



An
Bord
Pleanála

Inspector's Report

ABP-310615-21

Development

Demolition of vacant industrial structures and construction of a hotel with 186 bedrooms with a total floor area of 8,839 square metres.

Location

Corner of Lough Atalia Road and Bothar na Long, Galway City.

Planning Authority

Galway City Council

Planning Authority Reg. Ref.

20/240

Applicant(s)

Summix BNM Developments Ltd.

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party V. Refusal

Appellant(s)

Summix BNM Developments Ltd.

Date of Site Inspection

27th January 2022

1.0 Site Location and Description

- 1.1 The appeal site which has a stated area of 0.2217 hectares comprises a former coal yard depot located within the Inner Harbour Area of Galway City, approximately 280 metres south-east of Eyre Square and approximately 350 metres east of William Street and Shop Street. The site is currently vacant and is bound by Lough Atalia Road to the east, Bóthar na Long to the south. CIE lands adjoin to the west and north-west and Forthill Cemetery (a protected structure containing a number of recorded monuments) is located immediately north of and contiguous to the appeal site boundary.
- 1.2 The site has a stated area of 0.2217 hectares. The appeal site comprises an expansive impermeable concrete surface and incorporates a number of unused buildings/structures, including a site office, a canopy structure and a weighbridge. There are tall retaining walls with a height of up to 8 metres on three sides (north, south and west) and to the east is the site entrance at the junction of Bothar na Long and Lough Atalia Road. The site has an irregular shape with significant frontage to Bothar na long, approximately 90 metres but is shallow in depth, ranging between 15 and 17 metres. Site levels are relatively flat with only slight changes in levels throughout.
- 1.3 An office development, Bonham Quay is at an advanced stage of construction immediately west of the appeal site. This development comprises a number of blocks with building heights of up to eight storeys. It is separated from the appeal site by a right of way which links Bothar na Long with CIE lands and Ceannt station.
- 1.4 The Harbour Hotel is located to the south of the appeal site on the opposite side of Bothar na Long. This building forms an irregular triangle shaped urban block and presents as a part three and part four storey structure to Bothar na Long. A surface car park is located to the south of the site on the opposite side of Bothar na Long.

This car park directly adjoins the harbour wall which defines this section of the Inner Harbour docks.

2.0 Proposed Development

- 2.1. The development as originally proposed comprised an eleven storey building with an access from Bothar na Long, providing for 186 bedrooms within a floor area of 8,939 square metres (sq., m.) The plot ratio was 4:1 and the overall height was stated to be 37.3 metres.
- 2.2. The development as revised further to a request for additional information from Galway City Council comprised a part three storey pavilion building to the west of the appeal site and the remainder of the building being ten storeys in height providing for 174 bedrooms. The floor area of the development would comprise 8,354 sq. m., with a reduced plot ratio of 3.77:1 is proposed. The maximum ridge height was reduced to 33.7 metres.
- 2.3. The southern elevation of the hotel would form an extensive streetscape onto Bothar na Long and the northern elevation would interface with the boundary wall with the adjoining Forthill cemetery.
- 2.4. The three storey western pavilion element of the hotel comprises a café/restaurant over three floors, while the main ten storey element comprises a reception area, lounge and bar at ground floor level with bedroom accommodation within the upper floors. The servicing areas are provided to the rear of the main building at ground and first floor levels.
- 2.5. The development would provide for the demolition of existing structures within the appeal site (c 285 sq. m) the removal of the retaining walls along the southern, western and north-western boundaries of the site.
- 2.6. The application was accompanied by an extensive suite of documents including:
 - Planning Justification Report.
 - Photomontages illustrating the baseline, existing and proposed built environment
 - Architectural Design Statement

- Galway Inner Harbour Area Framework Plan (IHAFP) prepared by the applicants. The IAAFP was prepared as a precursor to planning applications 300275-17, 300613-18, 310615-21 and 310568-21 to demonstrate how the City Development Plan objectives will be applied to the urban design of the inner harbour area. The plan seeks to satisfy the stated development plan requirements for the preparation of a master plan for the Inner Harbour regeneration area.
- Engineering Services Report
- Structural Engineering Services Report.
- Energy and Sustainability Statement.
- Sunlight, Shadow and Daylight Analysis Report.
- Townscape and Visual Impact Assessment (TVIA)
- Hotel Justification Report
- Appropriate Assessment (AA) Stage 1 Screening
- Natura Impact Statement (NIS)
- Ecological Impact Statement (EclA)
- Bat Survey Report
- Operational Waste Management Plan.
- Transportation Assessment Report. (TA)
- Architectural Heritage Impact Assessment.
- Archaeological Heritage Impact Assessment (AhIA).

2.7. The applicant's further information submission (dated the 12th day of April 2021) provided for a reduced height hotel building ranging from three storeys to ten storeys, a reduced number of bedrooms, reduced floor area and plot ratio. It was accompanied by a number of documents including:

- Planning Report. This outlines the responses to further information request.
- Photomontages illustrating the baseline, existing and proposed built environment
- Revised Appropriate Assessment (AA) Stage 1 Screening
- Revised Natura Impact Statement (NIS)
- Revised Townscape Visual Impact Assessment (TVIA)

- Supplementary Archaeological Heritage Impact Assessment (AhIA).
- Revised Engineering Services Report
- Revised Structural Engineering Services Report.
- Outline Construction Management Plan (OCMP).
- Site Investigation Report (SIR).
- Public Lighting Assessment (PLA).
- Architectural Support document.
- Access Report.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Galway City Council decided by Order dated 26th day of May 2021 to refuse planning permission for the development for three reasons as follows:

1- It is considered that the proposed building by reason of its excessive density, scale and height on a very constrained site, would represent over development of the site and would be contrary to the maximum permitted plot ratio standard set out under Section 11.4 of the Galway City Development Plan 2017-2023 for development on city centre zoned lands and would not be considered as an exception, as provided for in Section 10.2.2, in that it would not make a “significant architectural contribution to the character of the city”. The proposed development would, therefore, be contrary to the Galway City Development Plan 2017-2023 and to the proper planning and sustainable development of the area.

2- It is considered that the proposed building by virtue of its proposed height, scale and massing and extreme proximity to Forthill cemetery, would have a detrimental impact upon the character and setting of this heritage asset. It is considered that the building as proposed would, therefore, contravene the provisions of Chapter 8 of the Galway City Development Plan 2017-2023 which requires protection of Protected

Structures and Recorded Monuments and as such the proposed development would be contrary to the proper planning and sustainable development of the area.

3- The proposed development does not adhere to the principles of good urban design set out in Section 8.7 and 10.2.2 of the Galway City Development Plan 2017-2023 and in this regard is considered to lack the capacity for integration with the existing urban form to contribute positively to street enclosure and fails to sympathetically assimilate with Galway's townscape. The proposal, therefore, contravenes the provisions of the Galway City Development Plan 2017-2023 and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.1.1. Basis for the Planning Authority (PA) decision

First Planning Officers Report included:

- The character of the designated city strategic views (excluding immediate harbour views) are not adversely impacted upon owing to the difference in ground levels and buildings in the foreground views.
- There is a deficit of assessment with regard to the view impact within the immediate area, and particularly views to/from the adjoining heritage site, Forthill cemetery.
- The scale, height, bulk and massing and plot ratio at 4.0:1 are raised as issues
- The development fails to achieve appropriate integration with the character of the area, with existing and permitted adjacent developments and, particularly, in relation to the interface with Forthill Cemetery, a protected structure and recorded monument

- . Recommended that additional information be submitted in relation to these and other matters.

The second Planner's report included the following:

- The development remains significant in scale and height at ten storeys and, even with the reduced plot ratio of 3.77: 1, the proposal still represents overdevelopment of a constrained site.
- The impact upon the neighbouring Forthill cemetery, a protected structure and a recorded monument, would result in an adverse visual impact and provide for an overbearing visually dominant elevation towards the cemetery and result in overshadowing with diminished sunlight to the graveyard.
 - The proposals would be contrary to Section 10.2.2 of the Development Plan, in terms of not respecting the character and setting of adjoining sensitive heritage assets and would provide an unacceptable visual impact upon same.
 - The architectural proposals were not of a standard to warrant representing an exception as provided for within Section 10.2.2 of the GCDP.

3.2.1.2. The Planning Authority carried out an assessment of the revised AA screening report and revised NIS and concluded that the proposed development would not give rise to adverse direct, indirect or secondary effects on the integrity of any European site, either alone or in combination with other plans and projects.

3.2.2. **Other Technical Reports**

Environment Section: No objection, subject to conditions.

Recreation and Amenity Department: No objection, subject to conditions including for the appropriate management and maintenance of an area of public realm along Bothar na Long.

Ambitions with regard to the quality of the public realm in terms of amenity space and interrelationship in a multi-plane environment is welcome. The proposals are at concept stage and detailed design is required as well as an aftercare package to ensure fruition and sustainability.

Heritage Officer: Notes that in relation to Forthill Graveyard that many Irish graveyards were only walled in with new boundaries in the 19th century and it was common for these low enclosures not to enclose the full extent of burials. A well was discovered in the 1960's on/within the northern bounds of the cemetery. There is a possibility of fort related archaeology being present within the bounds of the appeal site and in the event of a grant of planning permission, it is recommended that an archaeologist and conservation architect remain on site at all times in terms of conducting method statements and carrying out detailed architectural and archaeological surveys. He is opposed to the development as it would have the effect of crowding in on this important heritage site.

Transportation Department: Supports the principle of hotel development, no objections following the submission of the further information, subject to a number of conditions.

3.2.3. Prescribed Bodies

The Department of Tourism, Culture, Arts, Gaeltacht, Sports and Media (DTCAGSM):

- There is a lack of a suitable buffer between the development and the recorded monument (GA094-099001, Forthill Cemetery, whilst noting the importance of achieving a balance between the scale of the proposed development and the need to protect the visual and amenity value of the recorded Monument.
- Notwithstanding the reduction on height at RFI stage, more work is needed to provide a better balance on the inevitable visual impact on the recorded Monument and this must be done in conjunction with the policies of the Development Plan, particularly Policy 8.7 regarding the height of

developments within the historic city and policy 4.5.3 to protect views of special amenity in community spaces.

- While it is acknowledged that the Building Height Guidelines promote consolidation and additional height in urban centres, it also requires that architectural heritage, character and setting are taken into consideration.
- Acknowledges the applicant's made improvements to the proposals as part of the further information response, the manner in which it would integrate into the townscape, in terms of the introduction of a natural stone plinth at the interface with the Forthill cemetery, the revised proposals in their current form, remain unacceptable.

Irish Aviation Authority: No objections, subject to conditions.

Irish Water. No objection subject to standard conditions regarding connection agreement.

An Taisce, Galway Association. Submission includes:

- Support for appropriate and sustainable strategies and initiatives for future development in key regeneration areas of the Inner Harbour and Ceannt Station.
- Current proposal reflects developer led and market led interests rather than plan led as stipulated in the Galway City Development Plan 2017-2023.
- The development is premature pending the preparation of a definitive and cohesive Local Area Plan within the Inner Harbour Area and Ceannt Station and this requirement is set out within the City Development Plan.
- An LAP plan led process would allow for public consultation and ensure urban sustainability, rather than an assortment of developer led plans.
- The proposal would also be premature pending the decision on the Galway harbour extension, which pertains to the relocation of the working harbour.
- The proposals are being presented as being in compliance with the Building Height Guidelines 2018. These Guidelines promote increased height in urban areas, and their general intention is to improve densities in Inner City areas where they are needed, but not to facilitate the construction of modern high

rise towers close to an area of significant cultural, historic and architectural sensitivity.

- The Building Height Guidelines clearly set out guidance that “proposals within architecturally sensitive areas, should successfully integrate into/enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views”.
- The design of the hotel as a modern concrete/steel/glass tower is of a generally standard and generic design and appearance. It is impossible to see how the proposed tall building integrates into or enhances the character, setting and cultural context of the adjacent Forthill cemetery, a feature of immense historic and cultural importance within the city dating back to the 1500's.
- Height reduction in line with the surrounding Inner Harbour urban grain. Plot density ratio should be reduced in accordance with the City Development Plan objectives of 2:1 from the proposed 3.77:1.
- The safety of vehicle and pedestrian access/egress at the entrance point so close to a busy junction where sightlines are restricted.
- The proposal reflects developer led and market led interests rather than plan led as stipulated in the Galway City Development Plan 2017-2023.
- An Taisce supports balanced and organic development principles associated appropriate planning policies which are environmentally, economically and culturally sustainable.
- The proposals must be reconsidered at a lower height or be refused planning permission.

3.2.4. **Third Party Observations**

One third party observation was received from the owner/operator of the Harbour Hotel in the opposite (southern) side of the Bothar na Long, issues raised include the following:

- The appeal site is located within the historic core of Galway city, next to Forthill cemetery.

- The context of the city is generally low rise with few buildings exceeding 5-6 storeys. The scale, height and massing of the development would create a visually dominant feature on a prominent site and have an overbearing impact on the streetscape and on Forthill cemetery, contrary to policy 8.7 of the City Development Plan for development on city centre zoned lands
- The development would result in the construction of a monolithic structure, the external materials failing to respect the character of the area.
- The plot ratio exceeds the development management standards for city centre zoned lands set out within the Development Plan.
- The development does not provide for an appropriate relationship with Forthill cemetery.
- The development would provide for a domineering frontage next to a heritage site.
- The development would have a detrimental impact on the built and natural heritage of the area and adversely impact upon strategic views in the area.
- It would be more appropriate for development within the appeal site to step down from the heights provided within the neighbouring Bonham Quay office development (8 storeys) in order to maintain the relationship with the neighbouring buildings, the cemetery, the harbour and views into the city.
- There is no justification for the provision of a landmark building at this location, the Development Plan does not provide for any such designation at this location
- A number of landmark buildings are to be provided for within and Augustine Hill development, further north and more removed from the Forthill cemetery. There is no need for an additional landmark building within the Inner Harbour area.
- The provision of multiple landmark buildings in close proximity of each other within the Inner Harbour area would result in confusion for the urban legibility of the area and result in an incoherent and poorly planned skyline.
- The height of the development would have a detrimental impact upon the shadow environment within Forthill cemetery. While the development meets

BRE requirements applicable to standard open spaces, the development would not achieve appropriate standards in relation to a key heritage site.

- A micro-climate assessment has not been submitted as part of their planning documentation.
- No mobility management plan has been submitted to justify the lack of parking proposed to serve the hotel development.
- The hotel justification assessment is silent on the supply of serviced apartments and aparthotels in terms of providing bedspaces for visitors to the city.
- The use, design and building heights are considered inappropriate and would have a detrimental impact upon the area generally, and specifically upon Forthill cemetery.

4.0 Planning History

Subject Site:

I am not aware of any planning history pertaining to the appeal site.

Adjacent sites:

- PA reference 20/47, ABP reference 310568-21, grant of planning permission issued by Galway City Council. The proposal is for development at Ceannt station rail station, currently under appeal to the Board, is located immediately to the west and north-west of the appeal site. The proposed mixed use development comprises a number of blocks (12 pins as set out by the applicants) ranging in height from 9 to 21 storeys comprising residential and commercial development. A number of buildings were removed/amended by the Planning Authority within its decision (conditions 6,8 and 9 specifically refer), a number of buildings were reduced in height and scale and one building was set further back within the site, 4 metres further away from the

northern boundary wall of the Forthill cemetery in order to provide a greater buffer zone between the development and the cemetery.

- PA reference 17/83, ABP reference 300275, 2018 grant of planning permission for the Bonham Quay development of 4 mixed use blocks comprising retail, restaurant and café uses at ground floor levels and office accommodation on the upper floors up to a maximum height of 8 storeys to the west and north-west of the appeal site. This development is at an advanced stage of construction.
- PA reference 17/121, ABP reference 300613, 2017 grant of planning permission for the development of student accommodation to the north-west of the appeal site, immediately west of Ceannt rail station of a student accommodation scheme (c 10,747 sq. .m GFA) provided in 2 blocks with building heights of seven and eight storey's, sitting over a common ground floor level (consisting of a total of 345 no bedrooms).

5.0 Policy Context

5.1. Galway City Development Plan 2023-2029

At the time the Planning Authority made its planning decision on the 26th day of May 2021, the Galway City Development Plan 2017 -2023 was in effect. However, the Galway City Development Plan (GCDP) 2017-2023 has since been superseded by the Galway City Development Plan (GCDP) 2023-2029.

The site is located in an area zoned CC- City Centre with the following objective:

To provide for city centre activities and particularly those, which preserve the city centre as the dominant commercial area of the city.

A wide range of uses, including retail, residential, offices, banks and professional services. tourist related uses and other commercial, cultural and recreational and educational uses are considered acceptable in this zoning category.

The appeal site is located within the Inner Harbour Area. Section 10.6 sets out the following in relation to this area:

This area is already under transition with the current development of Bonham Quay contributing to the transformation of this part of the city centre and indicating a scale and density that could be achieved in the wider Inner Harbour.

Specific objective number 2 within Section 10.26 requires the preparation of a Master Plan for the Inner Harbour area.

Section 8.2 Record of Protected Structures

Implement proactive measures to encourage the conservation of protected structures.

Promote sustainable building design, best conservation practice and the appropriate maintenance, adaption and reuse of historic buildings.

Section 8.8. Urban Design and placemaking

The Plan seeks to actively promote the awareness and understanding of the contribution of good design to the general well-being of the city. It places emphasis on urban design and sustainable placemaking supporting high quality modern architecture and incorporating architectural heritage in a holistic integrated manner

Principles of Good Urban Design.

Good urban design is essential in creating a good image of the city with a strong identity. The detailed design of a building and use of materials are important considerations. High quality architectural design is also important in the context of urban design having regard to the layout and intensity of blocks, plot and buildings. The density of development and the mix, type and location of uses are also key considerations. The greening of the city through the use of innovative design features in buildings such as green roofs and walls are important measures in the control of surface water runoff, enhancing biodiversity and promoting a varied streetscape. The use of innovative building design and layout that demonstrate a

high level of energy conservation, energy efficiency and use of renewable energy sources is a key consideration.

Urban Density and Building Height:

Where sites of scale are capable of generating their own character, in particular at the Ceannt Quarter, Inner Harbour and Headford Road Regeneration Areas, scope for greater height is open for consideration where this additionality can demonstrate justification which may be based on outstanding architectural design and satisfy all other planning considerations. In general, the capacity for height will be assessed in conjunction with the development guidance set out in the Galway Urban Density and Building Height Study (2021) Section D Spatial strategy

Regeneration and Opportunity Sites

In regeneration areas including key areas at Ceannt Station, Inner Harbour and at the Headford Road area there will be a need to develop a new local distinctiveness. These areas will require development to be supported by a strategic framework and spatial plan which includes for a long term vision for the area with functional divisible stages of development where relevant. They will be required to demonstrate that good urban design principles are being applied, compact mixed use growth is being encouraged and that economic, social and environmental dividend is being achieved along with a positive contribution to the physical expansion of and liveability of the city.

Policy 8.7 Urban Design and Placemaking

Promote sustainable and inclusive urban design, urban form and Architecture that positively contributes to the city's existing character and distinctiveness.

Adhere to the Galway City Urban Density and Building Height Study (2021) and promote development which incorporates high quality sustainable and inclusive

urban design, urban form and architecture that positively contributes to the city's character, heritage and neighbourhood areas.

Proposals for buildings which are taller than the prevailing benchmark heights will only be considered where they would not have an adverse impact on the context of historic building, ACA, s residential amenity or impinge upon strategic views, in accordance with the Urban Density and Building Heights Study for the city.

Section 8.9 Public Realm

It reflects the Plan policy to create strong links between the city centre and regeneration areas of the Harbour, Ceannt Station, Headford Road and at Nuns Island and to deliver high quality public realm.

Policy 8.8

Establish strong links between the city centre and regeneration areas of the Harbour, Ceannt Station and Headford Road and at Nuns Island.

Section 10.2 City Centre

Expansion of the city centre into key regeneration areas of Ceannt Quarter, Inner Harbour and Dyke/Headford Road will add to the vitality and viability of the city centre. These sites represent transformative opportunities for development of scale with new residential communities and mixed uses complementing the experience of the city centre. They have potential to be developed in a sustainable manner while retaining the historic character and distinctiveness of the city centre.

Regeneration in the city centre will not only increase the economic viability of the city, it will also result in new liveable vibrant places which encourage diversity and inclusivity.

Section 10.3 Regeneration and Opportunity Sites

A number of regeneration and opportunity sites have been identified in the Core Strategy as having a capacity to accommodate growth, within the plan period and into the longer term.

The sites at both Ceannt Quarter and the Inner Harbour present scope for a significant extension of the city centre and a re-engagement with the seafront.

Section 10.6 Inner Harbour Regeneration Site

The Inner Harbour Regeneration Site comprises approximately 7 hectares. It has potential for significant redevelopment providing an opportunity to re-establish links between the city centre and the sea, to create a high quality waterfront setting, a new city centre mixed use neighbourhood and include for water-related leisure uses. This area is already under transition with the current development of Bonham Quay contributing to the transformation of this part of the city centre and indicating a scale and density that could be achieved in the wider Inner Harbour.

A Master Plan is to be prepared for the area. The preparation of this plan shall be the responsibility of the Galway Harbour Company in consultation with the local authority, adjoining land owners and stakeholders. This will build on the acknowledged co-operation existing between the Port of Galway land owners and Ceannt Station land owners, which includes for a common objective to have a co-ordinated and integrated approach embedded into future proposals.

The site and the harbour area is also culturally and historically significant with a number of protected structures and recorded monuments in the vicinity including:

- New Dock (RPS NO 8501) part of the historic waterways and docks of Galway City.
- Forthill Cemetery and Mortuary (RPS No 4401 NIAH Ref 30319007) Forthill Cemetery also incorporates a number of recorded monuments (GA094-099001 - Graveyard DA099099002 Bastioned Fort and GA094-099003 – Religious House (Augustinian Friars)).

- The appeal site is located within the Zone of Notification (ZON) of the three recorded archaeological sites referenced above.

Development standards for the city Centre are set out in Chapter 11, Part B of the Plan.

Section 11.4.1 City Centre Area-General:

- Maximum densities shall only be attainable under optimum site conditions having regard to criteria such as height, impact on built heritage, urban design, open space and protection of amenities. (Refer to Chapter 8: Built Heritage, Placemaking and Urban Design).
- Adequate space must be available for on-site storage of materials and waste, loading and unloading, on site circulation of vehicles and parking for motor vehicles and bicycles, where appropriate.

Section 11.4.2 Plot Ratio

- In general, for new development, the maximum plot ratio permitted will be 2:1.
- In the CC zone on larger Regeneration Sites consideration will be given to development proposals in excess of the normally permissible plot ratio where such proposals would contribute to sustainability, architectural quality, urban design, public realm, delivery of housing and make a significant contribution to urban character. This excess will be interpreted as a proportional increase only and will be assessed on performance based outcomes and general standards.

Section 11.10 Urban Development and Building Height

With respect to building height, developments shall specifically have regard to the Galway Urban Density and Building Height Study (2021) which sets out the framework for density and building height in the city. Part D Spatial Strategy outlines the potential for appropriate building densities and heights for new development in each geographic zone and sub zone of the city. The Long Walk, Inner Harbour and

Ceannt Station to the south-west of the city centre is identified as one of these zones.

Section 11.11.1 Parking Space requirement

There will be a presumption against a car parking requirement for new development in the city centre unless a justifiable case for minimum requirements is acceptable to the City Council. In this regard maximum standards will apply in accordance with Table 11.6.

Section 11.11.4 Cycle Parking

If the development has reduced car parking spaces, the number of spaces at a minimum shall meet the cycle parking space requirements in accordance with Section 5.5.7 of the National Cycle Manual 2011, or any forthcoming replacement to these standards, unless otherwise agreed in writing with the Planning Authority and shall be located close to entrance points.

5.2. **National Planning Framework**

The relevant policies of the National Planning Framework which relate to creating high quality urban places in appropriate locations are set out below.

- Policy Objective 4: Attractive, liveable well-designed high-quality urban places.
- Policy Objective 6: Regenerate and rejuvenate cities.
- Policy Objective 11: Encourage more people and generate more jobs and activity within cities.
- Among the National Strategic Outcomes for Galway City are the realisation of compact growth and a strong economy.
- Section 4.5 Achieving Urban Infill/Brownfield Development.

5.3. **Galway Urban Density and Building Height Study**

This document was prepared to inform policy in terms of building height and density within the review of the City Development Plan 2017.

Section D: Spatial Strategy

Section 16.3: Long Walk, Inner Harbour and Ceannt station

Density: The harbour area is less sensitive, characterised by large buildings and surface car parks. It would be appropriate for densities here to be higher than those of the historic core if townscape impacts of new development are carefully considered.

Heights: Within Ceannt station and the Inner Harbour regeneration areas where large sites are capable of generating their own character, there is scope for greater height if designed carefully.

5.4. **National Guidance**

- Urban Development and Building Heights – Guidelines for Planning Authorities (DHPLG, 2018).
- Design Manual for Urban Roads and Streets (DTTAS & DoECLG, 2013).
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (DoEHLG, 2009).
- Architectural Heritage Protection Guidelines for Planning Authorities (DoEHLG, 2004,).
- Archaeological Heritage Protection Guidelines, Guidelines for Planning Authorities (DoEHLG, 2004).

5.5. **Natural Heritage Designations**

The nearest Natura 2000 sites are within a 15km radius of the site.

Galway Bay Complex cSAC (Site Code 000268), 140 metres east of appeal site.

Inner Galway Bay SPA (Site Code 004031), 600 metres east of appeal site.

Lough Corrib cSAC (Site Code 000297), 550 metres west of appeal site.

5.6. **Environmental Impact Assessment-Screening**

I note that the relevant class for consideration is class 10(iv) of the Planning and Development Regulations, 2001 (as amended) which pertains to “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”. Having regard to the size of the development site (0.2217 hectares) and scale of the development, it is sub-threshold as set out with Class 10 (b) (iv) and therefore, does not require the preparation of a mandatory Environmental Impact Assessment. Having regard to the nature and scale of the proposed development, the brownfield nature of the receiving environment, and to the nature, extent, characteristics and likely duration of potential impacts, I conclude that the proposed development is not likely to have significant effects on the environment. The need for EIA can be excluded at preliminary examination stage and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal has been submitted by Thornton O’Connor Planning Consultants, on behalf of the Summix BNM Developments Ltd. The main issues raised within the appeal submission can be summarised as follows:

Principle of Development:

- The appeal site is of strategic importance at the junction of Lough Atalia Road and Bothar na Long which is a key junction in Galway’s evolving urban structure and within the developing harbour area, the status of this road junction will continue to rise.
- The Development Plan sets out that such areas may present opportunities for increased height.
- The development accords with two of the main themes within the NPF, namely compact urban growth and accelerated development of the regional cities.

- The NPF targets underutilised/brownfield development lands in the city centre as a vehicle for delivering compact growth most efficiently.
- A key policy with the Development Plan is that the Ceannt Station, Inner Harbour and the Headford Road LAP regeneration sites have potential to create their own character and sense of place. Within these areas, a strong identity will be encouraged through innovative, good and contemporary architecture, good street network and high quality public realm.
- The Plan sets out that the Inner Harbour Area, there is a chance to enhance the experience of the area for both visitors and locals to reveal the past trading history of the city and to celebrate a high quality coastal edge linked to the city centre,
- The development represents the sustainable regeneration of a former coal yard site in accordance with the wider re-development of the Inner Harbour Area.

Design and layout:

- A high quality site- specific design has been developed to suit the site's constrained characteristics.
- In relation to the adjacent Bonham quay development the Planning Inspector characterised plot ratio as a crude instrument in terms of measuring density and overdevelopment.
- The high quality architectural design proposed quality seeks to respond to the emerging context in the middle of a whole new urban quarter for Galway.
- The development would involve the removal of an imposing and inhospitable boundary wall and provide for a new street edge via a combination of active building frontage and high quality landscaping, opening up the site to the city and street. The development will provide for a number of vibrant street uses.

- With the exception of Forthill cemetery, the receiving context is a transitioning industrial environment and thus, the city's innate character is not reflected at this location, providing something of a blank canvas.
- Given the strategic location of the site, there is a need for a building with urban prominence in height, massing and character.
- The proposed streetscape offers a 7 metre deep promenade in front of the three storey pavilion building and hotel entrance, and this is maintained for 40% of the site's southern frontage with Bothar na Long.
- The third floor level of the pavilion building along the northern façade features extensive glazing forming a visual connection with Forthill cemetery. A public viewing platform on the roof of the pavilion further strengthens this connectivity.
- The fragmenting of the southern elevation into two distinct buildings, improves the sense of enclosure and legibility in contrast to the existing inhospitable condition.

Plot Ratio:

- The plot ratio within the revised development is 3.77:1, while greater than that of the Bonham Quay development site, it reflects the narrowness of the site.

Building Height:

- The revised height more closely corresponds with the permitted height of the Bonham Quay office development while proposing a minor and gradual increase in height which will continue to form a gateway to the Ceannt station lands from the docks.
- The height varies within the proposals, with the three storey pavilion element at the western end to allow views to/from Forthill cemetery and to provide modulation within the overall building form.

- The 4 key principles are set out within the Development Plan when assessing capacity for height have informed the evolution of the design and layout of the proposals.
- There are no immediate residential units in the vicinity of the appeal site.
- An apartment block was not considered an appropriate use for the appeal site in the context of its location adjacent to Forthill cemetery.
- The appeal site is located in an area which is transforming in terms of use, form, character and building heights. From a low rise industrial base, significant heights of up to 21 storeys have been permitted by the PA within the adjoining Augustine Hill site, north of the Forthill cemetery, whilst similar height buildings are currently being constructed on the Bonham Quay site, immediately west of the appeal site. Within the Inner Harbour area to the south of the appeal site significant height increases are also proposed. Thus, the development must be considered in the context of these new emerging heights.
- The other sensitive receptor in the area (apart from Forthill cemetery) is the Long Walk Architectural Conservation Area (ACA). Due to the low roofline along the Long Walk, the provision of further new development above the roofline of the Long Walk roofline is inevitable in accordance with national planning policy, which seeks densification of brownfield sites through increased heights.
- The development will not be visible from the Long Walk ACA, if and when the Augustine Hill development at Ceannt station is permitted and developed. This development was permitted by the PA, subject to the omission/modification of a number of blocks immediately adjacent to Fonthill cemetery.
- At a similar height to the Bonham quay development, the appeal site must also be considered as an appropriate location to provide taller building volumes.

Architectural and Archaeological Heritage

- The cemetery only holds six or seven funerals each year.

- Having regard to the Bonham Quay development and the development of the Augustine Hill development, the receiving context of the cemetery is going to change significantly.
- The cemetery has significant value as a cultural and landscape/visual asset amidst the new urban quarter, but it should not be allowed to inhibit the necessary evolution of the harbour area.
- The cemetery is not a functional recreational open space. It is a space available for a brief visit, on occasion, in the limited times that it is open.
- The inclination to protect the open space should not unnecessarily restrict the realisation of the Inner Harbour Area's potential.
- Transition and enclosure around Fonthill cemetery has already happened with the Bonham Quay development and the Augustine Hill development.
- The design of the new hotel development will only add to the architectural quality in the new quarter and will not materially impact on the change that the cemetery already sits amongst.
- It is not physically possible to set back the hotel building from the party boundary wall with Fonthill cemetery due to the shape and size of the site. This fact is acknowledged in the submission made by the DTCAGSM.
- Setting the development back from the boundary wall or reducing its height will not increase the value of the space, unless the setback/buffer itself was green space and served a proper recreational function. This cannot be provided, as the party boundary wall is a protected structure and thus must remain in situ.
- As happened with the Bonham Quay and Augustine Hill development, visibility of the Fonthill cemetery should be maximised, as would happen with this hotel development.

- The PA omitted a 9 storey building within the Augustine Hill development in order to provide enclosure of the cemetery but preserving views towards the Port area.
- The north elevation provides for a cut stone plinth at the lower two floor levels and a viewing area over the three storey pavilion building on the eastern side of the appeal site.
- The cemetery can accommodate the heights permitted and proposed and confirms there are views into and out of the cemetery, while still allowing development to proceed in the new urban quarter.
- The key consideration is whether or not the building is of sufficient architectural quality to contribute positively to the views/experience within the cemetery. Any development over 2/3 storeys would be visible from within the cemetery.
- The northern façade articulation was amended as part of the further information response to incorporate natural stone elements to respond to the materiality of Forthill cemetery, thus improving the scheme's assimilation with the cemetery.
- The scale and bulk of the hotel building has been reduced, providing for a slender profile with no elements overhanging the facade on the northern elevation. The building has been designed to mitigate the unavoidable impact which any building above two storeys would create on the setting of the Forthill cemetery.
- The breaking up of the massing of the hotel building through use of vertical glazed sections and integration of natural stone within the lower levels of the northern elevation reduce the potential for the new building overwhelming or dominating the adjoining cemetery.
- The Forthill cemetery's cultural and archaeological importance is high, and the hotel development will bring about visual change to aspects of the site's historic setting. Forthill cemetery's significance will not be diminished by the development, result in a change of use of it or alter access to the cemetery site. Rather, its setting will change as it becomes a key element of this new urban quarter.

- There are a number of precedents where taller buildings have been developed adjacent to graveyards including St Michans cemetery in Dublin, a Protected structure that contains two recorded monuments which is overlooked by a seven storey heavily glazed office block, the Huguenot cemetery near St Stephens Green in Dublin which is overlooked by a six storey office building, the Franciscan Abbey Graveyard, Galway which is overlooked on all 4 sides by buildings ranging in height from two to five storeys. The Abbey is listed within the National Inventory of Architectural Heritage (NIAH) and incorporates seven recorded monuments.
- The DTCAGSM set out that there is no space to allow a suitable buffer area between the recorded monument (Fonthill cemetery) and any proposed development. It recognises that it is important to achieve a balance between the scale of the development and that this may possibly be achieved by breaking up the block colours and/or material finishes across the façade that overlooks the cemetery, above level 2. In this regard, it recommended that further design alterations are required.
- The applicants are satisfied that the design (as amended) with the introduction of the natural stone cladding within the first three floors on the northern façade, succeeds in responding to the unique context adjoining Fonthill cemetery.
- The choice of materials in the form of stone, metals and glass offers a contemporary palette fitting for the industrial maritime surroundings within the docklands. The appeal site has always been surrounded by industrial activity in the form of oil tanks, train sheds or maritime industrial activity. The proposal adds a landmark building of character to this node within the city while creating an inviting environment.

Other Matters:

The applicants suggest two further optional design amendments for the proposed building:

- Under Option A the design, scale mass and bulk of the hotel building would remain as submitted as part of the RFI response. However, the stone cladding element would be extended by an additional two levels, within levels 0-4, matching the height

of the stone podium, immediately north of the Fonthill cemetery within the Augustine Hill development. permitted by the Planning Authority

- Option B would involve the introduction of a variety of metal cladding within the northern façade. The ratio of metal/stone/glass would be maintained, focus would be on adding a variety of hues, colours and shades within the metal elements of the finishes. This approach is not supported by the Project Architects nor the Conservation Consultants due to the unpredictability of how the hues will weather over time, and that greater emphasis would be placed on the upper portions of the hotel building and interfere with or unbalance the setting within the Forthill cemetery.

6.2. **Planning Authority Response**

A response from the Planning Authority to the appeal set out the following:

- A number of the developments referenced within the appeal submission do not have the benefit of planning permission including Augustine Hill, the port extension (both currently before the Board) and non-statutory plans for the re-development of Galway harbour.
- The appeal site has a regeneration value and has policy support for its re-use.
- The applicants suggest that there is only one design resolution/use that will satisfy the challenge of regenerating the site.
- Sections 8.3, 8.7 10.2.2 and 11.4.1 of the GCDP 2017 emphasise the qualitative elements associated with the design need to reinforce: Local distinctiveness, identity and sense of place...promote continuity of street frontage and enclosure of spaces.... contribute to aspects of urban design...make a significant contribution to the urban character. These requirements are in addition to the policy demands for new developments to; Enhance the character or setting of a protected structure.
- There is a lack of relationship to the current/emerging skyline and impact on sensitive views.

- The appeal site access is not located at an approach to the city centre that demands a tall building. It has the potential to complement a next generation of streetscapes at a lesser scale, a more sensitive design or another type of use.
- The case made by the applicants is predicated on an interpretation of other adjacent planning decisions/proposals. There are no points based on a specific contextual analysis of the appeal site, its relationship with adjacent development, associated constraints and the sequence of arriving at the optimal design/use for the site.
- The appeal site does not have the benefit of being a relatively unconstrained site, unlike some of the other sites referenced within the Inner Harbour/Ceannt station area.
- The appeal site has little depth and little capacity to provide an adequate set back to/from Forthill cemetery or Bothar na Long.
- The PA required amendments to the Augustine Hill development in order to protect the character and setting of Forthill cemetery, a protected structure and recorded monument so as not to provide an overwhelming interface with the adjoining cemetery.
- The Bonham Quay office development is removed and set back from the Forthill cemetery boundary wall and was therefore, considered to have provided a sufficient buffer zone between Block D and the Forthill cemetery to its east, and render the proposals acceptable.
- The DTCAGSM state within their submission that there is a lack of a suitable buffer between the hotel development and the Fonthill cemetery.
- The comparisons referenced by the applicants within their appeal submission range in height from two to seven storeys, and in general are of a much lesser scale and height to the hotel development proposed.

- The development would provide an overbearing visually dominant elevation to the cemetery and give rise to high levels of overshadowing with diminished sunlight to the graveyard.

6.3. **Observation:**

6.3.1. An observation regarding the content of the first party appeal submission was received from An Taisce. Issues raised include the following:

- The density, scale and height on a constrained site represents overdevelopment, contrary to the maximum permitted plot ratio set out under Section 11.24 of the GCDP.
- The development would not make a significant architectural contribution to the character of the city as required under Section 10.2.2 of the GCDP.
- No statutory Local Area Plan (LAP) has been prepared or adopted for the extensive brownfield and regeneration lands in Galway city or the Inner harbour lands, guiding where building exceeding max Development management standards would be appropriate.
- Buildings taller than neighbouring buildings could only be considered following the adoption of an LAP where the fullest level of consultation and engagement has occurred.
- A maximum height of eight storey's, stepping down to six or four storeys would have been the appropriate height for any development on this site.
- Sudden and abrupt changes in height are visually disturbing.
- The hotel development has no specific architectural design features worthy of note or worthy of being deemed an exception.
- A lack of visual screening from the hotel windows and significant shading from the hotel building would be intimidating and upsetting for those visiting the cemetery.

- The hotel development does not adhere to the principles of good design as set out in Sections 8.7 and 10.2.2 in the GCDP 2017. It does not integrate with the existing urban form nor contribute positively to street enclosure and does not assimilate into the townscape.
- Its sudden and excessive height to people entering the city from Lough Atalia Road is visually disturbing, for a city known for its medieval history and integrated urban form.
- The design is generic in nature and fails to recognise or respect Galway's medieval and maritime heritage and would represent an unwelcome intrusion into the townscape at this location.

7.0 Assessment

7.1. At the time the Planning Authority made its planning decision on the 26th day of May 2021, the Galway City Development Plan 2017 -2023 was in effect. However, the Galway City Development Plan (GCDP) 2017-2023 has since been superseded by the Galway County Development Plan (GCDP) 2023-2029, operational since the 4th day of January 2023.

7.2. The main issues that arise for assessment by the Board in relation to this appeal relate to the reasons for refusal. The issues of access, traffic and servicing were deemed acceptable by the Planning Authority, and I consider that these matters have been addressed satisfactorily by the applicants. Unless otherwise stated, this assessment focusses in the development as revised in the further information response as submitted to the PA on the 12th day of April 2021 and as per the revised plans and particulars submitted to the Board on the 22nd day of June 2021. The issues can be considered under the following broad headings:

- Principle of Development.
- Design Layout, Plot Ratio and Height.
- Built and Archaeological Heritage.
- Appropriate Assessment.

7.3. Principle of Development

- 7.3.1. The hotel development (tourist related uses) is a use which is described as being compatible with and contributes to the CC- City Centre zoning objective pertaining to the appeal site within Section 11.2.7 of the current GCDP. The Development Plan encourages a broad mix of uses that support the city centre in its efforts to progress the residential, commercial and social development within this part of the city. The provision of a hotel use would contribute positively to the overall vibrancy and vitality of the Inner harbour area and the streetscape within Bothar na Long. The Inner Harbour Area is undergoing significant transformation with the recent development of the Bonham Quay mixed use development, which is at an advanced stage of construction and partially occupied, immediately west of the appeal site. There is also a concurrent development proposal, relating to the Ceannt station area, known as Augustine Hill, for the development of a mixed residential and commercial (including a hotel block), currently under consideration by the Board under reference number 300613. This is located mainly to the north of Forthill cemetery, and a small part of this scheme is located west of and contiguous to the current appeal site.
- 7.3.2. The applicants assert that the proposal provides critical mass of development into a designated gateway/landmark city centre site. I consider that, in terms of the principle of development, there is significant policy support for this type of development.

7.4. Design, Layout, Plot Ratio and Height

- 7.4.1. The first reason for refusal set out by the Planning Authority (PA) states that the excessive density, scale and height of the development, on a constrained site would represent overdevelopment of the site and would exceed the plot ratio standards as set out within the development management standards within the GCDP. The third reason for refusal relates to lack of adherence to good urban design or integration with existing urban form and failure to contribute positively to street enclosure or to sympathetically assimilate into the city townscape. These matters are inter-related and for that reason are grouped together for the purposes of the assessment below.

Building Height and Scale

- 7.4.2. The issue of building height is specifically addressed within Section 11.10 of the Galway City Development Plan 2023-2029. This section of the Plan makes specific reference to the Galway Urban Density and Building Height Study, 2021. Section 16.3 of this document sets out that: There is scope for increased building heights within the regeneration areas, including the inner Harbour Area and the Bonham quay development is specifically referenced. The National Planning Framework similarly references achieving urban infill and supporting redevelopment on brownfield sites within Section 4.5. Therefore, I am satisfied that there is sufficient national and local policy and guidance in place to support the principle of increased building height, especially when considering the current proposals relate to redevelopment on a brownfield site within a designated regeneration area.
- 7.4.3. I note that the building height at ten storeys is not too dis-similar to the heights of the buildings within the adjacent Bonham Quay development, which reach up to seven and eight storeys tall and also located within the Inner Harbour Area. I also note that the Planning Authority have permitted development of between 9 and 21 storeys within the Augustine Hill Development which is located north and north-west of the Forthill cemetery, in the Ceannt Station regeneration area. Therefore, in terms of building height, I do not consider that the proposed ten storey building could be described as being excessive in height. It is clear from the current GCDP 2023 that the Inner Harbour Area is envisaged to be developed as a new urban quarter, and that these regeneration areas are afforded the flexibility to increase building heights. It is clear that the Planning Authority have accepted this argument, given they have already permitted increased building heights within the adjoining Bonham Quay and the Augustine Hill developments.
- 7.4.4. Having regard to the characteristics of the site, in particular, the topography of the area, detachment from residential properties and location on a brownfield site within the emerging Inner Harbour regeneration Area, the opportunity to provide for taller buildings exists. I have reviewed the Framework Plan and the Townscape and Visual Impact Assessment (TVIA), submitted as part of the planning documentation and I

consider that the approach in terms of the building height strategy has been justified by the applicants. Their justification is largely based on the location of the site within the designated Inner Harbour regeneration Area, on the basis that the appeal site is brownfield and on the specific site context which includes the Bonham Quay development, the proposals for the Augustine Hill development, both of which are in close proximity to the Forthill cemetery.

- 7.4.5. Increased height and plot ratio are somewhat crude tools to use when assessing the suitability of a proposal. The applicants have justified the height increase, above the prevailing building height in the area based on the location within the developing Inner Harbour Area and the height of the proposals under consideration within the Augustine Hill development. The applicants have also referenced other developments in Galway and Dublin in terms of precedent. Many of the precedents referred to by the applicants relate to developments which range in height from two to seven storeys in height in proximity to protected structures, I am mindful that each appeal case must be considered on its own merits.
- 7.4.6. On balance, I am satisfied that the proposal will assimilate satisfactorily within the newly formed townscape within the Inner Harbour Area which provides for increased building heights, density, plot ratio above the Development Management standards that had been historically developed in the city. The development of the new quarter around the Harbour Area will provide for greater density of development with increased heights particularly on a brownfield site, which benefits from a city centre zoning objective and immediately adjacent to the Ceannt Station rail hub.

Plot Ratio

- 7.4.7. The plot ratio (as revised within the further information response) would be 3.77:1, significantly more than the guidance provided within Section 11.4.2 of the Development Plan, where a maximum plot ratio of 2:1 is envisaged for development on lands within the city centre. I note that a higher plot ratio is provided for within the Development Plan in certain circumstances. These circumstances include: The appeal site is part of the Inner Harbour Area, part of a new urban quarter within the city where more flexible development standards, including increased plot ratio could

be anticipated. I note that there is ample provision made for on-site set down parking, provision for the servicing of the hotel and, therefore, in this context that the plot ratio could be considered acceptable.

7.4.8. The specific nature and qualitative elements of the proposals need to be considered in terms of the assessment of the appropriateness of the hotel development as proposed. Such wider considerations inform the issue of whether these proposals contribute to the urban regeneration within the Inner Harbour Area or contribute to its urban character. In this regard, it is appropriate to rely on qualitative factors in terms of design, form and public realm.

7.4.9. In conclusion, given the location of the site on city centre zoned lands that are serviced by public infrastructure and within a short walking distance (approximately 360 metres) of the central business district area. I consider the increased plot ratio to be appropriate within the emerging Inner Harbour Area. Therefore, on balance, I would not concur with the Planning Authority that the proposal would constitute overdevelopment of the site.

Design and Layout

7.4.10. As part of their appeal submission, the applicants submitted two additional options A & B, which incorporate a building of the same scale and design, however the external finishes and specifically the northern elevation treatment towards Forthill cemetery are different, Option A provides for a stone facade for the lower 6 storeys and option B provides for stone on the whole of the northern elevation. The applicants set out that their preferred option is the one submitted as part of the further information response, but that in the event that the Board are particularly concerned with the materials to be used within the northern façade, that a greater variation on the external finishes could be included. I consider that the bigger issue here is that of the height and scale of the building and its appropriateness on this constrained site, rather than the external finishes. I acknowledge that external finishes are an important element of any proposal. I am satisfied that the external finishes as originally proposed within the further information response, incorporating

natural stone within the lower two levels is acceptable and demonstrates a consistency of approach having regard to the site context in proximity to the Forthill cemetery.

- 7.4.11. As regards façade treatment, the development provides for a simple defined elevational treatment, primarily glass with a strong vertical emphasis and metal (with varying hues and shades) and a natural stone plinth within the lower three levels within the northern elevation. Each of the elevations provide subtle variations to respond to the context and micro climate. I note the innovative character provided for within the design statement, exemplary environmental performance and attention to detailing, particularly within the external finishes and provision of high quality landscaped spaces and public realm.
- 7.4.12. Ordinarily, the design and layout (as revised) would be acceptable on an edge of city centre site, adjacent to the docklands and rail and bus transport hub and within the Inner harbour regeneration area. The specific context of this site provides for a seven to eight storey Bonham Quay contemporary style office development to its west which provides for large vertical glass and metal features within its design. The Harbour hotel to the south of the appeal site on the opposite side of Bothar na Long is a part three and four storey hotel. Lough Atalia Road and the docks/harbour to the east and a protected structure, Forthill cemetery, containing a number or recorded monuments to its north. Therefore, its context is a complex one. The applicants had a number of factors to consider in relation to design and layout. The constrained nature of the site is also another critical factor in determining the design and layout. I note that presently the appeal site represents an eyesore within the local townscape with large supporting walls to the north, south and east behind which are a weighbridge and open sided structure relating to its former use as a coal yard. There is a double gated access from the east, which allows glimpses into the appeal site.
- 7.4.13. I am of the opinion that the re-development of this brownfield site would represent a planning gain and that the design (as revised) has been carefully considered as set out within the revised architectural design statement, which provides for a stepped building from three to ten storeys with a pleated façade and where the external

finishes are inspired by an industrial/maritime theme which incorporates red metal panels with varying hues and joining's including glazing with a strong vertical emphasis providing views over the harbour area, natural stone on the north elevation at the lower three levels in order to optimise the integration with the neighbouring protected structure. A landscaped public viewing platform area is proposed at roof level within the pavilion building.

- 7.4.14. I note that the Planning Authority acknowledged in their assessment of the further information response that the applicants had made significant improvements to the design and layout of the proposal, whereby the reduced height, the stepped design and the revised external finishes, including the stone plinth element on the northern elevation at the interface with Forthill cemetery would all provide for a building of architectural merit. However, they remain unconvinced as to the merits of the overall design and layout and considered that the applicants had not gone far enough with their design and layout revisions to warrant a grant of planning permission. I would concur with the Planning Authority in recognising that the applicants made material alterations to the height, design, layout and external finishes of the development. They also included photo montages of the revised proposal in the wider context of the Inner Harbour Area. The Planning Authority failed to set out clearly what they considered would be acceptable on the site in terms of height and scale.
- 7.4.15. The dimensions of the appeal site, with a long street frontage and shallow depth lend themselves to development of a tall slender building on site. I consider that the stepped approach whereby the building rises from three storeys to the east up to ten storeys provides for a gradual increase in building height. The increased height above the prevailing city centre heights is permissible for the Harbour Area as per the 2021 building Height Study and the recently adopted City Development Plan. The vertical emphasis of the glazing and metal provides a consistency of approach with the neighbouring Bonham Quay development and the external finishes at the interface of the appeal site with neighbouring Forthill cemetery have been given careful consideration so as to provide for a greater integration between the two. It is on this basis that I consider that the applicants have demonstrated that their proposals had regard to the evolving context of the Inner harbour regeneration area

and would provide for a scale of development that is appropriate for the site, the harbour area and to the evolving pattern of development in the area.

- 7.4.16. A number of the third-party observers are critical of the design labelling it to be *inter alia* internationalist in style and a structure cast adrift from the locale. I note the detail of the evolution of the design as set out in the Design Statement submitted by the applicants which I am satisfied has demonstrated that the design is not generic. Whilst clearly the proposal is corporate in nature. I consider that the design, revised as part of the further information response, has addressed the issues in terms of building height, quality of external finishes, particularly within the northern façade, quality of public realm and interaction with the street front along Bothar na Long.

Form and Townscape

- 7.4.17. The appeal site is located within the Inner Harbour Area as set out within the current GCDP 2023. This is identified as a regeneration area zoned city centre and located immediately east of the city core area. The townscape in Galway City traditionally comprised three to five storey buildings. However, having regard to providing for a more compact and sustainable urban form, greater densities and heights are now being encouraged within the new and emerging areas of the city, based on the guidance set out within the Galway Urban Density and Building Heights Study 2021, which in turn has informed the recently adopted City Development Plan. This is apparent, specifically within Sections 10.6 and 11.10 of the Plan, where the Inner Harbour Area is identified as one such area. The development of the Bonham Quay development immediately west of the appeal site, comprising 4 blocks reaching building heights of seven to eight storeys, is one such example. The Augustine Hill development, providing for buildings up to 21 storeys in height, permitted by the Planning Authority is another example.

- 7.4.18. The townscape, in this new and emerging part of the city is evolving and provides for increased heights, density and plot ratio, as discussed above. Therefore, it is within this policy context of the new and emerging and evolving townscape that the current proposals are considered acceptable and are considered to contribute positively to the local townscape. The appeal site in its existing form, vacant and underutilised,

does not contribute positively to the local townscape or public realm and the current proposal would open up the site to Bothar na Long, provide for a much improved public realm and improved connectivity between Lough Atalia Road to the east and the city centre to the west.

7.4.19. The site frontage onto Bothar na Long will experience significant transformation under the proposal. The existing front boundary wall, with a height of approximately 6 metres would be demolished over a distance of approximately 90 metres and the site opened up to provide an area of high quality landscaped public realm incorporating planting and seating onto the street thus providing improved streetscape linking the Lough Atalia Road and the Docklands area with the city centre. The active frontage at street level in the form of a café, restaurant, bar and hotel reception/lobby uses will front onto a new area of public realm, comprising high quality and soft landscaping creating a more inviting streetscape for pedestrians visiting the Harbour Area. This would significantly improve the aspect for pedestrians entering the city from an east to western direction and similarly for those leaving the city in an easterly direction. Therefore, I am of the opinion that this would represent a significant benefit to the streetscape and improve the quality of public realm and provide opportunities to sit and rest in a landscaped urban environment within the Bothar na Long streetscape and improve connectivity between the Inner harbour regeneration area and the city centre as envisaged within Policy 8.8 of the city Development Plan, regarding the creation of strong links between the city centre and the regeneration areas.

7.5. Built and Archaeological Heritage:

7.5.1. The second reason for refusal as set out by the PA relates to the height, scale and mass of the hotel building in extreme proximity to the boundary wall with Forthill cemetery detrimentally impacting upon the character and setting of the adjoining protected structure.

7.5.2. Section 13.8 of the Architectural Heritage Protection Guidelines for Planning Authorities, 2004 pertains to development affecting the setting of a Protected Structure or an Architectural Conservation Area. The Guidelines set out the

following: New development both adjacent to, and at a distance from, a protected structure can affect its character and special interest and impact on it in a variety of ways. Proposals should not have an adverse effect on the special interest of the protected structure or the character of an ACA.

- 7.5.3. Forthill cemetery is located immediately north of and contiguous to the appeal site. The cemetery is identified as a protected structure within the Development Plan, and it also contains a number of recorded monuments within its curtilage. Section 8.8 of the current City Development Plan provides for increased building height within the city centre subject to a number of criteria including the protection of built and natural heritage and that increased heights can be provided for on large scale infill sites and/or in regeneration areas, including the Inner Harbour Area.
- 7.5.4. There is a deficit of information included within the Development Plan regarding the specific features of architectural interest contained within the cemetery. The National Inventory of Architectural heritage (NIAH) provides some information in this regard where the following is set out in relation to Forthill cemetery: An extensive cemetery, it forms a picturesque landmark in the city. A number of the grave markers are of some design merit and attest to high quality craftsmanship, while the gateway and boundary wall to the perimeter of the site form an attractive feature in the townscape. I note that the access to the cemetery from the Lough Atalia Road will not be impacted upon as a result of the proposals. The southern perimeter boundary wall would be the closest part of the protected structure to the development. The applicants were cognisant of this fact and tailored their proposals (as part of their further information response and their appeal submission to the Board) regarding the façade treatment along the northern elevation of the hotel, that nearest the Forthill cemetery. The revised proposals provide for a reduced building height and the external finishes within the northern hotel elevation have been modified to incorporate a natural stone plinth at the lower three levels and a mix of glazing and steel with a strong vertical emphasis on the upper levels.
- 7.5.5. There is little doubt that the hotel development will impact upon the setting of Forthill cemetery, in that, presently, there are clear southerly views from the cemetery

towards the city centre and over the harbour area. These views will be impacted upon by the hotel development. However, the appeal site at this moment in time is vacant and in a state of dereliction. Therefore, a balance needs to be struck between leaving the site in a derelict and underutilised state with a poor quality vista from the cemetery of a buttress southern wall boundary feature or for the redevelopment of the appeal site whereby the southerly vista will alter dramatically with the development of a ten storey hotel structure. Having regard to the city centre zoning objective pertaining to the appeal site, its location within the designated Inner Harbour Regeneration Area, where increased density and height is envisaged as set out within Section 7.3 above, the extent and significance of the impact upon the protected structure is what must be considered. I consider that a planning gain would arise from the redevelopment of an underutilised brownfield derelict site in proximity to the town centre.

7.5.6. Another element of the planning gain that would arise would be that localised repairs and consolidation of the cemetery wall proposed as part of the development works. A Method Statement regarding these works is included within Appendix 2 of the Architectural Heritage Impact Assessment (AhIA). I consider that these interventions would have a positive impact upon the southern boundary wall of the protected structure and would assist in conserving and protecting the wall and would benefit the integrity and character of the protected structure. The Architectural Heritage Protection Guidelines promote the concept of minimal intervention which the applicants would put into practice and would provide necessary security and stability to the protected structure as provided for with the Guidelines.

7.5.7. The Townscape and Visual Impact Assessment (TVIA) compiled by Model Works Ltd addresses the potential visual impact of the development from the neighbouring Forthill cemetery. Viewpoint number 8 specifically relates to existing and proposed views in a southerly direction from Forthill cemetery. The applicants set out that the impact arising is predicted to be “moderate”, notably in the context that significant redevelopment has occurred on the Bonham Quay site and significant redevelopment is permitted at the Augustine Hill site and is envisaged for the wider Harbour and Ceannt station areas. It is apparent from this particular viewpoint that

the proposal will impact upon the setting and character and southerly views from the Forthill cemetery. However, it is also apparent that these views are already impacted upon by the Bonham Quay development, recently constructed to the south-west of the cemetery. Given the constraints of the appeal site, it is apparent that any development above two storeys within the appeal site would impact upon southerly views from the cemetery. Given the brownfield nature of the site, on city centre zoned lands, it is not considered suitable or appropriate to re-develop a brownfield city centre zoned site to a height of just two storeys. This type of low scale and density development would be contrary to both national and local planning policy as set out within Section 7.3 of this report.

7.5.8. I note the comments from the Department of Tourism, Gaeltacht, Arts Sports and Media recognise that development on the site is to be expected, but that the height and scale of the current proposals should be reduced. Any development above two storeys would impact upon southerly views from the Forthill cemetery. Therefore, I am of the opinion that the development as proposed with its reduced height of ten storeys, eight storeys when viewed from Forthill cemetery, with its bespoke design and high quality external finishes will enable a hotel building to be developed on this constrained site which by virtue of its high quality design and layout will not adversely impact upon Forthill cemetery and in fact would serve to raise the profile of the protected structure, and provide for conservation of the southern perimeter wall of the cemetery, which at present is in need of consolidation.

7.5.9. Within the revised proposals the applicants have introduced a palette of external materials to mitigate the impact and to create a greater degree of conformity between the protected structures and the hotel development. I acknowledge that the external finishes alone cannot reduce the overall significant scale and height of the ten storey proposal. The issue of visual impact is to the fore within the referral reports received from the City's Heritage Officer and from the DTCAGSM (The Department). However, the Department acknowledge within their submission that notwithstanding their contention that the development would adversely impact upon the character and setting of the heritage structure.

7.5.10. I note the detail of the evolution of the design, as set out in the submitted design statement, has sought to demonstrate that the design is not generic, is legible and landmark. The northern elevation which is to be developed at the interface with the Forthill cemetery has been the main focus of the commentary from the parties. The DTCAGSM and An Taisce have both acknowledged that some height and scale of development on this site would be appropriate, but not at the scale and height as envisaged within the current proposal. An Taisce have suggested an eight storey development stepping down to six or four storeys. As set out within Section 7.3 above, any building above two storeys would result in a visual impact upon Forthill cemetery. I am of the opinion that given the context of the location of the site within the Inner Harbour regeneration area, where development up to 21 storey's has already been permitted by the Planning Authority in proximity to Forthill cemetery, that whether the development is of four, six, eight or ten storey's is not that relevant. I consider that a more relevant issue is the interface between the development site and the protected structure and the choice of external finishes at the interface which must be of the highest quality in order to create greater integration between the two within this new and emerging edge of city centre quarter. Section 7.4 addressed the issue of external finishes.

7.5.11. I note that access to the cemetery will remain unaltered under the proposals, albeit that access is presently restricted and upon appointment with the local caretaker. However, the small number of annual burials (stated be in the region of five or six) will continue and the viewing platform area over the three storey pavilion element of the hotel would provide a form of passive surveillance over the cemetery. The viewing platform area would not form an obtrusive feature in that it would only be accessed by hotel guests and would be suitably landscaped so as to minimise the extent of overlooking into the cemetery. I acknowledge that the setting of the cemetery will be impacted upon. However, I also acknowledge that there are presently little or no views to Forthill cemetery from the public pavement and that the local built environment has already been altered by the construction of the Bonham Quay development, south-west of the Forthill cemetery. It is noted that from an urban perspective, the site is currently blighted and would not represent a conducive or welcoming built environment. I note that the Inner harbour regeneration area built

environment has and will evolve as part of a new urban built environment as envisaged within Section 10.6 within the Development Plan and that the adjacent structures (including Forthill cemetery) can maintain their own significance within their new context and will continue to contribute to the creation of a functioning high quality urban townscape.

- 7.5.12. As regards archaeological impact, I note, as recommended in the archaeological impact assessment submitted by John Cronin and Associates, that no records of archaeological remains were recorded within the site boundary and that the archaeological potential of the site is considered to be negligible. Three recorded monuments are located within the site immediately north of the appeal site, an Augustinian Friary, a graveyard and bastioned fort.
- 7.5.13. I acknowledge that the proposal will impact on the character and setting of the adjoining protected structure, Forthill Cemetery. However, on balance, I am satisfied that the impact will not be so adverse, as to warrant a refusal of planning permission. I note the current derelict, vacant and abandoned state of the appeal site, adjoining the southern perimeter boundary wall of Forthill cemetery. I am of the opinion that the development will benefit the protected structure through the implementation of the best practice conservation measures and also raising the profile of the Forthill cemetery, which is presently not visible from the public areas within the local streetscape.
- 7.5.14. In conclusion, I consider that the applicants have made considerable improvements within the revised design and layout in order to provide for a greater level of integration between the proposed building and the Forthill cemetery. The building height has been reduced by one storey, approximately three metres and greater consideration of the external finishes has been provided. A natural stone plinth is now proposed within the lower three levels in order to provide for greater assimilation between the proposals and the protected structure. The massing within the building is now broken up to a greater extent through the use of the vertical glazing sections and the integration with the natural stone plinth with the norther elevation, which is at the interface with Forthill cemetery. I would concur with the view of the Architectural

Conservation Consultant, that the proposals will impact upon the setting of Forthill cemetery, but that the effect will be positive and provide for a new and evolving aspect from the cemetery and that the interventions to the southern perimeter cemetery boundary wall, which will arise as a result of the development works, will provide a positive contribution to the local architectural heritage and would not be so adverse as to warrant a refusal of planning permission.

7.6. **Appropriate Assessment**

Background to Application

- 7.6.1. An Appropriate Assessment Screening Report and Natura Impact Statement were submitted as part of the planning documentation. These reports were revised as part of the further information response. I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified, and sound scientific information and knowledge was used. The information contained within the submitted reports is considered sufficient to allow me to undertake a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans or projects on European sites. The screening is supported by an associated report, including an Ecological Impact Assessment (EclA), a Site-Specific Flood Risk Assessment as well as a review of National Parks and Wildlife Service (NPWS) datasets, Ordnance survey mapping and aerial photography.
- 7.6.2. The AA Screening Report states that this assessment was undertaken without considering or taking into account specific mitigation measures or protective measures included in the construction management plan prepared for the proposed development.
- 7.6.3. The applicants AA Screening Report concludes that: Significant effects cannot be ruled out to the Galway Bay Complex SAC. The applicant identified that potential exists for loss of sediment and other construction pollutants to surface water which could result in temporary negative effects to water quality and impacts to the invertebrate communities of the mudflat habitats during the construction phase. Significant effects to the SAC cannot, therefore, be ruled out.

- 7.6.4. As a result, an Appropriate Assessment may be required. A Natura Impact Statement has been submitted to inform such an assessment, if deemed required by the Board.

AA Screening

- 7.6.5. The project is not directly connected to or necessary to the management of a European site. The development is examined in relation to any possible interaction with European sites designated Special Areas of Conservation (SAC) and Special Protection Areas (SPA), to assess whether it may give rise to significant effects on any European Site.

Description of Development Site

- 7.6.6. The development is described in Section 2 of my report. The proposed hotel development is located on a brownfield site to the south-east of the city centre, on city centre zoned lands, at the junction of Lough Atalia Road and Bothar na Long, within the city development boundary. The site is in close proximity to Galway Harbour which is protected by a number of nature conservation designations, namely the Galway Bay Complex SAC and the Inner Galway Bay SPA and Lough Corrib SAC and SPA both are connected to the bay. The hotel building would be of varying heights ranging from three storeys to ten storeys. The development would be connected to the public foul and surface water sewer networks. There are no surface water channels within the appeal site. Surface and foul sewers will outfall from the appeal site to Galway Bay via the piped networks. The development will also connect to the public water mains.

Submissions/Observations

- 7.6.7. I have reviewed the submissions and observations made, and I note that the submissions did not raise any particular issues in terms of biodiversity or potential adverse impact upon Natura 2000 sites.

Characteristics of Project

7.6.8. The relevant characteristics of the project that might give rise to potential impact on European sites, both during the construction and operational phases are as follows:

Construction impacts:

- Foul and/or surface water drainage runoff which could result in habitat degradation and loss.
- Potential for construction noise disturbance.

Operational Impacts:

- Noise impact from the operation of the hotel development due to increased footfall and activity on site.

Designated Sites and Zone of Influence

7.6.9. A potential zone of influence has been established by the applicant having regard to the location of European sites, the Qualifying Interests (QIs) of the sites, the source-pathway-receptor model and potential environment effects of the proposed project.

7.6.10. A number of European sites in the wider area were examined by the applicant and found not to be within a likely zone of influence due to the distances from the appeal site and the absence of ecological pathways between them and the appeal site or due to the significant separation distances between them and the appeal site. I consider that only sites within the immediate area of the proposed development require consideration as part of the screening process.

7.6.11. The following Natura 2000 sites are considered to be located within a possible zone of influence of the proposed development site:

Table 1:

European Site	Qualifying Interests	Distance from Appeal Site	Potential Connections (source-pathway-receptor)	Further Consideration in Screening
Lough Corrib SAC	Lough Corrib SAC (Site Code 000297)	550 metres hydrological separation	Potential hydrological connectivity between the appeal site and the SAC	Yes.

<p>(Site Code 000297)</p>	<p>Qualifying Interests:</p> <p>Oligotrophic waters containing very few minerals of sandy plains</p> <p>Oligotrophic to mesotrophic standing waters with vegetation</p> <p>Hard oligo-mesotrophic waters with benthic vegetation</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (important orchid sites)</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils</p> <p>Active raised bogs</p>	<p>distance to the northwest of the appeal site.</p>	<p>via the surface water collection network.</p> <p>Potential for release of hydrocarbons to surface waters during construction activities. Proposed works have potential to cause deterioration in water quality via release of sediment during construction and to potentially adversely impact on habitats/species, either alone or in combination,</p>	
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	<p>Degraded raised bogs still capable of natural regeneration</p> <p>Depressions on peat substrates of the Rhynchosporion</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i></p> <p>Petrifying springs with tufa formation.</p> <p>Alkaline fens.</p> <p>Limestone pavements.</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles.</p> <p>Bog woodland.</p> <p>Freshwater Pearl Mussel).</p> <p>White-clawed Crayfish.</p> <p>Sea Lamprey.</p> <p>Brook Lamprey.</p> <p>Salmon.</p> <p>Lesser Horseshoe Bat.</p>			
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	<p>Otter.</p> <p>Slender Naiad.</p> <p>Slender Green Feather-moss.</p>			
Galway Bay Complex SAC 000268	<p>Qualifying Interests:</p> <p>Mudflats and sandflats not covered by seawater at low tide.</p> <p>Coastal lagoons.</p> <p>Large shallow inlets and bays.</p> <p>Reefs.</p> <p>Perennial vegetation of stony banks.</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts.</p> <p>Salicornia and other annuals colonising mud and sand.</p> <p>Atlantic salt meadows.</p> <p>Mediterranean salt meadows.</p> <p>Turloughs.</p> <p>Formations on heaths or</p>	140 metre hydrological separation distance to the east of the appeal site.	<p>Potential hydrological connectivity between the appeal site and the SAC via the surface water collection network.</p> <p>Potential for release of hydrocarbons to surface waters during construction activities. Proposed works have potential to cause deterioration in water quality via release of sediment during construction and to potentially adversely impact on habitats/species, either alone or in combination,</p>	Yes.

	<p>calcareous grasslands.</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates.</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i>.</p> <p>Alkaline fens.</p> <p>Limestone pavements.</p> <p>Otter</p> <p>Harbour Seal</p>			
Lough Corrib SPA 004042	<p>Qualifying Interests:</p> <p>Gadwall.</p> <p>Shoveler.</p> <p>Pochard.</p> <p>Tufted Duck.</p> <p>Common Scoter.</p> <p>Hen Harrier.</p> <p>Coot.</p> <p>Golden Plover.</p> <p>Black-headed Gull.</p> <p>Common Gull.</p>	Approximately 550 metre hydrological separation distance to the north-west of the appeal site.	<p>Potential hydrological connectivity between the appeal site and the SAC via the surface water collection network.</p> <p>Potential for release of hydrocarbons to surface waters during construction activities. Proposed works have potential to cause deterioration in water quality via release of sediment during construction and to potentially adversely impact on</p>	Yes.

	<p>Common Tern.</p> <p>Arctic Tern.</p> <p>Greenland White-fronted Goose.</p> <p>Wetland and Waterbirds [A999]</p>		habitats/species, either alone or in combination,	
<p>Inner Galway Bay SPA 004031</p>	<p>Black-throated Diver (Gavia arctica) [A002]</p> <p>Great Northern Diver</p> <p>Cormorant.</p> <p>Grey Heron.</p> <p>Light-bellied Brent Goose.</p> <p>Wigeon.</p> <p>Teal.</p> <p>Red-breasted Merganser.</p> <p>Ringed Plover.</p> <p>Golden Plover.</p> <p>Lapwing.</p> <p>Dunlin.</p> <p>Bar-tailed Godwit.</p> <p>Curlew.</p> <p>Redshank.</p> <p>Turnstone.</p>	<p>600 metre hydrological separation distance to the southwest of the appeal site.</p>	<p>Potential hydrological connectivity between the appeal site and the SAC via the surface water collection network.</p> <p>Potential for release of hydrocarbons to surface waters during construction activities. Proposed works have potential to cause deterioration in water quality via release of sediment during construction and to potentially adversely impact on habitats/species, either alone or in combination,</p>	<p>Yes.</p>

	Black-headed Gull.			
	Common Gull.			
	Sandwich Tern.			
	Common Tern.			
	Wetland and Waterbirds.			

Identification of Likely Significant Effects

- 7.6.12. The Lough Corrib SAC and SPA, the Galway Bay Complex SAC and the Inner Galway Bay SPA are the four European sites being considered as part of this assessment due to the possibility of habitat degradation due to a risk of potential construction impacts in the form of release of hydrocarbons and/or sediment during groundwork excavations and the potential for adverse impacts to arise with the surface water drainage discharging to Galway Bay resulting in potential adverse impacts upon water quality, alone or in combination, with other pressures on transitional water quality.
- 7.6.13. In terms of noise, I note that best practice construction methods would be implemented, and environmental considerations such as noise, dust and vibration would be addressed as part of a Construction Environmental Management Plan (CEMP), which would be required to be submitted to and for the written agreement of the Planning Authority. I note that a preliminary CEMP was submitted as part of the planning documentation. I consider the inclusion of best practice construction measures to be acceptable. This is a matter that can be addressed by means of an appropriate planning condition.
- 7.6.14. Given the brownfield status of the appeal site, which is concrete surfaced, it would not provide for suitable foraging grounds for any of the winter birds associated with the SPA sites. No water quality objectives have been set out for the Inner Galway Bay SPA. Catchments.ie have classified the water quality in Galway Bay as good, which would indicate that the Galway Bay Complex SAC has not been impacted

upon by either wastewater or surface water outfalls from development within the city area to date. I am also satisfied that there is adequate capacity within the foul sewer network to cater for the foul effluent arising from the development. For these reasons, I am satisfied that it is unlikely that habitat loss or disturbance of habitat or species listed as Qualifying interests would arise in this instance and, therefore, that likely significant effects upon the integrity of these specific SPA sites and the Lough Corrib SAC can be ruled out.

- 7.6.15. I consider that there is potential for the outfall of sediment and/or hydrocarbons to the surface water network during the construction period to adversely impact upon water quality within Galway Bay. I acknowledge that these factors are temporary in nature, however, in line with the precautionary principle, the threshold for AA screening is low and therefore, further consideration of these matters will be undertaken.
- 7.6.16. From an examination of the NPWS datasets, in particular map numbers 3 (tidal mudflats and sandflats), 5(Coastal lagoons) and 6 (reefs) associated with the Conservation objectives of the Galway Bay SAC, I consider that the pollutants arising from on-site construction activities could result in significant effects to invertebrates within estuarine habitats, the shallow inlets and bays and Reefs within this European site and, therefore, potentially adversely impacting upon these specific qualifying interests within the Galway Bay Complex SAC.
- 7.6.17. No evidence of the otter species for which the Galway Bay Complex SAC European site within the vicinity has been designated, was recorded within the appeal site, and I note that the appeal site does not provide suitable foraging or breeding habitat for the otter species.
- 7.6.18. The surface water management proposals, including SuDs, proposed for the operational phase are considered adequate to serve the development and would not result in adverse impacts upon the European sites. I am of the opinion that the water supply within Lough Corrib would not be adversely impacted upon as the design of the water network would provide for a non-reversible valve, thereby eliminating that

as a source of contamination. Therefore, I am satisfied that these particular potential impacts do not require further assessment in the context of Appropriate Assessment.

7.6.19. In combination effects have also been considered as part of this assessment. I have considered the effects of the development on adjacent sites including Bonham Quay, the proposals for the Ceannt station site and the student accommodation currently under construction, however through the use of best practice construction methods and the fact that all of these sites would have been subjected to Strategic Environmental Assessment and also have been subjected to an Appropriate Assessment determination under the preparation of the Galway City Development Plans of 2017 and 2023. Therefore, the cumulative environmental impact of all of the zoned lands being developed would have been considered and deemed acceptable.

7.6.20. Therefore, taking the precautionary approach, I consider that there is an ecological rationale for proceeding to a Stage 2 AA in relation to further assessing any potential adverse construction impacts that may arise in relation to the nearest European sites, the Galway Bay Complex SAC. This conclusion is consistent with that of the applicant.

Screening Determination

7.6.21. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects could have a significant adverse effect on the Galway Bay Complex SAC, and Appropriate Assessment is, therefore, required.

7.6.22. The potential for significant effects on other European sites can be excluded.

7.7. Stage 2-Appropriate Assessment

Natura Impact Statement

7.7.1. The application included a Natura Impact Statement (NIS) for the proposed hotel development located east of Galway city centre. The NIS examines and assesses

potential for adverse effects of the proposed development on Lough Corrib SAC. Section 3 of the NIS outlines the characteristics of the SAC. Section 4 sets out the potential impacts arising from the construction and operational phases of the development on the Galway Bay Complex SAC and includes details of mitigation measures that would be incorporated as part of a Construction Management Plan.

- 7.7.2. The NIS concludes that with the implementation of the pollution control mitigation measures included in the design of the development and the implementation of preventative measures during the construction phase, adverse effects on the site integrity of the European site alone, or in combination with other plans and projects can be excluded.

Appropriate Assessment of implications of the proposed development on the European Site

- 7.7.3. The following is an assessment of the implications of the project on the qualifying interest features of the Galway Bay Complex SAC using the best scientific knowledge in the field as provided in the NIS. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.
- 7.7.4. A number of Qualifying Interests (QI's) within the Galway Bay Complex SAC have been removed from further assessment as the potential for significant affects on these particular QI's has been ruled out due largely to the absence of hydrological pathways between the appeal site and these particular QI's. These QI's include: Coastal Lagoons, Turloughs, Juniperus communis formations on heath or calcareous grasslands, Calcareous fen, Alkaline fen, Semi-natural dry grasslands and scrubland facies on calcareous substrates. Perennial vegetation of stony banks. Salicornia and other annuals colonising mud and sand, Mediterranean/Atlantic salt meadows, Otter and harbour Seal.
- 7.7.5. A description of the SAC and Conservation Objectives and Qualifying Interests (www.npws.ie), are set out in the screening assessment above, and repeated in Table 2 of the AA.

Potential Impacts on identified European Sites

Table 2

Site 1:

<p>Name of European Site, Designation, site code: Galway Bay Complex SAC 000268</p> <p>Summary of Key issues that could give rise to adverse effects</p> <ul style="list-style-type: none"> • Water Quality and water dependant habitats • Habitat Loss • Disturbance of QI species <p>Conservation Objectives: To maintain or restore the favourable conservation condition of the protected habitats and species within Galway Bay. ConservationObjectives.rdl (npws.ie)</p>					
Summary of Appropriate Assessment					
Qualifying Interest feature	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
Mudflats and sandflats not covered by water at low tide.	To maintain the invertebrate communities in their natural condition. favourable	Deterioration in water quality arising from sedimentation and release of hydrocarbons to surface water channels and/or groundwater arising from construction activities on site and potentially adversely impacting upon protected habitat	Use of settlement ponds so only silt free water will outfall from site. storage and handling of harmful materials including hydrocarbons, implementation of mitigation measures recommended within the Construction Management Plan.	No significant in-combination adverse effects	Yes
Large shallow inlets and bays	To maintain the favourable conservation condition of Large shallow inlets and bays	Deterioration in water quality arising from sedimentation and release	Use of settlement ponds so only silt free water will outfall from site. storage	No significant in-combination adverse effects	Yes

	in Galway Bay Complex SAC,	of hydrocarbons to surface water channels and/or groundwater arising from construction activities on site and potentially adversely impacting upon protected habitat	and handling of harmful materials including hydrocarbons, implementation of mitigation measures recommended within the Construction Management Plan.		
Reefs	To maintain the favourable conservation condition of reefs in Galway Bay Complex SAC,	Deterioration in water quality arising from sedimentation and release of hydrocarbons to surface water channels and/or groundwater arising from construction activities on site and potentially adversely impacting upon protected habitat	Use of settlement ponds so only silt free water will outfall from site. storage and handling of harmful materials including hydrocarbons, implementation of mitigation measures recommended within the Construction Management Plan.	No significant in-combination adverse effects	Yes
<p>Overall conclusion: Integrity test</p> <p>Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.</p>					

- 7.7.6. In combination effects have also been considered as part of this assessment. I have considered the effects of the development on adjacent sites, existing, permitted and that under construction. However, with the incorporation of best practice construction methods and the fact that many/all of these sites would have been subjected to their own individual Appropriate Assessments, Strategic Environmental Assessment and an Appropriate Assessment determination under the preparation of the Galway City Development Plans of 2017 and 2023, therefore, the cumulative environmental impact of development within the appeal site and within the adjacent lands has been considered, and deemed acceptable.
- 7.7.7. Following the Appropriate Assessment and the consideration of mitigation measures, I can ascertain with confidence that the project would not adversely affect the integrity of the Galway Bay Complex SAC, in view of the Conservation Objectives of this site. This conclusion has been based on a complete assessment of the implications of the project alone, and in combination with plans and projects.

Appropriate Assessment Conclusion

- 7.7.8. Having carried out screening for Appropriate Assessment of the project, it was concluded that in the absence of mitigation measures to prevent construction related pollutants reaching Galway Bay, it may have a significant effect on the Galway Bay Complex SAC. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the European site, in light of its conservation objectives.
- 7.7.9. Following the Appropriate Assessment and the consideration of mitigation measures, I can ascertain with confidence that the project would not adversely affect the integrity of the Galway Bay Complex SAC, in view of the Conservation Objectives of this site. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of the aforementioned designated sites.

- 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 the Inner Galway Bay Complex SAC.

8.0 Recommendation

I recommend that planning permission be granted.

9.0 Reasons and Considerations

Having regard to the city centre location of the development, the pattern of development in the area, to the provisions of the Galway City Development Plan 2023-2029 and to the nature, scale, layout and design of the proposed development providing for a hotel development, it is considered that, subject to compliance with the following conditions, the proposed development would be acceptable in terms of height, scale and density on the brownfield city centre zoned site. The proposed development would not seriously injure the visual amenities of the area or of adjoining property and would be acceptable in terms of impact on architectural, archaeological and cultural heritage of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 18th day of September 2020 and the 12th day of April 2021 and as amended by the further plans and particulars submitted to the Board on the 22nd day of June 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning

authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, proposals for increased on-site attenuation in accordance with the *Greater Dublin Regional Code of Practice for Drainage Works*, shall be submitted to, and agreed in writing with, the planning authority.

(b) Prior to the commencement of development, final details of the on-site surface water management plan, including details of sediment removal from the surface water prior to discharge to the surface water sewer shall be submitted for the written agreement of the Planning Authority. agreed in writing with silt removal from the surface water.

Reason: In the interest of public health.

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

Reason: In the interest of public health.

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

Reason: In the interests of visual and residential amenities.

5. (a) Details of the footpaths/cyclepaths and kerbs shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii within the development shall be in accordance with the guidance provided in the National Cycle Manual.

(b) The materials used in any cyclepaths/footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interests of pedestrian, cyclist, and traffic safety.

6. Details of all boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity.

- 7 (a) Any works in the vicinity of or to the protected structure, shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

A report on any such works shall be furnished to the Planning Authority in advance of their commencement.

(b) Prior to the commencement of development, a construction methodology statement indicating the means proposed to ensure the protection and structural stability and fabric of the southern perimeter boundary wall of Forthill cemetery shall be submitted to and agreed in writing with the Planning Authority. These details shall include how the wall will be consolidated and protected during the construction works

Reason: To secure the authentic preservation of the protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

- 8 Proposals for signage shall be submitted to, and agreed in writing, with, the Planning Authority prior to commencement of development. Thereafter, all signs shall be provided in accordance with the agreed scheme.

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

9 All of the mitigation measure cited in the Natura Impact Statement submitted to the Planning Authority on the 18th day of September 2021 shall be implemented in full.

Reason: In the interest of the natural heritage of the area and protecting the natural environment.

10 All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

11 Prior to the commencement of development, the developer shall submit and agree in writing with the planning authority a landscaping and amenity scheme for the site including the area of public realm along the street front with Bothar na Long. The scheme shall include details of the materials/planting for all hard and soft areas. The approved scheme shall be completed prior to occupation of the hotel building. On completion of the landscaping/amenity scheme for the development, the developer shall submit to the planning authority a certificate of completion from a suitably qualified landscape designer confirming that the landscaping works have been satisfactorily carried out in accordance with the approved landscaping/amenity scheme. The developer shall be responsible for full maintenance of the landscaping and for the replacement of all failed stock. A copy of the maintenance agreement with a suitably qualified person shall be submitted with the required certification.

All planting shall be adequately protected from damage until established. Any plants which die, are removed, or become seriously damaged or diseased,

within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

12. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

13. The construction of the development shall be managed in accordance with a Construction, Environmental and Traffic Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste. A record of daily checks that the works are being undertaken in accordance with the Construction management plan shall be kept for inspection by the planning authority

Reason: In the interests of public safety and traffic safety.

14. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority full details of the proposed public lighting to serve the development, including the lighting levels within the development.

Reason: In the interests of public safety.

15. A plan containing details for the management of waste 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 shall be submitted to, and agreed in writing with the Planning Authority prior to the commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

16. Details of a bilingual name for the development along with adequate measures for the future maintenance of the development, including the external fabric of the buildings, internal common areas, waste storage facilities and sanitary services, shall be submitted to, and agreed in writing with the planning authority, before the hotel development is made available for occupation.

Reason: To provide for the future maintenance of this development in the interest of amenity and orderly development.

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

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

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

- 18 All mitigation measures included within the revised Natura Impact Statement submitted to the Planning Authority on the 14th day of July 2021 and those included as Appendix B with the response to the further information request submitted to the Planning Authority on the 8th day of October shall be implemented in full. The additional mitigation measures identified within the Construction Environmental Management Plan (refer to condition number 13 above) to be submitted and agreed in writing with the Planning Authority shall be implemented in full.

Reason: In the interest of protecting natural heritage.

Fergal Ó Bric

Planning Inspectorate

28th day of March 2023