2021). This notes that there are no recorded archaeological monuments within the immediate vicinity of the proposed development area, with the closest site being a ringfort with an associated enclosure located approximately 260 north-west of the site. The report concludes that the archaeological potential of the site is considered to be very low, given that no potential archaeological features were noted within the subject site on either historic maps or aerial images. It is concluded that no requirement for archaeological mitigation measures to be implemented during the site works associated with this proposed residential development.

Phasing – The Planning Authority have expressed concerns in relation to the phasing of the scheme, with the delivery of the crèche and the larger open space/playground earmarked for the final phase of development. It is stated that these should be delivered in the first phase of development. I concur with the view of the Planning Authority in relation to this matter and I am of the view that appropriate phasing should be sought by way of condition, should the Board be minded to grant permission.

#### **10.11. Planning Authority's Submission**

10.11.1. While the Planning Authority are generally supportive of the scheme, and have recommended that the proposed development be granted permission, subject to conditions, the PA submission does set out a number of concerns with the proposal, which I have summarised here, and have noted where I have addressed these concerns, where appropriate.

#### Internal Overlooking

*Duplex Block 3 does not achieve the minimum overlooking standard of 11m towards the north overlooking the proposed Duplex Block 2 and crèche/difference in ground levels between Blocks 2 and 3*

10.11.2. I have addressed this issue in Section 10.4 of this report and I have concluded that no overlooking will result.

*Concerns are raised regarding the layout of the car parking spaces along areas of communal open space, this may reduce the amenity value of these spaces.*

10.11.3. I have addressed this issue within Section 10.4 and 10.6 of this report and I am satisfied that the requirements of DMURS have, for the most part, been applied within the scheme and that the quantum of parking adjacent to the communal areas is not such that the amenity value of same would be materially compromised.

*Concerns are expressed in relation to the phasing of the scheme, with the delivery of the crèche and the larger open space/playground earmarked for the final phase of development/these should be delivered in the first phase of development*

10.11.4. I have addressed the issue of phasing within Section of this report I have concurred with the view of the Planning Authority in relation to same.

*Site is in an area of high groundwater vulnerability with shallow subsoil cover over regionally important karst aquifer/Best practice measures as outlined in the submitted reports should be put in place*

10.11.5. I have considered these issues in Sections 10.8, 10.9 and Section 12 of this report and I refer the Board to same.

## 10.12. **Material Contravention**

10.12.1. The applicant has submitted a Statement of Material Contravention which refers to potential material contraventions of the Galway City Development Plan 2017-2023 (GCDP) as relates specifically to the following:

- Density
- Car Parking Provision

10.12.2. It is set out within the Statement of Material Contravention that the proposal may be a material contravention of the density standards in the Development Plan. Section 11.3.1 of same sets out that, for the Outer Suburbs, a plot ratio of 0.46:1 for new

residential development shall normally not be exceeded. The proposed development has a plot ratio of 0.61:1. The applicant contends that proposed development therefore exceeds the maximum permissible density permitted. As noted in Section 10.4 of this report, while the proposed plot ratio does not comply with the standards in the Plan, I am not of the view that the breach is material, and I note that the Planning Authority have not raised a concern specifically in relation to the plot ratio proposed here and do not consider it a material contravention of the plan.

10.12.3. In relation to car parking, Section 11.3.1 (g) of the GCDP sets out the following car parking standards:

In order to provide for flexibility in residential layouts the following are the options for car parking requirements:

- 2 on-site spaces per dwelling and 1 grouped visitor space per 3 dwellings or
- 1 on-site space per dwelling and 1 grouped visitor space per dwellings or
- 1.5 grouped spaces per dwelling and 1 grouped visitor space per 3 dwellings
- 3 spaces for dwellings over 200m<sup>2</sup> and 1 grouped visitor space per 3 dwellings
- 1 space for one bedroom residential dwellings and 1 grouped visitor per 3 dwellings

10.12.4. Section 11.10.1 notes that a reduction in these car-parking standards may be acceptable when an application for development includes a Travel Plan, which demonstrates alternative methods of dealing with traffic generation.

10.12.5. Applying the third criteria, this would result in a requirement for 187 no. car parking spaces. A total of 90 no. car parking spaces are proposed for the residential element, with 4 no. spaces proposed to serve the crèche. The applicant contends that the proposed provision may be deemed a material contravention of the car parking standards as set out in the Development Plan. However, I am not of the view the proposal represents a material contravention of the Development Plan, as relates to car parking. The Development Plan allows for flexibility in the application of these standards, in that a reduction in car parking provision may be acceptable when an application includes a Travel Plan, which demonstrates alternative methods of dealing with traffic generation. While the application is not accompanied by a standalone Travel Plan, Chapter 8 of the Traffic and Transport Assessment sets out provisions for sustainable modes of travel, including walking, cycling, bus and rail

and also includes a Creche Staff Travel Plan. Section 5.2 of the TTA also sets out parking demand management procedures to be applied. To my mind these elements within the TTA have, in effect, fulfilled the requirements of the Development Plan, and therefore a reduction in parking can be considered, and the proposed parking provision does not represent a material contravention of the Development Plan as relates to car parking standards.

10.12.6. Notwithstanding, if the Board is of the view that the proposal materially contravenes the Development Plan in relation to one or both of these issues (plot ratio/density and car parking) the following considerations are relevant.

10.12.7. Section 9(6)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 states that Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned. Paragraph (c) of same states 'Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development'. In relation to same, I am not of the view that the proposal would contravene the Development Plan, as relates to the zoning of the land.

10.12.8. The Planning and Development Act 2000 (as amended) provides that the Board is precluded from granting permission for development that is considered to be a material contravention, except in four circumstances. These circumstances, outlined in Section 37(2)(b), are as follows: (i) the proposed development is of strategic or national importance, (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or (iii) permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28 , policy directives under section 29 , the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or (iv) permission for the proposed development should be

granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

10.12.9. I have set out my considerations of the proposal, as relates to the relevant criteria of 37(2)(b) of the Planning and Development Act, below.

10.12.10. In relation to the matter of strategic or national importance, (criteria 37(2)(b)(i) of the PDA 2000), I am cognisant relatively small scale nature of the application and the location of the site on the outer suburbs of the city. While it would contribute to the housing stock, I am not of the view that the proposal, in and of itself, would be strategic in nature. While the issue of housing delivery is one of national importance, I am cognisant of the limited scale of the proposal, and the somewhat limited contribution of the proposal to the overall housing stock. The proposal does not deliver any significant supporting infrastructure that would be of strategic importance to the development of Galway City. I am therefore not of the view that the criteria of Section 37(2)(b)(i) is applicable in this instance.

10.12.11. In relation to conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, I do not share the view of the applicants, that there are any explicitly conflicting objectives within the plan. While the plan sets out a prescribed plot ratio, I do not consider that this necessarily conflicts with objectives as relates to sustainable development and density, as it can be argued that a sustainable density can be delivered within the confines of the prescribed plot ratio. In relation to car parking, I am not of the view that there are conflicting objectives within the plan, as the plan allows for reductions in car parking where measures to reduce the impacts of private car use have been considered, and therefore the standards for car parking, applied flexibly, are in line with those objectives that relate to sustainable development. I am therefore not of the view that the criteria of Section 37(2)(b)(ii) is applicable in this instance.

10.12.12. In relation to National Policy, Project Ireland 2040: National Planning Framework (NPF) seeks to deliver on compact urban growth. In particular, objectives 27, 33 and 35 of the NPF seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures. In relation regional planning guidelines for the area and Section 28 Guidelines, In relation to relevant Section 28 Guidelines, of

most relevance are the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (updated December 2020), and the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009) which support increased densities in appropriate locations. The Urban Development and Building Height Guidelines (2018) also support increased heights and densities within accessible urban areas. I am of the view that, in principal, an increased density on this site is supported by the Section 28 Guidelines referred to above and therefore, should the Board be minded to materially contravene the Development Plan as relates to density/plot ratio, it can do so having regard to the criteria of 37(2)(b)(iii).

- 10.12.13. In relation to car parking, the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018, seeks to reduce car parking standards in 'Intermediate Locations'. I have concluded that the site lies within an Intermediate location (see Section 10.2 of the report), and therefore, should the Board be minded to materially contravene the Development Plan as relates to car parking, it can do so having regard to the criteria of 37(2)(b)(iii).
- 10.12.14. In relation to the pattern of development/permissions granted in the area since the adoption of the Development Plan, I note the Board has granted permission for an SHD development of 102 no. residential units (omitting 1 unit by condition) and a childcare facility on a site to the immediate south of this application site (ABP Ref 306222-19). The plot ratio in that instance was 0.43:1 with a density of 55 units/ha. As such, the proposal did not contravene the Development Plan as relates to plot ratio. Specifically as relates to the issue of plot ratio, I am therefore not of the view that the criteria of Section 37(2)(b)(ii) is applicable in this instance. However I do note that the Board allowed a quantum of car parking that was below Development Plan standards for same. A total of 112 car parking spaces were proposed, whereas applying the Development Plan Standards for same (1.5 grouped spaces per dwelling and 1 grouped visitor space per 3 dwellings) would require 185 no. spaces (accounting for the 1 no. unit omitted by way of condition). It does not appear that the Board considered the car parking proposed in this instance to be a material contravention of the Development Plan. Notwithstanding, there is precedent for a significant reduction in parking provision, when compared to the standards as set out

in the Development Plan, and specifically in relation to the issue of car parking, I consider that the criteria of 37(2)(b)(iv) has been fulfilled in this instance.

10.12.15. In conclusion, should the Board be minded to invoke the material contravention procedure, as relates to matters of density/plot ratio, I am of the opinion that the proposal;

- In principle, meets the criteria of 37(2)(b)(iii), as increased densities are supported by national and regional policy, and by relevant Section 28 Guidelines.

10.12.16. Should the Board be minded to invoke the material contravention procedure, as relates to the issue of car parking, I am of the opinion that the proposal;

- In principle, meets the criteria of 37(2)(b)(iii), as reduced car parking standards in appropriate locations are supported by national and regional policy, and by relevant Section 28 Guidelines.
- In principle meets the criteria of 37(2)(b)(iv), as relates to permissions granted in the area, as there is precedent in the area for a significant reduction in car parking provision, when compared to the standards as set out in the Development Plan.

## 11.0 Environmental Impact Assessment (EIA) Screening

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

- Construction of more than 500 dwelling units
- Urban Development which would involve an area greater than 2 hectares in the case of a business district\*, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

\*a 'business district' means a district within a city or town in which the predominant land use is retail or commercial use.

11.1.2. Class 14 relates to works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have



significant effects on the environment, having regard to the criteria set out in Schedule 7.

- 11.1.3. It is proposed to construct 102 no. residential units (13 no. houses and 89 no. apartments), childcare facilities and associated site works. The number of dwellings proposed is well below the threshold of 500 dwelling units noted above. The site has an overall area of 1.46 ha and is located within an existing built up area but not in a business district. The site area is therefore well below the applicable threshold of 10 ha. The site is comprised of existing dwellings, hardstanding and greenfield areas, located within an urban context of residential and mixed use development. The works include the demolition of a 3 no. existing dwellings and are not considered significant. The introduction of a residential development will not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage. While I note a Natura Impact Statement (NIS) has been submitted with the application, following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of any European Site (as discussed in Section 12 below). The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Galway City Council, upon which its effects would be marginal.
- 11.1.4. Section 299B (1)(b)(ii)(II)(A) of the regulations states that the Board shall satisfy itself that the applicant has provided the information specified in Schedule 7A. The criteria set out in schedule 7A of the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. The applicant has not submitted an EIA Screening report with the application and, therefore, has not directly addressed the criteria set out in Schedule 7A. Notwithstanding this, it is my view that sufficient information has been provided within the documentation to determine whether the development would or would not be likely to have a significant effect on the environment.

11.1.5. Section 299B (1)(b)(ii)(II)(B) states that the Board shall satisfy itself that the applicant has provided any other relevant information on the characteristics of the proposed development and its likely significant effects on the environment. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts and all other submissions. I have also considered all information which accompanied the application including inter alia:

- Architectural Design Statement
- 3D View Booklet
- Operational Waste Management Plan
- Geotechnical Trial Pit Log Report
- Stage 1 Flood Risk Assessment (which includes a Hydrological and Environmental Impact Assessment Report)
- Ecological Impact Assessment
- Bat Survey Report
- Archaeological Assessment
- Appropriate Assessment Screening Report
- Natura Impact Statement
- Outdoor Lighting Report
- Landscape Design & Outline Maintenance Report
- Sunlighting Assessment Report
- Construction and Environmental Management Plan
- Housing Quality Assessment

- Stage 1 Road Safety Audit
- DMURS Statement of Compliance
- Traffic and Transport Assessment
- Building Lifecycle Report
- Estate Management Report
- M&E Basis of Design Report
- Part L Report
- Civil & Structural Cover Letter
- Site Excavations Context Report
- Drainage & Water Supply Report
- Planning Report & Statement of Consistency
- Statement of Response to Notice of Pre-Application Consultation Opinion
- Childcare Assessment
- Tree Survey
- Site Excavations Context Report

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

11.1.7. Noting the requirements of Section 299B (1)(b)(ii)(II)(C), whereby the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment

Directive have been taken into account I would note that the following assessments / reports have been submitted: -

- An Energy Statement (Part L Report) has been submitted with the application, which has been undertaken pursuant to the EU Energy Performance of Buildings Directive and requirement for Near Zero Energy Buildings
- An AA Screening Statement and a Natura Impact Statement have been submitted with the application, in support of the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) have been submitted with the application.
- A Construction & Demolition Waste Management Plan (part of the Construction and Environmental Management Plan) which was undertaken in accordance with the Waste Management Act, 1996 and associated regulations.
- A Stage 1 Flood Risk Assessment, has been submitted, which ensures effective management of flood risk, and which has had regard to 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' (DoEHLG & OPW, 2009), and was undertaken in response to the EU Floods Directive.

11.1.8. I am satisfied that all relevant assessments have been identified for the purpose of EIA Screening. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

## **12.0 Appropriate Assessment:**

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

### The Project and its Characteristics

12.1.2. I refer to the Board to the detailed description in Section 2.0 of this report. The following details are also of note for the purposes of Appropriate Assessment. The foul water from the proposed development will discharge via gravity into an existing manhole close to the site on Monivea Road. A new local stormwater network will be constructed to collect all rainwater from the new accommodation units, associated green areas and hard landscaping areas within the site. The stormwater will then be

treated by a Hydrocarbon Interceptor prior to being disposed into 2 no. attenuation systems within the site. A flow control device will limit the discharge into the public sewer to a maximum of 6.0 l/s. Storm water will discharge via gravity to the existing public sewer manhole located along the Monivea Road.

#### Compliance with Article 6(3) of the Habitats Directive

- 12.1.3. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3)
- 12.1.4. This section of the report considers the likely significant effects of the proposal on European sites with each of the potential significant effects assessed in respect of each of the Natura 2000 sites considered to be at risk and the significance of same. The assessment is based on the submitted Appropriate Assessment (AA) Screening Report (dated 24/05/2021) and Natura Impact Statement (NIS) (dated 27/05/2021) both of which were prepared by MKO, Planning and Environmental Consultants.

#### Description of the site characteristics

- 12.1.5. The Screening Report notes the habitat types on site and include Buildings and Artificial Surfaces (BL3), Amenity Grassland (GA2), Ornamental flower beds and borders (BC4) and Ornamental/non-native shrub (WS3) habitats, with the majority of the site classified as Dry Meadows and grassy verges (GS2), with Hedgerows (WL1) occurring on the eastern site boundary and within the site. A mature Treeline (WL2) occurs along the north eastern corner of the development site. The report notes that there are no watercourse or drainage ditches within the proposed development site, and no invasive species were recorded. The grassland habitat does not qualify as Annex I grassland habitat and no Annex I habitats were recorded within the

development site. The site offers no suitable habitat for otter and no Annex listed faunal species were recorded within the proposed works areas during the site visit. 11 no. bird species were recorded although there is no evidence on site of Annex I or Special Conservation Interest (SCI) bird species associated with any SPA. The habitats recorded do not provide any supporting habitat for any bird species that are listed as SCI's of Inner Galway Bay SPA (the closest SPA to the site).

12.1.6. Fig 3.1 of the Screening Report graphically illustrates the groundwater catchments and sub-catchments within a 15km radius of the site. While not described in detail in the Screening Report, Section 4.2.1 of the Natura Impact Statement sets out a detailed description of the EPA River Catchments and Watercourses within the vicinity of the site. It is noted that the site is located in two sub-catchments, the western part of the site lies within the Clare [Galway] sub catchment and the southern portion of the site lies within the Carrowmoneash [Ornamore] sub-catchment. The Corrib Estuary has been assessed as 'not at risk' and Inner Galway Bay North has a Coastal Waterbody WFD Status 2013-2018 of 'good' and is considered 'not at risk'.

12.1.7. It is further noted that the site is located in two groundwater catchments; the western part of the site lies within the Lough Corrib Fens 3 & 4 (SAC000297) groundwater catchment, and the eastern portion of the site lies within the Clarinbridge groundwater catchment. The NIS notes that, although the proposed development site lies partially within the same groundwater catchment of the Lough Corrib SAC groundwater catchment, the Hydrological and Environmental Impact Assessment Report (referred to as the 'Hydrology Report' and which forms part of the submitted Stage 1 Flood Risk Assessment) states that there is no hydrological connection between Lough Corrib and the proposed development site, as it is expected that groundwater flow from the site will follow the topographic gradient and emerge at the coastline south of the site. The Water Framework Directive (WFD) Groundwater Monitoring Programme (2010-2015) assigned both groundwater catchments as having 'good' status. The Clarinbridge groundwater catchment has an assigned WFD Ground Waterbody Approved Risk of 'at risk' and the Lough Corrib Fens groundwater body has an assigned WFD Ground Waterbody Approved Risk of 'not at risk'.

12.1.8. While not explicitly stated within the Screening Report or the NIS, it can be inferred therefore that there is a groundwater connection between the proposed development site and those Natura 2000 sites located at the coastline to the south of the site, the Inner Galway Bay SPA and the Galway Bay Complex SAC.

Relevant prescribed bodies consulted

12.1.9. The application was referred to the following prescribed bodies.

- Irish Water
- TII

12.1.10. In relation to foul water proposals, I note that the submission from Irish Water sets out that a ‘Statement of Design Acceptance’ has been issued for this development and note that all development is to be carried out in compliance with Irish Water Standards codes and practices.

Planning Authority Submission

12.1.11. In relation to Appropriate Assessment, the Planning Authority note in their submission that the site is in an area of high groundwater vulnerability with shallow subsoil cover over regionally important karst aquifer.

Observer Submissions

12.1.12. No Appropriate Assessment issues were raised in either of the 2 no. submissions received in relation to this application.

Identification of relevant Natura 2000 sites

12.1.13. Figure 3.1 of the Screening Report illustrates a 15km buffer from the site and the site’s relationship with surrounding Natura 2000 sites. The Screening Report establishes that a total of 8 no. sites were within the Likely Zone of Impact of the proposed development and these are listed in Table 3-1 of same. I have set out details of same below in Table 1.

Site (site code) and distance from the	Qualifying Interests/Special Conservation Interests	Likely Zone of Impact Determination

proposed development		
Galway Bay Complex SAC Distance: 1.9km south	Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Turloughs [3180] Juniperus communis formations on heaths or calcareous grasslands [5130] Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (*)	Direct impacts are excluded due to the distance between the site of the proposed development and this SAC. No pathway for effect on any of the terrestrial habitats was identified. No suitable habitat for Otter was identified on the site and disturbance of same was ruled out due to distance. No watercourses were identified on the site. However, following the precautionary principle, it is concluded that potential groundwater pollution via the percolation of polluting materials through the limestone bedrock underlying the site may have possible effects on the aquatic receptors associated with the site. It is concluded therefore that the site is within the likely zone of impact due to the potential for pollutants to be transmitted to it indirectly via groundwater.



	<p>important orchid sites) [6210]</p> <p>Calcareous fens with Cladium mariscus and species of the</p> <p>Caricion davallianae [7210]</p> <p>Alkaline fens [7230]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Phoca vitulina (Harbour Seal) [1365]</p>	
<p>Lough Corrib SAC (002297)</p> <p>3.3 km north-west</p>	<p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto- Nanojuncetea [3130]</p> <p>Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho- Batrachion vegetation [3260]</p>	<p>No complete impact source- pathway-receptor chain for impact was identified. It is concluded that the site is not in the zone of likely impact and no further assessment is required.</p>

	<p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p> <p>Depressions on peat substrates of the Rhynchosporion [7150]</p> <p>Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Old sessile oak woods with Ilex and Blechnum</p>	
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	<p>in the British Isles [91A0]</p> <p>Bog woodland [91D0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Najas flexilis (Slender Naiad) [1833]</p> <p>Hamatocaulis vernicosus (Slender Green Feather-moss) [6216]</p>	
<p>Lough Fingall Complex SAC (000606)</p> <p>Distance: 12.5 km south-east</p>	<p>Turloughs [3180]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Juniperus communis formations on heaths or</p>	<p>Given the distance between the site of the proposed development and this SAC, direct effects upon the SAC can be excluded. Although the site lies partially within the same groundwater</p>

	<p>calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the Caricion <i>davalliana</i> [7210]</p> <p>Limestone pavements [8240]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p>	<p>catchment of this SAC (Clarinbridge), the hydrology report submitted with this application concludes that groundwater flow is likely to follow the topographic gradient and emerge at the coastline south of the site. It is concluded that the site is not in the zone of likely impact and no further assessment is required.</p>
<p>Rahasane Turlough SAC (000322)</p> <p>14.7km south-east</p>	<p>Turloughs [3180]</p>	<p>Based on the distance from the site of the proposed development, and the lack of connectivity between the site and this SAC, potential for direct and indirect impacts can be excluded. It is concluded that the site is not in the zone of likely impact and no further assessment is required.</p>
<p>Inner Galway Bay SPA</p> <p>Distance: 2km south</p>	<p>Black-throated Diver (<i>Gavia arctica</i>) [A002]</p> <p>Great Northern Diver (<i>Gavia immer</i>) [A003]</p>	<p>Direct impacts on this SPA were excluded due to the distance of the site from same. The site does not provide any habitat suitable for breeding or wintering birds that are SCI species of the SPA, and disturbance to such species is</p>

	<p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Grey Heron (Ardea cinerea) [A028]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Wigeon (Anas penelope) [A050]</p> <p>Teal (Anas crecca) [A052]</p> <p>Red-breasted Merganser (Mergus serrator) [A069]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Lapwing (Vanellus vanellus) [A142]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Curlew (Numenius arquata) [A160]</p> <p>Redshank (Tringa totanus) [A162]</p>	<p>ruled out due to distance from the SPA. No watercourses were identified on the site. However, following the precautionary principle, it is concluded that potential groundwater pollution via the percolation of polluting materials through the limestone bedrock underlying the site may have possible effects on the aquatic receptors associated with the site. It is concluded therefore that the site is within the likely zone of impact due to the potential for pollutants to be transmitted to it indirectly via groundwater.</p>
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	<p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Sandwich Tern (<i>Sterna sandvicensis</i>) [A191]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Wetland and Waterbirds [A999]</p>	
<p>Lough Corrib SPA</p> <p>Distance: 5.3km north-west</p>	<p>Gadwall (<i>Anas strepera</i>) [A051]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Pochard (<i>Aythya ferina</i>) [A059]</p> <p>Tufted Duck (<i>Aythya fuligula</i>) [A061]</p> <p>Common Scoter (<i>Melanitta nigra</i>) [A065]</p> <p>Hen Harrier (<i>Circus cyaneus</i>) [A082]</p> <p>Coot (<i>Fulica atra</i>) [A125]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p>	<p>Direct impacts were excluded due to the distance from the site to this SPA. While the site is within the foraging range of the Greenland White fronted goose (5-8km), the development site does not provide any habitat suitable for wintering populations of this species, nor for any other SCI species associated with the site. Disturbance is ruled out due to the distance from the site to this SPA. It is concluded that the site is not in the zone of likely impact and no further assessment is required.</p>

	<p>Black-headed Gull (Chroicocephalus ridibundus) [A179]</p> <p>Common Gull (Larus canus) [A182]</p> <p>Common Tern (Sterna hirundo) [A193]</p> <p>Arctic Tern (Sterna paradisaea) [A194]</p> <p>Greenland White-fronted Goose (Anser albifrons flavirostris) [A395]</p> <p>Wetland and Waterbirds [A999]</p>	
<p>Cregganna Marsh SPA (004142)</p> <p>Distance: 5.6km south-east</p>	<p>Greenland White-fronted Goose (Anser albifrons flavirostris) [A395]</p>	<p>Direct impacts were excluded due to the distance from the site to this SPA. While the site is within the foraging range of the Greenland White fronted goose (5-8km), the development site does not provide any habitat suitable for wintering populations of this species, nor for any other SCI species associated with the site. Disturbance is ruled out due to the distance from the site to this SPA. It is concluded that the site is not in the zone of likely impact and no further assessment is required.</p>
<p>Rahasane Turlough SPA</p>	<p>Whooper Swan (Cygnus cygnus) [A038]</p>	<p>Direct impacts are ruled out due to the distance from the proposed development site to the SPA. The proposed development site does</p>

Distance: 14.6km south-east	Wigeon ( <i>Anas penelope</i> ) [A050]  Golden Plover ( <i>Pluvialis apricaria</i> ) [A140]  Black-tailed Godwit ( <i>Limosa limosa</i> ) [A156]  Greenland White-fronted Goose ( <i>Anser albifrons flavirostris</i> ) [A395]  Wetland and Waterbirds [A999]	not offer any suitable habitat for any of these SCI species.  Disturbance is ruled out due to distance from the proposed development site to this SPA. It is concluded that the site is not in the zone of likely impact and no further assessment is required.
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12.1.14. The Screening Report concludes that the only sites that are within the 'zone of impact' of the proposed development are Galway Bay Complex SAC (000268) and Inner Galway Bay SPA (004031), due to an identified groundwater connections and due to the percolation of polluting materials through the limestone bedrock underlying the site during the construction and operational phases of the development. In relation to the Inner Galway Bay SPA, it was concluded that there was potential for indirect effects on Wetlands and Waterbirds [A999] (including SCI species), due to a potential deterioration of wetland habitat quality, due to the groundwater pollution referred to above. In relation to the Galway Bay Complex SAC, indirect impacts on the aquatic habits of qualifying interest could not be ruled out. In addition, the potential for cumulative effects resulting from the proposed development when considered in combination with other plans and projects, cannot be discounted at this stage and further assessment is required.

AA Screening Conclusion

12.1.15. In terms of the sites with the potential to be impacted, I generally concur with the conclusions of the Screening Report, in that the only Natura 2000 sites where there is potential for likely significant effects are the Inner Galway Bay SPA and Galway Bay Complex SAC for the reasons set out above. While the Screening Report only graphically identifies groundwater connections from this proposed development site



to the Inner Galway Bay SPA and Galway Bay Complex SAC, there is sufficient information within the NIS to conclude that there is a groundwater connection to same.

## **Stage 2 – Appropriate Assessment**

- 12.1.16. The submitted NIS sets out the relevant Qualifying Interests (Qis) and associated conservation objectives of Galway Bay Complex SAC. The conservation objectives are generally to maintain or restore the favourable conservation condition of each habitat or species of qualifying interest. The specific threats to the site, as per the Natura 2000 Data form, are set out in Table 4.2. The geographical extent of the various habitats and species of qualifying interests associated with the Galway Bay Complex SAC (as noted in Table 1 above) is set out in the NIS.
- 12.1.17. The NIS also sets out the relevant Special Conservation Interest (Wetlands and Waterbirds [A999]) of Inner Galway Bay SPA and the associated conservation objective, which is 'To maintain the favourable conservation condition of wetland habitat in Inner Galway Bay SPA as a resource for the regularly occurring migratory waterbirds that utilise it'. The specific threats to the site, as per the Natura 2000 Data form, are set out in Table 4.4. The NIS refers to the site synopsis and Natura 2000 Data form for the SPA, and of note is that this SPA is of high ornithological importance with two wintering species having populations of international importance and a further sixteen wintering species having populations of national importance.
- 12.1.18. Section 5 of the NIS considers potential adverse effects on the Galway Bay Complex SAC and the Inner Galway Bay SPA. Potential direct effects on same were ruled out given the proximity of the site to these Natural 2000 site. The site is c1.9km from the nearest European Designated Ste and is buffered from it by agricultural fields and urban infrastructure. It is noted the site does not contain any Annex I habitats and does not contain suitable supporting habitat for Annex II species or SCI bird species of Inner Galway Bay SPA. As referred to above, it is concluded that the construction and operational phase of the proposed works may result in pollution to groundwaters via the percolation of polluting materials through the limestone bedrock underlying the site. A potential pathway for indirect effects on the water dependent Qualifying Interests/Special Conservation Interests of Galway Bay Complex SAC and Inner Galway Bay SPA was identified.

- 12.1.19. The NIS describes the best practice environmental control measures which have been incorporated in the design of the development. At construction stage, of particular note are the measures as set out in the Construction and Environmental Management Plan (CEMP) and as set out in the Hydrological and Environmental Impact Assessment Report, both of which have been submitted with this application. These measures relate to appropriate site setup, pollution prevention measures (including dewatering of any excavation in which groundwater is encountered), appropriate refuelling, fuel and hazardous materials storage measures, measures to avoid the release of cement-based material, appropriate disposal of wastewater and waste management measures. Environmental monitoring is proposed to ensure that the above environmental management measures are adhered to.
- 12.1.20. In relation to operational phase control measures, it is set out that the public foul sewer has sufficient capacity to cater for the additional loading from this development, and that Irish Water have confirmed with the applicant that a connection is feasible. I note also the submission from Irish Water on this application, which states that a 'Statement of Design Acceptance' has been issued for this development. In relation to surface water, the surface water/storm water proposals, as described above, and as set out in Sections 10.8 and 10.9 of this report, will ensure that the quality and quantity of surface water run-off is sufficient so as not to result in a deterioration in surface water quality, nor result in excessive loading of the public sewer system, which has adequate capacity to accommodate same.
- 12.1.21. The NIS notes that no indirect effects on groundwater during the operational phase of the development are anticipated.
- 12.1.22. It is set out that with the implementation of these measures, at operational and construction stages, there is no potential for adverse impact on the listed QI's/SCI's of the Galway Bay Complex SAC or Inner Galway Bay SPA as a result of water quality, and the measures described ensure that the proposed project does not prevent or obstruct any of the QI's or SCI's from reaching favourable conservation status as per Article 1 of the EU Habitats Directive.
- 12.1.23. Section 5.2.2 of the NIS sets out a Residual Impact Assessment, and detail the site-specific residual impact assessment in relation to the relevant QI's and SCI's of the screened in European Sites, in light of their site-specific targets and attributes. In

relation to those QI's of the Galway Bay Complex SAC, no direct impacts on these QI's are identified and indirect impacts are avoided by the best practice control measures as set out in the Construction and Environmental Management Plan (CEMP) and as set out in the Hydrology Report, and as summarised in the NIS. In relation to the Inner Galway Bay SPA, the potential for adverse effects on the SCI of this Natura 2000 site (Wetland and Waterbirds [A999]) is assessed. No direct impacts are identified and indirect impacts are avoided by the best practice control measures as set out in the Construction and Environmental Management Plan (CEMP) and as set out in the Hydrology Report, and as summarised in the NIS.

12.1.24. Section 6 of the NIS considers cumulative effects. The assessment focuses on the potential for cumulative in-combination effects on the European Sites where potential for adverse effects was identified at the screening stage and included a review of online Planning Registers, development plans and other available information. Development plans considered include the Galway City Development Plan 2017-2023 and the National Biodiversity Action Plan 2017-2021. No potential for cumulative impacts when considered in conjunction with the current proposal were identified. The NIS also considers other projects in the surrounding area, including, but not limited to, the permitted SHD proposal on the site to the south of the proposed development (ABP Ref 306222-19) for 102 no. residential units and associated site works. In the review of the projects, no connection that could potentially result in additional or cumulative impacts was identified, and neither was any potential for new impacts resulting from the combination of the various projects and plans in associated with the proposed development.

12.1.25. The NIS concludes that, taking cognisance of measures to avoid impacts and best practice/mitigation measures incorporated into the project design, the proposed project will not have an adverse effect on the integrity of any European Site, and it is concluded that the proposed development, individually or in combination with other plans or projects, will not adversely affect the integrity of any European Site.

12.1.26. I generally concur with the conclusions in the NIS, and there is no scientific evidence either on file, or within the public domain, that would warrant different conclusions.

### **AA determination – Conclusion**

- 12.1.27. The proposed residential development at has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.
- 12.1.28. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on European Site No. 004031 Inner Galway Bay SPA and European Site No. 000268 Galway Bay Complex SAC.
- 12.1.29. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.
- 12.1.30. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European Site No. 004031 Inner Galway Bay SPA or European Site No. 000268 Galway Bay Complex SAC, or any other European site, in view of the sites' Conservation Objectives.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of European Site No. 004031 Inner Galway Bay SPA and European Site No. 000268 Galway Bay Complex SAC.
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of European Site No. 004031 Inner Galway Bay SPA and European Site No. 000268 Galway Bay Complex SAC.

## 13.0 Conclusion and Recommendation

- 13.1.1. The proposed residential scheme is acceptable in principle at this site with regard to the relevant zoning objectives of the Galway City Development Plan 2017-2023. The provision of a higher density residential development at this location is desirable having regard to its location with the urban footprint of Galway City, its proximity to existing public transport services and having regard to existing and proposed

pedestrian and cycle infrastructure facilities. In addition, the site is located in an area with a wide range of social infrastructure facilities. The height, bulk and massing, detailed design and layout of the scheme are acceptable, subject to conditions. I am also satisfied that the development would not have any significant adverse impacts on the amenities of the surrounding area. The future occupiers of the scheme will also benefit from a high standard of internal amenity and the proposal will contribute significantly to the public realm. The overall provision of car parking and cycle parking is considered acceptable, subject to conditions. I am satisfied the future occupiers of the scheme will not be at risk from flooding, and the proposal will not increase the risk of flooding elsewhere.

13.1.2. Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied and that permission be GRANTED for the proposed development, subject to conditions, for the reasons and considerations set out below.

## 14.0 Recommended Order

### **Planning and Development Acts 2000 to 2019**

#### **Planning Authority: Galway City Council**

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 21<sup>st</sup> Day of June 2021 by Sathel Limited care of MKO, Tuam Road, Galway, Ireland, H91 VW84.

#### **Proposed Development:**

The development will consist of: -

The construction of 102 no. residential units, comprising:

- 13 no. Housing units comprising:
- Type A – 1 no. 4 bed semi-detached (single/two storey) house adjoining existing dwelling
- Type B – 6 no. 3 bed semi-detached houses (two-storey)
- Type C – 6 no. 2 bed mid terraced houses (two-storey)

- 34 no. Duplex units (16 no. ground floor apartments & 18 no. 2 storey units over) comprising:
  - 9 no. 1 bed apartments
  - 7 no. 2 bed apartments
  - 4 no. 2 bed 2 storey units
  - 14 no. 3 bed 2 storey units
- 55 no. Apartment in 2 no. separate blocks (Block A: 5 storey including lower ground floor & Block B: 5 storey including lower ground floor) comprising:
  - 18 no. 1 bed units
  - 32 no. 2 bed units
  - 5 no. 3 bed units

(The Gross Floor Area of the proposed development is 9,042.50 sq.m comprising 8,733 sq.m of residential floorspace and 309.50 sq. of other floorspace.)

2. Provision of 195 sq.m creche facility including an external secure play area.
3. The demolition of 4 no. dwellings on the site and associated outbuildings (GFA of demolition 702.85 sq.m).
4. The demolition of existing concrete slab on site.
5. New vehicular and pedestrian accesses from the Monivea Road.
6. New pedestrian access from Ballybane More Road and pedestrian crossing on Ballybane More Road
7. Provision of 94 no. car parking spaces comprising:
  - 4no. crèche spaces
  - 90no. residential spaces
8. Provision of shared communal and private open space, playground, bicycle parking, bin storage, public lighting, site landscaping, connection to existing services, footpath connections, signage and all associated site development works.

## **Decision**

**Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

### **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

### **Reasons and Considerations**

In coming to its decision, the Board had regard to the following:

- (a) the location of the site in an established urban area, with the majority of the site zoned for residential;
- (b) the policies and objectives of the Galway City Development Plan 2017-2023;
- (c) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) the National Planning Framework which identifies the importance of compact growth;
- (e) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (f) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018 and particularly Specific Planning Policy Requirement 3;
- (g) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December 2020;
- (h) Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities – May 2021
- (i) Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;

- (j) The Planning System and Flood Risk Management (including the associated Technical Appendices), 2009;
- (k) The nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and water services infrastructure;
- (l) The pattern of existing and permitted development in the area;
- (m) Section 37(b)(2) of the Planning and Development Act 2000, as amended, whereby the Board is not precluded from granting permission for a development which materially contravenes a Development Plan or a Local Area Plan;
- (n) The submissions and observations received;
- (o) The Chief Executive Report from the Planning Authority; and
- (p) The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

### **Appropriate Assessment**

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that European Site No. 004031 Inner Galway Bay SPA and European Site No. 000268 Galway Bay Complex SAC were the only European Sites in respect of which the proposed development has the potential to have significant effects.

The Board considered the Natura impact statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment.

The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely European Site No. 004031 Inner Galway Bay SPA and European Site No. 000268 Galway Bay Complex SAC, 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 screening and the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the site's conservation objectives.

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

### **Environmental Impact Assessment**

The Board completed an environmental impact assessment screening of the proposed development and considered the Environmental Impact Assessment Screening Report submitted by the applicant, which contains the information set out Schedule 7A to the Planning and Development Regulations 2001 (as amended), identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to: -

(a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,

(b) The location of the site on lands that are zoned for 'Residential' under the provisions of the Galway City Development Plan 2017-2023 and the results of the strategic environmental assessment of the Galway City Development Plan 2017-2023, undertaken in accordance with the SEA Directive (2001/42/EC),

(c) The existing uses on the site and pattern of development in surrounding area,

(d) The planning history relating to the site,

(e) The availability of mains water and wastewater services to serve the proposed development,

(f) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)

(g)The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),

(h)The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and

(i)The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Natura impact Statement, Construction Environmental Management Plan, the Construction & Demolition Waste Management Plan, the Operational Waste Management Plan, the Drainage and Water Supply Report, the Ecological Impact Assessment, the Bat Survey Report and the Stage 1 Flood Risk Assessment,

The Board did not consider that the proposed development would be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

### **Conclusions on Proper Planning and Sustainable Development:**

The Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development, would be acceptable in terms of pedestrian safety and would provide an acceptable form of residential amenity for future occupants. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **15.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be

required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity.

2. The period during which the development hereby permitted may be carried out shall be five years from the date of this Order.

**Reason:** In the interests of proper planning and sustainable development.

3. The proposed development shall be amended as follows:

- (a) The first floor south facing secondary bedroom window serving Unit No. 29 shall be omitted from the proposal.

**Reason:** In the interests of residential amenity.

4. Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

**Reason:** To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

5. All mitigation and monitoring measures outlined in the plans and particulars, including the Natura Impact Assessment, Ecological Impact Assessment, bat survey, Construction Environmental Management Plan (CEMP), the Flood Risk Assessment and subsequent reports submitted with this application shall

be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interest of protecting the environment and in the interest of public health.

6. Prior to the commencement of development, a revised development phasing plan shall be submitted for written agreement of the Planning Authority, detailing the delivery of the crèche, playground and public open space OS1 in the first phase of development.

**Reason:** In the interests of proper planning and sustainable development.

7. The proposed treatment of all site boundaries, including the finishes and heights of all boundary walls and proposed landscaping and planting shall be agreed in writing with the Planning Authority prior to the commencement of development. In this regard, definitive measures to ensure adequate screening to adjacent residential properties shall be detailed in the submission.

**Reason:** In the interests of proper planning and sustainable development and in the interests of residential amenity.

8. The following requirements in terms of traffic, transportation and mobility shall be incorporated, and where required revised drawings/reports showing compliance with these requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of development:

- (a) The roads and traffic arrangements serving the site, including pedestrian crossings, where required, and signage, shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.

- (b) Details of the proposed cycle ramp arrangement, providing access from the Ballybane More Road, shall be submitted to the Planning Authority for agreement in writing.

- (c) Prior to the commencement of development, the applicant shall submit details of proposed measures on the public road for agreement with Galway City Council.

- (d) The proposed development shall be undertaken in accordance with the recommendations and mitigation measures of the Traffic and Transport Impact Assessment, Road Safety Audit and Estate Management Report submitted. Any additional works required as a result of the Transport Impact Assessment, Road Safety Audit and Estate Management Report shall be funded by the developer.
- (e) Prior to the commencement of development, the applicant shall submit details of the proposed vehicular and emergency access for agreement with Galway City Council.
- (f) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.
- (g) All works to public roads/footpaths shall be completed to the satisfaction of the planning authority.
- (h) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii.
- (i) A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.
- (j) The applicant shall submit a Mobility Management Plan and details of car parking design, layout and management to the planning authority for agreement in writing prior to the commencement of development.

In default of agreement, the matter(s) in dispute shall be referred to An Board Pleanála for determination.

**Reason:** In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.

9. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. The spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission. Car parking spaces shall not be sold, rented or otherwise sub-let or leased to other parties. Car parking serving the entire development site shall be managed based on a detailed car parking management plan. Prior to the commencement of development, such a detailed car parking management plan shall be submitted for agreement in writing with the Planning Authority.

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

10. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

**Reason:** To provide for and/or future proof the development such as would facilitate the use of electric vehicles.

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

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

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

**Reason:** In the interest of visual amenity.

13. The areas of public open space and communal open spaces, as shown on the lodged plans shall be landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within 3 years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

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

14. The developer shall implement all recommendations contained within the Tree Survey Report in order to ensure the protection of trees to be retained within the site.

**Reason:** To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.

15. 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 commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling.

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

16. Water supply and drainage arrangements, including wayleave and taking in charge arrangements, arrangements for the attenuation and disposal of surface water, and the arrangements for the disposal of foul water, shall comply with the requirements of the Irish Water and the Planning Authority for such works and services.

**Reason:** In the interest of public health and to ensure a satisfactory standard of development.

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

**Reason:** In the interest of public health.

18. Prior to the commencement of development, a revised Flood Risk Assessment shall be submitted to, and agreed in writing with the planning authority detailing the following amendments:

In the event of a failure of the surface water management proposals, a detailed appraisal of the residual flood risk to surrounding residential properties and details of appropriate mitigation measures to offset same, including details of flow paths.

**Reason:** To minimise flood risk and in the interests of proper planning and sustainable development of the area.

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

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

20. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other



external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

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

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

22. The construction of the development shall be managed in accordance with a Final Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide inter alia: details of proposals as relates to soil importation and exportation to and from the site; details and location of proposed construction compounds, details of intended construction practice for the development, including noise management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste and/or by-products.

**Reason:** In the interests of public safety and residential amenity.

23. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material, and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

**Reason:** To protect the residential amenities of property in the vicinity.

24. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance

with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interest of sustainable waste management.

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

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

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

**Reason:** In the interests of visual and residential amenity.

27. All items and areas for taking in charge shall be undertaken to a taking in charge standard. Prior to development the applicant shall submit construction details of all items to be taken in charge. No development shall take place until these items have been agreed.

**Reason:** To comply with the Councils taking in charge standards.

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

agreement to An Bord Pleanála for determination.

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

29. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the 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.

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

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

31. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of upgrades to the Monivea Road and upgrades to the Ballybane More Road. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

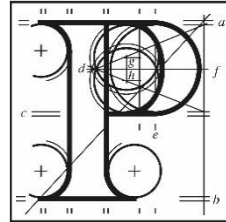
**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

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Rónán O'Connor  
Senior Planning Inspector

27<sup>th</sup> September 2021

Appendix A: EIA Screening Form



An  
Bord  
Pleanála

**EIA - Screening Determination for Strategic Housing Development Applications**

A. CASE DETAILS		
<b>An Bord Pleanála Case Reference</b>		ABP-310575-21
<b>Development Summary</b>		Demolition of 4 no. dwellings with associated outbuildings, construction of 102 no. residential units (13 no. houses and 89 no. apartments), childcare facilities and associated site works
	<b>Yes / No / N/A</b>	
<b>1. Has an AA screening report or NIS been submitted?</b>	<b>Yes</b>	An AA Screening Report and an NIS were submitted with the application

2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	SEA undertaken in respect of the Galway City Development Plan 2017-2023.

<b>B. EXAMINATION</b>	<b>Yes/ No/ Uncertain</b>	<b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b>  (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) <b>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</b>	<b>Is this likely to result in significant effects on the environment?</b> <b>Yes/ No/ Uncertain</b>
<b>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</b>			

<p><b>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</b></p>	<p><b>No</b></p>	<p>The residential use and other uses proposed and the size and design of the proposed development would not be unusual in the context of this residential area.</p>	<p>No</p>
<p><b>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</b></p>	<p><b>Yes</b></p>	<p>Such changes in land use and form are not considered to be out of character with the pattern of development in the surrounding city area.</p>	<p>No</p>
<p><b>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</b></p>	<p><b>Yes</b></p>	<p>Construction materials will be typical of such urban development. Redevelopment of this brownfield site will not result in any significant loss of natural resources or local biodiversity.</p>	<p>No</p>
<p><b>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>

<p><b>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	<p><b>No</b></p>
<p><b>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</b></p>	<p><b>No</b></p>	<p>No significant risk identified. Operation of a Construction Environmental Management Plan will satisfactorily mitigate emissions from spillages during construction. There is no direct connection from the site to waters. The operational development will connect to mains water and drainage services.</p>	<p><b>No</b></p>



<p><b>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</b></p>	<p><b>Yes</b></p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Environmental Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts. Lighting design to avoid overspill to adjoining lands</p>	<p><b>No</b></p>
<p><b>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</b></p>	<p><b>No</b></p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction, Environmental Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p><b>No</b></p>
<p><b>1.9 Will there be any risk of major accidents that could affect human health or the environment?</b></p>	<p><b>No</b></p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p><b>No</b></p>

<p><b>1.10 Will the project affect the social environment (population, employment)</b></p>	<p><b>Yes</b></p>	<p>Redevelopment of this site as proposed will result in an increased population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses.</p>	<p><b>No</b></p>
<p><b>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</b></p>	<p><b>No</b></p>	<p>The immediate area has been developed with housing in recent years. However the lands on which housing has been developed are residentially zoned lands, the development of which has been foreseen by the Galway City Development Plan 2017-2023, which has undergone an SEA. Other developments in the wider area are not considered to give rise to significant cumulative effects.</p>	<p><b>No</b></p>
<p><b>2. Location of proposed development</b></p>			
<p><b>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</b></p> <p>1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA</p>	<p><b>No</b></p>	<p>No conservation sites located on the site. An NIS has been submitted with the application which has concluded that that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European Site No. 004031 Inner</p>	<p><b>No</b></p>

<p>3. Designated Nature Reserve  4. Designated refuge for flora or fauna  5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>		<p>Galway Bay SPA or European Site No. 000268 Galway Bay Complex SAC, or any other European site, in view of the sites' Conservation Objectives.</p>	
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>No</p>	<p>No such uses on the site and no impacts on such species are anticipated.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>There are no features in the vicinity of the site likely to be affected by the proposed development.</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No</p>		<p>No</p>

<p><b>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</b></p>	<p><b>No</b></p>	<p>There are no connections to watercourses in the area. The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding.</p>	<p>No</p>
<p><b>2.6 Is the location susceptible to subsidence, landslides or erosion?</b></p>	<p><b>No</b></p>	<p>There is no evidence in the submitted documentation that the lands are susceptible to lands slides or erosion.</p>	<p>No</p>
<p><b>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</b></p>	<p><b>No</b></p>	<p>The site is served by a local urban road network.</p>	<p>No</p>
<p><b>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</b></p>	<p><b>Yes</b></p>	<p>There is no existing sensitive land uses or substantial community uses which could be affected by the project.</p>	<p>No</p>

<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
<b>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</b>	<b>No</b>	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.	<b>No</b>
<b>3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?</b>	<b>No</b>	No trans boundary considerations arise	<b>No</b>
<b>3.3 Are there any other relevant considerations?</b>	<b>No</b>		<b>No</b>

<b>C. CONCLUSION</b>			
<b>No real likelihood of significant effects on the environment.</b>	<b>Yes</b>	EIAR Not Required	
<b>Real likelihood of significant effects on the environment.</b>	<b>No</b>		

## D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- (a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on lands zoned for residential development in the Galway City Development Plan 2017-2023, and the results of the Strategic Environmental Assessment of the plan,
- (c) The existing use on the site and pattern of development in surrounding area;
- (d) The availability of mains water and wastewater services to serve the proposed development,
- (e) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- (f) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- (f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (g) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Natura impact Statement, Construction Environmental Management Plan, the Construction & Demolition Waste Management Plan, the Operational Waste Management Plan, the Drainage and Water Supply Report, the Ecological Impact Assessment, the Bat Survey Report and the Stage 1 Flood Risk

Assessment, it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

**Inspector:** \_\_\_\_\_ **Ronan O'Connor**

**Date:** 27/09/2021