



An  
Bord  
Pleanála

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

### **Inspector's Report ABP-310797-21**

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#### **Strategic Housing Development**

Demolition of existing silage concrete apron, construction of 102 no. residential units (35 no. apartments, 67 no. houses), creche and associated site works.

#### **Location**

Rosshill, Galway City, Co. Galway.  
([www.RosshillManorSHD1.ie](http://www.RosshillManorSHD1.ie))

#### **Planning Authority**

Galway City Council

#### **Applicant**

Alber Developments Ltd.

#### **Prescribed Bodies**

1. Irish Water
2. Iarnrod Eireann
3. An Taisce
4. Transport Infrastructure Ireland

#### **Observer(s)**

See Appendix.

#### **Date of Site Inspection**

3<sup>rd</sup> October 2021.

#### **Inspector**

Karen Kenny

## Contents

1.0 Introduction .....	4
2.0 Site Location and Description .....	4
3.0 Proposed Strategic Housing Development .....	5
4.0 Planning History.....	7
5.0 Section 5 Pre Application Consultation .....	9
6.0 Relevant Planning Policy .....	13
7.0 Applicant’s Statement .....	17
8.0 Third Party Submissions .....	19
9.0 Planning Authority Submission .....	27
10.0 Prescribed Bodies .....	32
11.0 Assessment.....	36
11.1. Land Use Zoning.....	36
11.2. Density.....	38
11.3. Development Strategy and Urban Design.....	42
11.4. Quality of Residential Development.....	49
11.5. Daylight, Sunlight, Overshadowing and Overlooking .....	52
11.6. Traffic and Transportation.....	57
11.7. Infrastructural Services, including Flooding Issues .....	64
11.8. Other Matters .....	66
11.9. Material Contravention – Density .....	70
11.10. Planning Assessment Conclusion .....	72
12.0 Environmental Impact Assessment .....	73
12.1. Introduction .....	73

12.2.	Consideration of Alternatives .....	75
12.3.	Assessment of the Likely Significant Direct and Indirect Effects .....	75
12.4.	Significant Interactions .....	91
12.5.	Reasoned Conclusion on the Significant Effects .....	92
13.0	Appropriate Assessment .....	93
13.1.	Stage I Screening .....	93
13.2.	Stage II Appropriate Assessment.....	104
14.0	Recommendation .....	110
15.0	Reasons and Considerations .....	111
16.0	Recommended Order.....	112
17.0	Conditions .....	119
1.0	Appendix 1 List of Observers.....	132

## 1.0 Introduction

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

## 2.0 Site Location and Description

- 2.1.1. The SHD site is a greenfield site located at Rosshill, Galway. The site is 5 km (approx.) east of Galway City Centre, 800 metres (approx.) south of the Dublin Road / R338 and the Galway-Dublin-Limerick railway runs immediately north of the site. There are no train stations in the vicinity of the site with Oranmore train station located 3km (approx.) to the east. The site is close to the existing residential suburbs of Roscam (850m to the northeast) and Murrough (1.2km to the northwest). There is a development of 16 no. houses (Ross Alta) under construction on lands immediately north of the site (north of the railway line) that is accessed from Rosshill Road. Rosshill Park Woods, a public woodland amenity, is also situated to the north of the railway line (with entrance and car parking area opposite the new housing development). The SHD site is physically separated from the residential suburbs to the north-east and west by the woodland and the railway. The wider area south of the railway line in the Roscam peninsula, is characterised by grazing farmland and detached one-off housing.
- 2.1.2. The proposed development is bounded to the north by the Rosshill Road and the Galway-Dublin Rail Line. The Rosshill Road passes under the railway line north of the site. The eastern boundary of the site is formed by a rural road, which meets Rosshill Road at a T-junction at the northeast corner of the site. Rosshill Road connects to the Old Dublin Road/R338 approx. 800 metres to the north of the site. There is a footpath connection to the Old Dublin Road/R338 north of the railway line. There are retail and community facilities along the Dublin Road and in neighbourhood centres at Roscam and Murrough. The Old Dublin Road/R338 travelling west, connects to Galway City Centre and travelling east connects to the N67/N6 Ring Road around Galway. There is a bus lane along the Dublin Road.

- 2.1.3. The site, with a stated area of 4.7 hectares, is a greenfield site with a mixture of hedgerows and stone walls along the boundaries and a number of mature and semi-mature trees within the site. The site is part of a larger greenfield landholding of approx.10 hectares that was formally used as a par 3 golf course. The landholding extends to the west and south of the site. The holding is in use as grazing land at present and there are a number of detached rural dwellings beyond this to the south, south-east and south-west. Lands to the south and east are zoned Low Density Residential, with lands proximate to the coast zoned Agriculture/High Amenity.
- 2.1.4. There are no watercourses on site. There are no ecological or environmental designations on site. There is an old farmstead in ruins immediately south of the site that encroaches slightly (modern silage concrete apron) into the site. Levels generally fall gently west across the site, however, there is a hill in the western section of the site that slopes steeply to the west.
- 2.1.5. The western boundary of the landholding is 136 metres (approx.) from the designated area of the Galway Bay Complex SAC (000268) and 260 metres (approx.) from the designated area of the Inner Galway Bay SPA (004031). The Galway Bay Complex pNHA covers the same area of the SPA and SAC proximate to the site. There is a folly set within an octagonal walled enclosure 100 metres (approx.) to the south of the site. The folly is a Recorded Monument and Protected Structure (RMP No. GA094-070/RPS 8803). The Rosshill Railway Bridge to the north of the site is also a protected structure (RPS 8806, NIAH 30409423).

### **3.0 Proposed Strategic Housing Development**

- 3.1.1. The development will consist of the demolition of an existing silage concrete apron and the construction of 102 no. residential units (35 no. apartments and 67 no. houses), a childcare facility (399 sq.m), retail / commercial space (188.5 sq.m), shared communal and private open space, car and cycle parking, all associated surface water and foul water drainage services and connections (including a pumping station), landscaping, access routes, public art, lighting and associated works, access and junction improvements, provision of a footpath along Rosshill

Road to connect into the pedestrian network to the north, and all associated site works.

### 3.1.2. Key Figures

<b>Site Area</b>	4.7 ha (gross); 2.84 ha (net) minus road works, pumping station, wooded parkland.
<b>No. of Residential Units</b>	102
<b>Density</b>	36 units per hectare
<b>Plot Ratio</b>	0.41
<b>Site Coverage</b>	17%
<b>Childcare Facility</b>	399 sqm
<b>Other Uses</b>	Commercial / Retail 188.56 sqm
<b>Open Space</b>	4437 sq.m (15.6%)
<b>Height</b>	2-4 storeys
<b>Car Parking</b>	183 no. spaces.
<b>Cycle Parking</b>	240 no. spaces.
<b>Part V</b>	10%

#### Unit Mix

	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>	<b>Total</b>
<b>Apartments</b>	11	24*	0	0	35
<b>Houses</b>	0	0	54	13	67
<b>Total</b>	10.8%	23.5%	52.9%	12.7%	100%

\*21 no. 2 bed 4 person and 3 no. 2 bed 3 person units.

A Natura Impact Statement ('NIS') and Environmental Impact Assessment Report ('EIAR') have been submitted with the application. The application is also accompanied by a Statement of Material Contravention of the Development Plan.

- 3.2. The primary vehicular access to the site is proposed from the east along a section of road that is to be realigned within the site to form a new junction with Rosshill Road to the north.

## 4.0 Planning History

### 4.1.1. Subject site:

**ABP-306413-20:** Permission Refused under the SHD process for the construction of 342 no. residential units (185 no. houses and 157 no. apartments, a creche and associated work on a site of 10 hectares (approx.). The reasons for refusal were as follows:

1. Having regard to the proximity of the subject site to the Inner Galway Bay SPA (004031), the factors that can adversely affect the achievement of the conservation objective to maintain favourable conservation conditions of the special conservation interest species listed for the designated site, namely anthropogenic disturbance and ex-situ factors, and having regard to the information provided with the application, including the Natura Impact Statement and the absence of seasonal bird surveys for the site, in light of the assessment carried out the Board cannot be satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans and projects, would not adversely affect the integrity of Inner Galway Bay SPA (004031), in view of the site's conservation objectives and qualifying interests. In such circumstances the Board is precluded from granting planning permission for the proposed development.
2. The proposed development would be premature having regard to the existing deficiencies in the wastewater network in the area, specifically the Merlin Park No 1 Pump Station and the period within which this constraint may reasonably be expected to cease.
3. The "Urban Design Manual – a Best Practice Guide" issued by the Department of the Environment, Heritage and Local Government in 2009, to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, which includes key criteria such as context, connections, variety

and distinctiveness, it is considered that the proposed development results in poorly defined and poorly overlooked streets and open spaces, a high number of cul-de-sacs and a lack of variety and distinctiveness in the design of the dwellings, which would result in a substandard form of development, and would be seriously injurious to the residential amenities of future occupants. Furthermore, it is considered that the development fails to integrate existing trees / woodlands satisfactorily into the layout of the development and, as such, would be contrary to specific development objectives for the site as set out under Chapter 11 of the Galway City Development Plan 2017-2023 which seeks to retain the sylvan character of the landscape. The proposed development would, therefore, seriously injure the residential amenities of future occupants, would be contrary to these Ministerial Guidelines and would be contrary to the proper planning and sustainable development of the area.

**06/816** – Permission GRANTED (now expired) for the construction of (i) a 99 unit residential development (18,871 sqm) consisting of 43 no. 5-bed detached houses, 16 no. 4-bed detached houses, 25 no. 2-bed apartments, 2 no. 3-bed apartments, 12 no. 2-bed duplexes, 1 no. 3-bed end terrace house, (ii) a crèche (350 sqm), (iii) a new access to the Rosshill Road, (iv) an upgraded junction onto the Old Dublin Road, (v) ESB Substation, (vi) Pumping house, (vii) Car parking (225 no. spaces at surface level and 60 no. spaces underground) and (viii) all associated external and site development works.

**05/352** – Permission refused for the construction of a 137 unit residential development consisting of 16 no. 4-bed detached houses, 15 no. 5-bed detached houses, 26 no. 2-bed townhouses, 73 no. 3-bed townhouses, 7 no. 4-bed townhouses, a crèche (215 sq. m.) a shop (215 sq. m.), a new access to Old Dublin Road and all associated external and site development works. Permission was refused by GCC for five reasons, as follows:

*1. The proposed development will be in conflict with the policies and objectives of the Galway City Development Plan relative to the LDR zoning and Outer Suburbs neighbourhoods. In particular in that it does not achieve ‘a balance between the reasonable protection of the residential amenities of outer suburbs and the protection of the established character and the need to provide for sustainable residential*



*development' and in that it does not have sufficient regard to the prevailing pattern, from and density of the existing area.*

*2. The proposed development by virtue of layout, housing design, house types, private open space provision and lack of regard to existing landscape characteristics would result in a substandard unacceptable development.*

*3. The proposed development, would result in a traffic hazard owing to insufficient sight lines at the junction of the access road with the Old Dublin Road.*

*4. The drainage arrangements consisting of pumping and an associated rising main have been deemed inappropriate in the context of the overall planning and development of the area as they are not part of a strategic drainage resolution which would service this development and other future developments in Roscam.*

*5. The proposed development has failed to achieve specific development objectives for this site as indicated in Figure 11.11 of the City Development Plan, in particular with regard to traffic, drainage and the protection of the sylvan character of the area.*

- 4.1.2. The submitted Planning Report and Statement of Consistency sets out an overview of planning history in the vicinity of the site in Section 3.2. I would note that the following recent application is not listed.

**PA. Ref 21/73:** Permission granted for changes to site boundaries, road alignment and house types on a to the north of the site (Ross Alta) granted planning permission for 16 no. dwellings under Ref. 16/228.

## **5.0 Section 5 Pre Application Consultation**

### **5.1. Pre-Application Consultation**

- 5.1.1. A section 5 pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on 1<sup>st</sup> April 2021 (Ref ABP-309391-21) in respect of a proposed development of 102 residential units, crèche, and retail / commercial floorspace. The items discussed generally reflected the agenda issued in advance of the meeting as follows:

- Low Density Residential Zoning
- Development Strategy, inter alia, density, layout, open space provision and carparking
- Residential Amenity of future occupants
- Parks Section
- Transportation Matters
- Any Other Business.

Copies of the record of the meeting, the Inspector's Report, and the Opinion are all available for reference on this file.

## 5.2. Notification of Opinion

5.2.1. The An Bord Pleanála opinion issued on foot of the consultation stated that the Board is of the opinion that the documents submitted constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála. The opinion notification pursuant to article 285(5)(b) referred to specific information that should be submitted with any application as follows:

1. Notwithstanding that the proposal constitutes a reasonable basis for an application the prospective applicant is advised to address the following in the documents submitted:
  - (a) Provide further justification in relation to the location of the carpark adjoining the rear of the apartment building, the absence of any designated communal open space and the residential amenity of those future occupants of the ground floor units.
  - (b) Provide further justification in relation to delivery and/or proposed connectivity to any planned or proposed greenways and/or public infrastructure. This further justification should address, *inter alia*, any requirements for the payment of a special contribution towards the delivery of infrastructure as further detailed below.
  - (c) Provide further justification in relation to location of the pumping station. This further justification should address, *inter alia*, the options

considered which would minimise any ecological impact on the site and the surrounding area.

2. Prior to the lodgement of any application the prospective applicant should seek to ascertain what, if any, special contributions, the planning authority may seek at application stage (noting the contents of the report from the Parks Section under 'Appendix 2 Opinions from other Sections of the City Council' of the Planning Authority) and indicate at application stage if such contributions are acceptable or not, and if not, what grounds the Board may wish to consider in determining the application or not of such conditions.
3. A housing quality assessment which provides the specific information regarding the proposed apartments required by the 2020 Guidelines on Design Standards for New Apartments. The assessment and/or the statement of consistency should set out how the proposed apartments comply with the various requirements of those guidelines and its specific planning policy requirements.
4. A landscaping plan of the proposed open space within the site clearly delineating communal and public open space areas, play facilities allocated for a range of age groups and the boundary treatment adjoining any open space. The landscaping details shall be accompanied by a site-specific Management Plan which includes details on management of all communal areas and the public plaza.
5. A detailed phasing plan.
6. A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants), specifically with regards to overlooking, overshadowing and overbearing. The report shall include full and complete drawings illustrating daylight and sunlight analysis for proposed apartments and all open space areas
7. An updated Traffic Impact Assessment including updated traffic modelling based on the use of transport infrastructure with planning permission or in existence.

8. A Waste Management Plan.
9. Relevant consents to carry out works on lands both within the red line and others which are not included within the red-line boundary.
10. A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority.

### 5.3. Applicant's Statement of Response to ABP Opinion

5.3.1. A statement of response to the Pre-Application Consultation Opinion, as issued by the Board, was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016, which is briefly summarised as follows:

- Car parking has been provided to the rear of the apartment building at a ratio of 1 space per unit. Soft landscaping is proposed between the building and the car-park and this has been increased with the loss of 2 no. spaces. The car parking is positioned to provide convenient and secure car parking (overlooked) close to the associated apartments. The location brings activity and vibrancy to the 'hub' of the development.
- Communal open space for apartments: A roof top garden space is provided to cater for the apartment development. A minimum privacy landscape buffer of 1.5m is provided at ground floor to protect the privacy of apartments and car parking space that faced directly into apartments have been removed.
- Proposal involves the creation of new footpaths and connectivity linking along Rosshill Road. Applicant has also confirmed willingness to assist GCC in upgrading and repairing footpath connections further north along Rosshill Road. Site design gives full consideration to and integrates a full path network. The proposed development will improve connectivity to paths on Rosshill Road and Coast Road.
- In terms of location of the proposed pumping station and retention of trees, the pumping station was located to the west of the site within woodland due to levels on site and to ameliorate views of the pumping station. Arboricultural On foot of the ABP opinion the pumping station is moved forward of the stone wall and tree group so both remain untouched.

- The proposed pumping station will take wastewater via a rising main to discharge to the existing IW pumping station at Merlin Park. IW have confirmed that the development as proposed can be accommodated on the network without upgrade of the Merlin Park pumping station subject to a night-time pumping regime. The pumping station will provide 24 hour storage. The pumping station is designed to accommodate future development of zoned lands at this location.
- In relation to the application of a S48 Special Contribution for design and construction of a greenway connection between the proposed development and the Woods on the Rosshill Road (GCC Stage 2 Opinion) the applicant is not aware of any formal proposal for greenways in the immediate vicinity of the site and it is not presented in the adopted Development Plan or in any other statutory plan. It is noted that the applicant has made provision for increased pedestrian connectivity around the site onto Rosshill Studfarm Road and Rosshill Road to tie into the existing network. To support the ability of residents to move safely and in a connected manner from the site the applicant is willing to accept a S48 Development Contribution should the Board deem it necessary. The applicant would welcome more detail on the final contribution sum.
- Submitted documents include a Housing Quality Assessment; Landscape Masterplan; Phasing Plan; Report on Residential Amenity; Updated Traffic Impact Assessment; Operational Waste Management Plan; Relevant Consents; and details of areas to be Taken in Charge.

## **6.0 Relevant Planning Policy**

### **6.1. National Policy**

#### **6.1.1. Project Ireland 2040 - National Planning Framework**

The government published the National Planning Framework in February 2018. Objective 2a is that half of future development will be focussed on existing five cities and their suburbs. Objective 3b is that 50% of new homes would be within the

footprint of existing City settlements. Objective 27 is to ensure the integration of safe and convenient alternatives to the car into the design of communities. Objective 33 is to prioritise the provision of new homes where they can support sustainable development at an appropriate scale.

#### 6.1.2. **Section 28 Ministerial Guidelines**

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

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2020)
- Urban Development and Building Height Guidelines for Planning Authorities (December, 2018)
- Design Manual for Urban Roads and Streets (December 2013)
- Architectural Heritage Protection – Guidelines for Planning Authorities (2011)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)

#### 6.1.3. **Regional Spatial & Economic Strategy for the Northern & Western Regional Assembly (RSES) (2020)**

- The principal purpose of the Regional Spatial & Economic Strategy for the Northern & Western Regional Assembly (RSES) (2020) is to support the implementation of the National Planning Framework and the economic policies and objectives of the Government by providing a long-term strategic planning and economic framework for the development of the regions.

- Section 3.6 of the RSES sets out the Galway Metropolitan Area Strategic Plan (MASP), which provides a framework for development plans and investment prioritisation over the plan period.
- The MASP reiterates the significant population growth targets which are set out in the National Planning Framework and the RSES, which are that the population of Galway MASP to grow by 27,500 to 2026 and by a further 14,500 to 2031 with the population of the city and suburbs accommodating 23,000 to 2026 and a further 12,000 to 2031; and to deliver at least half (50%) of all new homes that are targeted within the MASP to be within the existing built-up footprint.
- The MASP identifies strategic locations within its plan boundary which: ‘present the opportunity and capacity to deliver the quantum of housing on the appropriate sites, subject to the adequate provision of services’. These locations include the suburbs of Galway City, including the Murrough LAP lands (500m west of the application site).
- The Galway Transport Strategy (GTS) will be implemented as an objective of the MASP. The GTS supports opportunities that will reduce congestion and car dependency through increased capacity of reliable and sustainable public transport and the promotion and facilitation of cycling and walking, which in turn promotes the reduction of greenhouse gas emissions. The strategy includes traffic management, giving priority to walking, cycling and bus movements, modifications to the traffic network, management of parking activities and heavy goods vehicles, improvements to the public realm and use of ‘smarter mobility’.

#### 6.1.4. Galway City Development Plan 2017-2023:

The site is subject to zoning objective

- **LDR:** To provide for low-density residential development, which will ensure the protection of existing residential amenity.

- Lands within the holding to the west of the site are zoned **G Agriculture and High Amenity**: To provide for the development of agriculture and protect areas of visual importance and/or high amenity.

The adjoining land to the south and west and lands to the east are also zoned LDR, with the lands closest to the coast zoned G.

There are specific development objectives for LDR lands subject of this application, shown in Fig. 11.13 of the CDP, entitled LDR 'Roscam Pitch and Putt and adjacent lands'. These specific objectives are 'subject to design, environmental assessments, water and wastewater services and traffic safety. Communal open space and recreational facilities may be a requirement in certain circumstances':

- The maximum plot ratio density of 0.2:1 shall only be considered following agreement on an overall layout of the area.
- This layout will have regard to the sylvan character of the site and where appropriate the protection of existing trees and the Roscam Folly.
- Development will only be considered where it accords with strategic main drainage proposals.

**Policy 2.9 Low Density Residential Areas** of the CDP states that it is the policy of the Council to:

'protect the character of these areas by ensuring new development has regard to the prevailing pattern, form and density of these areas' and to 'protect the characteristics of these areas through development standards and guidelines'.

**Map Based Objectives:**

- Public Transport Corridor is identified along the northern side of the railway line, adjoining the site – the public transport corridor is zoned RA (Recreational and Amenity). This corridor is identified in the GTS as a potential greenway corridor as part of the proposed cycle network for the city.



- Indicative Greenway Cycle Network - a small section of this route passes through the south western corner of the site. This proposed route is positioned along the coast to the city.
- An arterial bus route (as identified by the Galway Transport Study) is highlighted along the R338/Old Dublin Road.

A folly structure located to the south of the site is recorded on the RPS with the reference number – 8803 (Roscam Folly) and is also a recorded monument.

Rosshill Railway Bridge (RPS 8806, NIAH 30409423) is a protected structure.

In addition, the following sections of the development plan are relevant:

- Chapter 2 Housing and Sustainable Neighbourhoods
- Chapter 3 Transportation
- Chapter 4 Natural Heritage, Recreation and Amenity
- Chapter 8 Built Heritage and Urban Design
- Chapter 9 Environment and Infrastructure
- Chapter 11 Land Use Zoning Objectives and Development Standards and Guidelines

## 6.2. Designated sites

- 6.2.1. The site is not located within a Natura 2000 site. The western boundary of the landholding is 5 metres from Galway Bay Complex SAC (000268) and the Inner Galway Bay SPA (004031) is c 97 metres south east of the landholding. The Galway Bay Complex pNHA covers the same area of the SPA and SAC proximate to the site.

## 7.0 Applicant's Statement

The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of Section 28 guidelines, the County Development Plan and regional and national planning policies. The following points are noted:

## National and Regional Policy

- Consistent with policy objectives of NPF including objectives relating to population growth, consolidation and density within urban areas, transport and mobility, amenity and quality of design.
- Consistent with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009 including the 12 design criteria in the accompanying Urban Design Manual.
- Consistent with the Childcare Facilities Guidelines for Planning Authorities 2001 – creche with 91 no. childcare spaces is proposed.
- Consistent with policy requirements of Sustainable Urban Housing: Design Standards for New Apartments, 2020.
- Consistent with Building Height Guidelines 2018 – which provides for increased building heights within urban areas. SPPR3 allows for increased building heights where there are conflicting objectives in the development plan subject to compliance with DM criteria in Section 3.2 of the Guidelines. Statement presents a justification in relation to each of the DM criteria.
- Compliance with DMURS 2013 – Statement of compliance enclosed.
- Consistent with The Planning System and Flood Risk Management Guidelines – FRA included.
- Compliance with RSES and MASP policy in relation to population growth and consolidation and delivering new homes within the MASP area. The Roscam area is identified as a strategic growth area.

## Galway City Development Plan 2017-2023

Proposal considered in the context of various requirements of the City Plan.

- Site zoned for Low Density Residential. Principle of residential development acceptable.
- Material contravention statement submitted in respect of density / plot ratio standards for lands zoned LDR based on national requirements and other provisions of City Plan in relation to density.

- Consistent with other development objectives for LDR lands at this location including requirement to have regard to sylvan character and protection of trees and strategic main drainage proposals.
- Consistent with the Core Strategy of the Galway City Plan.
- Consistent with policy in relation to the creation of new neighbourhoods and with development standards, including standards in relation to open space, residential amenity and childcare.
- Car parking has been provided having regard to standards in the City Plan, and consideration of dual use parking and innovative design solutions. Material Contravention statement addresses issue of car parking.

#### Galway Transport Strategy 2016

- The GTS sets out a series of measures to address transportation issues experienced in Galway on a phased basis. The proposed development will avail of connections through and around the site – including the Bus Connects Galway – Dublin Road project.

A Material Contravention Statement has been submitted that addresses site ‘low density’ designation, plot ratio and car parking.

## **8.0 Third Party Submissions**

- 8.1. A total 40 submissions have been received from local residents and residents groups and other interested parties. Given the level of overlap between issues raised in the submissions received key points are summarised by theme below.

#### Policy Context

- Material contravention of zoning objective and Section 11.2.8 (Fig. 11.13) requirements in relation to plot ratio, protection of character, tree protection and drainage.
- Contrary to Core Strategy. Sufficient lands zoned for high density housing. Site not identified as a priority area. Other lands more accessible to transport, infrastructure and urban services.

- Contrary to NPF, RSES and Galway MASP and Section 28 Guidance. Not compatible with achieving compact growth. Guidelines under S28 do not justify a departure from site specific objective. Circular 02/2021 provides for discretion in relation to density. Government guidelines do not mandate high density in all areas.
- Material Contravention not justified under Section 37 2 (b) of P&D Act.
- Overdevelopment of an environmentally sensitive site. Low density justified on environmental grounds.
- LAP identifies neighbouring lands to the west for recreational purposes. This would leave development as an isolated pocket of housing given its location on a peninsula.
- Proposal premature pending preparation of an area plan.

#### Infrastructure / Services

- Inadequate infrastructure, urban services and community / educational services to support proposed development. Reference to deficiencies in the road network, cycle and pedestrian infrastructure and lighting and to substandard width and alignment of road network. Capacity of schools not assessed. No substantial area for children to play and no open area for communal recreation in the scheme.

#### Design / Impact on Residential Amenity

- Contrary to guidance in the Urban Design Manual – A Best Practice Guide.
- Site elevated and development will be visually obtrusive - question viewpoints used in the LVIA.
- Impact on protected views from Roscam Peninsula – V8, V9 and V13.
- Materially contravenes public open space standards and area in north-west is a detention basin for flood waters, not open space.
- Poor design that crams housing into one part of the site.
- Impact on amenity of existing residential properties – construction stage impacts; overlooking, overshadowing, daylight impacts; noise, dust and climate impacts; disturbance from cars / lighting. Significant increase in population. Question baseline data used in EIAR.

- Requests in relation to construction phase management.
- Concern in relation to depreciation of property values.

#### Transportation

- Contrary to provisions of the Galway Transport Strategy emphasis on focusing major developments on transport corridors.
- Site is not connected to existing public transport and development will be car dependent. Contrary to NSO4, NPO 27 and 30 of NPF.
- Traffic impacts on local roads – existing congestion. TII submission on previous application expressed concerns.
- TTA shows impacts on junctions. Question adequacy of surveys and modelling. Local road junctions not been assessed. Proximity of existing and proposed junctions will lead to and traffic hazard.
- No consideration of cumulative effect of future phases.
- Realigned road will impact access to adjacent properties. Question public liability / maintenance on realigned sections of road.
- Inadequate car parking.
- Limits options available for proposed Galway to Athlone Cycle route.
- Road network in the area unsuitable for cyclists – need for traffic calming at under bridge, speed limit at 80 kph high, proposed footpath under rail bridge would deprive westbound cyclists or road space.
- Premature / traffic hazard due to the lack of adequate safe facilities for vulnerable road users.
- Contrary to DMURS. Question viability of Coca-Cola Bike standards (operation of scheme in development not confirmed by bike scheme) and go cars.

#### Drainage

- Capacity of Merlin Park Pumping Station and wider drainage network to accommodate development. Condition in relation to night-time pumping suggests capacity constraints. No plan to upgrade Pumping Station until at least 2024.

- Overflow facilities on the network routinely discharging contaminated effluent to Galway Bay SAC. Overall system operating significantly beyond capacity. East Galway WWTP needed. Systems in Oranmore and at Merlin Park overwhelmed in terms of capacity. Implications for European Sites in Galway Bay.
- Removal of large natural surface water storage area leading in increased risk of flooding / impede local drainage. Local knowledge of flooding / waterlogging at this location. Concerns in relation to cumulative risk arising with development to the north. The LDR zoning is a response to flood risk. Does not mitigate risk as required under GCC Climate Adaption Strategy, 2019. Location of pumping station susceptible to flooding.
- Impact on water pressure and supply.
- Unprotected tidal waters and foreshore area close to the site and quicksand.
- Contravention of National Strategic Outcome 9 and NPO's 56 and 57 of NPF relating to sustainable management of water and other environmental resources.

#### Impact on Natural Environment (Biodiversity / Habit / Wildlife / Birds)

- Roscam peninsula surrounded by foreshores and waters of Galway Bay.
- Designated area of Galway Bay Complex SAC (habitats directive) and Inner Galway Bay SPA (birds directive) within metres.
- Urban development is identified as a specific threat and pressure to the Galway Bay SPA. NIS fails to address threats and pressures. Baseline survey of biodiversity inadequate. Wintering Bird Survey fails to assess pressures of the project on SCI's and to mitigate any such threats. Gaps in context, scoping and methodology of bird surveys. Time period and number of site visits inadequate. Summer breeding surveys needed. No consideration of potential for anthropogenic disturbance. Desk top studies / surveys referenced are out of date and more up to date reference material is not used. NIS does not identify all species residing at the Roscam Peninsula listed by NPWS and / or Galway City Biodiversity Action Plan 2014-2024. Curlew receives no significance despite presence in important numbers.

- Site is ex-situ habitat linked to the adjacent SPA/SAC areas. Heron (Crane) and Lapwing also use these fields. Flight paths suggest that the site is on a flight path between Inner Galway Bay SPA and Oranmore Bay SPA.
- The Ross Alta development to the north (16 no. houses under PA Ref. 16/228) was developed on low-lying and west site historically known as the Duelling Field. Grey Heron and many of the wading birds, including Curlew, frequently observed on these lands. Reference to no combined impact incorrect.
- Impact on red squirrel.
- Impact on Merlin Park Wood complex.
- Extensive loss of trees (42 no. trees), hedgerows and impact on biodiversity, carbon sequestration, wildlife.

#### Bats

- Bats are protected under Article 12 and Annex IV of the Habitats Directive. Illegal to deliberately disturb bats or to destroy or allow deterioration of their breeding sites or resting places. Jurisdiction to grant a derogation licence rests with the Minister for Heritage. The assessment of impact lies with the Board as part of the EIA process.
- CEMP anticipates habitat loss that will impact bats and cause impacts. The Board's assessment is required to clearly identify and assess the existence and impact of the disturbance, so that the impact can be taken into account in any application for a derogation licence, and to condition any permission on the grant of such a licence.
- Bat licence should be considered prior to grant of planning permission. It must be clear prior to granting planning permission that there will be no disturbance or deterioration. Applying for a derogation licence after planning permission is granted contrary to 2011 regulations.

#### Hydrology / Hydrogeology

- Underlying geology is limestone karst. There are numerous underground watercourses under the site which run into the bay close to this site. Site is

on regionally important aquifer with a groundwater vulnerability classified at extreme. It is upgradient of 3 no. karst springs and 2 no. European Sites.

- Geology of the Roscam Peninsula and karst features complex and unpredictable. It is difficult to predict associated hydrology with any confidence. Site characterisation must consider wider context. Karst Limestone is vulnerable to pollution.
- No tracing was conducted. No assessment of impact of surface water from the site and consideration of mitigation measures for its management. Effect of excavation on groundwater vulnerability and pathways has not been modelled or examined in any quantitative way. Concern in relation to the extent of excavation and earthworks and the potential impact on limestone / karst features and on groundwater. Analysis incomplete and lacking important geological and hydrological details.
- Evidence of groundwater from the karst springs on the Roscam Peninsula flowing into the Galway Bay Complex SAC can be seen during low tides and their locations indicate that the karstic spring pathways run downgradient through the application site, direction north to west and north to south. (p27submission of Barbara Grove shows imagery). Submitted documents do not include assessments to identify karst spring locations, pathways and outflows, discharges into the Galway Bay Complex SAC.
- Need to consider excavation / earth works proposed and impact on underlying watercourses given the hydrogeology of the area. Potential risk of changes to groundwater aquifer or contamination given the groundwater vulnerability of the site and surrounding areas during the construction phase.
- Dept of excavation is not specified. Karstified bedrock typically 1-3 m beneath soil and no trial pits dug to ascertain their depth there is a significant risk that excavations will extend beneath the till layer and compromise any protection it may afford to the bedrock. This may result in the provision of an additional route for contaminated water to enter groundwater. This is not addressed in the EIAR.
- No quantification of discharge / impact to determine where on site it will occur, to specify in what circumstances dewatering will be carried out, or to confirm



that it will be carried out and whether it will prevent discharge of pollutants and sediments into the aquifer.

- Question in relation to potential for interruption or blocking of shallow or deep groundwater pathways below the site. Depth of excavation is not specified, nor is depth of the soil, nor are the groundwater pathways, and it is not clear how the assertion that there will be no interruption can be made.
- Concern in relation to potential risks arising from use of concrete (concrete tanks) without mitigation measures aimed at preventing discharge to groundwater.
- Concern in relation to increase in stormwater run-off. Stormwater modelling is based on a min-range future scenario as opposed to a high range. On-site flood prevention measures are not designed to take account of a likely future scenario.
- No analysis of potential impacts on Tidal Mudflats (4110), Atlantic Salt Meadows (1330), and Salicornia (1310) c. 150m west of the site – taking into account the presence of at least 2 no. karst springs. The habitats, and specifically the mudflats are precisely where the 2 no. karst springs are located.
- The NIS and EIA cannot state, with any confidence that ground works will not cause a change to underlying hydrology and pose a significant risk to the SAC and SPA.

#### Procedural Matters

- Landownership - legal dispute over ownership.
- Boundaries of neighbouring properties extend to centre of public road. No consent from landowner for part of the roadway to be realigned.
- Incorrect road names on published notices contrary to Articles 192 and 194 of the P&D Regulations 2001. Deliberate misuse of road names. Incorrect description of works at the junction of the L-5037 and L-50371. No works can be carried out at this junction between the L-5037 and L-50371 because no application to that effect has been lodged in accordance with Articles 192 and 294 of the P&D Regulations.

- 'Letter of Consent' from GCC in relation to realigning of road refers only to intention to take roads in charge.
- Proposal to realign Rosshill Road not resolved and is ambiguous. Will this area of land be returned to owners / public right of way extinguished?
- No technical information for rising main along Rosshill Road.
- Sewerage system should be extended to cater for existing homes in the Rosshill area.
- Inadequacy of drawings and sections - fail to show contiguous developments.
- Phase 1 of larger development. Should all be considered together.

#### EIAR / NIS – Procedural

- No consultation with community on EIAR.
- Project splitting. Cumulative assessment in NIA and EIAR should include overall masterplan area referenced in application.
- Assessment of alternatives in EIAR inadequate. Only considered LDR lands.
- NIS relies on best practice as mitigation rather than fulfilling the conservation objectives of EU protected sites as required by the Habitats Directive and relevant case law. No certainty that proposed mitigation measures will prevent impact on the European sites.
- Board must adopt the precautionary principle and make findings beyond all reasonable scientific doubt. Best practice does not constitute preventative measures.
- Insufficient data to carry out an EIA on species protected under the Wildlife Act.

#### Other

- Information required under Childcare Facilities Guidelines not submitted (nature of facility, number of children, parking provisions, hours of operation, open space provision). Insufficient car parking for creche.
- Impact on Archaeology and Historic Character. Archaeological Report focused on site and ignores wider context. 700 m from several listed and protected archaeological monuments. Roscam houses a medieval ecclesiastical site dating from 5<sup>th</sup> century. There is also research ongoing in

relation to metal working at Rosshill in the Bronze Age. Round tower dating from 11<sup>th</sup> century – ruins – south of site. Church dating from 15<sup>th</sup> century.

## 9.0 Planning Authority Submission

- 9.1.1. In compliance with section 8(5)(a) of the 2016 Act, Galway City Council submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 6<sup>th</sup> September 2021. The report notes the policy context, site description, planning history, summary of third party submissions, and summary of views of the relevant elected members. The submission includes several technical reports from relevant departments of Galway City Council. The views of the Elected Representatives have not been included with the submission. The Chief Executive's Report is summarised as follows:

### Context, Density and Urban Form

- Low density zoning considered appropriate due to the established residential pattern, deficiencies in service provision and significance of landscape at this location. The proposed development materially contravenes the City Development Plan in respect of density and plot ratio.
- NPF promotes compact, sequential, and sustainable development in urban areas, that focuses on reuse of brownfield lands, building up infill sites and previously developed lands and more compact forms of growth. A key growth enabler for Galway includes progressing the sustainable development of new greenfield areas for housing and the development of supporting public transport and infrastructure. These strategic areas are identified in the RSES MASP and in the Core Strategy of the City Plan. The proposed site is not identified in the above land use plans and the Core Strategy as a key greenfield area for housing. Contrary to the approach and involves the introduction of higher density un-serviced residential development on the periphery of the city, leapfrogging existing serviced residential zoned lands and is linked to private car use.

- Section 11.2 states that “in the boundary areas of adjoining zones it is necessary to avoid developments which would be detrimental to the amenities of the more environmentally sensitive zones. For instance, in areas abutting residential zones a particular proposal may not be acceptable which could be acceptable in other parts of the zone”. The development is incongruous with surrounding land use zones and the remaining bank of LDR lands.
- It is not responsive to the urban fringe location, within a sensitive peripheral semi-rural area and is not in keeping with the existing development in this area of Roscam. There is a lack of services to support a residential development of this scale at this location. The proposed development represents a significant material contravention of the City Plan both in terms of the Core Strategy, residential development strategy, LDR land use zoning objective and the specific development objective Figure 11.3 – LDR Roscam Pitch and Put and adjacent lands and is not supported.
- In terms of density the site is regarded as a location that is suitable for smaller scale higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent (will also vary, but broadly >45 dwellings per hectare). However, the environmental sensitivities and the un-serviced nature of the site influences the achievement of such quantum's. The density of 35.8 units per hectare and plot ratio of 0.41:1 is contrary to the specified plot ratios for these lands detailed in Fig.11.13 of the CDP.
- The layout and form with heavily urbanised cells / character areas does not respond to the site context and sylvan character, urban form of liner cells of housing is not responsive to context, form or ecological features within the site, or reflect the aim to protect the sylvan nature of these lands. No central focus of community with little emphasis on how a sustainable neighbourhood will be created.
- Public realm associated with apartments is given over to car parking and does not create an attractive residential environment.

- Introduction of height on these LDR lands in the context of the surrounding rural area is a concern in particular the proposed four storey apartment blocks.
- Concerns in relation to overshadowing of rear gardens on 21<sup>st</sup> June at 18.00 of units along the western edge of character areas / cells no. 1-3 and also of adjacent lands to the east by apartment buildings. Layout sub-optimal and disregards the principles to minimise overshadowing and maximise future resident's amenity. ADF for apartments no. 4,6 and 22 and the equivalent apartments on first floor level, falls below the BRE recommendation for living / kitchen / dining spaces.
- Open space provision is unbalanced within the scheme. The retention of the northern treed section is welcomed. Considered that additional open space areas could have been introduced into the layout in order to provide amenity and visual relief counterbalancing the linearity in the urban form. There is limited open space in the middle of the development as demonstrated in CGI 4 and around apartment blocks.
- Section 11.3.1 of the City Plan seeks open space provision at a rate of 15% of gross site area. The proposed development provides open space at a rate of 15% of the developable site area. This issue is raised in third party submissions.
- There is a shortfall of c. 26 no. car parking spaces – 12% based on calculations provided.
- Provision of Childcare Facility noted. School Capacity Assessment noted. Suggested that the Department of Education and Skills is contacted in relation school capacity and delivery timeframes for projects.

### 9.1.2. **Summary of Inter-Departmental Reports**

#### Transportation Report:

- Some concern in relation to the impact of the proposed development on the local road network - particular reference to Rosshill Road / Old Dublin Road.

- Noted that there is an existing public transport route on the Old Dublin Road c. 1.1 km from the site and that pedestrian access to this route is being addressed. There is an existing unused bus stop on Rosshill Road. It is noted that the Galway Transport Strategy does not propose any bus routes along Rosshill Road. Further agreement needed in relation to lighting design.
- Refusal of permission recommended due to the lack of pedestrian, cycling and public transport infrastructure in the area it is considered that the scale of development in this location is premature. There remains concerns that the development will not encourage sustainable transport options and will result in high levels of commuting – addition to congestion. This is reflected in the junction analysis carried out for each of the following junctions – Old Dublin Road (R338) / Rosshill Junction, Doughiska Road Junction with the Old Dublin Road (R338), each of which show significant increase in delays and queuing at the junction due to traffic generated by the proposed development. Noted that analysis in future years assumes that the N6GCRR is approved and on this basis the assessment does not stand on its own merits.

#### Parks Section

- Parks Department have considered the landscape proposal and are satisfied that there is a defined hierarchy of pathways and open spaces with a good variation of active and passive amenity provision across the site. The retention of natural features is a positive contribution to the overall quality of the landscape and will provide a sense of place.
- Reference to a number of items not included / addressed as follows: play provision for older age groups; number of trees to be removed and trees to be protected does not include all trees at risk. Recommend that there is a revised tree survey report to include trees for removal and / or protection which are affected by conditions. There are design clashes between the layout of underground services and tree locations. The potential conflicts conflict with retention of sylvan character and exacerbates the environmental impact of the development. EIA mitigation measures should be conditioned to protect habitats classed as high value / local importance or

international importance. Other conditions recommended that require the provision of a woodland zone on the north, east and south of the site, and in relation to the conservation and retention of trees listed for retention. A tree bond is sought. Welcome provision of swales.

#### Waste Enforcement Unit

- Report sets out requirements in relation to construction and demolition waste and operational waste.

#### Water Services Section:

- Surface water drainage design acceptable to the Water Services Section. Note that applicant has received confirmation from IW in relation to foul and potable water connections.

### 9.2. **Statement in accordance with 8 (3) (B) (II)**

Galway City Council Chief Executive's Report recommends a refusal based on the following reasons:

1. Having regard to its density, scale and layout of the proposed development, with unbalanced and poorly configured communal open space and the degree of overshadowing caused, it is considered that the proposed development would constitute overdevelopment of this sylvan site, and would be significantly out of character with the established pattern of development in the area and fails to respond appropriately to this sylvan site and surrounding low density residential and adjoining agriculture, recreation and high amenity G and RA zoned lands context and the surrounding rural environment. This would be contrary with the Galway City Council Development Plan 2017-2023 policies under Chapter 2 Housing and Sustainable Neighbourhoods, Chapter 8 Built Heritage and Urban Design and Chapter 11 Land Use Zoning Objectives and Development Standards and Guidelines including Policy 2.9 *Low Density Residential Areas* and Fig. 11.13 *LDR Roscam Pitch and Putt and adjacent lands*, which seeks to protect the character of Low Density Residential areas by ensuring new development has regard to the prevailing pattern, form and density of these areas. The proposed development would,

therefore, be contrary to the policies of the City Development Plan and be contrary to the proper planning and sustainable development of the area.

2. It is considered that the scale and density of development proposed at this location is premature by reference to the existing deficiency of pedestrian, cycling and public transport infrastructure on the road network serving the area of the proposed development which would result in high levels of commuting by car causing traffic congestion in the area and would render that network unsuitable to carry the increased road traffic likely to result from the development and the period within which the constraints involved may reasonably be expected to cease, as indicated in the junction analysis carried out for the Old Dublin Road / Rosshill Road junction which shows significant increase in delays and queuing at the junction due to traffic generated by the development. The proposed development would, therefore, be contrary to the policies of the City Development Plan 2017-2023 and be contrary to the proper planning and sustainable development of the area.

## 10.0 Prescribed Bodies

The applicant was required to notify the following prescribed bodies prior to making the application: Irish Water, Minister for Housing, Local Government & Heritage, Heritage Council, An Taisce, Transport Infrastructure Ireland, National Transport Authority, Iarnród Éireann - Railway Operator, Commission for Railway Regulation, and The Galway County and City Childcare Committee. A total of 4 no. bodies have made a submission. Key points raised are summarised below.

### Irish Water:

- Connection to wastewater network can be accommodated subject to a night-time pumping regime for discharge to IW network. Proposed pumping station to be sized to cater for any future development on adjoining lands subject to agreement with IW.
- Connection to public watermain can be accommodated. Nearest point of connection at a point north of the railway bridge on the Coast Road. IW understands that this watermain is in third party ownership. Customer



required to confirm permission to connect; that infrastructure has sufficient capacity and integrity to take connection; arrange for transfer to IW; and demonstrate that the arterial infrastructure complies with requirements of IW Code of Practice and Standard Details.

- Statement of design acceptance issued. Standard conditions recommended.

An Taisce:

- Proposed development should be refused as it is a material contravention of the City Development Plan and would set a precedent for high density on low density residential land and agriculture/high amenity land.
- Proposal will have a significant effect on adjacent EU Natura 2000 sites; will likely have a significant effect on local biodiversity areas and ecological habitat networks, wildlife corridors, and steppingstones.
- Concerns raised in relation to assessments / evaluations and conclusions within AA and EIAR - insufficient in respect of Article 10 of the Habitats Directive. Page 7 – 9 of the submission reviews a number of sections of the submitted NIS and EIAR.
- Proposal contrary to NPF two tiered approach towards land zoning. The lands cannot be considered as a Tier 1 serviced zoned land for high density residential development.
- The Rosshill area is on a peninsula and is cut off from direct access and linkage by the railway line and associated infrastructure. Site is not included in nearby Murrough LAP area. High density development is premature without a Local Area Plan or similar and without extensive infrastructure and service capacity assessment.
- Proposal is premature due to lifetime remaining on City Plan, and current land use zonings in the area (Low Density Residential and Agricultural & High Amenity and Special Interest).
- Environmental trends and impact thresholds outside of development site not thoroughly assessed (e.g., traffic and human disturbance).

- Role of surrounding ecological / biodiversity networks and the likely significant effects of proposed development were not adequately evaluated. Impact of landscape fragmentation and loss of linear features in area not addressed, in particular with regard to cumulative effects.
  - Concern in relation to assessment of impact on Species of Conservation Interest in NIS. Concerns in relation to Flight Initiation Distances used against Minimum Approach Distances. No assessment of potential for disturbance during operational phase.
  - Impact on Bat Species not adequately assessed. Evaluation of significant adverse effects on habitat suitability for Annex IV Terrestrial Mammals (Bats) and proposed mitigation only relating to lighting. Impact of residential and vehicular lighting and noise and disturbance not considered.
  - AA Screening and NIS focused on SCIs / Qis and not thoroughly on the wider scope of conservation objectives of the Natura 2000 sites.
  - Ecological network in the area is crucial for overland / landscape connectivity and facilitates commuting / wildlife corridors / stepping stones for species to other nearby sites on either side of the development site location – all of which support ecologically the adjacent Natura 2000 sites and their SCIs / Qis.
- Reference to Policies and Objectives of the Galway City Development Plan 2017-2012 regarding Natura 2000 sites / network and Natural Heritage Areas (inc. Ramsar Convention sites) and Local Biodiversity Sites – Chapter 4 Natural Heritage and Galway City Local Biodiversity Action Plan 2014-2024 and Galway City Habitats Inventory 2005 refer.
  - Reference to EC publications on Green Infrastructure, National Landscape Strategy for Ireland 2015-2025, National Heritage Plan 2002, National Biodiversity Plan, National Landscape Strategy for Ireland 2015-2025.
  - Contrary to NPF objectives in relation to environmental management; climate action; protection and management of natural and cultural heritage including

protected areas and species; protection and management of greenbelts and air quality.

- Development will be severely underserved by existing infrastructure such as poor/insufficient public transportation access and linkage. Contrary to NPO objectives 72b and 72c of the NPF.

#### Transport Infrastructure Ireland:

Proposal is at variance with official policy in relation to the control of development on / affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines (2012), as the proposed development by itself and by the precedent which a grant of permission for it would set, would adversely affect the operation and safety of the national road network for the following reasons:

- Insufficient data has been submitted with the application to demonstrate that the proposed development will not have a detrimental impact on the capacity, safety or operational efficiency of the national road network in the vicinity of the site.
- Proposed development would be at variance with national policy in relation to the control of frontage development on national roads, as outlined in the above guidelines. It is strongly recommended that a TTA is carried out to assess the impacts of the proposed development in accordance with the 2014 TTI Traffic and Transport Assessment Guidelines and that any recommendations arising shall be incorporated in the proposed development by amendment to the existing planning application or as conditions of the permission, if granted. The TTA and any additional works required as a result of the TTA to be funded by the developer.

#### Irish Rail:

- No objection in principle. In the interests of safety / protection of assets, a number of conditions are proposed.
- Specific requirements include a requirement for 2.4m high palisade / palidine security fence along railway line (1.8m chain-link fence detailed on submitted drawings).

- Noted that the area of land under Rosshill Railway Bridge is owned by Iarnród Éireann / CIE and that there is a need for a wayleave for any works in this area.
- Reference to farming practices in the area that may need to be risk assessed.
- Question possibility of providing a road connection through the site as lands are landlocked between railway and the sea.

## 11.0 Assessment

Having considered all of the documentation on file, the PA's Chief Executive Report, the submission from prescribed bodies and third party submissions, I consider that the planning issues arising from the proposed SHD development can be addressed under the following headings:

- Land Use Zoning
- Density
- Development Strategy and Urban Design
- Quality of Residential Development
- Daylight, Sunlight, Overshadowing and Overlooking
- Traffic and Transportation
- Infrastructural Services - including Flooding Issues
- Other Matters
- Material Contravention – Density

These matters are considered separately below. Furthermore, I have carried out Environmental Impact Assessment and Appropriate Assessment in respect of the proposed development, as detailed in Sections 12.0 and 13.0 below.

### 11.1. Land Use Zoning

#### 11.1.1. Land Use Zoning

The Galway City Development Plan 2017-2023 is the operative development plan. The SHD site is zoned 'Low Density Residential' the objective of which is '*to provide for low-density residential development which will ensure the protection of existing residential amenity*'. This zoning also applies to the surrounding lands to the east, west and south. The City Plan identifies uses that are compatible with and contribute to the zoning objective and these include residential, local shops, and childcare facilities (Section 11.2.8 refers). There are policy requirements in Section 11.2.8 - Fig. 11.13 in relation to plot ratio, landscape character / tree protection and drainage that relate specifically to the LDR zoning at this location. A number of third party submissions argue that the scheme by reason of its density and deviation from the plot ratio standard in Figure 11.13 would contravene materially the zoning objective. I do not concur with this view. The land use zoning relates to the use of land solely or primarily for a particular purpose as opposed to any wider policy considerations. While the wider policy considerations in relation to density, landscape / tree protection and drainage, may be specific to the LDR zoned lands at this location. These are separate policy matters and do not form part of the land use zoning. These matters are considered in later sections of the assessment. On the basis that the uses proposed are compatible with the zoning objective I am satisfied that the proposed development is acceptable in principle and would not contravene materially the development plan with regard to the zoning of the land.

#### 11.1.2. Provisions of Section 9 (6) (b) of the 2016 Act

A number of third party submissions have questioned whether the application can be considered under the provisions of the Planning and Development (Housing) and Residential Tenancies Act 2016 on the basis that it would not satisfy the provisions of Section 9 (6) (b) of the Act which states that "*the Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land*". Having regard to the nature and scale of development proposed, namely an application for 102 residential units and 587.56 sq.m of 'other uses' on lands zoned LDR, I am of the opinion that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies

Act 2016. In addition, I am satisfied that the definition of SHD, in so far as it addresses the zoning of land, is concerned with the mix of uses permissible as opposed to any wider policy considerations and I am therefore satisfied that it is open to the Board to consider granting permission for the proposed development under the provisions of the 2016 Act.

One submission received from a third party states that the proposal development is premature pending preparation of an area plan. I would note that there is no requirement within the development plan for an area plan at this location.

## 11.2. Density

11.2.1. The proposed development has a stated density of 36 units per hectare and a plot ratio of 0.41:1 based on a stated net site area / developable area of 2.84 ha. The density calculation excludes woodland areas and treelines that are protected (in general terms) under a specific objective (Fig. 11.3) relating to the LDR zoned lands. I consider this to be a reasonable<sup>1</sup>. It is of note that when these areas are included the overall density calculation falls to 25.5 units per hectare (gross).

11.2.2. The City Plan identifies the subject lands for '*low density residential development*'. A specific objective relating to the SHD site and other LDR lands at this location specifies a maximum plot ratio of 0.2:1 (Fig. 11.13 refers). The density requirements are not expressed as units per hectare, however, the plot ratio maximum equates to a density of 18 units per hectare (approx.).

Many of the submissions received from third parties and from An Taisce a prescribed body express concern in relation to the exceedance of the development plan density standard arguing that the low density restrictions at this location are a response to environmental and infrastructural constraints in the area. The submissions argue that the proposed development would be out of character with the established character of the area. The CE's Report argues that the proposed development involves the introduction of higher density residential development on the periphery of the city that leapfrogs serviced residential lands. The Report states that the

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<sup>1</sup> Guidance on calculation of net densities in Appendix A of the Sustainable Residential Development in Urban Areas Guidelines (2009) refers.

development is not responsive to its urban fringe location and is not in keeping with the existing development in the Roscam area. The Report states that the proposed development is not consistent with the requirements of the residential development strategy and core strategy of the CDP. The CE's Report also states that there is a potential for conflict with the G zoning 'to provide for the development of agriculture and protect areas of visual importance and/or areas of high amenity' that applies to lands within the Roscam peninsula that are not zoned LDR.

- 11.2.3. The applicant makes a case for the proposed density stating that the objective of the development plan in relation to plot ratio would severely limit the potential yield from the zoned lands. It is noted that the plot ratio of 0.2:1 would yield in the region of 50 no. units on the developable site area of 2.8 ha and 84 no. units on the overall site area of 4.7 ha, a density of c. 18 units per hectare. It is argued that the density envisaged by the City Plan fails to meet policy guidance in the NPF for the efficient and sustainable development of zoned lands and policy in the Section 28 Sustainable Residential Development in Urban Areas Guidelines (2009) which promote densities in the range 35-50 units per hectare at locations such as this.
- 11.2.4. The site is at a transitional location on the periphery of an urban area. The SHD site is a zoned and serviceable site within the Galway MASP<sup>2</sup> area that is within c. 5 km of Galway City Centre and c. 850 metres from the Dublin Road (R338) transport corridor. The Dublin Road (R338) is identified in the Galway Transport Strategy and in the RSES as a strategic public transport route. Significant upgrades are proposed to provide for improved pedestrian, cyclist and public transport facilities along this route. This includes a proposed Bus-Connects route that was the subject of a non-statutory public consultation in late 2020. The site is south of and proximate to two large suburbs at Murrough and Roscam that have neighbourhood services and bus stops at distances of c. 1-1.5 km from the site. I would accept the view of the PA and third parties that the site and its environs are semi-rural in character and that access into and out of this area is restricted. This is due in part to severance caused by the railway and to an absence of pedestrian, cycle and public transport connections into the wider transportation network. The current limitations in respect

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<sup>2</sup> Metropolitan Area Strategic Plan

of accessibility and services do not alter the fact that the site is at the urban fringe and within the Galway MASP area. While the lands are not identified as strategic housing lands in the MASP, they are zoned for residential development and are part of the housing capacity lands detailed in the Core Strategy of the City Plan. The core strategy includes a total of 302 ha of LDR zoned lands across the city with an anticipated capacity of 815 units. While the expected number of units on the SHD site is lower (c. 18 units per hectare) the gross density proposed in this instance (c. 25 units per hectare) is not significantly in excess of what is envisaged and when considered in the context of the wider LDR zoned lands at this location I am satisfied that the proposed development would not exceed to any material extent, the core strategy allocation for the area. In relation to the conflicts with other zoning objectives, I would note that the G zoned lands referenced in the CE's report are at a remove from the SHD site along the coastal edge.

11.2.5. Recent planning policy at national and regional levels encourage higher densities in urban areas. The National Planning Framework (NPF) 2018 promotes the principle of 'compact growth'. Objectives 27, 33 and 35 of the NPF prioritises the provision of new homes at locations that can support sustainable development and encourage increased densities in settlements where appropriate. While some of the third party submissions argue that the proposed development would be contrary to these objectives, I do not accept this argument given the sites wider context within the urban area of Galway. Section 28 guidance, in the Sustainable Residential Development in Urban Areas Guidelines (2009), the Urban Development and Building Height Guidelines (2018), and the Sustainable Urban Housing Design Standards for New Apartments Guidelines (2020), assist in determining appropriate densities within urban areas. There is a reference in one third party submission to Circular Letter: NRUP 02/2021 21 April 2021 (Residential Densities in Towns and Villages). However, the guidance contained in that circular relates to towns and villages (not cities) and is not applicable in this instance.

11.2.6. The Guidelines on Sustainable Residential Development in Urban Areas (2009) recommend net residential densities in the general range of 35-50 dwellings per



hectare on outer suburban/greenfield sites<sup>3</sup> in large towns and cities. The guidelines state that development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares. The proposed density of 36 dwellings per hectare (net) is at the lower end of this density range. The more recent Urban Development and Building Height Guidelines (2018) state that increased building height and density will have a critical role to play in addressing the delivery of more compact growth in urban areas. The guidelines caution that due regard must be given to the locational context, to the availability of public transport services and to the availability of other associated infrastructure required to underpin sustainable residential communities. SPPR4 requires that in planning the future development of greenfield or edge of city locations planning authorities must secure the minimum densities set out in the Sustainable Residential Development in Urban Areas Guidelines. Section 2.4 of the Sustainable Urban Housing Design Standards for New Apartment Guidelines (2020) provide guidance in relation to the types of locations in cities and towns that may be suitable for increased densities, with a focus on the accessibility of the site by public transport and proximity to city/town/local centres or employment locations. I consider that the site meets the definition of a peripheral / less accessible urban location<sup>4</sup> and this is acknowledged in the CE's Report. Such locations are generally suitable for small-scale higher density development, or residential development of any scale that will include a minority of apartments at low-medium densities. It is noted that this will vary but would be broadly less than 45 dwellings per hectare net. The CE's Report argues that the environmental sensitivities and the un-serviced nature of the site influences the achievement of such quantum's. I consider that the proposed development, with a density of 36 units per hectare and a mixture of apartment and housing units, is generally consistent with national policy in relation to density at less accessible urban locations. The density provisions of the Galway City

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<sup>3</sup> I would note that this refers to sites that are over 500 metres walking distance of a bus stop, or within 1km of a light rail stop or a rail station.

<sup>4</sup> More than 800-1000 m of from a principal town or suburban centre and employment location, outside of 1.5 km from high capacity urban public transport stop (such as DART, commuter rail or LUAS) and over 500 m from a high frequency bus route.

Plan Development Plan, equating to 18 units per hectare (approx.) falls substantially short of the density standards envisaged in national planning policy.

11.2.7. The application includes a Material Contravention Statement in respect of (inter alia) density, and this statement is referenced in the public notices. The Board, therefore, has recourse to the provisions of Section 37 (2) (b) of the Planning and Development Act should it consider a material contravention to be justified in this instance. I consider that the density proposed is acceptable in this instance given the locational context of the site and is in accordance with national policy. Based on the foregoing, and without prejudice to the consideration of other matters, I consider that a material contravention in relation to density is justified having regard to the provisions of the NPF, RSES and Section 28 guidance. This is addressed further in Section 11.10 Material Contravention Density.

### **11.3. Development Strategy and Urban Design**

#### **11.3.1. Description of Site Layout**

The SHD site of 4.7 hectares encompasses the north-east section of a larger 10 ha landholding. The landholding is in agricultural use at present and was formally used as a golf course. The site is relatively flat at the eastern end with some variation in levels (c. 16-17 m OD), in the south-central section the lands slope uphill to a high point (c. 20.5 m OD) and fall away to the west and north-west of this (low point c. 7 m OD). There are mature trees lines and hedgerows along the northern and eastern site boundaries, a number of mature trees along the southern site boundary and a substantial woodland area in the western section of the site.

The site is accessed from the eastern boundary with Rosshill Road close to the south-west corner of the site. The submitted documents refer to this section of road as the Rosshill Stud Farm Road to distinguish it from the section of the Rosshill Road that runs along the northern boundary. This is not the official road name (as raised in third party submissions) with the road known locally as Rosshill Road/Rosshill Peninsula Road. As this is the reference used in the submitted documentation, for clarity I refer to this road as the Rosshill Stud Farm Road in my report and to the section along the northern boundary as Rosshill Road. It is proposed to realign a section of the Rosshill Stud Farm Road and the Rosshill Road

within the site to create a new T-junction west of the existing junction to improve sightlines. An area of planting is to be retained between the existing and proposed sections of roadway. A public footpath is proposed from the entrance of the development up to the new junction. The new footpath will continue along the northern boundary of the site and to the north where it will connect into a new footpath being constructed as part of a 16 house development to the north (just beyond the railway bridge). The combined footpaths will connect to the R338/Old Dublin Road. A number of third parties have questioned the lack of clarity in relation to the future use / ownership / maintenance of the existing roadway following realignment. The PA have not raised any concerns in relation to the proposed realignment. Details for commissioning of the new road section and for the decommissioning of the old road section can be agreed with Galway City Council. I recommend a condition to this effect in the event of a grant of permission.

The Architectural Design Statement (ADS) submitted with the application includes a masterplan layout for the overall landholding. This is an indicative plan prepared by the applicant (without input from a public authority) to show that the proposed layout can integrate with the surrounding LDR zoned lands. Under a previous SHD application which related to the overall landholding (ABP-306413-20) permission was refused for reasons including the form and layout of the development and the failure to integrate existing trees and woodland areas. The layout in this instance differs from that submitted under the previous application. The ADS states that the design strategy seeks to (inter alia) work with contours, provide a coherent route through the site, pull development away from sylvan boundaries and create a green buffer, provide legible housing cells, provide well supervised streets and maintain best quality trees. It states that existing tree groups have been prioritised within the layout and that these groups are to be maintained and supplemented where possible. A linear woodland is proposed along the northern boundary of the site connecting to a proposed parkland area at the western end of the site that encompasses the existing woodland. The housing blocks are set back from the northern and western boundaries. An east-west link street (6m wide) is proposed along the southern site boundary and the apartment block and three 'housing cells' are located to the north of this. The apartment block provides frontage onto the

realigned Rosshill Stud Farm Road, while the housing blocks are set within the site and front onto proposed streets and spaces. The link street extends beyond the proposed housing and runs north along the proposed parkland to provide access to a proposed pumping station.

The CE's Report states that the development displays a linear layout and form with heavily urbanised cells that does not retain the sylvan character of the lands. It is stated that the '*unrelenting regimented linearity grid iron urban form, dominated by linear sections of continuous housing, does not response to its context nor does it seem to have evolved naturally as part of its surroundings*'. It is argued that little consideration is given to building lines and streetscape to give visual character, relief and variety in the layout and it is considered that the layout does not make the most of the opportunities presented by existing landform and ecological features and sylvan character. It is also stated that there is no discernible focal point to the scheme and that open space is unbalanced, while the retention of the northern tree line is welcomed. The Report of the PA's Parks Department states that the department is satisfied that there is a defined hierarchy of pathways and open spaces with a good variation of active and passive amenity provision across the site. It states that the retention of natural features is a positive contribution to the overall quality of the landscape and will provide a sense of place. Conditions are recommended in relation to detailed design matters.

The housing blocks are laid out around a network of roads, pathways and are enclosed by the open spaces to the north and west. I am satisfied that there is a high level of permeability within the proposed street network and that there is provision for connection to adjoining LDR zoned lands. There is a coherent relationship between housing blocks and active frontages and passive surveillance to the open spaces to the north and west. The ADS states that the development contains two 'character areas' defined through building form and architecture. The character of the housing blocks are similar throughout in my view with the apartment block introducing some variety. This is acceptable in my view given the relatively modest scale of development proposed. The external finishes comprise a mix of nap plaster and stone. This is acceptable in the case of houses. However, for the apartments I recommend that the applicant is required by condition to provide higher

quality and more durable exterior finishes in place of the proposed nap plaster (e.g., light coloured brick or stone). I welcome the use of housing blocks that turn corners and provide for good permeability and frontage to streets and spaces in accordance with the principles of good urban design in the Urban Design Manual. I would note that there are no substantial areas of open space between the housing blocks, with larger open areas located on the northern and western ends of the scheme. This is justified on the basis that the layout is designed around the existing trees and maintains a buffer from the site boundaries to retain the Sylvan character. The open space layout responds to the site specific objective (Fig. 11.13) in relation to the preservation of sylvan character and trees, and I am satisfied that there is a high level of open space provision within the scheme. Contrary to the view expressed in the CE's Report I consider the two storey housing blocks to be of a 'village scale' as opposed to 'urban' in nature and to represent a suitable design response at this transitional urban location.

#### 11.3.2. Open Space and Sylvan Character of the Site

Section 11.3.1 of the City Plan seeks provision of recreation and amenity space at a rate of 15% of the gross site area within outer suburban areas such as this. Specific policy objectives under Figure 11.13 of the City Plan states, in respect of the LDR lands at Roscam that "*This layout will have regard to the sylvan character of the site and where appropriate the protection of existing trees and the Roscam Folly*".

The applicant has calculated the open space requirement based on the net site area of 2.8442 ha and states that the cumulative open space of 4,437 sq.m equates to 15.6% of the net site area. Third party submissions highlight the fact that the minimum open space requirement at outer suburban locations is 15% of the gross site area and argue that open space provision falls short of that envisaged under the development plan. However, the calculation provided by the applicant excludes the substantial parkland area at the western end of the site. The stated developable area (28,442 sq.m) and the parkland area (11,706 sq.m) equate to a gross site area of c. 4 ha with a minimum open space requirement of 6,022 sq.m (excluding roads). When the parkland is included in the open space calculation the development plan requirement for 15% of gross site area is substantially exceeded.

The submitted Landscape Report (relating to the entire landholding) states that a core principle underlying the landscape design is to retain the best of the existing trees on site, insofar as feasible. It is also noted that the landscape design seeks to work with the existing tree cover and topography, retaining features of merit such as embankments and significant tree stands to create connected public open spaces. It states that the retention of the sylvan character will be achieved through the retention of as many of the highest value trees as possible alongside significant new tree planting. A tree survey of the site has informed the landscape and design of the proposed development. During survey a total of 56 no. trees, 7 no. tree groups and one hedgerow were recorded across the masterplan area. The survey states that most of the existing mature trees are located along the masterplan site peripheries and former field boundaries. The development will require the removal of a number of trees (42 no. in total) but the majority of these are low to moderate value. Tree groups TG6 and TG7 contain groupings of high quality trees and are largely retained within the layout (some tree removal at eastern end). The report of the PA's Parks Department notes a conflict between the trees to be retained and the location of the proposed site compound and underground services. It is noted that these 'design clashes' puts the sylvan character of the site at risk. The Report recommends that a woodland zone of a minimum 15-20 m be provided on the north, east and south of the site as an essential aspect of the proposal to meet the Development Plan guidelines and to retain Sylvan Character. I would note that this was also requested under the previous application.

I consider that Tree Groups 2, 6 and 7 make a significant contribution to the sylvan character of this area (and to biodiversity) and that the retention of these groupings (with limited intervention to TG6) in accordance with the recommendations of the previous Inspectors Report (ABP-306413-20) makes a significant contribution to the sylvan character of the development. I do not consider a blanket 15-20m woodland zone to be necessary around the perimeter of the site in order to retain the sylvan character. I am satisfied that the proposed pumping station has been positioned to avoid substantial tree stands. Substantial tree groups are to be retained largely intact and it is proposed to retain the stone walls within the site. The indicative route of a proposed coastal cycle route on the development plan zoning map is in the

south-west corner of the landholding and is not impacted by the proposed development. I would note that the extent of tree loss and encroachment into significant tree groupings has been substantially reduced relative to the previous proposal considered by the Board. Overall, I consider that a reasonable balance has been achieved between the retention of existing planting and the development of the site for housing and that the scheme meets the requirements of the specific objective to retain the sylvan character.

I would note that excavation is proposed in the central section of the site with some finished levels c. 2-2.5m over natural ground level. The reprofiling of ground will result in a more graduated change in levels across the site which I consider to be reasonable. However, more detailed information is required in relation to proposed tie in's and in relation to proposed retaining features prior to the commencement of any works on site. Concerns raised by third parties in relation to the environmental impact of the proposed excavations are addressed separately in the EIAR / AA sections below.

#### 11.3.3. Height

The proposed houses are predominantly 2 storeys, steeping up to 3 storeys at corners and the apartment block is 4 storeys. Concerns have been raised in third party submissions in relation to the proposed development stating that the scale and height of the development is at odds with the existing pattern and scale of development in the vicinity. The CE's Report states that the site is on the urban fringe in an outer suburban neighbourhood of Roscam and that this requires a development that is responsive in terms of design to its context. The proposed 2 storey housing blocks are in keeping with the 1-2 storey housing in the wider area, while the 4 storey apartment block exceeds the prevailing building heights by 2 storeys. There are no specific limitations on building height in the Galway City Development Plan. Section 8.4 states that when assessing height consideration will be given to: protection of existing built and natural heritage and residential amenity; creation of landmarks that enhance the city's legibility without eroding its innate character; retention of existing benchmark heights so as to retain strategic views and to protect and enhance the general character of sensitive locations; and promotion of higher density at centres/nodes of activity, on large scale infill sites and along public

transport corridors. It is noted that any development proposals for buildings above the prevailing benchmark height will be required to be accompanied by a design statement outlining the rationale for the proposal and an assessment of its impact on the immediate and surrounding environment including buildings, open space, public realm and any views. The application is accompanied by a Architectural Design Statement that addresses these matters.

I refer to Board to the Landscape and Visual Impact Assessment contained in Section 12.0 Environment Impact Assessment. I have reviewed the CGIs and the Visual Impact Assessment submitted with the application. In terms of the impact on the character of the area, the introduction of housing on lands that are currently in agricultural use will change the character of the site and its immediate surroundings. This change is consistent with the land use zoning objective that applies to the site. The proposed development will not be visible on medium to longer range views and will not, therefore, impact to any significant extent of protected views detailed in the Galway City Development Plan (V8, V9, V13). The Building Heights Guidelines 2018 sets out a specific planning policy requirement (SPPR 4) that the future development of greenfield or edge of city/town location must include a greater mix of building heights and typologies and that mono type building typologies should be avoided. The scheme responds to this specific policy requirement. I consider that the proposed development would not result in significant visual impacts or significant negative impacts on landscape character. I consider that a density in the range of 35-50 units per hectare is appropriate for this site (as discussed in Section 11.2 above) and that greater height is consistent with national planning policy. I consider the proposed building heights to be acceptable having regard to the sites transitional location at the edge of the built up area and to the specific provisions of SPPR 4 of the Urban Development and Building Height Guidelines.

#### 11.3.4. Conclusion Development Strategy and Urban Design

I consider that the proposed development has responded to the previous reason for refusal and that the outstanding issues can be satisfactorily addressed by way of condition. I am satisfied that the proposed development strategy is successfully in addressing the requirement to retain the sylvan character of the site. The scale and



density of the development is appropriate, in my view, given the sites transitional location between the urban area and the agricultural zoning.

#### 11.4. Quality of Residential Development

The following assessment considers the quality and amenity of the development relative to relevant quantitative and qualitative standards for residential development. The assessment has regard to guidance set out in the 'Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities' 2020 and the Galway City Development Plan 2017-2023.

##### 11.4.1. Housing Mix and Apartment Design and Layout

The proposed development would provide for the following housing mix:

	1 bed	2 bed	3 bed	4 bed	Total
<b>Apartments</b>	11 (31%)	24 (69%)	0	0	35
<b>Houses</b>	0	0	54	13	67
<b>Total</b>	10.8%	23.5%	52.9%	12.7%	100%

SPPR1 of the Apartment Guidelines states that apartment developments may include up to 50% one-bedroom or studio type units and that there shall be no minimum requirement for apartments with three or more bedrooms. Section 11.3.1 (a) of the City Plan states, in relation to outer suburbs, that residential developments of 10 units and over shall normally provide a mix in type of residential units. I am satisfied that the proposed development meets the requirements of SPPR 1 of the Apartment Guidelines, 2020 and that there is a reasonable mix of units provided within the scheme. On this basis, I consider that the proposed housing mix is acceptable.

##### 11.4.2. Apartment / Design and Layout

The schedule of floor areas set out in the Housing Quality Assessment indicates that floor areas for all apartment units meet and exceed the minimum specified in SPPR3 of the apartment guidelines.

Section 3.7 of the guidelines stipulate that no more than 10% of the total number of two bed units in any private residential development may comprise two-bedroom, three person apartments. There are 21 no. 2 bed 4 person units and 3 no. 2-bed 3 person units. The provisions of Section 3.7 are met.

Section 3.8 of the guidelines 'Safeguarding Higher Standards' requires that the majority of all apartments in any scheme (> 10 units) shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bed unit types by a minimum of 10% (any studio apartments must be included in the total but are not calculable as units that exceed the minimum by at least 10%). A total 20 no. apartments (57%) exceed the 10% standard. The requirement is met and exceeded.

SPPR 4 requires a minimum of 33% dual aspect units for developments in more central and accessible urban locations and a minimum of 50% dual aspect units for developments in suburban or intermediate locations. 80% of the proposed units are dual aspect.

SPPR 5 requires a minimum of 2.7m ground level apartment floor to ceiling heights. This requirement is complied with.

SPPR 6 specifies a maximum of 12 apartments per floor per core. This requirement is complied.

Appendix 1 of the guidelines set out minimum storage requirements, minimum aggregate floor areas for living / dining / kitchen rooms, minimum widths for living / dining rooms, minimum bedroom floor areas / widths and minimum aggregate bedroom floor areas. Private open space is provided in the form of balconies / terraces with minimum space and depth standards met and exceeded within the scheme.

Appendix 1 of the Apartment Guidelines sets out the following minimum area requirements for communal amenity space in new apartment developments:

Unit	Apt / Duplex No.	Per Unit (sq.m.)	Total Requirement
1 bed	11	5 sq.m	55 sq.m
2 bed (3 person)	3	6 sq.m	18 sq.m

2 bed (4 person)	21	7 sq.m	147 sq.m
Total	35		220 sq.m.

The scheme provides communal open space for the apartments in the form of a roof garden. A total of 226 sq.m of communal open space is provided. While the requirement of the guidelines is met I consider the level of provision to be substandard having regard to the greenfield nature of the site and the potentially open and windswept nature of the roof space. I recommend that a minimum of 220 sq.m communal open space is provided in the car parking area to the west of the apartment block. I am satisfied that this issue can be satisfactorily addressed by way of condition in the event of a grant of permission.

#### 11.4.3. Houses Design and Layout

The proposed development contains 67 no. houses. I refer to the private open space standards for houses set out in Section 11.3.1 (c) of the Galway City Development Plan, which requires private open space at a rate of not less than 50% of the gross floor area of the residential unit. All houses meet the minimum standards. Section 11.3.1 (d) requires that residential units shall not directly overlook private open space or land with development potential from above ground floor level by less than 11 metres minimum and that in the case of developments exceeding 2 storeys in height a greater distance than 11 metres may be required, depending on the specific site characteristics. I am satisfied that the requirements are generally met within the scheme and that the proposed layout would not give rise to undue overlooking. The plan also states that the distance between side gables and side boundaries of dwellings shall normally be a minimum of 1.5 metres. This standard is also generally met where end gables occur.

#### 11.4.4. Other Matters

The housing blocks within the scheme are laid out such that there are distances greater than 22 metres between opposing windows, and there are therefore no concerns regarding overlooking.

Provisions are made for waste storage within the curtilage of the houses and in shared bin stores for apartment units and commercial units. The submitted documents include an Operational Waste Management Plan.

In terms of microclimate impacts I am satisfied having regard to the 2-4 storey building height that significant microclimate impacts are not likely to arise.

#### 11.4.5. Quality and Amenity of Development Conclusion

To conclude, I consider having regard to national and development plan guidance for residential development that that the design of the development is satisfactory and that there is a reasonable standard of residential accommodation for future residents.

### 11.5. Daylight, Sunlight, Overshadowing and Overlooking

I refer the Board to the submitted Daylight, Sunlight and Overshadowing Study prepared by IES. The Sustainable Urban Housing Design Standards for New Apartment Guidelines 2020 and the criteria for taller buildings in Section 3.2 of the Urban Development and Building Height Guidelines recommend that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'<sup>5</sup>. The Galway City Development Plan states in Section 11.3.1 (e) that all buildings should receive adequate daylight and sunlight. All habitable rooms must be naturally ventilated and lit and living rooms and bedrooms shall not be lit solely by roof lights. I have considered the submitted assessment and have had regard to the BRE and BS guidance documents referenced in Section 28 Ministerial Guidelines.

#### 11.5.1. Proposed Units

Section 9.0 of the study addresses daylight access to units within the proposed development. The BRE and BS guidance documents recommends that for new

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<sup>5</sup> This is also one of the criteria for accessing taller buildings under SPPR3 of the Urban Development and Building Height Guidelines 2018. In this instance there is no exceedance of the building height standards detailed in the operative development plan and as such the criteria in Section 3.2 of the Building Height Guidelines are not relied upon.

dwelling's daylight to habitable rooms should exceed a calculated Average Daylight Factor (ADF) of 2% for a kitchen, 1.5% for a living room, 1% for a bedroom and 1.5% for a living room / bedroom. Section 5.6 of the BS guidance states that where a room serves more than one purpose, the minimum ADF for the room with the highest value should be applied. An assessment of daylight access to a sample of units has been undertaken having regard to the standards and methodologies detailed in the BRE and BS guidance. Almost all of the rooms tested in houses meet the minimum standards (99%) of 1.5% for living areas and 2% for kitchen / dining areas. In the case of the apartments units at levels 00 and 01 the target ADF level of 2% for a combined kitchen / living / dining room and 1.5 for a bedroom is met in the majority of cases. Of the ground and first floor level units tested a total of 6 combined kitchen / living / dining areas do not meet the 2% standard. This represents a 86% pass rate overall. All units met the 1.5% ADF standard. I would note that the rooms tested are at the lowest levels of accommodation and represent the worst-case scenario. I consider the level of performance with ADF standards to be high overall.

Section 8.0 of the submitted Sunlight and Daylight Access Analysis addresses daylight access to proposed open spaces within the development. The BRE guidance recommends that at least 50% of the amenity areas should receive a minimum of two hours sunlight on 21<sup>st</sup> March (spring equinox). The results detailed in the IES Study show that all of the communal and public spaces exceed the threshold. In the case of private gardens, I would note that overall, the 50% requirement on 21<sup>st</sup> March is met but that a number of individual gardens fall below this standard. When modelled for the 21<sup>st</sup> of June all of the gardens significantly exceed the 50% requirement.

In relation to the shortfall in respect of daylight access to habitable rooms in the apartments and to open spaces associated with housing units I would note that the Apartment Guidelines, 2020 and the Building Height Guidelines<sup>6</sup> state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout

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<sup>6</sup> This guidance is also contained in Section 3.2 of the Building Height Guidelines (2018). I consider that the requirement under SPPR3 to meet the criteria in Section 3.2 does not arise in this instance as there is no material contravention of the relevant development in respect of height.

Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all of the requirements, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the PA or ABP should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution. The discretion offered is relevant in this instance in my view. The site is constrained by the need to retain existing planting and the applicant has opted for a compact block form that limits the development footprint and maintains a setback from boundaries and significant trees. Compensatory measures are discussed in the Study. This includes the benefits of having open plan living / kitchen and dining areas and balconies. Gardens that did not have sunlight in 50% of the garden area for more than 2 hours on 21<sup>st</sup> March did meet the standard in June. The standard is reflective of the traditional housing layout (closed block structure) proposed.

The scheme performs well in respect of daylight provision and is acceptable in this respect in my view. Where BRE standards in relation to internal rooms and garden areas are not met the shortfall is modest and I consider that any impact on the amenity of the units would be more than mitigated by compensatory design measures including the overall size of the units and location of the units within a sylvan setting with extensive open space and parkland.

#### 11.5.2. Neighbouring Dwellings

The BRE guidance on daylight is intended for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms. Criteria set out in Section 2.2 of the guidelines for considering impact on existing buildings are summarised as follows:

- Is the separation distance greater than three times the height of the new building above the centre of the main window? In such cases the loss of

light will be small. If a lesser separation distance is proposed further assessment is required.

- Does the new development subtend an angle greater than 25° to the horizontal measured from the centre line of the lowest window to a main living room? If it does further assessment is required.
- Is the Vertical Sky Component (VSC) greater than 27% for any main window? If so, enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum.
- Is the VSC less than 0.8 of the value before? The BRE guidance states that if VSC is both less than 27% and 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight.
- In the room impacted, is area of working plan which can see the sky less than 0.8 the value of before? If 'yes' daylighting is likely to be significantly affected. Where room layouts are known, the impact on daylight distribution in the existing building can be assessed.

The tests above are a general guide only and the BRE guidance states that they need to be applied flexibly and sensibly. It is noted that there is likely to be instances where judgement and balance of considerations apply.

The IES Study includes an assessment of potential impact on 4 no. dwellings to the north, east and south of the proposed development. The closest dwelling is situated c. 34 metres to the east of the site on the opposite side of the Rosshill Stud Farm Road. Dwellings to the north are over 90 metres from the closest housing blocks, while the dwelling to the south is c. 124 m from the closest housing block. With the exception of the dwelling to the east the separation distance between the proposed housing blocks and the existing dwellings (windows) is greater than three times the height above the lowest window and does not subtend more than 25 degrees at the lowest window. On this basis I am satisfied that no further assessment is required in respect of these receptors.

In the case of the dwelling to the east the Vertical Sky Component to windows in the western elevation (facing the proposed apartment block) was modelled. At all points tested the VSC value was greater than 27% with the proposed development in place meeting BRE standards.

The assessment of impact on Annual Probable Sunlight Hours again focuses on the property to the to the east given the separation between the proposed development and the other sensitive receptors. BRE Guidance states that if a main window facing within 90° of due south and any part of a new development subtends an angle of more than 25° to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sun-lighting of the existing dwelling may be adversely affected. It is noted that this will be the case if the window:

- receives less than 25% of annual probable sunlight hours March to September (summer), or less than 5% of annual probable sunlight hours September to March (winter);
- receives less than 0.8 times its former sunlight hours during either period;
- and has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

The results show that the predicted level of change would be at most slight, with Annual Probable Sunlight hours exceeding 25% in summer and 5% in winter with the development in place.

I am satisfied that the assessments undertaken in relation to daylight, sunlight and overshadowing are robust and comprehensive and that they demonstrate that any impacts on neighbouring dwellings with the proposed development in place would be imperceptible at most and would meet the recommended standards set out in the BRE document "Site Layout and Planning for Daylight and Sunlight – a Guide to Good Practice" 2011 (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.

#### Overshadowing

Section 7 includes an assessment of shadow impacts. The BRE Guidance states that "*It is recommended that for it to appear adequately sunlight throughout the year,*



*at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sun on 21<sup>st</sup> March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable”.*

I would note that there would be no substantial shadow impacts on neighbouring residential properties on 21<sup>st</sup> March, 21<sup>st</sup> June or 21<sup>st</sup> December. There would be some encroachment into an opposing commercial property to the west in the evening period in June, however, this is not considered to be significant. I am satisfied on the basis of the submitted documentation that the proposed development would not impact on the amenity of residential properties in the vicinity of the site due to overshadowing.

#### Overlooking

There are no opposing first floor windows within 22 metres of neighbouring residential properties. In terms of concerns raised about the proposed roof garden and apartment block, I do not consider the proposed roof garden or windows / balconies will be seriously injurious to residential amenity of properties in the area given the level of setback from opposing dwellings.

### **11.6. Traffic and Transportation**

11.6.1. I refer the Board to the Traffic and Transportation Assessment submitted with the application and to Chapter 13 of the EIAR. The site is located to the south of Rosshill Road, a single carriageway road that connects to the Dublin Road (R338) to the north and the Coast Road (R338) to the east. There is a narrow footpath along the northern side of the Rosshill Road in the vicinity of the site. The Rosshill Stud Farm Road runs along the eastern site boundary. This is a narrow single carriageway road with no cycle or pedestrian facilities. The Rosshill Road and the Rosshill Stud Farm Road intersect in a priority controlled T-Junction at the north-east corner of the site.

There is a bus stop on the Rosshill Road immediately north of the site. However, this stop is not in service. The closest operational bus stops are on the Dublin Road

(R338) at distances of 1.2 km (Dublin Road / Coast Road Stop) and 1.3 km (Dublin Road / Murrough Stop) from the site. These stops are served by urban bus services (Route 404 and 409) one of which operates every 10 minutes. Oranmore train station is located 2.8 km from the site.

The following road network improvements are proposed as part of the proposed development:

- Junction of Rosshill Road and Rosshill Farm Stud Road to be closed off and a new realigned junction provided within the boundary of the site.
- A 2m wide footpath is proposed along the eastern boundary of the site with Rosshill Farm Stud Road, which is to be extended along the northern boundary to connect under the railway line to a 2m wide footpath which is currently under construction as part of permission ref 16/228 for 16 houses north of the railway line, opposite the northwest portion of the site.
- It is proposed to provide GoCar spaces within the development and electric vehicle charging points for the apartments.
- The TTA states that it is proposed to repair existing footpaths, however, no detail is presented in relation to the extent of area to be repaired along the road.

Significant transport projects proposed under the Galway Transport Strategy 2016 include:

- The N6 Galway City Ring Road (in planning Ref. ABP-302885-20); and
- The Bus Connects Galway Dublin Road Project. An emerging preferred route for this project was published in October 2020.

#### 11.6.2. Car and Bicycle Parking

A total of 183 car parking spaces are proposed. Section 11.3.1 (g) of the City Development Plan sets out the following options for car parking:

- 2 on-site spaces per dwelling and 1 grouped visitor space per 3 dwellings or
- 1 on-site space per dwelling and 1 grouped visitor space per dwellings or

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

Section 11.10.1 states that consideration will be given to grouped and dual use parking provision where peak demands do not coincide and that a reduction in the car-parking standards may be acceptable when an application for development includes a Travel Plan, which demonstrates alternative methods of dealing with traffic generation.

Car parking is provided for the apartments at a rate of 1 space per apartment and one visitor space per four apartments. This accords with the provisions of the Apartment Guidelines for peripheral / less accessible urban locations. Where in curtilage parking is proposed there are 2 spaces per dwelling. Where grouped parking is proposed there are 1.5 spaces per dwelling with 1 visitor space for every 3 dwellings. 7 spaces are proposed for the creche and 3 spaces for the commercial unit. It is anticipated that there will be an element of dual-usage with the apartment spaces during the day. The level of provision is marginally below that sought in Section 11.3.1 (g) of the development plan. I consider the level of provision to be acceptable. I have recommended in Section 11.4 above that 14 car parking spaces are omitted from the parking courtyard to the rear of the apartments to provide for communal open space at ground level. Given the potential for dual use of spaces in this area with the creche and commercial unit I remain satisfied that the level of provision is acceptable. The submitted documents include a material contravention statement that addresses (among other matters) the shortfall in car parking provision relative to the standards set out in the development plan. However, as Section 11.10.1 provides flexibility in relation to the rate of provision and the proposed development is not in conflict with any specific policy or objective of the plan I am of the view that the issue of material contravention does not arise in this instance.

240 cycle parking spaces are proposed to serve the apartments, crèche and retail units. I consider the level of provision to be acceptable and in accordance with the

standards of the development plan and the Apartment Guidelines. I note the Transportation Report from Galway City Council seeks covered cycle spaces. This can be satisfactorily addressed by way of condition in the event of a grant of permission.

### 11.6.3. Traffic and Transport Assessment

The TTA assesses the impact of the proposed development on the following junctions:

- Junction 1: R338 Dublin Road – Rosshill Rd Junction (priority controlled)
- Junction 2: R338 Dublin Road – R338 Coast Road Junction (signal controlled)
- Junction 3: R921 Old Dublin Road – Doughiska Road (signal controlled)
- Junction 4: R338 Coast Road – Rosshill Road Junction (priority controlled)
- Junction 5: Rosshill Road – Rosshill Farm Road Junction (priority controlled)

Manual classified turning count surveys were carried out at the five junctions on dates in 2018 over a 12 hour (7.00-19.00 hrs) and 24 hour (00.00-24.00 hrs) period. The trip generation is based on a traffic count undertaken at a similar residential development. This was at the request of Galway City County who indicated that TRICS data would not be suitable in this instance. A total of 246 trips are forecast for the AM peak (190 outbound; 56 inbound) and a total of 199 trip in the PM peak (135 inbound; 52 outbound). Measures are proposed to improve modal split in line with smarter travel objectives, including proposed footpath improvements and connection to bus stops, and provision for a car sharing club. The impact of the proposed development on junctions was modelled using LinSig software for signalised junctions and PICADY for priority controlled junctions. The assessment takes account of other developments and traffic growth rates. Junction 1 (Dublin Road / Rosshill Road) is predicted to fail in the +15 year scenario with or without the proposed development, with it deteriorating more rapidly with the development in place. Junction 2 (Dublin Road – Coast) and Junction 3 (Old Dublin Road – Doughiska Road) will operate above acceptable limits, although the development is not predicted to have a significant impact. Junctions 2, 4 and 5 will operate satisfactorily. It is stated that this is the worst case scenario. It is noted that a

Mobility Management Plan will be implemented and that the N6 Galway City Ring Road will ultimately reduce traffic in the area. The PA's Transportation Section note the reference to the Galway City Ring Road stating that the proposal does not stand on its own merits.

Concerns have been raised by observers regarding the failure to model the junctions at the site, in relation to traffic congestion, the quality of local road network and lack of public transport.

The PA's Transportation Section considers a development of the scale and density proposed to be premature given the lack of pedestrian, cycling and public transport infrastructure in the area. There is concern that the development will not encourage sustainable transport options and will result in high levels of commuting by car causing further traffic congestion in the area, specifically at the Old Dublin Road / Rosshill Road junction which shows significant increase in delays and queueing at the junction. Refusal is recommended on this basis.

The submission received from TII states that the proposed development is at variance with national policy in relation to the control of development on / affecting national roads as the proposed development by itself, or by the precedent which a grant of permission would set, would adversely affect the operation and safety of the national road network. The submission states that insufficient data has been submitted to demonstrate that the proposed development will not have a determinantal impact on the capacity, safety or operational efficiency of the national road network in the vicinity of the site, and that the proposed development would be at variance with national policy in relation to the control of frontage development on national roads. It is recommended that a TTA is carried out to assess the impacts of the proposed development in accordance with the guidelines outlined in the TII Traffic and Transport Assessment Guidelines (2014) and that a Road Safety Audit is carried out in accordance with TII publications.

The proposed development does not have any frontage onto the national road network. The N6 Martin Roundabout is the closest interface with the national road network located 1 km to the north-east of the site and 1.9 km from the site via the road network (Coast Road). The Dublin Road to the north of the site is classified as

a regional road. The proposed development comprising 102 no. units is below the numerical threshold of 200 units for TTA detailed in Table 2.1 of the TII Traffic and Transportation Assessment Guidelines (200+ units). The guidelines do recommend that a TII is undertaken in locations that experience particularly heavy congestion and when traffic flows from a proposed development are less than 5% of the traffic flows on the adjoining road. A TTA has been submitted and assesses 5 no. local road junctions based on the requirements set out by the PA's Transport Department. The PA did not request an assessment of the Martin Roundabout or other junctions on the national road network. Given the nature and scale of development proposed within the urban area of Galway City and at a remove from the national road network it is not clear how the development would contravene national policy in relation to frontage development onto national roads or have a significant adverse effect on the operation and safety of the national road network.

The TTA indicates that junctions in the area will operate over capacity without the proposed development. The Transport Report does not suggest junction improvements focusing on walking/cycling upgrades and public transport. I would note that transport upgrades proposed along the Dublin Road under the Dublin Road Bus Connects (emerging preferred route option published October 2020) would involve a signalisation of Junction 1, improving the capacity of this junction, the provision of a new bus stop within 900 m of the SHD site and upgrade of the pedestrian and cycle network on the Dublin Road. The applicant proposes to extend the existing pedestrian network to provide a direct link to the Dublin Road (R338). The improvements will improve connections for pedestrians and assist in promoting the use of more sustainable modes of transport over the car, including cycling. The development plan objective for a greenway route along the Coast to Galway City Centre would pass close to the site. I note that along the northern side of the railway line there is a development plan objective for a transport corridor reservation, which the GTS has identified as a potential cycle greenway. The CE's Report includes a recommended condition seeking a special contribution under Section 48 (c) of the P&D Act towards proposed greenways. The applicant has indicated a willingness to accept this contribution subject to more detail regarding the final contribution. Section 48 (2) (c) of the 2000 Act allows a PA to seek payment of a special

contribution in respect of a particular development where specific exceptional costs (not covered by the general contribution scheme) are incurred by the local authority in respect of public infrastructure and facilities which benefit the proposed development. The correspondence from the PA shows pedestrian and cycle routes serving the wider area that would benefit the proposed development. A sum of €177,500 is sought. I consider that the works indicated would improve the connectivity of the site within the wider network and on this basis recommend that a condition is attached under Section 48 (2) (c) requiring payment of a special contribution. In view of the correspondence on file which suggests that there is still discussions in relation to the cost of such works I recommend a general condition that allows for agreement between the parties.

11.6.4. I acknowledge the PA's concerns in relation to the impact of the proposed development on local road junctions. However, I am of the view that overall, the development will support consolidation and densification in this area of Galway City and support a more integrated public transport system in the longer term. This is an urban area, where growth is to be expected in accordance with national and regional estimates and it is the management of this growth into the future through the development of sustainable communities, that will support the sustainable development of this land. The site is within 1 kilometre of a proposed high frequency bus corridor along the Dublin Road and on this basis, the development of the lands at a reasonable density is required to support the efficient use of proposed transport infrastructure. I consider that, subject to the proposed mitigation and management measures, a development of the scale proposed at this site can be accommodated within the existing road/street network and I do not consider the proposal would give rise to a traffic hazard or be seriously injurious to the residential amenity of those in the immediate area of the site. I consider a refusal of permission on this basis to be unwarranted having regard to the nature and scale of development proposed and its locational context within the urban area of Galway. Several third party submissions express concern in relation to the potential conflict with farming practices in the area and in particular the movement of animals along the local road network. While I note the concerns raised the site is an urban site that is zoned for residential development, it is within the Galway MASP area and is

proximate to higher order urban services and facilities including public transport services. The development of the lands for housing is consistent with local, regional and national policy. The movement of life stock by road is a traditional farming practice that has been largely ceased due to the potential for conflicts to arise with vehicular traffic. I consider that a refusal of permission on the basis of a potential conflict with the movement of livestock would not be warranted.

### Construction Traffic

11.6.5. I note the concerns raised by some parties regarding construction stage impacts. An Outline Construction Management Plan has been submitted by the applicant, including provisions for the management of traffic during construction. Potential construction impacts will be short term and temporary in nature and I am satisfied that they can be appropriately mitigated through good construction management and practice. I recommend that a final traffic management plan is submitted to and agreed with the Planning Authority prior to the commencement of works, should the Board be minded to grant permission. This plan should also take account of existing farms in the area which use the roads for movement of cattle.

### 11.6.6. Conclusion Traffic and Transport

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

## **11.7. Infrastructural Services, including Flooding Issues**

### 11.7.1. Water and Wastewater

It is proposed to connect the development to the public water and foul sewer network in the area. The closest watermain is north of the railway bridge on the Coast Road. Irish Water notes that this watermain is in third party ownership. While IW have no stated objection to the connection it requests standard consents from the owner of the infrastructure and details in relation to capacity / condition.

11.7.2. In terms of the foul network, the proposed development includes a pumping station in the northwest corner of the site, which will discharge via a rising main to an existing Irish Water pump station located at Merlin Park. The pumping station is to be



designed in accordance with Irish Water standards. Irish Water require a night time pumping regime at this location. Many of the third party submission express concern in relation to the requirement for night-time pumping arguing that this suggests that there are capacity constraints. Submissions state that the pumping stations in Oranmore and at Merlin Park are overwhelmed in terms of capacity and that there are regular incidence of overflows and discharge of untreated sewage to Galway Bay. The submission from Irish Water, the utility with responsibility for the management of the public wastewater network, confirms that a connection to the public network for the proposed development of 102 units can be facilitated.

A third party submission has argued that there is no technical information for rising main along Rosshill Road – noted on page vii of the Civil Works Report. However, I would note that there is detail on the engineering drawings of the route, diameter and levels. I am satisfied that other details can be agreed prior to the commencement of works. In relation to the question of whether future development and existing homes will be able to use this main I would note that this is a matter for Irish Water.

#### 11.7.3. Surface Water

It is proposed to discharge surface water runoff and storm water to the ground. There are no watercourses on the site and surface water currently discharges directly to ground with a high recharge rate in this area. Within the proposed development, surface water will pass through oil/petrol interceptors before being directed to one of six proposed cellular-storage soakaways located across the site and stormwater will soak away through the underlying fractured rock/boulders. The soakaways will also attenuate storm water during and post storm events. The design includes overground bio swales and permeable paving as well as underground soakaways. The report of the water services section of the planning authority raises no issues with the surface water strategy for the site or the calculations submitted in relation to the proposed soakaways.

#### 11.7.4. Flood Risk Assessment

I refer the Board to the FRA was undertaken by Tobin Consulting Engineers. Submissions received from third parties express concern in relation to the removal of

this natural surface water storage area and to the potential for increased risk of flooding / impediment to local drainage. Submissions state that there is local knowledge of flooding / waterlogging at this location and that the flood risk is not addressed in submitted documentation. It is argued that the development fails the sequential approach to flood risk management required by the Flood Risk Management Guidelines. I would note that the concerns are not substantiated with evidence of flooding, save for a photo of water ponding under the railway bridge to the north of the site.

The Western CFRAM Study flooding mapping of the area does not show the site as liable to fluvial flooding. There are no rivers or streams in the vicinity of the site. It is stated that there is no evidence of groundwater flooding based on a review of the PFRA study and GSI mapping of karst features in the area. This would be consistent with the high recharge rates shown on GSI mapping. Pluvial modelling undertaken indicates the site may be subject to pluvial flooding and mitigation measures are set out in this regard, including limitation of runoff to greenfield runoff rates; storm networks in the western portion of the site to cater for a 1 in 1000 flood event; landscaping and topography to provide safe exceedance flow path in the event of extreme flood events; and in the event of an extreme weather event, overflow from the attenuation tank will exit via a high level overflow to a detention basis located to the northwest, and during extreme rainfall events any surface water runoff which exceeds the underground site drainage capacity, shall be permitted to flow through a defined flow path to the detention area. In terms of Coastal Flooding, based on the proposed levels at the site, the development is not predicted to flood during a 1 in 1000 year MFRS coastal flood event. The FRA concluded that the risk of flooding the proposed residential development will be minimal, and it is predicted that the development will not increase the risk of flooding elsewhere. I consider the findings to be

## **11.8. Other Matters**

### **11.8.1. Archaeology and Built Heritage**

Concerns are raised in submissions in relation to the impact of the development on a folly to the south of the site and in relation to the impact on the wider heritage of the

Roscam peninsula. Chapter 8 of the Galway City Development Plan 2017-2023 includes policies that seeks to protect archaeological heritage, architectural heritage and vernacular heritage.

A desktop study and field inspection were carried out as part of the assessment of the site. There are no protected structures or recorded monuments within the SHD site. There are features of archaeological, architectural and cultural heritage interest in the wider area.

There are two National Monument within 1 km of the site. National Monument No. 46, located 600m to the south of the site, comprises an ecclesiastical enclosure and associated structures including a round tower. This monument is in state ownership. National Monument 609, Merlin Park Castle is located to the north-west of the site beyond the Dublin Road and Merlin Park Hospital. Both are recorded monuments and protected structures.

Roscam Folly, RPS Ref. 8803 and Recorded Monument Ref. GA094-070 is c. 100m to the south of the proposed development site. It comprises a high ivy-covered stone wall, having an octagonal plan and measuring c. 60m in diameter. The monument comprises a circular structure with cruciform extensions in the centre of the folly. Recorded Monument Ref. GA094-122 refers to an enclosure located 90m to the north of the site. There is no description available for this monument. All works are outside the zone of notification for recorded monuments in the area. The railway bridge c. 32m to the north of the main site is listed on the RPS (Ref. 8806). The red line boundary extends under this bridge. Rosshill, Galway is included in the NIAH Garden survey (Site ID 5509). The landscape feature of note is identified as walled gardens (which surrounds the Folly). A complex of outbuildings in ruins to the south of the SHD site (with some encroachment into the site) are of cultural heritage interest due to a connection with the nineteenth century estate associated with Rosshill House and including the Folly and associated walled garden within which it sits. It was proposed to remove these structures under the previous application (ABP-306413-20). Ground works associated with the proposed development will involve the removal of the northern proportion of the 19<sup>th</sup> century outbuildings currently occupied by a modern concrete apron used as a silage pit.

There is the potential for impact during the construction phase on previously unrecorded sub-surface archaeology. It is noted that the surrounding area is of high archaeological potential. Mitigation in the form of pre-construction geo-physical survey followed by targeted testing and monitoring of ground works during construction is proposed. The main potential for impacts during the operational phase relates to changes to the setting of monuments and structures. Given the separation between the site and the ecclesiastical complex and round tower at Roscam to the south (600m) coupled with the extent of modern residential development in the intervening landscape it is concluded that significant impacts would not arise. There is potential for change to the setting of the Folly and walled garden within which the folly is located and to the associated outbuildings. It is noted that the NIAH Garden Survey notes the presence of the walled garden landscape it also notes that a number of modern buildings have been constructed within the landscape. The submitted EIAR argues that the original historic garden has been much altered and that while important features are extant the demesne in the landscape is not easily discernible. To mitigate the partial loss of the 19<sup>th</sup> century outbuildings it is proposed to record details of the elements to be removed and to protect the remaining sections. There will be no direct impact to a dove cote (item of architectural interest) at the southern end of the building complex. It was proposed to remove these structures in full under the previous application (ABP-306413-20). While a slight moderate impact will arise, it was noted under the previous application that any remediation to the masonry structures would involve reconstruction as opposed to conservation and that details of the structures are not known or recorded. While a change to the wider setting of the folly is acknowledged, it is considered that the wider setting has already been significantly altered through the addition of modern residential developments immediately south and south-east and that the change in this instance would not be significant. In relation to the Railway Bridge (RPS 8806) it is proposed to layout footpaths and services under the bridge, however, no alterations are proposed to the structure itself. It is noted that landscaping and planting will alleviate potential impacts on the wider setting of the recorded monuments and protected structures.

I am satisfied that the proposed development would not have any unacceptable direct or indirect impacts on archaeology, architectural or cultural heritage.

#### 11.8.2. Part V

The applicant has submitted Part V proposals. The PA have not raised any concerns in relation to the submitted Part V proposals. I am satisfied that the proposal is capable of complying with the requirements of the Planning and Development Acts. The issue of distribution, as raised by a third party, is a matter for agreement between the PA and the developer.

#### 11.8.3. Other Uses

The proposed development is predominately residential with the other uses proposed providing local facilities to support the wider resident use of the site.

The proposed creche (399sq.m) has capacity for 91 no. children and is intended to serve the proposed SHD development and future development. It includes open space/amenity areas and a dedicated drop-off/pic-up zone. One third party submission states that the applicant has not set out sufficient detail in relation to the creche facility. I consider that the detail shown on the submitted drawings are sufficient to allow for a full assessment and that the facility meets and exceeds the thresholds and standards in the Section 28 Childcare Facilities Guidelines 2001. A retail / commercial unit (188.5 sq.m) is proposed within the apartment block. I am satisfied that this facility would cater for local demand and that it is well located at the entrance to the development. The issue of car parking / drop off is considered separately in Section 11.6 Traffic and Transportation

#### 11.8.4. Procedural Matters

A number of procedural matters have been raised in the submissions received from third parties as follows:

- Landownership: Reference to ongoing legal dispute over the ownership of lands marked in blue. I consider the matters raised to be legal matters that are outside of the Boards remit. I am satisfied that the applicant has indicated sufficient legal interest in the lands to make the subject application.

- Road Name: Public notices and documents refer to 'Rosshill Stud Farm Road'. Third parties argue that this is not the correct road name, and no works can be carried out at the junction of the L-5037/ 50371 because no application to that effect has been lodged. I do not consider the use of this name to be misleading or to exclude the proposed junction realignment from the application. The public notice is sufficient to alert the public to the application and on the basis of the numerous submissions received members of the public have been able to interoperate the reference to 'Rosshill Stud Farm Road' and have not be prejudiced in any way by the reference.
- Letter of Consent: Letter from City Council refers only to intention to take roads in charge; no letters from landowners whose properties extend to the centre line of the road. I consider the letter from the City Council to be adequate. I am satisfied that the works proposed on lands outside of the applicants control relate to public roads. These roads are in the charge of Galway City Council and are designated as a public road.
- Inadequacy of drawings / sections: Drawings fail to show contiguous developments. I would note that there are no structures immediately contiguous to the SHD site and that where necessary structures in the wider area have been detailed on maps and considered in studies / assessments.
- Depreciation of property values: No empirical evidence submitted to support the claim that the proposed development would impact property values.

## 11.9. Material Contravention – Density

11.9.1. The proposed development would materially contravene the specific development objectives for the subject lands detailed in Figure 11-13 of the Galway City Development Plan in relation to plot ratio (Section 11.1 above refers). The submitted Material Contravention Statement addresses this issue and this statement is referenced in the public notices. The Board, therefore, has recourse to the provisions of Section 37 (2) (b) of the Planning and Development Act should it

consider the proposed ratio to be acceptable. A case is made for the density proposed on the basis of national policy and in particular the density standards detailed in the Section 28 Sustainable Residential Development in Urban Areas Guidelines (2009).

11.9.2. I would note that a number of the third party submissions received argue that it is not open to the Board to grant permission for the proposed development under the SHD process on the basis that the proposed development would materially contravene the operative development plan in relation to the zoning of the land referencing the 'Low Density Residential' zoning. I have addressed this issue in detail in Sections 11.1 and 11.2 above. I consider that the material contravention relates to density only, that it is not concerned with the land use zoning and that it is open to the Board to grant permission.

11.9.3. I consider that a grant of permission, that may be considered to material contravene the Development Plan, would be justified in this instance under sub section (iii) of the Act on the basis of the following reasons and considerations:

- (i) It is considered that permission for the proposed development should be granted having regard to Government policy set out in the National Planning Framework and the Regional Spatial and Economic Strategy for the area, including the requirement that cities outside of Dublin significantly increase their population share. Under National Policy Objective 2b half (50%) of future population and employment growth will be focused in the existing five Cities and their suburbs (including Galway). The site is within the Galway MASP area as defined in the NPF Implementation Road Map and RSES and while a relatively small number of units are proposed (102 in total) it is a notable contributor to the population growth targets for the Galway MASP area detailed in the Regional Spatial and Economic Strategy of 27,500 persons to 2026 and a further 14,500 to 2031. Furthermore, National Policy Objective 35 of the NPF is to increase residential density in settlements.
- (ii) It is considered that permission for the proposed development should be granted having regard to Section 28 Guidance set out in the Sustainable

Residential Development in Urban Areas Guidelines for Planning Authorities (2009); the Urban Development and Building Height Guidelines for Planning Authorities (2018); and the Sustainable Urban Housing Design Standards for New Apartment Guidelines for Planning Authorities (2020). SPPR4 of the Urban Development and Building Height Guidelines seeks increased densities within urban areas in accordance with the minimum densities set out in the Sustainable Residential Development in Urban Areas Guidelines. The Sustainable Residential Development in Urban Areas Guidelines promote densities of 35-50 units per hectare at outer suburban and greenfield locations such as this, stating that development at net densities of less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency. The Sustainable Urban Housing Design Standards for New Apartment Guidelines for Planning Authorities state that peripheral and / or less accessible urban locations, such as this, are suitable for residential development of any scale that will include a minority of apartments at low-medium densities.

#### 11.10. **Planning Assessment Conclusion**

To conclude, I consider the principle of residential development and density proposed to be acceptable on this site. This is a zoned and serviceable site within the development boundary of Galway City. I am satisfied that the previous reasons for refusal under SHD Ref. ABP-306413-20 in relation to wastewater and the design and layout of the scheme have been addressed within the new application. I am satisfied that the development strategy to include the site layout and landscaping plan has sufficient regard to the sylvan character of the site and to the protection of existing trees. I am also satisfied that the layout is consistent with the urban design principles set out in the Urban Design Manual – A Best Practice Guide, which accompanies the Guidelines on Sustainable Residential Development in Urban Areas. I consider that any outstanding matters detailed in the planning assessment are minor in nature and that they can be satisfactorily addressed by way of condition.



## 12.0 Environmental Impact Assessment

### 12.1. Introduction

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

- (i) Construction of more than 500 dwelling units
- (iv) 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.

The proposed development provides for 102 residential units, a commercial / retail unit, a crèche and all associated site works on a site area of 4.7 ha. The site is within the area of Galway City Council. It is a greenfield at the edge of the built up area of the city. The proposed development is below the mandatory EIA threshold for sites outside of a business district. Notwithstanding the above, an EIAR has been prepared and submitted with the application.

The EIAR is laid out in two documents as follows: Volume 1 Non-Technical Summary and Main Report; Volume 2 Appendices. Chapter 1 is an introduction which sets out the relevant legislation and the format and structure of the EIAR as well as outlining the experts involved in preparing the document. Chapter 2 provides a background to the proposed development. Chapter 3 provides detail with regard to the consideration of alternatives. Chapter 4 provides a description of the project and the characteristics of the site. Chapter 14 considers interactions and Chapter 15 provides a schedule of mitigation measures.

I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the submissions made by the planning authority, prescribed bodies and observers have been set out at Sections 8-10 of this report. The main issues raised specific to the EIA can be summarised as follows:

- Material Assets – Traffic and Transport,
- Archaeology and Built Heritage
- Landscape and Visual Impact
- Biodiversity
- Hydrology and Hydrogeology
- Water and Drainage Infrastructure
- Sufficiency of assessments / evaluations with respect to Article 10 of the Habitats Directive.

These issues are addressed below under the relevant headings and as appropriate in the reasoned conclusion and recommendation.

As is required under Article 3(1) of the amending Directive, the EIAR describes and assesses the direct and indirect significant effects of the project on the following factors: (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape. It also considers the interaction between the factors referred to in points (a) to (d). Article 3(2) includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered.

I am satisfied that the EIAR has been prepared by competent experts and that the information contained in the EIAR adequately identifies and describes and the direct, indirect and cumulative effects of the proposed development on the environment, and complies with article 94 of the Planning and Development Regulations 2001, as amended.

This EIA has had regard to the application documentation, including the EIAR, and the observations received, as well as to the assessment of other relevant issues set out in section 10 of this report above. This EIA Section of the report should therefore, where appropriate, be read in conjunction with the relevant parts of the Planning Assessment.

The requirements of Article 3(2) of the Directive include a requirement to consider the expected effect deriving from the vulnerability of the project to risks of major accidents and/or disaster. EIA addresses this issue in Chapter 5 in the context of Population and Human Health. The development site is not a SEVESO site nor is it close to any SEVESO sites. There are no significant sources of pollution in the development with the potential to cause environmental or health effects. Chapter 7 and Appendix 7-1 of the EIA addresses the issue of flooding. The site has a low flood risk and is not prone to natural disasters. I am satisfied that the proposed development is unlikely to be a risk of itself. Having regard to the location of the site and the existing land use as well as the zoning of the site, I am satisfied that there are unlikely to be any effects deriving from major accidents and or disasters.

## **12.2. Consideration of Alternatives**

Chapter 2 of the EIA addresses the alternatives considered. The applicant refers to a number of reasonable alternatives considered on the site with respect to the design and layout of the scheme. A number of third party submissions refer to the fact that the consideration of alternatives considers LDA zoned lands only. Having regard to the zoning of the site as residential, I am satisfied that the consideration of alternative locations and processes is not relevant to the proposal. In my opinion reasonable alternatives have been explored and the information contained in the EIA with regard to alternatives provides a justification in environmental terms for the chosen scheme and is in accordance with the requirements of the 2014 EIA Directive.

I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

## **12.3. Assessment of the Likely Significant Direct and Indirect Effects**

The likely significant direct and indirect effects of the proposed development on the environment are considered under the headings below which follow the order of the factors as set out in Article 3 of the EIA Directive 2014/52/EU:

- Population and Human Health

- Biodiversity
- Land, Soils and Geology
- Hydrology and Hydrogeology
- Air and Climate
- Noise and Vibration
- Archaeology and Cultural Heritage
- Landscape and Visual
- Material Assets (Traffic and Transport, Water and Other Services);
- The interaction between the factors referred to in points (a) to (d).

With respect to cumulative impacts it is stated that they have been considered for each environmental topic. The results of the cumulative impact assessment for each environmental topic are presented within each chapter.

#### 12.3.1. Population and Human Health

Chapter 5 of the EIAR addresses population and human health. The methodology for assessment is described as well as the receiving environment.

The assessment examines likely and significant impacts and associated mitigation measures in relation to construction and operational phases.

For the construction phase, mitigation measures are proposed in relation to health and safety (including a site specific Health and Safety Plan), noise, dust, air quality and traffic. Effects overall are considered following mitigation to not be significant. No significant effects are considered to arise in relation to employment and investment, population, tourism, land-use, and economic activity.

During the operational phase, impacts in terms of health and safety, employment and investment, population, tourism, land-use, noise, dust and air quality, and traffic are considered, in addition to vulnerability of the project to a natural disaster. Mitigation is proposed in terms of traffic. No significant negative effects are anticipated in relation to each area considered and any potential adverse impacts

arising e.g. from traffic, will be mitigated to an acceptable level by the measures detailed in the EIAR and associated appendices.

I am satisfied that while some cumulative effects may arise from the proposed development particularly in relation to traffic, the potential for significant effects from the SHD development would be avoided, managed and mitigated by the measures which form part of the proposed development and through suitable conditions.

There are no other large-scale projects proposed in the immediate vicinity of the site and as such the potential for significant negative cumulative effects on population and human health can be excluded.

I have considered all of the written submissions made in relation to human health. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of biodiversity. I am also satisfied that cumulative effects are not likely to arise.

#### 12.3.2. Biodiversity

Chapter 6 of the EIAR addresses biodiversity. The biodiversity chapter details methodology of the ecological assessment. Multi-disciplinary ecological walkover surveys were undertaken within the site in 2019, 2020 and 2020 in addition to dedicated bat, bird, badger and tree surveys.

##### Habitats

The site is at a transitional location at the edge of Galway city that is characterised by agricultural fields and housing. The SHD site is in agricultural use. The predominant cover is dry neutral grassland (GS1). Other habitats include wet grassland (small area of poorly-drained grassland at the north-west of the site) (GS4), Oak-Ash-Hazel Woodland in the north-west section of the site (WN2), buildings and artificial surfaces (silage pit) (BL3), vegetated stonewalls (BL1), hedgerows (WL2), treelines (WL1) and scrub (WS1). The woodland, treelines, hedgerow and scrub are classified as higher value habitats with the other habitats classified as lower value. The ruins of old outbuildings are present directly adjacent to the southern boundary of the site. No

habit within the site corresponded to those listed on Annex I of the EU Habitats Directive.

To the west of the site along the western landholding boundary there is a line of high value beech trees that interface with the designated area of the Galway Bay Complex SAC. The proposed development maintains a setback of c. 130m from this treeline. A woodland area to the north and north-east of the site (opposite side of railway) is identified as an Oak–Ash–Hazel woodland similar to tree groups within the SHD site. No Red Listed vascular plants or Flora Protection Order species were recorded at the development site. No invasive species listed on the ‘Third Schedule’ of Regulations 49 and 50 of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. 477 of 2011) were recorded within the site. In terms of impacts the most significant habitats within the site are woodlands, treelines and hedgerows. The woodland areas are to be retained for the most part with limited encroachment. There will be loss of sections of treeline / hedgerow along the site’s southern and eastern boundaries and within the lands (42 no. trees in total). Given the extent of similar habitat in the wider area and proposed mitigation in the form of replacement planting I am satisfied that the impact of loss would not be significant.

### Bats

Bat surveys (appraisal of bat habitat; roost survey, dusk activity surveys and static detector surveys) were undertaken in April and September 2019 and April 2021. I note concerns raised by third parties in relation to the bat surveys. However, I am satisfied that the nature and extent of the surveys undertaken (including methodology) are in accordance with best practice guidance and I accept the findings of the surveys.

The linear landscape features and mature trees within the site are considered to have moderate to high suitability for foraging and commuting bats of Local importance (higher value). The habitats provide connectivity to the wider landscape including a woodland area to the west and north of the site. The EIAR states that overall activity was relatively low. Static detector surveys in 2019, 2020 and 2021 positively identified five bat species level with myotis genus also present. Soprano pipistrelle, common pipistrelle, leisler’s bat, myotis sp were encountered frequently.

Blown long-eared bat, nathusius pipistrelle was rarely encountered. The species encountered are classified as being of Local Importance (higher value).

On all surveys no evidence of roosting bats was recorded within the development site and no signs of bats were observed on walkover surveys. Old ruins along the southern site boundary were inspected during each survey. There was no evidence of roosting bats and no bats were observed either entering or existing the ruins during dusk activity surveys. Given the open and exposed nature of the structures they were deemed to be of low suitability for roosting bats. There are a number of the mature trees/tree groups that are deemed to have moderate to high suitability to support roosting bats (EIAR drawing 6-6 refers). There is the potential for loss of potential roosting habitat, for loss and fragmentation of commuting and foraging habitat and for disturbance of bat species during the construction and operational phase due to increased activity and lighting in the area. However, the scheme design seeks to minimise habitat loss with a maximum of 42 no. trees and small areas of hedgerow and treeline to be removed (CSR DW 19112\_T\_102 refers). The vast majority of the existing tree and hedgerow cover is to be retained and integrated within the scheme.

Given the suitability of some trees for roosting it is proposed to undertake pre-construction surveys on all trees with suitable potential prior to felling to ensure that there are no bat roosts in those trees at that time. The EIAR states that if bat roosts are found in any of the structures during pre-commencement surveys a bat derogation licence will be obtained and further mitigation prescribed. A number of third party submissions express concern in relation to the potential impacts on bat species and in relation to a grant of permission on the basis that a derogation licence may be required from the NPWS / Minister. However, up to date survey work undertaken in support of the subject application has not identified any bat roosts within the site. Taking a precautionary approach, it is proposed to conduct further pre-construction surveys on the basis that circumstances could change in the future. This is standard industry practice. There is no information before the Board to suggest that the proposed development will impact on roosting bats and on the basis of the available information no indication that a derogation licence is required. In relation to fragmentation and loss of habitat the landscape management plan

minimises loss of planting and includes supplementary planting, with no / minimal net loss of linear landscape connectivity. Disturbance mitigation includes confining the majority of works to daylight hours and use of low intensity lighting and motion sensors where lighting is required. During the operational phase lighting will be designed to minimise bat disturbance.

### Birds

Walkover bird surveys were undertaken on dates in 2019, 2020 and 2021. Dedicated wetland bird surveys were undertaken monthly between October 2020 and March 2021. A number of third party submissions express concern in relation to the bird surveys undertaken. However, I am satisfied that the surveys were undertaken across the relevant times of year (winter and summer periods) and that the methodology used is in accordance with international best practice. In the absence of specific Irish guidance in relation to the carrying out of bird surveys I consider this to be acceptable. Bird species recorded within the proposed development site during walkover surveys and winter bird surveys are common bird species that are typical of the grassland, woodland and hedgerow habits found in the area. The issue of impact on SCI bird species associated with the proximate Inner Galway Bay SPA (c. 260m from the site) is addressed in Section 12.0 Appropriate Assessment. In summary, the SHD site does not contain supporting wetland habitat and it does not support suitable breeding or roosting habitat for any of the SCI species for which the SPA is designated. No species listed as an SCI for the Inner Galway Bay SPA were recorded roosting or feeding within the site during the dedicated bird surveys. There were some observations of SCI species flying over the site. Given the height of the proposed buildings and the extent of open farmland in the wider area I am satisfied that any potential for significant impacts due to disturbance or collision risk can be excluded. I am satisfied that sufficient survey work has been undertaken and that the potential for significant impacts on bird species can be excluded.

### Other Species

The site does not include suitable habitat for Otter and there are no watercourses within or directly adjacent to the site. The potential for significant disturbance effects on this species can therefore be excluded.



The site was assessed for suitable marsh fritillary habitat during the site visits. The site was searched for devil's bit scabious (*Succisa pratensis*), the host plant for marsh fritillary. No devil's bit scabious was recorded within the proposed development site and no suitable habitat for marsh fritillary was recorded.

There was evidence of rabbit, fox and badger (snuffle holes) within the site. Excavated burrows within the site are deemed to be rabbit borrows. Given the possibility that badger could use larger burrows camera surveys were undertaken to determine whether any of the burrows are used by badger. The footage confirmed that the burrows are not used by breeding or resting badger.

Pine marten is listed on Annex V of the EU Habitats Directive and is also protected under the Irish Wildlife Act. A pine martin was recorded on site during survey in 2019 and the site is likely to be utilized by a local population of Local importance (higher value).

The site and surrounding area provide habitat and structural diversity for a wide range of common bird, small mammal and invertebrate species and provide biodiversity in the local context. This assemblage of species is assigned Local Importance (Higher Value).

There are no adjacent natural or man-made watercourses within the proposed development boundary. The nearest watercourse, the Carrowmoneash River is approx. 1.5km southeast of the proposed site, on the opposite side of Oranmore Bay.

The EIRA sets out mitigation measures for the construction phase in relation to impacts on fauna, loss of faunal habitat, impacts on water quality and include, inter alia, a landscape plan, vegetation clearance to be undertaken in line with the provisions of the Wildlife Acts (as amended) 1976-2017, an additional pre-construction survey for bats in accordance with NRA guidelines, and a Construction Environmental Management Plan. No significant residual impacts are anticipated. Mitigation measures during the operational phase include a site lighting plan to minimise impact of lighting on bat habitat.

Cumulative impacts have been fully considered and no potential for cumulative impacts when considered in-combination with other plans and projects are

anticipated. I am, therefore, satisfied that the issue of cumulative impacts does not arise.

I have considered all of the written submissions made in relation to biodiversity. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of biodiversity. I am also satisfied that cumulative effects are not likely to arise.

### 12.3.3. Land, Soils and Geology

Chapter 7 of the EIAR addresses land, soils and geology. The local topography slopes from east to west towards the coast. There is a topographically high area at the western end of the site from where the ground slopes steeply to the west, before becoming relatively flat beyond the site. The dominant land use in the area is agriculture with some woodland.

Geology maps, local hydrology maps and soil maps are provided. The EIAR states that GSI mapping indicates that the site is dominated by deep, well drained, mainly basis mineral soils (BminDW), with areas of shallow, well drained, mainly basic soils (BminSW) located towards the northwest of the site. The GSI mapped subsoil type indicates that the majority of the site is underlain by Tills derived from Limestone with some smaller areas of karstified bedrock outcrop/subcrop (KaRck) towards the south of the site (Fig 7-2 refers). In terms of bedrock geology, the site is underlain by the Burren Formation which is described as pale grey clean skeletal limestone. The limestones are classified by the GSI as a Regionally Important Aquifer – Karstified (conduit) (Rkc). The EIAR notes that the limestone bedrock appears to have medium to large bedding, pale grey on weathered sections with minor fractures and joining. It is noted that a small cut section exposed on site in April 2021 was 0.5m deep and loose silty, sandy light brown topsoil was observed through this entire depth.

The main impacts on soil and geology are identified as being within the construction phase, with works having potential for impacts due to subsoil excavation and bedrock excavation, and contamination of soil by leakages and alteration of soil

geochemistry. The information provided in relation to the subsoil and bedrock is generic. There is no specific data in relation to the depth of the underlying bedrock (or the water table) or the proposed depth of excavations. A number of third party submissions refer to soil depths of 2-3 m in this area. Submitted sections drawings show the finished level of some dwellings at up to c. 7.5 m below natural ground level. The area of excavation is confined to the area around housing cells C2 and C3 and on this basis I am satisfied that the potential for significant impact on soil and geology can be excluded.

Mitigation measures are described for the construction phase, which are in the main related to best practice construction methods designed to protect surface water. During the operational phase, no significant adverse impacts on the soils and geology of the lands are envisaged.

The potential residual impacts associated with soil or ground contamination are not considered to be significant with any impacts likely to be localised. Given the localised nature of any impacts no cumulative effects in conjunction with other developments in the area are predicted. I am, therefore, satisfied that the issue of cumulative impacts does not arise.

I have considered all of the written submissions made in relation to geology and soils. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of land and soils.

#### 12.3.4. Hydrology and Hydrogeology

Hydrology and Hydrogeology is addressed within chapter 8 of the EIAR. This chapter describes the surface water and groundwater regime.

The hydrology of the area is characterised by low surface water runoff rates and high groundwater recharge rates. There are no field drains or natural watercourses on or in the vicinity of the site and the overland surface water pathways to the SAC and SPA are indirect. The site is underlain by Burren Formation – Limestones. It is a Regionally Important Aquifer – Karstified (conduit) (Rkc) with high transmissivity and

low storage. The vulnerability rating of the aquifer is classified as “Extreme (rock at/near surface)”. The WFD status for the local groundwater body is Good.

In terms of soil cover the EIAR refers to deep soil cover on site and states that the proposed ground works will involve shallow excavation. I would note that site specific data in relation to soil cover, depth to bed rock and the level of the water table has not been provided. A number of third parties refer to soil depths of 2-3m in this area. Construction phase groundworks will involve cut and fill works with excavation in the central section of the site, in particular in the area around housing cells C2 and C3. The submitted architectural drawings show finished levels of c. 2-2.5 metres below natural ground level in the central section. It is possible that the excavations will extend below the subsoil into bedrock and below the level of the water table. The potential for pollutants to enter groundwater and surface water during construction and groundworks is identified in the EIAR (e.g., leakage of sediments, hydrocarbons, and other polluting substances) and by third parties. Third parties also raised concerns about the potential for alterations to ground water flows within the aquifer due to proposed excavations. Given the shallow nature of the excavations proposed over a restricted area I am satisfied that potential for impact on ground water flows within the aquifer would be negligible. In relation to pollution of ground and surface waters the EIAR sets out mitigation measures aimed at avoiding any impacts on water quality. Subject to the implementation of the mitigation measures I am satisfied that any potential loading of pollutants during the construction phase would be negligible and that significant impacts will not arise.

During the operational phase attenuated stormwater will percolate to ground via 6 soakaways. The soakaways will also attenuate storm water during and post storm events. Water will pass through oil / petrol interceptors before entering the soakaways. Given the proposal to discharge clean attenuated water at a greenfield rate I am satisfied that the potential for significant environmental impacts can be excluded.

A separate Flood Risk Assessment has been carried out and is appended to the EIAR. The issue of Flood Risk is addressed in Section 11.8 above. In summary the site is in Flood Zone C based on CFRAMS mapping and is not at risk from coastal or fluvial flooding. The Flood Risk Management Guidelines identify residential as a

'highly vulnerable development' class which is acceptable within Flood Zone C. Some pluvial flood risk is identified. However, the risks arising are mitigated by measures are detailed in the Flood Risk Assessment. It is estimated that the risk of flooding will be minimal and is within acceptable limits, and it is predicted that the development will not increase the risk of flooding elsewhere.

With regard to cumulative impacts, no significant cumulative impacts on the water environment are anticipated.

I have considered all of the written submissions made in relation to hydrology and hydrogeology and the relevant contents of the file including the EIAR. I am satisfied that the information submitted is sufficient in terms of its detail of the local hydrological and hydrogeological environment to exclude the potential for significant environmental impacts on the environment and in turn the potential for impacts on water quality in the downstream European sites.

#### 12.3.5. Air Quality and Climate

Air and climate are addressed in chapter 9 of the EIAR. The methodology and receiving environment are addressed.

The primary sources of potential impacts on air quality during construction and operational phases are assessed, including dust and machinery and plant emissions. The primary climate change impacts relate to emission of greenhouse gases from machinery during construction.

Mitigation measures during construction are detailed including dampening down the dust at source, use of debris netting on scaffolding, wheel wash facilities, and good management practices. For the operational phase, climate mitigation measures include proposed landscaping and compliance with the building regulations. The impacts to air quality and climate during the construction phases are predicted to be imperceptible negative and during the operational phase the impact on climate is considered to be imperceptible. I am satisfied that subject to the proposed mitigation and management measures that significant negative impacts would not arise.

Cumulative impacts are considered, and no significant impacts are predicted.

I have considered all of the written submissions made in relation to Climate and Air. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of air and climate. I am also satisfied that cumulative effects are not likely to arise.

#### 12.3.6. Noise and Vibration

Chapter 10 of the EIAR evaluates noise and vibration associated with the construction and operational phases of the development.

The northern site boundary adjoins the railway line. At the northeast corner of the site, the railway line is separated from the site by Rosshill Road. The elevation of Rosshill Road decreases as it passes underneath the railway line, with the development site sitting above the road at the northeast boundary. Along the northwest corner of the site the railway runs at and slightly above the site, with the railway running on a substantial embankment to a height of 5-6m above surrounding ground level at the northwest corner of the landholding. It is noted that Rosshill Road sees heavy traffic at commuting times between Oranmore and the city.

A baseline noise survey was undertaken across the development in September 2019 with four noise monitoring points established (N1-N4) and noise sensitive receptors were identified. The main sources of noise relate to road traffic and railway traffic. Potential noise impacts during construction are described and include noise from plant and construction activities and from construction traffic. No significant impacts envisaged. Mitigation measures are detailed for the construction phase, and it is concluded that residual impacts will be moderate negative but short-term in nature. I recommend in the event of a grant of permission that condition limiting the hours of construction to standard construction hours is also included to further mitigate any potential noise impacts on local residential receptors.

During the operational phase, no significant noise emissions are envisaged and no mitigation is proposed. In terms of inward noise impacts, the noise survey indicates that road traffic, rail traffic and activity at commercial premises in the area could impact future residents. Predictive modelling is used to quantify the extent of impact.

The Inward Noise Assessment proposes mitigation to dwellings in the north-east corner of the site that will be exposed to heightened night-time noise levels in the form of glazing with a minimum Rw value of 35dB for north facing bedroom facades.

I am satisfied that subject to the proposed mitigation and management measures that significant negative impacts would not arise in terms of noise.

Cumulative impacts have been considered and none are identified. Cumulative noise impacts with the railway line are not considered significant.

I have considered all of the written submissions made in relation to noise. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of noise.

#### 12.3.7. Archaeological, Architectural and Cultural Heritage

Chapter 11 of the EIAR addresses cultural heritage. I refer the Board also to section 11.9 of the planning assessment above which sets out a detailed assessment in relation to archaeological, architectural and cultural heritage.

There are no protected structures or recorded monuments within the SHD site.

There are a number of features of archaeological, architectural and cultural heritage interest in the area. National monument No. 46 is located 600m to the south of the site. This monument comprises an ecclesiastical enclosure and associated structures including a round tower. It is also a recorded monuments and protected structure. Roscam Folly (RPS Ref. 8803 and Recorded Monument Ref. GA094-070) is c. 100m to the south of the proposed development site. It comprises a high ivy-covered stone wall, having an octagonal plan and measuring c. 60m in diameter.

The monument comprises a circular structure with cruciform extensions in the centre of the folly. Recorded Monument Ref. GA094-122 refers to an enclosure located 90m to the north of the site. There is no description available for this monument.

Railway bridge c. 32m to the north of the main site is listed on the RPS (Ref. 8806).

The red line boundary extends under this bridge, and it is proposed to construct a footpath and lay services under the bridge. No works are proposed to the bridge

itself. The complex of outbuildings in ruins to the south of the SHD site (with some encroachment into the site) are of cultural heritage interest due to a connection with the nineteenth century estate associated with Rosshill House. Rosshill is also included in the NIAH Garden survey (Site ID 5509). The landscape feature of note is identified as walled gardens.

During the construction phase the main potential for impacts is to previously unrecorded sub-surface archaeology and to the outbuildings to the south of the site, which are to be partially removed. In relation to archaeology mitigation is proposed in the form of pre-development archaeological testing and monitoring. Ground works associated with the proposed development will involve the removal of the northern portion of the 19<sup>th</sup> century outbuildings. To mitigate the loss of a part of this structure it is proposed to record details of the elements to be removed and to protect the remaining sections.

The main potential for impacts during the operational phase relates to changes to the setting of monuments, structures and the landscape. Given the separation between the site and the structures and the extent of modern residential development in this wider landscape it is concluded that significant impacts would not arise.

Landscaping and planting proposed as part of the development will further mitigate potential impacts on the wider setting of the recorded monuments and protected structures.

I have considered all of the written submissions made in relation to archaeology, architectural and cultural heritage. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of noise.

#### 12.3.8. Landscape and Visual

Chapter 12 of the EIAR addresses Landscape and Visual Impact. The Board is referred to section 11.4 of the report Development Strategy and Urban Design respect of landscape and visual impacts. A Visual Impact Assessment incorporating photomontages has been submitted to assess the impact on specific viewpoints. I



note the concerns raised by third parties in relation to the position of viewpoints. I am satisfied the issue has been adequately assessed.

The predicted visual impact during the construction phase and during the operational phase is examined. Visual impacts during construction will arise from construction activities on site, the use of machinery, vegetation removal and earthworks, including a substantial re-grading within the western section of the site. These visual effects will be most pronounced in the immediate vicinity of the site, where there are several residential receptors. The effects will be short term in duration. Operational phase impacts arise from the change in character from agricultural fields and woodland to medium density residential set within a sylvan landscape. This will change the character of the site at a local level. I am satisfied that the change is consistent with the residential zoning objective that pertains to the site.

Mitigation during construction includes the implementation of appropriate site management procedures. Mitigation in the form of a landscape design is also proposed. The landscape design seeks to retain existing trees and planting on the site. Trees prioritised for retention include native boundary trees and areas of contiguous woodland scrub with ecological value. The alteration from a rural area on the edge of the city into suburban area will have an effect on the character and fabric of the site and immediate vicinity. Overall, the predicted landscape impact is considered to be Long Term, Slight, as a result of the level of screening provided, however the overall character of the area will be slightly affected.

No cumulative impacts are predicted. No mitigation measures are proposed.

I have considered all of the written submissions made in relation to landscape and visual impact. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the layout and design of the proposed scheme, and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on the landscape or on visual impact.

#### 12.3.9. Material Assets

##### Traffic and Transport

Chapter 13 of the EIAR details the Traffic and Transport assessment. The Board is also referred to section 11.7 of my report above in respect of impacts in relation to traffic and transport. A Traffic and Transport Assessment and a Road Safety Audit have been submitted with the application.

Mitigation measures proposed in the EIAR are described both during construction and operational stages. It is stated that mitigation measures related to construction activities will be implemented in accordance with a Traffic Management Plan (TMP) and include measures in relation to the haulage routes and restrictions, including the height restriction where the railway line goes over Rosshill Road. This will ensure the railway bridge will be protected. Impacts are considered to be short term imperceptible and negative to local traffic during the construction phase.

In terms of operational phase traffic this will have an impact on road junctions in the wider area. Operational Phase mitigation measures, such as the footpath improvements, provision of a car club and cycle infrastructure is proposed. The EIAR states the proposed Galway Bypass will ultimately reduce traffic flow at these junctions. I would note that the Dublin Road, located c. 800m north of the site, is identified as a strategic transport corridor in the Galway Transport Strategy and that it is proposed to improve public transport provision and facilities for cyclists and pedestrians along this roadway. The preferred route option for the Dublin Road Bus Connects project was published in October 2020. I consider that the proposed upgrades along the Dublin Road will encourage a shift in modal split resulting in a reduction in the impact on the junction capacities.

While the proposed development will contribute to existing congestion on the local road network in the short term, the development of itself will not result in such significant additional traffic as to warrant a refusal. I am of the view that the development will support consolidation and densification in this area of Galway City and support a more integrated public transport system as well as development of greenway routes in the longer term. Improvements to the pedestrian network in the short term are considered acceptable. I am satisfied that subject to the proposed mitigation and management measures that significant negative long term impacts would not arise.

Cumulative impacts have been considered, including the 16 house development to the north of the site. The result is stated to be a long term imperceptible negative cumulative impact on local traffic. I am satisfied that while some cumulative effects may arise from the proposed development together with existing and permitted developments, these would be managed and mitigated to an acceptable level by measures which form part of the proposed development, through suitable conditions and as a result of proposed public transport projects along the Dublin Road.

I have considered all of the written submissions made in relation to traffic and transport. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of traffic and transport.

#### Utilities

Section 12.3 of Chapter 3 of the EIAR evaluates the impacts on material assets required to facilitate the development, including electricity, telecommunications, water supply networks, land use and waste management.

Mitigation measures are proposed to ensure that no damage or service interruption would arise during the construction phase through specific measures set out in a Construction and Environmental Management Plan. A project specific Waste Management Plan (WMP) is proposed to address issues in relation to waste and reference is made to section 3.6.1 of the EIAR which also addresses waste. No significant residual or cumulative impacts are anticipated.

I have considered all of the written submissions made in relation to Material Assets. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on material assets.

## **12.4. Significant Interactions**

Chapter 14 of the EIAR comprises a matrix of significant interactions between each of the disciplines. The various interactions have been described in the EIAR and have been considered in the course of this EIA. I have considered the interrelationships between factors and whether they might as a whole affect the environment, even though the effects may be acceptable on an individual basis. In conclusion, I am generally satisfied those effects can be avoided, managed and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions. There is, therefore, nothing to prevent the granting of permission on the grounds of cumulative effects.

## **12.5. Reasoned Conclusion on the Significant Effects**

Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and the submissions from the planning authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Positive impacts on population due to the increase in housing stock in the Galway Metropolitan area.
- Biodiversity Impacts which will be mitigated by design, landscaping and compensatory planting; tree protection measures; pre-construction surveys; mitigation measures detailed in the Construction Management Plan; and surface / ground water management measures.
- Noise and Vibration Impacts during construction which will be mitigated by appropriate management measures.
- Air impacts during construction which will be mitigated by construction management measures, dust management and plant management.
- Landscape and visual impacts, which will be mitigated by construction management measures and by the retention and enhancement of existing trees and new landscaping.

- Traffic and transportation impacts, which will be mitigated by construction traffic management, by the provision of pedestrian facilities and works to existing pedestrian facilities.
- Water impacts, which will be mitigated by construction management measures, surface water management and monitoring.

The EIAR has considered that the main significant direct and indirect effects on the environment that would be likely to arise as a consequence of the proposed development. The effects would be mitigated to an acceptable degree by environmental management measures detailed in the EIAR, and no residual significant negative impacts would remain. The positive benefits of the scheme would outweigh any remaining minor negative impacts. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment.

## **13.0 Appropriate Assessment**

### **13.1. Stage I Screening**

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

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

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

management of any European site and therefore is subject to the provisions of Article 6(3).

The applicant has submitted an Appropriate Assessment Screening Report and a Natura Impact Statement as part of the planning application both prepared by MKO Planning and Environmental Consultants. I have also referenced information in the EIAR, Civil Works Design Report and Construction and Environmental Management Plan submitted with the application.

The AA Screening Report provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. The AA screening report concludes that *“It cannot be concluded beyond reasonable scientific doubt, in view of best scientific knowledge on the basis of objective information and in light of the conservation objectives of the relevant European sites, that the proposed development, individually or in combination with other plans and projects, would not have a significant effect on the Galway Bay Complex SAC and Inner Galway Bay SPA. As a result Appropriate is required...”*.

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

#### 13.1.2. Need for Stage 1 AA Screening

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

#### 13.1.3. Brief Description of the Development

The applicant provides a description of the project in Section 2 of the Screening Report. The development is also summarised in Section 3 of this Report.

Permission is sought for 102 residential units, commercial / retail unit and a crèche on a site area of 4.7 ha. The proposed development will include the removal of vegetation and recontouring of the lands to include excavation of up to c. 4 metres within the central area of the site. This is likely to include shallow excavation of bedrock. The EIAR notes that excavated soils will be used within the site and that it is not intended to import soil.

The site is a greenfield site within the area of Galway City Council. The predominant land cover is dry neutral grassland (GS1), with areas of wet grassland (GS4), oak-ash-hazel woodland (WN2), buildings and artificial surfaces (BL3), vegetated stonewalls (BL1), hedgerows (WL2), treelines (WL1) and scrub (WS1). None of the habitats within the site correspond to those listed on Annex I of the EU Habitats Directive.

The mapped subsoil type indicates that the majority of the site is underlain by Tills derived from Limestone with some smaller areas of karstified bedrock outcrop / subcrop (KaRck) towards the south of the site. The site is underlain by the Burren Formation – Limestones. The limestones are classified by the GSI as a Regionally Important Aquifer – Karstified (conduit) (Rkc). The bedrock has a high transmissivity and low storage. Groundwater flow directions are generally to the south / south-west towards the coast (local differences). The vulnerability rating of the aquifer within the overall site is classified as “Extreme (X –rock at/near surface)”. The WFD status for the local groundwater body is Good. The hydrology of the area is characterised by low surface water runoff rates and high groundwater recharge rates. While the site is in the Carrownmoneash (Oranmore) surface water sub-catchment under the WFD given the topography of the area it is considered likely that surface water run-off / groundwater flows are to the west / southwest towards the coastline.

The proposed development will be connected to the Irish Water potable water supply and wastewater network. The development provides for an underground pumping station in the northwest corner of the site, which will discharge via a rising main to an existing Irish Water pumping station located at Merlin Park. The wastewater will in turn be pumped to the Mutton Island WWTP for treatment before being discharged to Galway Bay. It is proposed to discharge attenuated surface water to ground. Run off will pass through oil/petrol interceptors before being directed to one of six

soakaways located across the site. The soakaways will also attenuate storm water during and post storm events. Additional storage is provided in the form of a swale in the northwest corner of the site, which is prone to occasional pluvial flooding.

#### 13.1.4. Submissions and Observations

The submissions and observations from the Planning Authority, Prescribed Bodies and Third Parties, are summarised in Sections 8, 9 and 10 of this Report. The submissions received from third parties raise concerns in relation to the potential for impact on European sites in Galway Bay due to a source-pathways-receptor connection via groundwater and impact on SCI bird species. The submissions received from the Planning Authority and from prescribed bodies do not raise any issues in relation to Appropriate Assessment.

#### 13.1.5. Zone of Influence and Potential for Impacts

The site is not within or immediately adjacent to a Natura 2000 site. The nearest Natura 2000 sites to the proposed development are the Galway Bay Complex SAC (000268) located c. 136m to the west of the site at the closest point and the Inner Galway Bay SPA (004031) located 260m to the west of the site at the closest point.

The NIS sets out a summary of European Sites within a 15km radius of the proposed development. No potential for connectivity to sites at distances of greater than 15 km was identified.

The applicant's Screening Report identifies all potential impacts associated with the proposed development taking account of the characteristics of the proposed development, examines whether any European sites fall within the zone of influence of the development and assesses whether there is any risk of a significant effect or effects on any European sites, either alone or in combination with other plans or projects. I would note that the possibility of a hydrological connection between the proposed development and European sites in Galway Bay is identified due to potential ground water, surface water and foul water pathways. The potential for impacts due to displacement or disturbance of SCI species is identified. A number of third parties have raised the potential for collision and barrier impacts on SCI bird species. The potential for loss / deterioration of Annex I habitats is also considered.



The potential for direct impacts on any European site is screened out on the basis that the site is not within the designated area of any European site. In applying the 'source-pathway-receptor' model in respect of potential indirect effects, I am satisfied given the nature and scale of the proposed development, the degree of separation and the absence of ecological and hydrological pathways that all Natura 2000 sites outside of a 15 km radius fall outside of the potential zone of influence of the proposed development.

The following sites fall within a 15 km radius of the site:

Site Name (Code)	Qualifying Interests/ Conservation Objectives
<p>Galway Bay Complex SAC (000268)</p> <p>Distance: 136m</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140], Coastal lagoons [1150], Large shallow inlets and bays [1160], Reefs [1170], Perennial vegetation of stony banks [1220], Vegetated sea cliffs of the Atlantic and Baltic coasts [1230], Salicornia and other annuals colonising mud and sand [1310], Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330], Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410], Turloughs [3180], <i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130], Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210], Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210], Alkaline fens [7230], Limestone pavements [8240], <i>Lutra lutra</i> (Otter) [1355], <i>Phoca vitulina</i> (Harbour Seal) [1365]</p> <p>CO - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected. See <a href="http://www.npws.ie">www.npws.ie</a> for details.</p>
<p>Lough Corrib SAC (000297)</p> <p>Distance: 4.1 km.</p>	<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]; Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130]; Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. [3140]; Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]; Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]; <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]; Active raised bogs [7110]; Degraded raised bogs still capable of natural regeneration [7120]; Depressions on peat substrates of the <i>Rhynchosporion</i> [7150]; Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]; Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220]; Alkaline fens [7230]; Limestone pavements [8240]; Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]; Bog woodland [91D0]; <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]; <i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092]; <i>Petromyzon marinus</i> (Sea Lamprey) [1095]; <i>Lampetra planeri</i> (Brook Lamprey)</p>

	<p>[1096]; <i>Salmo salar</i> (Salmon) [1106]; <i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) [1303]; <i>Lutra lutra</i> (Otter) [1355]; <i>Najas flexilis</i> (Slender Naiad) [1833]; <i>Hamatocaulis vernicosus</i> (Slender Green Feather-moss) [6216]</p> <p>CO - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected. See <a href="http://www.npws.ie">www.npws.ie</a> for details.</p>
<p>Lough Fingall Complex SAC [000606] Distance: 10.5 km</p>	<p>Turloughs* [3180]; Alpine and Boreal heaths [4060]; <i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]; Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]; Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]; Limestone pavements [8240]; <i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) [1303]</p> <p>CO - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected. See <a href="http://www.npws.ie">www.npws.ie</a> for details.</p>
<p>Rahasane Turlough SAC [000322] Distance: 13.1 km</p>	<p>Turloughs* [3180]</p> <p>CO - To maintain the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected. See <a href="http://www.npws.ie">www.npws.ie</a> for details.</p>
<p>Kiltiernan Turlough SAC [001285] Distance: 13.2 km</p>	<p>Turloughs* [3180]</p> <p>CO - To restore the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected. See <a href="http://www.npws.ie">www.npws.ie</a> for details.</p>
<p>Castletaylor Complex SAC (000242) Distance: 13.5 km</p>	<p>Turloughs* [3180]; Alpine and Boreal heaths [4060]; <i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]; Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]; Limestone pavements [8240]</p> <p>CO - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected. See <a href="http://www.npws.ie">www.npws.ie</a> for details.</p>
<p>East Burren Complex SAC [001926] Distance: 14.3 km</p>	<p>Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. [3140]; Turloughs* [3180]; Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]; Alpine and Boreal heaths [4060]; <i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]; Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]; Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]; Lowland hay meadows (<i>Alopecurus pratensis</i>, <i>Sanguisorba officinalis</i>) [6510]; Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]; Petrifying springs with tufa formation (<i>Cratoneurion</i>)* [7220]; Alkaline fens [7230]; Limestone pavements [8240]; Caves not open to the public [8310]; Alluvial forests with <i>Alnus glutinosa</i> and; <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnionincanae</i>, <i>Salicion albae</i>) [91E0]; <i>Euphydryas</i></p>

	<p>aurinia (Marsh Fritillary) [1065]; Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]; Lutra lutra (Otter) [1355]</p> <p>CO - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected. See <a href="http://www.npws.ie">www.npws.ie</a> for details.</p>
<p>Ardrahan Grassland SAC (002244)</p> <p>Distance: 14.5 km</p>	<p>Alpine and Boreal heaths [4060]; Juniperus communis formations on heaths or calcareous grasslands [5130]; Limestone pavements [8240]</p> <p>CO - To maintain or restore the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected. See <a href="http://www.npws.ie">www.npws.ie</a> for details.</p>
<p>Inner Galway Bay SPA (004031)</p> <p>Distance: 260 m</p>	<p>Great Northern Diver (Gavia immer) [A003]; Cormorant (Phalacrocorax carbo) [A017]; Grey Heron (Ardea cinerea) [A028]; Light-bellied Brent Goose (Branta bernicla hrota) [A046]; Wigeon (Anas penelope) [A050]; Teal (Anas crecca) [A052]; Shoveler (Anas clypeata) [A056]; Red-breasted Merganser (Mergus serrator) [A069]; Ringed Plover (Charadrius hiaticula) [A137]; Golden Plover (Pluvialis apricaria) [A140]; Lapwing (Vanellus vanellus) [A142]; Dunlin (Calidris alpina) [A149]; Bar-tailed Godwit (Limosa lapponica) [A157]; Curlew (Numenius arquata) [A160]; Redshank (Tringa totanus) [A162]; Turnstone (Arenaria interpres) [A169]; Black-headed Gull (Chroicocephalus ridibundus) [A179]; Common Gull (Larus canus) [A182]; Sandwich Tern (Sterna sandvicensis) [A191]; Common Tern (Sterna hirundo) [A193]; Wetland and Waterbirds [A999]</p> <p>CO - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected. See <a href="http://www.npws.ie">www.npws.ie</a> for details.</p>
<p>Cregganna Marsh SPA (004142)</p> <p>Distance: 3.8 km</p>	<p>A395 Greenland White-fronted Goose (Anser albifrons flavirostris)</p> <p>CO - To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA. See <a href="http://www.npws.ie">www.npws.ie</a> for details.</p>
<p>Lough Corrib SPA [004042]</p> <p>Distance: 6.5 km</p>	<p>Gadwall (Anas strepera) [A051]; Shoveler (Anas clypeata) [A056]; Pochard (Aythya ferina) [A059]; Tufted Duck (Aythya fuligula) [A061]; Common Scoter (Melanitta nigra) [A065]; Hen Harrier (Circus cyaneus) [A082]; Coot (Fulica atra) [A125]; Golden Plover (Pluvialis apricaria) [A140]; Black-headed Gull (Chroicocephalus ridibundus) [A179]; Common Gull (Larus canus) [A182]; Common Tern (Sterna hirundo) [A193]; Arctic Tern (Sterna paradisaea) [A194]; Greenland White-fronted Goose (Anser albifrons flavirostris) [A395]; Wetland and Waterbirds [A999]</p> <p>CO - To maintain the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected. See <a href="http://www.npws.ie">www.npws.ie</a> for details.</p>
<p>Rahasane Turlough SPA (004089)</p>	<p>Whooper Swan (Cygnus cygnus) [A038]; Wigeon (Anas penelope) [A050]; Golden Plover (Pluvialis apricaria) [A140]; Black-tailed Godwit</p>

Distance: 13 km	(Limosa limosa) [A156]; Greenland White-fronted Goose (Anser albifrons flavirostris) [A395]; Wetland and Waterbirds [A999]  CO - To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA. See <a href="http://www.npws.ie">www.npws.ie</a> for details.
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In applying the source-pathway-receptor model in respect of potential indirect effects there is a potential hydrological connection between the proposed development site and European sites in Galway Bay via ground, surface water and wastewater pathways, in addition to the potential for ecological connections due to the proximity of the development site to these European sites. I consider that the European sites in Galway Bay, namely the Galway Bay Complex SAC and the Inner Galway SPA, fall within the potential zone of impact of the proposed development.

I consider that all other sites fall outside of the potential zone of impact of the proposed development based on a combination of factors including intervening minimum distances, the lack of suitable habitat for qualifying interests and lack of hydrological or other connections. It is reasonable to conclude that the potential for impacts on these sites can be excluded.

**13.1.6. Screening Assessment Galway Bay Complex SAC (000268) and Galway Bay SPA (004031):**

- There are no Annex I / supporting habitats or species identified within the site during surveys. Potential for impacts arising from loss of habitat is therefore excluded.
- There is a potential hydrological pathway between the development site and the SAC / SPA via ground and surface water systems. Ground and surface water flows from the site are to the south / south-west in the direction of the SAC/ SPA. During the construction phase there is potential for the release of pollutants (e.g., silt, sediment, concrete based products and other pollutants) into ground and surface waters. The potential for impacts on water quality in the downstream SAC is identified in the submitted NIS and AA Screening Report. Taking a precautionary approach given the Karstified aquifer underlying the site and the limited

separation between the proposed development and designated area of the SAC / SPA the potential for impact on water quality in the Galway Bay Complex SAC and Inner Galway Bay SPA is not excluded. Stage II AA is required.

- During the operational phase clean attenuated stormwater will percolate to ground via 6 soakaways. The soakaways will also attenuate storm water during and post storm events. Water will pass through oil / petrol interceptors before entering the soakaways at greenfield rates. The pollution control measures to be undertaken are standard control measures in order to protect local receiving waters, irrespective of any potential hydrological connection to European sites. Given the potential loading of clean and attenuated surface water I am satisfied that the potential for impacts arising from surface water / storm water discharge can be excluded.
- A number of third parties have raised concerns in relation to the potential for changes to groundwater flows / conduits in the aquifer underlying the site and in relation to dewatering. Shallow excavation is proposed on the area of raised ground in the central section of the site. The finished levels of the proposed dwellings in this area would be c. 2-2.5m below natural ground level. The bedrock underlying the site underlies most of the Galway City area east of the Corrib River. There is nothing unusual about the proposal to undertake shallow excavation within this environment. Given the shallow nature of the excavations proposed within a confined area I am satisfied that any change to the underlying aquifer or potential dewatering would be negligible and that the potential for likely significant effects on the downstream SAC / SPA due to changes in the flow of groundwater or dewatering can be excluded.
- The foul discharge from the proposed development would drain via rising main to the Merlin Park Pumping Station and to the Mutton Island WWTP prior to discharge to Galway Bay. There is potential for an interrupted and distant hydrological connection between the site and the Galway Bay water

body (in which the SAC / SPA are located) via the wastewater pathway. However, the estimated foul discharge from the proposed development (50,400 litres per day) is negligible in the context of the overall capacity of the Mutton Island treatment plant and its impact on the overall discharge would be negligible. Concerns raised in third party submissions in relation to a lack of capacity in the network (Merlin Park and Oranmore Pumping Stations and Mutton Island WWTP) and in relation to overflows on the network are noted. The Mutton Island WWTP operates under EPA licence (D0050-01) and the overall network is required to meet environmental standards. The Annual Environmental Report 2017 indicates that the plant is compliant with emission limit values and is operating within its capacity. Given the negligible loading arising from the proposed development I consider that the potential for impact, or in combination impacts, on the conservation objectives of the SAC / SPA associated with foul water discharges can be excluded.

- Otter and harbour seal are the only two faunal species of QI for the Galway Bay Complex SAC. Harbour Seal is a marine species and no suitable habitat for the species exists close to the site. Any such habitat is separated from the site of the proposed development by woodland and residential dwellings. The site does not include suitable habitat for Otter and there are no watercourses within or directly adjacent to the site. Site surveys did not indicate any evidence of otter presence within the site. I am satisfied that the potential for likely significant impacts or in combination effects on otter and harbour seal can, therefore, be excluded.
- The potential for impacts on SCI Bird species of the Inner Galway Bay SPA is considered. None of the SCI species of the Inner Galway Bay SPA were recorded using habitats within the development site during site visits /surveys undertaken in April 2019 and July 2019 and during monthly winter bird surveys undertaken between October 2020 and March 2021. The site does not contain any significant wetland habitat and does not support suitable breeding habitat for any of the breeding SCI species for which the SPA is designated.

The proposed development is outside of the disturbance distances for SCI species of the SPA (refer to flight initiation distances in Table 7-1 of the NIS). I am satisfied that this coupled with the significant buffer provided by intervening woodland, treelines, grassland and residential dwellings and the absence of any form of direct access between the site and the SPA is sufficient to exclude any potential for significant impact arising from anthropogenic disturbance.

A number of third party submissions raise concerns in relation to the submitted bird surveys. Submissions argue that no summer bird surveys / breeding bird surveys have been undertaken and that surveys undertaken are deficient in terms of methodology and duration. The methodology used in the submitted bird surveys adheres to international best practice and in the absence of specific Irish guidance, I consider this to be acceptable. The surveys were undertaken throughout the year (including the summer period) and I am satisfied that the surveys provide a clear understanding of the usage of the proposed development site by bird species associated with the SPA.

The potential for collision and barrier effects is also raised by third parties. The bird surveys show that flights over the site by SCI bird species are infrequent. In general, literature suggests that it is smaller passerine birds and nocturnal migrating passerines in particular (migrating in large flocks), that are more susceptible to collision with buildings with extensive glass facades or very high buildings with extensive lighting. While large birds such as swans and geese are known to be potentially at risk from collision with less visible structures such as overhead wires, particularly if they are located between feeding and roost sites, there is little evidence to suggest that buildings could pose a significant risk to these species in the context of the proposed development. There are much higher buildings in and around Galway Bay that are crossed daily by birds moving out of the coastal area to inland feeding sites without incident. Collision risk is not identified as a risk factor for SCI species of the SPA.

I am satisfied that the potential for likely significant impacts on SCI Bird species of the Inner Galway Bay SPA due to disturbance / displacement / collision or barrier impacts can be excluded.

#### 13.1.7. **Screening Conclusion**

On the basis of the information contained on the file, distances from the sites and the potential for indirect effects on qualifying interests, the possibility of significant effects on the following European sites via ground and surface water pathways cannot be ruled out:

- Galway Bay Complex SAC (000268)
- Inner Galway Bay SPA (004031)

Appropriate Assessment of the implications of the proposed residential development, alone and in combination with other relevant plans and projects on the Galway Bay Complex SAC (000268) and the Inner Galway Bay SPA (004031) is required.

#### 13.2. **Stage II Appropriate Assessment**

The screening stage concluded that Appropriate Assessment of the implications of the proposed residential development, alone and in combination with other relevant plans and projects on the Galway Bay Complex SAC (000268) and the Inner Galway Bay SPA (004031) is required. The development site is outside of both European sites. It is located c. 136 m west of the designated area of the Galway Bay Complex SAC and c. 260 m west of the Inner Galway Bay SPA at the closest points. It was concluded that the potential for indirect effects on QI's / SCI's of the downstream European sites due to the potential for pollutants to enter ground and surface water during the construction phase of the development could not be screened out in the absence of mitigation. The potential for impacts arising from all other sources have been screened out as detailed in Section 13.1. The submitted NIS sets out details of the desk study and field surveys which resulted in the specified Qualifying Interests for each of the European Sites being selected. Both European sites have site specific conservation objectives and associated supporting documents and habitats and species datasets, published by the NPWS which are summarised below.

Galway Bay Complex SAC (000268)



The Galway Bay Complex SAC (000268) is 136 m from the site at the closest point. The Conservation Objective relating to the site is to maintain the favourable conservation condition of the Habitats and Species associated with the site, which are set out in Section 13.1 above. The targets and attributes for the relevant habitats and species are set out in the Galway Bay Complex SAC Conservation Objectives Series by the NPWS.

Any potential for indirect effects on the following QI's is excluded due to (a) the lack of connectivity between the proposed development and habitats for which the site has been designated and (b) the terrestrial nature of the QI's:

- Vegetated sea cliffs of the Atlantic and Baltic coasts [1230],
- Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (\* important orchid sites) [6210],
- Limestone pavements [8240],
- Perennial vegetation of stony banks [1220],
- Turloughs [3180],
- Juniperus communis formations on heaths or calcareous grasslands [5130], [6210]

There is a potential hydrological pathway to the follows QI's:

- Mudflats and sandflats not covered by seawater at low tide [1140]. Closest recorded location 285m west of the site.
- Large shallow inlets and bays [1160]. Closest recorded location 850m south of the site.
- Reefs [1170]. Closest recorded location 290m from the site.
- Coastal lagoons [1150]. Closest recorded location 2.86 km south-east of the site.
- Salicornia and other annuals colonising mud and sand [1310]. Closest recorded location 500m south-west of the site.

- Atlantic salt meadows (*Glauco-Puccinellietalia maritima*) [1330]. Closest recorded location 350m west of the site.
- Mediterranean salt meadows (*Juncetalia maritima*) [1410]. Closest recorded location 3.1 km from the site.
- Calcareous fens with *Caladium mariscus* and species of the *Caricion davalliana* (7210) – location not known. The maintenance of groundwater, surface water flows and water table levels within natural ranges is essential for this habitat.
- Alkaline fens (7230). Full extent of habitat unknown. Found in a mosaic with other habitats including Annex I habitat Calcareous fens.
- Harbour Seals (*Phoca vitulina*) [1365]
- Otter (*Lutra lutra*) [1355]

Site specific pressures and threats have been identified by the NPWS in relation to Galway Bay Complex SAC. Pollution to surface waters and diffuse pollution to surface waters due to household sewage and waste waters are identified as risks.

#### 13.2.1. Inner Galway Bay SPA (004031)

With regard to the Inner Galway Bay SPA, the conservation objective is to maintain the favourable conservation condition of the Habitats and Species associated with the site, and the NPWS has published a Conservation Objectives supporting document (which is appended to the submitted NIS), within which the following objectives are specified:

- Obj 1: To maintain the favourable conservation condition of the waterbird Special Conservation Interest species listed for Inner Galway Bay SPA.
- Obj 2: To maintain the favourable conservation condition of the wetland habitat at Inner Galway Bay SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.

A list of attributes and targets are set for each objective. The full list of qualifying interests/special qualifying interests is as set out in the above table.

Site specific pressures and threats have been identified by the NPWS in relation to Inner Galway Bay SPA, namely habitat modification, anthropogenic disturbance and ex-situ factors, whereby several of the listed waterbird species may at times use habitats situated within the immediate hinterland of the SPA or in areas ecologically connected to it. It is noted that the scope of Objective 1 covers the need to maintain, or improve where appropriate, the different properties of the wetland habitats contained within the SPA.

Section 5.3.4 of the submitted NIS reviews the Inner Galway Bay SPA conservation objectives supporting document (NPWS, 2013). It is noted that subsite Rosshill (ref OG496) which is the section closest to the SHD site, was surveyed with data indicating that this subsite is among the most species poor of the subsites surveyed, with mean numbers of 9 and a peak of 12 species on one low tide occasion. Table 5-6 of the NIS details the results of subsite surveys dated 2009/2010. I would note that a number of third party submissions refer to more up to date data relating to the Galway Biosphere and in other publications. I am satisfied that the data used by the applicant is published NPWS data relating to the site in question and is both sufficient and reliable for the purpose of AA.

#### 13.2.2. Assessment of Construction Phase Effects on Ground and Surface Waters

The hydrology of the area is characterised by low surface water runoff rates and high groundwater recharge rates. There are no field drains or natural watercourses on or in the vicinity of the site and the overland surface water pathways to the SAC and SPA are indirect.

The site is underlain by Burren Formation – Limestones. This aquifer underlies Galway City east of the River Corrib. It is a Regionally Important Aquifer – Karstified (conduit) (Rkc) with high transmissivity and low storage. The vulnerability rating of the aquifer is classified as “Extreme (rock at/near surface)”. The WFD status for the local groundwater body is Good.

In terms of soil cover the EIAR refers to deep soil cover on site and states that the proposed ground works will involve shallow excavation. I would note that site specific data in relation to soil cover, depth to bed rock and the level of the water

table has not been provided. A number of third party submissions have highlighted the absence of site specific data and state that soil depths in this area at 1-3 metres. Construction phase groundworks will involve cut and fill works with excavation in the central section of the site, in particular in the area around housing cells C2 and C3. The submitted architectural drawings show finished levels of c. 2-2.5 metres below natural ground level in the central section. It is possible that the excavations will extend below the subsoil into bedrock and below the level of the water table. I would note that this would not be unusual in the context of an urban development within the Galway area.

The potential for pollutants to enter groundwater and surface water during construction and groundworks is identified (e.g., leakage of sediments, hydrocarbons, cement based products and other polluting substances). The risks would be heightened where bedrock is exposed. Third party submissions refer to potential effects arising from pollution and changes to groundwater flows noting that the potential impacts are not modelled or examined in any quantitative way. The potential for significant impacts due to changes in ground water flow are screened out in Section 13.1 above.

In terms of connectivity to the SAC / SPA ground and surface water flows are to the south / south-west in the direction of Galway Bay and the designated areas of the Galway Bay Complex SAC and Inner Galway Bay SPA. Chapter 8 of the EIAR refers to small stream channels along the Roshill beach which emerge approx. 100m west of the site. The EIAR states that it is likely that runoff flows along field boundaries and discharges to Galway Bay at this point and that there is no evidence of any surface water – groundwater connections or connections to karst conduits at the proposed development site. Third party submissions discount this claim arguing that the streams emerge from groundwater flows, with some stating that the flows come through the SHD site. I consider that there is potential for a direct ground water connection between the proposed development site and the downstream SAC and SPA. The surface water pathway via overland flow is likely to be more indirect. The NIS acknowledges the potential pathway and in Section 7.2.2 sets out mitigation measures that are specifically aimed at avoiding impacts on surface and

groundwater quality and avoiding downstream water quality impacts in the Galway Bay Complex SAC and Inner Galway Bay SPA. Measures include the erection of silt fencing down-gradient of the construction areas; provisions for the collection and treatment of surface waters; provisions to pump surface water from swales into sediment bags prior to overland discharge. In the event of encountering groundwater during excavation, groundwater will be pumped from the excavation to a temporary on-site drainage system prior to discharge overland through vegetation. The discharge onto ground will be via a silt bag which will filter any remaining sediment from the pumped water. The entire discharge area from silt bags will be enclosed by a perimeter of double silt fencing. Earthworks are to take place during periods of low rainfall to reduce run-off and potential siltation of watercourses. I would note that it is proposed to reuse all excavated material within the site for landscaping and backfill (limited importation of new material) reducing the risk of importation of contaminated soils. Details measures are also set out for the management and storage of hydrocarbons within the site. The construction works will be informed by the guidance set out in the Construction Industry Research and Information Association document "Good practice guidelines on the control of water pollution from construction sites, in particular C532 Control of water pollution from construction sites: guidance for consultants and contractors (Masters-Williams et al, 2001); and SP156 Control of water pollution from construction sites - guide to good practice (Murnane et al, 2002). The works will also be informed by the Eastern Regional Fisheries Board requirements for the protection of fisheries habitat during construction and development works at river sites.

Having regard to the nature and extent of the works proposed and subject to the implementation of the specific mitigation measures aimed at managing and mitigating impacts on ground and surface waters I consider that the potential loading of any polluting or hazardous materials into ground or surface waters would be slight and having regard to the dilution capacity of the receiving waters I am satisfied that any potential impact on ground and surface water quality would be negligible. On this basis I am satisfied that the potential for likely significant effects on water quality in the downstream SAC and SPA and on the conservation objectives associated with these sites can be excluded. I am satisfied that the measures outlined fully address

any potential impacts on the Galway Bay Complex SAC and Inner Galway Bay SPA arising from the proposed development and that this conclusion can be made on the basis of objective scientific information.

#### 13.2.3. Cumulative and In-Combination Effects

Given the localised nature of the potential impacts, I do not consider that there are any specific in-combination effects that arise from other plans or projects.

#### 13.2.4. AA Conclusion:

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

- Galway Bay Complex SAC (000268)
- Inner Galway Bay SPA (004031)

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

## 14.0 **Recommendation**

14.1. Having regard to the above assessment, I recommend that permission is GRANTED for the development as proposed for the reasons and considerations and subject to the conditions set out below.

## 15.0 Reasons and Considerations

Having regard to the following:

- (a) the policies and objectives set out in the NPF and NWRA-RSES
- (b) the policies and objectives set out in the Galway City Development Plan 2017-2023.
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- (d) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (e) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (f) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2020
- (g) the Design Manual for Urban Roads and Streets (DMURS), 2013, as amended
- (h) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (i) the nature, scale and design of the proposed development,
- (j) the availability in the area of a range of social, community and transport infrastructure,
- (k) the pattern of existing and permitted development in the area,
- (l) the planning history of the site and within the area,
- (m) the submissions and observations received,
- (n) the report of the Chief Executive of Galway City Council, and
- (o) the report of the Inspector

It is considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this urban location, would not seriously injure the residential or visual

amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 16.0 Recommended Order

**Application:** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 9<sup>th</sup> day of July 2021 by MKO Planning and Environmental Consultants on behalf of Alber Developments Limited.

**Proposed Development:**

The development will consist of:

1. Construction of 102no. residential units comprising of 35 apartments and 67 houses:

- 4no. Apartment Type '1A' - 1 bed 2 person
- 4no. Apartment Type '1B' - 1 bed 2 person
- 3no. Apartment Type '1C' - 1 bed 2 person
- 11no. Apartment Type '2A' - 2 bed 4 person
- 4no. Apartment Type '2B' - 2 bed 4 person
- 3no. Apartment Type '2C' - 2 bed 4 person
- 3no. Apartment Type '2D' - 2 bed 4 person
- 3no. Apartment Type '2E' - 2 bed 3 person
- 2no. House Type 'A/A1' - 4 Bed Semi Detached
- 8no. House Type 'B/B1' - 3 Bed Semi Detached
- 4no. House Type 'C/C1' - 3 Bed End of Terrace
- 2no. House Type 'C2' - 3 Bed Mid Terrace
- 2no. House Type 'D' - 2 storey town house - end of terrace - 3 bed



- 4no. House Type 'D1' - 2 storey town house - mid terrace - 3 bed
- 2no. House Type 'D2' - 3 storey town house - end of terrace - 4 bed
- 2no. House Type 'E' - 3 bed Long Semi Detached
- 2no. House Type 'F' - 4 bed Long Semi Detached
- 3no. House Type 'G' - 2 storey town house - end of terrace - 3 bed
- 6no. House Type 'G1' - 2 storey town house - mid terrace - 3 bed
- 3no. House Type 'G2' – 3 storey town house- end of terrace- 4 bed
- 1no. House Type 'H' - 3 Bed Semi Detached
- 1no. House Type 'H1' - 3 Bed Semi Detached - Double front
- 8no. House Type 'J/J1' - 3 Bed Semi Detached
- 4no. House Type 'K' - 3 bed Long Semi-Detached
- 4no. House Type 'L' - 4 bed Long Semi-Detached
- 3no. House Type 'M' - 3 Bed End of Terrace
- 3no. House Type 'M1' - 3 Bed End of Terrace
- 3no. House Type 'M2' - 3 Bed Mid Terrace 2.

2. Demolition of the existing silage concrete apron (40sqm)

3. Childcare facility (399sqm over 2-storeys) associated outdoor play areas and parking

4. Retail/Commercial space (188.5sqm) including loading bay

5. Provision of shared communal and private open space, including play and fitness equipment

6. Car and cycle parking, including electric vehicle charging points

7. Provision of all associated surface water and foul drainage services and connections including pumping station

8. Landscaping, access routes and public art

9. Lighting and associated works

10. Access and junction improvements at Rosshill Road and Rosshill Stud Farm Road

11. Provision of a footpath connectivity link along Rosshill Road and Rosshill Stud Farm Road

12. All associated works and services

The application contains a statement setting out how the proposal will be consistent with objectives of the Galway City Development Plan 2017-2023. The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan other than in relation to the zoning of the land.

A Natura Impact Statement ('NIS') and Environmental Impact Assessment Report ('EIAR') have been prepared and accompany this application. The application is also accompanied by a Statement of Material Contravention of the Development Plan.

### **Decision**

#### **Decision:**

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

### **Matters Considered**

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

### **Reasons and Considerations**

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

- (a) the policies and objectives set out in the NPF and NWRA-RSES

- (b) the policies and objectives set out in the Galway City Development Plan 2017-2023.
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- (d) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (e) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (f) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2020
- (g) the Design Manual for Urban Roads and Streets (DMURS), 2013, as amended
- (h) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (i) the nature, scale and design of the proposed development,
- (j) the availability in the area of a range of social, community and transport infrastructure,
- (k) the pattern of existing and permitted development in the area,
- (l) the planning history of the site and within the area,
- (m) the submissions and observations received,
- (n) the report of the Chief Executive of Galway City Council, and
- (o) the report of the Inspector

### **Appropriate Assessment**

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the:

- Galway Bay Complex SAC (000268), and
- Inner Galway Bay SPA (004031)

are the European sites for which there is a likelihood of significant effects.

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for European Sites in view of the above sites' Conservation Objectives.

The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' Conservation Objectives using the best available scientific knowledge in the field. In completing the assessment, the Board considered, in particular, the following:

- Site Specific Conservation Objectives for these European Sites,
- Current conservation status, threats and pressures of the qualifying interest features, likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- Submissions from observers,
- Mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites. The Board identified that the main likely impact arising from the proposed development on the European Sites would arise from potential construction related discharges from the proposed development site to the ground and surface water systems and the potential for these effects to reach the downstream European Sites. Having regard to the potential loading of any such discharge, avoidance, and mitigation measures as set out in the Natura Impact Statement, the Board concluded that the proposed development, subject to the identified mitigation measures, would not adversely affect any of the habitats within the relevant European sites. In the overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European sites in view of the site's conservation objectives and there is no reasonable scientific doubt as to the absence of such effects.

## **Environmental Impact Assessment**

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale, location and extent of the proposed development,
- (b) the environmental impact assessment report and associated documentation submitted with the application,
- (c) the submissions from the planning authority, the observers and the prescribed bodies in the course of the application, and
- (d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the planning application.

The Board considered and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in Chapter 15 of the environmental impact assessment report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

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

The Board considered that the proposed development is, apart from the density parameters, broadly compliant with the current Galway City Development Plan 2017-2023 and would therefore be in accordance with the proper planning and sustainable development of the area.

The Board considers that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the Galway City Development Plan 2017-2023, it would materially contravene the Plan with respect to a specific objective relating to plot ratio. The Board considers that, having regard to the provisions of section 37(2)(b) (iii) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the development plan would be justified for the following reasons and considerations:

- (iii) It is considered that permission for the proposed development should be granted having regard to Government policy set out in the National Planning Framework and the Regional Spatial and Economic Strategy for the area, including the requirement that cities outside of Dublin significantly increase their population share. Under National Policy Objective 2b half (50%) of future population and employment growth will be focused in the existing five Cities and their suburbs (including Galway). The site is within the Galway MASP area as defined in the NPF Implementation Road Map and RSES and while a relatively small number of units are proposed (102 in total) it is a notable contributor to the population growth targets for the Galway MASP area detailed in the Regional Spatial and Economic Strategy of 27,500 persons to 2026 and a further 14,500 to 2031. Furthermore, National Policy Objective 35 of the NPF is to increase residential density in settlements.
- (iv) It is considered that permission for the proposed development should be granted having regard to Section 28 Guidance set out in the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009); the Urban Development and Building Height Guidelines for Planning Authorities (2018); and the Sustainable Urban Housing

Design Standards for New Apartment Guidelines for Planning Authorities (2020). SPPR4 of the Urban Development and Building Height Guidelines seeks increased densities within urban areas in accordance with the minimum densities set out in the Sustainable Residential Development in Urban Areas Guidelines. The Sustainable Residential Development in Urban Areas Guidelines promote densities of 35-50 units per hectare at outer suburban and greenfield locations such as this, stating that development at net densities of less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency. The Sustainable Urban Housing Design Standards for New Apartment Guidelines for Planning Authorities state that peripheral and / or less accessible urban locations, such as this, are suitable for residential development of any scale that will include a minority of apartments at low-medium densities.

In accordance with section 9(6) of the 2016 Act, the Board considered that the criteria in section 37(2)(b) (iii) of the 2000 Act were satisfied for the reasons and considerations set out in the decision.

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

## 17.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the
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	<p>developer shall agree such details in writing with the planning authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p><b>(a)</b> The development shall be carried out on a phased basis, in accordance with a phasing scheme submitted with the planning application, (unless otherwise agreed in writing with the planning authority prior to commencement of any development.)</p> <p><b>(b)</b> No dwelling shall be occupied until such time as the realigned junction at Rosshill Road and the proposed footpath connection between the site and the existing public footpath at Ross Alta on the Rosshill Road is fully completed and operational.</p> <p><b>(c)</b> Not more than 50% of residential units shall be made available for occupation before completion of the childcare facility unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed (at this time).</p> <p><b>Reason:</b> To ensure the timely provision of services and facilities, for the benefit of the occupants of the proposed dwellings and in the interest of pedestrian and traffic safety.</p>
3.	<p>The proposed development shall be amended as follows:</p> <p><b>(a)</b> The proposed roof garden shall be omitted and an area of communal space with minimum area of 220 sq.m shall be provided in the central car parking block located to the rear (east) of the apartment block. This will result in the loss of 14 no. car parking spaces.</p> <p><b>(b)</b> All screen walls shall be 2 metres in height above ground level, constructed and finished to match external finish of dwellings (unless otherwise agreed in writing with, the planning authority prior to commencement of development).</p>



	<p>(c) All rear garden walls shall be 1.8 metres in height above ground level, and shall be concrete block or concrete post and panel, unless otherwise agreed in writing with, the planning authority prior to commencement of development.</p> <p>(d) The site services layout shall be revised to avoid all trees that are identified for retention and protection.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interests of residential amenity and visual amenity.</p>
4.	<p>Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application as set out in Chapter 15 of the EIAR 'Summary of Mitigation Measures', shall be carried out in full, except where otherwise required by conditions attached to this permission.</p> <p><b>Reason:</b> In the interest of protecting the environment and in the interest of public health.</p>
5.	<p>The mitigation measures detailed in the Natura Impact Statement shall be implemented in full.</p> <p><b>Reason:</b> In the interest of clarity and to ensure the protection of European sites.</p>
6.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,</p> <p>(b) employ a suitably-qualified archaeologist who shall undertake geophysical surveys targeted testing prior to the commencement of any groundworks (as detailed in the EIAR) and monitor all site investigations and other excavation works, and</p>

	<p>(c) provide arrangements, acceptable to the planning authority and in consultation with the national monuments services, for the preservation, protection, or recording and removal of any archaeological material found. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
7.	<p>The following details shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development:</p> <p>(a) Details of the materials, colours and textures of all the external finishes to the proposed dwellings/buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority/An Bord Pleanála prior to commencement of development. The proposed nap plaster finish shall be omitted on principal elevations of the apartment block and replaced with high quality and durable finishes such as brick or stone.</p> <p>(b) Details of finished levels throughout the site and of any tie-in's or retaining features that may be required in conjunction with the proposed cut and fill works.</p> <p>(c) Details of covered, secure and convenient cycle parking to serve the apartment units, creche and retail / commercial unit.</p> <p>(d) Final details relating to the realignment and appropriate restoration to the existing junction at Rosshill Road.</p> <p>(e) Details of a wayfinding through the site to ensure clear and legible access to the principal doorways, parking area, and open spaces.</p> <p><b>Reason:</b> In the interests of visual amenities, permeability, connectivity and good urban design.</p>
8.	<p>No external security shutters shall be erected for any of the commercial premises unless authorised by a further grant of planning permission. Details of all internal shutters shall be submitted to, and agreed in writing with, the</p>

	<p>planning authority prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of the amenities of the area/visual amenity.</p>
9.	<p>No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
10.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.</p> <p><b>Reason:</b> In the interests of clarity and public health.</p>
11.	<p>Details of works to the public road to facilitate the proposed development shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development. All works to the public roads / footpaths shall be completed to the satisfaction of the Planning Authority.</p> <p><b>Reason:</b> In the interests of traffic, cyclist and pedestrian safety and sustainable travel.</p>
12.	<p>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.</p> <p><b>Reason:</b> In the interest of public health and surface water management.</p>
13.	<p>No additional development shall take place above roof parapet level of the apartment block, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
14.	<p>The site shall be landscaped (and earthworks carried out) in accordance with the detailed scheme of landscaping, which shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development.</p>

	<p>The scheme shall include provisions for hard and soft landscaping within the site and details of children's play features and boundary treatments.</p> <p><b>Reason:</b> In order to ensure the satisfactory completion of the development.</p>
15.	<p>(a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.</p> <p>(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.</p> <p>(c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of tree(s), shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.</p> <p>(d) No trench, embankment or pipe run shall be located within three metres of any trees, shrubs, or hedging which are to be retained on the site.</p> <p><b>Reason:</b> To protect trees and planting during the construction period in the interest of visual amenity.</p>
16.	<p>The internal road and vehicular circulation network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of amenity and of traffic and pedestrian safety.</p>

17.	<p>Prior to the opening/occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents/ occupants/ staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the commercial element of the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.</p> <p><b>Reason:</b> In the interest of encouraging the use of sustainable modes of transport.</p>
18.	<p>A minimum of 10% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.</p> <p><b>Reason:</b> To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.</p>
19.	<p>Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority.</p> <p><b>Reason:</b> To ensure that adequate parking facilities are permanently available to serve the proposed development.</p>
20.	<p>Proposals for a development naming and unit identification and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Thereafter, all such names and numbering shall be provided in accordance</p>

	<p>with the agreed scheme.</p> <p><b>Reason:</b> In the interest of urban legibility.</p>
21.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with the planning authority prior to installation of lighting. Such lighting shall be provided prior to the making available for occupation of any residential unit.</p> <p><b>Reason:</b> In the interests of amenity and public safety.</p>
22.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. The cables shall avoid roots of trees and hedgerows to be retained in the site. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
23.	<p>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 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p><b>Reason:</b> To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
24.	<p>The management and maintenance of the proposed development following its completion, save for areas that are to be taken in charge, shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.</p> <p><b>Reason:</b> To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>

25.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
26.	<p>The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p> <p>(a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and car parking facilities for site workers during the course of construction;</p> <p>(b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;</p> <p>(c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</p> <p>(d) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface or ground waters.</p>

	<p>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.</p> <p><b>Reason:</b> In the interest of amenities, public health and safety.</p>
27.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
28.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
29.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on and adjoining the site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part</p>



	<p>thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To secure the protection of the trees on the site.</p>
30.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
31.	<p>Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p>

	<p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
32.	<p>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.</p> <p><b>Reason:</b> 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.</p>
33.	<p>The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of proposed greenways (secondary) and primary walking cycle routes (Dublin Road) that will benefit the proposed development. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the ***Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.</p> <p><b>Reason:</b> It is considered reasonable that the developer should contribute</p>

towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.
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Karen Kenny  
Senior Planning Inspector

21<sup>st</sup> October 2021

## 1.0 Appendix 1 List of Observers

1. Ann King
2. Anne Leahy
3. Caoimhin O Cadhla
4. Barbara Grove
5. Ciaran Lynch
6. Dan Clabby
7. Declan Ashe
8. Deirdre Grealish
9. Deirdre Greally
10. Dermot McLoughlin
11. Donna Long
12. Eamon Hogan
13. Eanna King
14. Edward McNally
15. Emeline Fahy
16. Erin Shimizu
17. Gerard Smith
18. Grainne O'Connell
19. Hetty Keane
20. James and Miriam McCormack
21. James McCarthy
22. Jane Shimizu
23. Jarlath O'Connell
24. Joan McLoughlin
25. John Grealish
26. John McIntyre and Pauline Dillon
27. Joseph Cosgrove
28. Martin Fahy
29. Maura and Joseph Long

30. Maureen King
31. Nancy Roe
32. Nuala Cosgrove
33. Oisin Shimizu
34. Oranmore Maree Planning and Environmental Group
35. Patrick King
36. Pauline and Joe Kennelly
37. Ray and Sylvia Weldon
38. Rosshill Roscam Residents Association
39. Sophie Cacciaguidi Fahy
40. Tony O'Dwyer
41. Yutaka Shimizu