



An
Bord
Pleanála

Inspector's Report ABP 310976-21

Development	"Kingston Cross" - Phase 1 of 2 Phase Masterplan for urban village comprising Mixed Use Development and civic spaces and new access road off WDR.
Location	Kingston, Knocknacarra District Centre, Knockcarra, Galway.
Planning Authority	Galway City Council.
P. A. Reg. Ref.	21/48
Applicant	1 Kingston Land Ltd.,
Type of Application	Permission
Decision	Refuse Permission
First Party Appellant.	1 Kingston Land Ltd.
Third Party Appellant	Kingston Environmental
Date of Inspection	19th October, 2021
Inspector	Jane Dennehy

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1.0 Site Location and Description

- 1.1. The application site is located circa three kilometres to the west of the city centre of Galway has a stated area of 20,888 square metres and is part of an overall parcel of lands with a stated area of 60,840 square metres (6.84 hectares) which formerly were farmlands. The lands which have been fenced off along the perimeter have been disturbed, are uneven and altered by prior clearance and preparatory works. There is evidence of the presence of fill and waste materials and ground cover is mainly in rough vegetation, hedgerows and some trees but there are no watercourses within the site.
- 1.2. To the north is the relatively recently constructed western distributor road (WDR) which is part of the N6GCRR provided for in the Galway Transport Strategy, (GTS) on the opposite side of which there is recently constructed and the site of permitted commercial and retail development (Galway Retail Park) in which there are retail warehousing store and LIDL and ALDI stores. There are roundabouts at either end at the junctions with the local road network to the northwest at Bothar Stiofain towards Clybaun and Ragoon. and to the northeast (Gort Na Bro roundabout) at Bishop O'Donnell Road/Seamus Quirke Road (R336/N6/the Inner Ring Road), Adjoining the site to the west there is an apartment (Altan) along the northern side of which there is an entrance and access road into to the site and residential estates are to the east and south.

2.0 Proposed Development

- 2.1.1. The application lodged with the planning authority indicates proposal for Permission for development which will consist of Phase 1 of 2 phase masterplan for a new urban village 'Kingston Cross' on the south side of the Western Distributor Road at the Knocknacarra District Centre. Indicative masterplan layout details are provided on a masterplan drawing included with the application. Phase 1, subject of the current application is for a mixed-use development comprising:

A licensed supermarket (5,460 square metres), with under croft parking - 258 parking spaces. (Ten per cent of the retail space s comparison.)

a large specialist retail warehouse unit (2,977 square metres) with a dedicated surface car park with one hundred and thirty-seven parking spaces.

Nine flexible shop/retail service units. (1,275 square metres)

Two flexible medical/community units. (414 square metres)

A café/restaurant unit, (with ancillary office use), (202 square metres)

A central civic space (2,470 square metres) including play and exercise areas, with seating and rest areas adjacent to the café

a covered sports court. (233 square metres)

a new access road off the Western Distributor Road, with civic amenity space (2,470 square metres) along the frontage onto the WDR with blocks set back from it. This space is to provide for bus stops cycle parking planting and seating areas.

entrance lobbies, lifts, travellers, (646 square metres) trolley bays,

a substation (fourteen square metres),

a new pedestrian/cycle route, boundary treatments, landscaping,

services access and signage. The services access is to be off the link road from the St Stiofain roundabout and access route to the Altan apartment development to the west of the site

ancillary development (Plant room and switch rooms (387 square metres) and associated site development works.

2.1.2. The total stated floor area for the proposed development is 11,600 square metres.

2.1.3. According to the application, the supermarket (Tesco) and the retail warehouse intended to be occupied by Decathlon are to be two anchor tenants. Decathlon is described as a specialist in sale of sports goods much of it bulky and requiring car transport by customers

2.1.4. The public open space comprises a total area of 6430 square metres and is a combination of the landscaped space along the WDR frontage, the civic plaza and part of the greenway within the masterplan area.

- 2.1.5. The application site is stated to be in the ownership of the applicant except for public land inside the northern edge of the redline boundary with the WDR which is in public ownership. Written consent to lodgement of the applicant has been provided by the Corporate Services Department at Galway City Council.
- 2.1.6. The application includes an indicative masterplan for the entirety of the lands to the south of the WDR within the C1 zoned area in which a layout for residential development is shown for the area indicated as Phase 2 which would be subject of a future separate application. It is stated that Phase 2 comprises residential development, community facilities and public open space linked to adjoining areas and to the civic plaza included in Phase 1. It is stated that the GFA for Phase 2 amounts to less than fifty percent of the total gross floor area for the combined masterplan development.
- 2.1.7. The accompanying documents include a retail impact statement, an ecological study, a cultural report, an Appropriate Assessment screening report, a site-specific flood risk assessment report, a traffic and transportation assessment and road safety audit, mobility management plan, engineering, landscaping and landscape layout reports outline construction traffic management and outline waste management plans, and architect design statement and a planning statement.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 2nd July, 2021 the planning authority decided to refuse permission based on six reasons as outlined below:

Reason 1: With reference to the Retail Hierarchy (in Fig 6.2) and Section 11.2.6 of the CDP. The proposed development is premature pending agreement of an overall layout for the area and is in contravention of the policy under Section 11.2.6 of the CDP whereby development can only be considered following agreement on the overall layout for the area which is to include high quality design (as provided for in Chapter 8. The proposal is considered substandard in layout, linkages between the two phase (failure in nature and design and layout to respond to the internal and surrounding

context) resulting in poor urban form, unsatisfactory public realm and unsustainable density, unit mix open space and connectivity and permeability. The proposal is therefore in conflict with the CDP in particular the policies in Chapter, 2.6.8. and 11 and associated statutory guidance.

Reason Two: The proposal is deficient having regard to section 11.2.6 of the CDP for delivery of a public community facility and several small retail and service retail units to deliver a wide range and good use mix including commercial recreational and educational uses suited to District Centres serving the surrounding residential area.

Reason Three: Communal spaces proposed for the north are limited in functionality and substandard. The civic square is limited in size and is dominated by the commercial units and limited utility and amenity. The amenity of the two phases (of the masterplan) are compromised. Conflict with Section 11.2.6 of the CDP's requirement for reserved space for civic design open space and parkland at a size and function reflecting the scale of the overall development. The requirement is above the standards for open space on the lands having regard to the aim, (in chapter 4 of the CDP) for a green network in the city allowing integrated and sustainable management and protection for natural heritage, recreational amenity, parks and open spaces.

Reason Four: Failure to enhance and protect the urban design quality in poor design and animation on the WDR street frontage, lack on interaction with public realm, poor context and substandard having regard to section 3.11 Sustainable residential development in Urban Areas in which there is a requirement for high design standards and w proposal which barely meeting minimum standard not being acceptable. And Policy Section 6.1 of the retail architectural quality and urban design.

Reason Five: Failure to demonstrate sufficient legal interest for inclusion of some lands needed to facilitate the development which are overlapping into than Logan residential development.

Reason Six: Potential for traffic hazard due to failure to demonstrate the proposed development does not have negative impact on the TTS having

regard to the N6GCRR. Interference with delivery of public transportation and bus corridors pedestrian safety and free flow of traffic due additional traffic generation, illegal turning movements at the access. Premature development pending determination of a layout for the area having regard to the proposed roads layout.

3.2. Technical Reports

3.2.1. The report of the **Transportation Department** indicates the following concerns:

The new access onto the WDR will have negative impact on the GTS due to disruption to the bus priority routing, conflict between pedestrians and cyclists. The additional traffic and the left in and left out only arrangement at the entrance off the WDR would lead to illegal right turning in both directions and would lead conflicts with traffic cross in the bus lanes. The need to address pedestrian desire lines between the development and development on the opposite side of the road. There is no provision for pedestrians crossing the proposed access onto the WDR. A controlled crossing is required

The internal road is unsatisfactory with regard to gradient, and drainage.

The reduced parking provision need to be justified. The Decathlon store would generate considerable traffic and demand for parking.

The TRICS analysis does not adequately address the impact of the Decathlon Store. There are considerable U turns at multiple roundabouts with the on which the junction arrangements are dependant. An assessment of the GTS bus lanes to be introduced along with the signalised junctions and the N6 GCRR replacing the roundabouts is necessary

There is insufficient information about services /deliveries access and routing.

3.2.2. The report of the **Recreational and Amenity Department**, attached to which there is a copy of the planning authority's technical guidance note indicates a recommendation for additional information to be requested. Details required include requirements for surface water flood management for the carpark, proposals for tree planting and soft landscaping to be incorporated with the hard surface areas for

carparking; relocation of a playground away from the carpark and closer to the main plaza, soft landscaping at the north east and further details of boundary treatment, alignment of tree planting with drainage layouts, clarification of selection of specimen species of trees for the main plaza those selected being unsuitable for the climate and location. And a requirement for shade tolerant wildflower species along the frontage to the WDR. The report also includes recommendation for a number of conditions to be attached, should permission be granted.

- 3.2.3. The report of the **Drainage Division** indicates no objection to the proposed arrangements for surface water drainage.
- 3.2.4. The report of **Transportation Infrastructure Ireland** (prescribed body) (TII) notes the proximity to a national and future roads and transportation scheme and states that such roads should be kept free of development or access, in accordance with national policy. It is also stated that the proposal should be consistent with Galway Transport Strategy GTS, that the development promotes undesirable private car dependency adversely affecting efficiency and operation of the existing and future national road network. The proposed development is considered potentially at variance with the GTS as provided for in section 3.5 of the CDP and *Spatial Planning & National Roads Guidelines for Planning Authorities.*, lack of public transport facilities at present. Concern as to whether the proposed development is consistent with the GTS is indicated. It is stated that the development could be over dependant of private car trips which affect efficiency and effectiveness of the existing and future road network and that there is possible variance with the GTS provisions as set out in section 3.5 of the CDP. It is concerned that if the parking provision is inconstant with the GTS the proposed development would be at variance with the *Spatial Planning and National Roads: Guidelines for Planning Authorities* (January, 2012) and would be contrary to section 4.6 of the GTS.
- 3.2.5. The report of **Irish Water** indicates feasibility for water and drainage connections subject to standard prior requirements.

3.3. Third Party Observations

- 3.3.1. Submissions were lodged by several individuals, organisations and groups in which the issues raised include:

- Support in principle for development of the subject lands.
- Linkage and adequacy of the pedestrian and cycle routing – east west and to adjacent developments
- Linkage and deficiency in layout, utility and connectivity and quality for the green spaces and for the public realm, civic space and sport facilities.
- Deficiencies in urban design quality for the scheme in itself and in relation to integration with ad compatibility with adjoining developments.
- Impact on residential amenities at adjoining developments – traffic and uses, notably the Decathlon store and the services arrangements.
- Inadequacy in quantum of carparking provision.
- Traffic impact and conflict with vehicular and pedestrian circulation at both construction and operational stages.
- Questionable justification additional convenience and comparison retail and as the adequacy and reliability of the retail impact assessment.

3.3.2. The submission of the An Logan Development Management Company does not object in principle to the prosed development, has identified possible overlap into lands within the An Logan development and states that it will not allow access through the scheme to the proposed development. Concerns as to negative impacts from noise from service areas are also indicated.

3.3.3. The submission of RGDATA indicates dissatisfaction with the adequacy of the retail impact assessment report, over proliferation of convenience retail floor space in the proposed development. restrictions on assessment by splitting the application between the two phases with the residential element being outside consideration. And lack of connectivity.

3.3.4. The Galway Cycling Campaign lodged a comprehensive submission in which it is stated that the proposed development fails to address and provide for the planned greenway route and has considerably potential to contribute to improvements in providing off line east west routing, improved arrangements for parking, for cyclists at the junction with the WDR where proposals are unsatisfactory, particularly for cyclists on approach from the west and there is need for priority crossings and cycle and car share schemes within the development site.

4.0 Planning History

- 4.1.1. Permission was granted under P. A. Reg. Ref. 99/469 for a mixed-use development comprising a business technology building incorporating medical rooms and an underground carpark, a shopping centre providing for supermarket and mall with fourteen shops, offices and medical consulting rooms, creche, pharmacy a banking hall, an ATM, a drive-in take away restaurant, a six-screen cinema, fifteen apartments and a children play centre and underground carparking. Site clearance and preparatory works were undertaken but the grant of permission was not otherwise implemented.
- 4.1.2. Permission was also granted under P. A. Reg. Ref. 99/466 for temporary retention of land fill on the site.
- 4.1.3. There is a grant of permission for the retention of the existing fencing erected along the perimeter of the site under P. A. Reg Ref. 17/167.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative development plan is the Galway City Development Plan, 2017-2023 according to which the site location comes within an area subject to the zoning objective "C1- (lands at Rahooon north and south of the Western Distributor Road) The application site is in the southern portion. The Objective is for the area to operate as a 'District Centre' as defined in the statutory Retail Planning guidelines for Planning Authorities 2012 and is to provide for other uses permissible within the C1 zoned areas.
- 5.1.2. According to Policy 6.1: it is policy to "Promote the vitality and viability of the District Centres and encourage the provision of an appropriate range of retail, non-retail, community and leisure services, such retail services should be mainly of a convenience or lower order comparison type in order to protect the prime role of the city centre for shopping."
- 5.1.3. According to the CDP (page 96) Retail Knocknacarra District Centre (designated a Level 3 within the new suburbs') "has a population of approximately 12,000 with a

zoned capacity to reach 18,000 persons. The settlement strategy for this area is to allow development to reach anticipated growing levels of population through consolidation of existing zoned lands.

The aspiration for the Knocknacarra District Centre is to function more as an 'urban village' type centre than purely a shopping area to service this scale of population. This is encouraged through specific development objectives for the district centre lands which require a mix of uses including service retail, public health facilities, community, recreational and residential uses.

At present only the first stage of the overall development has been completed. This consists mainly of convenience, some comparison, commercial recreational and some local services. The balances of phases which include a mix of public health care facilities, smaller scaled units, restaurants, residential and a new primary school campus will introduce a welcome mix. The objectives in the development plan which support a wide range of uses including civic and residential are designed to achieve vibrancy, distinctiveness and local ownership."

According to Policy 4.5.1 it is the policy of the planning authority to continue and improve development of a greenway network in the city providing for alternative accessible circulation for pedestrians and cyclists along with promotion and facilitation of safe and convenient walking and cycling routes through land use policy and implementation of measures set out in the Galway Transportation Strategy. (GTS)

- 5.1.4. There are specific objectives for the lands to the south of the WDR in which the site is located which include:

Prior agreement on overall layout and adherence to high quality urban design as specified in Chapter 8 of the CDP to include appropriate mix of uses avoidance of dead frontage to the WDR quality pedestrian connections, a structured hierarchy of spaces maximisation of linkage with adjoining and future development. Pedestrian priority and viable phasing, and neither an excess nor reduction, (without a valid case) in parking standards.

The residential element is to be incorporated into the overall scheme.

A civic open space/park to be reserved appropriate the scale of the development and at a quantum and function in excess of requirements for open space. Phasing to

provide for front delivery of community facilities, education and health facilities and amenity spaces. provision for small retail and services units delivering district centres uses. Good balance of use mix to include commercial leisure, educational to serve the community. industrial and enterprise appropriate type and scale may be considered.

The retail strategy for the city is set out in Chapter 6 with the retail hierarchy for the County (and City) shown in Table 6.2 Knocknacarra is designated a Level 3 District Centre along with Doughiska, Westside and Ardaun in the city. The scale and nature are envisaged as serving a local catchment, Knocknacarra being identified as an area experiencing major growth in population (with a zoned capacity to increase from 12,000 to 18,000 through consolidation of existing zoned lands.) and in need of retail, service retail and community facilities along with large multiple anchors and a mix of convenience and comparison goods and local services and facilities.

According to section 6.1 a high quality architectural and urban design providing for good balance of use mix including commercial, leisure and educational uses which by virtue of use and scale would serve the needs to the surrounding residential area is also encouraged. Direct bulky good retailing is to be restricted to identified retail parks and limited at district centres in which a maximum of twenty percent of the net retail space could be considered for such purposes having regard to the retail planning guidelines.

Section 11.2.6: (page 170) provides for the Commercial Industrial Land-use Zoning Objective) regarding the Southern Portion of CI lands at Ragoon: -

“Development on these lands will only be considered following agreement on an overall layout for the area. This shall include for adherence with the requirements for high quality urban design as referenced in Chapter 8. In particular it shall ensure an appropriate mix of uses including for the smaller scale retail /service retail units. In particular the development shall address the Western Distributor Road with the avoidance of dead frontages. Quality pedestrian connections with the adjacent residentially zoned lands and open space lands shall be achieved. A structured hierarchy of spaces should be a consideration within the layout maximizing the opportunities for linkage with adjacent developments/future developments. Pedestrian priority shall be required in any access network which should also accommodate public transport access. The overall scheme should demonstrate

divisible viable phases of development and should not exceed the maximum standards for car parking and a case may be made for a reduction in standards owing to the designated location being a multi-purpose trip destination.

The site shall include for a minimum of residential/residential commercial development of a scale equivalent to 20% of the proportion of all likely future floor space proposals. This residential development shall be incorporated into the overall scheme.

The site shall include for a civic open space/park which shall be reserved on any layout for this purpose and should be of a size and function to reflect the scale of the overall development and shall be over and above the requirement for open space on these lands.

Each phase of the development shall include for the front-loaded delivery of a public /community facility which can be in the form of a community facility, an educational establishment, a community health facility, a transport facility, a park and play area over and above normal open space, requirements.

Any future development shall include for a number of small retail /service retail units which can be demonstrated to deliver a broad range of District Centre uses, this shall be assessed in the light of the scale and nature of uses delivered on the site at that period, noting the outstanding permissions on the overall lands to date.

A good balance of use mixes shall be provided for including uses such as commercial leisure uses and educational uses, which would by virtue of their use and scale serve the needs of the surrounding residential area are encouraged.

Industry and enterprise of an appropriate type and scale may be permissible on these lands where it is suitably located with reference to the adjoining residential lands.

Each phase of development should provide for front loaded delivery of a public facilities in the form of a community facility educational establishment community health facility, transport facility, park and play area over and above the normal open space requirements.

A number of small retail and service retail units demonstrated to deliver a broad range of district centre uses which shall be assessed in the light and scale and nature of uses on site at the time including outstanding permitted development

A residential element is required at an equivalent of twenty percent of the overall floor space within the overall CI zoned area.”

5.2. Strategic Guidance

5.3. Retail Planning: Guidelines for Planning Authorities, DOECLG 2012.

5.4. Design Manual for Urban Roads and Streets (2019) DMURS

5.5. Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities, DOEHLG 2009

6.0 The Appeals

6.1. Third Party Appeal: Kingston Environmental.

6.1.1. An appeal was received from the appellant's agent on 29th July, 2021.

- Public interest is important, the site lands at Kingston Knocknacarra being the remaining land available for development within the city. The new development, (including the residential element in Phase 2) should be consistent with and integrate into the surrounding existing development with the significant additional population assimilating into the existing community.
- The application represents project splitting (into Phase 1 and 2) precluding an overall assessment of collective impacts which also affects mitigation issues. An overall integrated approach to assessment is warranted.
- There is insufficient detail on the phase two development in design and density and mitigation and in relation to arboriculture.
- There is lack of adequate justification for another shopping and retail centre in the Kingston/Knocknacarra area – there is already enough facilities in the area and retail footfall is reducing A shopping facility is not necessarily to

best land use and other amenities more appropriate such as recreational facilities including a cinema complex.

- Appropriate traffic integration with the existing network and the new ring road and mitigation are not included. Reliance on a single-entry point will lead to congestion and hazard at the roundabouts in and in the area.
- The scale of the two-phase development would have adverse residential and ecological impacts in that a more detailed environmental impact assessment and a full ecological and ornithological survey is warranted. Mitigation measures may be required. There is evidence of a pair of breeding barn owls flying over the site lands and the local golf course is a foraging area.
- The lands are now a regrown urban natural wilderness. The lands have been rewilded with habitats restored and undisturbed and this aligns with current policy for preservation of habitats and green spaces. Trees and hedgerows and existing habitats would be destroyed.
- The zoning objective while permissive does not mandate a commercial development such as that proposed having regard to the ecological implications.
- A linguistic impact assessment should be prepared as the area is in or adjacent to the Knocknacarra Gaeltacht.

6.2. First Party Appeal by the applicant.

6.2.1. An appeal was lodged by Armstrong Planning on behalf of the applicant on 28th July, 2021 attached to which are copies of correspondence with Galway City Council.

According to the appeal grounds:

- The masterplan seeks to deliver the new urban village on the at Knocknacarra District Centre in accordance with objectives for the zoning and the design principles and development criteria set out in the CDP with the current application focussed on the commercial and retail elements with civic spaces greenway and pedestrian and cyclist facilities integrating with the surrounding area whereas the residential element, (Phase 2) focusses on delivery of residential and community uses with public open spaces and linkages to the

surrounding area including a pedestrianised street to the west side. And continuation of a greenway to residential lands to the west.

6.2.2. With regard to Reason 1:

- The design principles of the CDP (P171-172) were addressed in the application Preplanning consultations were extensive but feedback not helpful, constructive or necessarily grounded in planning policy). The reasoning for the refusal of permission, lacks clarity or explanation as to how the development proposal does not meet development criteria in the CDP with regard to the design elements and policy objectives and the assertion that the scheme is substandard is subjective. The scheme is a high-quality response to the planning policy and DMURS standards. Development should be obstructed on grounds that the application is not considered until the planning authority agrees the overall layout.
- The masterplan was drawn up having regard to the 12-stage framework in DMURS (2009) The spatial and internal linkages are supported by best practice and desire lines and placemaking with clarity in streets and squares. Internal linkages between Phases 1 and 2 are not substandard: - 'Zone 1' between the Tesco carpark and phase 2 has a street that completes an urban block of retail with car free residential development, with active streets edge and perimeter block strategies. (Section 4.3.4 DMURS) 'Zone 2' interfaces the civic space in Phase 1 with the public open space in Phase 2 in a sequence of spaces. (Section 8 DMURS.) It provides for an urban village as it is mediated by the road, café and greenway providing overall enclosure of the retail to the north and west and residential to the south and west. 'Zone 3' links the greenway at its edge and turns difficult carpark space into an amenity within the housing and passive surveillance of the greenway. The access routes within the internal linkages have a primary access for all uses to the centre of the scheme and a services route for Tesco. Phase 2 links to this primary route and creates a permeable strip and dedentric vehicular route supported by section 3.4.1 of DMURS.
- The claim that linkages to surrounding context is substandard is refuted in that unresolved edges at adjoining residential developments are addressed and, there is transitioning to the four-storey scale of the 'Altan' apartment development to the west. Vehicular linkage to the existing built context is outside of the

applicant's control in Phase 2 but there is opportunity to link to the south and southwest and Phase 2 links and there is opportunity for further linkage to the southwest. The contextual relationships external to the masterplan area are maximised with sympathetic integration into the surrounding context.

- The claim that the scheme fails to take opportunities for suitable density, unit mix, open space provision and connectivity and permeability is rejected. The density in Phase two is 50 units per hectare in a mix of house types.

6.2.3. The proposed development meets the requirements for high quality urban design as provided for in chapter 8 of the CDP:

- It fully meets the requirement for high quality urban design as encouraged in chapter 8 of the CDP and specifically section 8.1 (Aim context and Strategy* and the criteria for good quality urban design in Policy 8.7 (Urban Design in which principles of and in which high quality is encouraged.) The poor-quality hinterland which has no particular typology will be improved by the proposed distinct character of an urban village centre in design, quality and layout of streets, frontages and public spaces arranged in blocks.

6.2.4. The proposed development meets the specific objectives and requirements of section 11.2.6 of the CDP:

- The proposed scheme is consistent with section 11.2.6 but the planning authority did not agree the overall layout and instead of providing an explanation just referred the applicant back to section 11.2.6.
- There is an appropriate mix of uses for the urban village as envisaged in the CDP providing for multiple shops and services in a continuous frontage and a fine grain with a pedestrian focussed environment with amenity spaces. The anchor units underpin the viability of the scheme and are accommodated without negative impact with the smaller units to the outer side.
- Provision is made for multiple small retail /retail services units for a broad range of district centre uses in a continuous street frontage between the WDR and the central plaza in the centre.
- The supermarket, retail warehouse and retail/retail service units in conjunction with first floor medical and community uses, the restaurant/café, sports facility

and outdoor civic and amenity spaces provide for excellent District Centre use. It will be complemented by Phase 2's large community centre and residential elements and public open space.

- The WDR from which there is generous setback and linear green civic space is fully addressed in the scheme's design and accommodates cycle and bus and pedestrian facilities. The vertical emphasis of the buildings which are 'wrapped round' by smaller units adds interest and prevents dead frontage. Fine morphology and higher intensity are facilitated by the undercroft parking.
- Pedestrian connectivity with (east and west) greenways and linkages are fully addressed and it should complement the masterplan being drawn up by the planning authority for the adjoining Kingston 'RA' zoned lands. There is sustainable linkage between Gort No Bro to the north and Kingston Road to the south in the identified greenway to the east and there are pedestrian and cycle linkages to the greenway to the west, between Clybaun Road and Bothar Stiofain. The two greenways in the CDP are linked to the WDR but have shortcomings and are outside the masterplan area and the control of the applicant. The applicant's proposed pedestrian and cycle route links these greenways together providing continuity that avoids the WDR. A greenway will bisect the site and connect to east and west and Phase 2.
- There is a divisible and viable phasing for the overall masterplan development.
- There is a structured hierarchy of spaces in the layout which draws activity across existing pedestrian crossing points, along the new street to the central plaza and centre of the urban village from the east and west and downwards into the public open spaces in Phase 2 to the south. The design achieves a series of structured spaces with connectivity to adjacent existing and future developments.
- The masterplan does provide for pedestrian priority and connectivity particularly between the WDR and the centre into the public and civic space, between the entrance to the WDR (left in and left out) and there is provision for pedestrian priority. Parking is removed from the street.

- Carparking standards are not exceeded – It is reduced, providing for 58% of the 679-space CDP standard. Undercroft parking avoids reliance on surface areas whereas the surface parking on the east side will be screened with landscaping associated with the greenway.
- The residential element is incorporated into the overall two-phase scheme with provision for a pedestrianised residential street on the western side with connectivity across the greenway and dense housing and apartments at the southern end providing a quality urban environment. It is a subordinate residential component in a structured hierarchy and a fine grain.
- The two areas of civic open space (5,180 square metres) in quantum are 3.5 times the CDP requirement and rises to 4.5 times with the greenway included in the calculation.
- The proposal does provide for “front loading” of community facilities. The medical community units, sports court, linear civic space, central plaza pedestrian cycle route space along the WDR frontage and, the creation of an urban village brings community benefit in the locality, including employment. (The creche is planned along with a community hall and public open space in the Phase 2.)

6.2.5. With regard to Reason 2 for refusal of permission.

- The mix of uses is appropriate, and the planning authority incorrectly seeks front loading of public community facilities which exceed the policy requirement for a single public community facility which can be a community, education establishment health facility transport facility of a park and play area.
- The mix of uses are suited for an urban village. An excellent mix of district centre uses and prioritisation for pedestrians in a fine grain approach is provided. The CDP is not prescriptive in quantum of floor space, or the number of units required so the planning authority is incorrectly claims that the requirements for and mix of uses for the designated district centre are unmet.

6.2.6. Reason 3 for refusal of permission is without merit.

- The civic spaces are well designed and high quality, having regard to section

11.2.6 and a Chapter 4. The WDR is specifically addressed as required in the CDP. It is a busy distributor route which can compromise the environmental quality, so the generous setback was deemed appropriate as a significant buffer and mitigation measures and it opens up a linear space also and is an attractive civic linear space. This space is not relied on in providing for open space requirements as per the CDP (table 2.1)

- The central plaza is sufficient in size and scale at 9.5% of the site area, 2,710 square metres in area and, in excess of the 5% open space requirement of the CDP. Of multiple options considered and the current high quality landscaped proposal strikes the right balance in size. It should not be too large if it is to encourage usability and vitality.
- The central plaza is not dominated by commercial units that limit functionality. The units form active street frontage, are proportionate to the civic space in height and scale providing for sense of place and is the first in the hierarchy. It integrates with the greenway and transitions into planned open space in Phase 2 to the south and there is natural transition from commercial oriented civic space to green open space in the residential area.

6.2.7. Reason 4 for refusal of permission is unwarranted.

- The development creates interest in the new urban village centre, animates and positively addresses the WDR frontage. Primary facade finishes are robust, have longevity and are of good appearance with a fine grain, variety in appearances and parapet levels which adjust to levels and avoid monotony. (Drawing 20.13.301 of the photo montages refers.)
- There is a new linear landscaped public space at the WDR edge and positive interaction with the public realm in that there is significant improvement in providing a building edge with variety in appearance and engagement, connection points to cycle parking and buses services and linkage to development on the opposite side of the WDR encouraging footfall. It accords with DMURS' guidance. (Diagrams are provided.)
- Contrary to the view of the planning authority there is significant variation in scale and façade design and distinctiveness to the three building blocks addressing

each other, providing active frontage onto the civic space, distinctive character towards the WDR and, sense of enclosure. (Illustrations are provided.)

- The proposed development which is on open undeveloped lands does not have poor contextual reference. It accords with local development objectives. Development in the western suburbs has been haphazard with no overall urban design guidance. The proposal creates a planned village centre and focal point as set out in the design statement with linkage to residential areas, provides a connected neighbourhood.

6.2.8. Reason No 5 for refusal of permission is unwarranted:

- The grass verge at the south side of the WDR is under control of the City Council which provided written consent as clarified in the application. There is no infringement on property boundaries at An Logan. (Reference is made to Section 34 (13) of the Planning and Development Act, 2000 as amended.)

6.2.9. Reason No 6 for refusal of permission is unwarranted: Reference is made to the TTA (Revision C1 dated 7th May, 2021) in support of the appeal grounds which follow:

- The development would not create traffic hazard. The proposed left in left out junction is optimal for active street frontage and minimisation of impact on westbound traffic. The future widening proposals are addressed and sustainable transport modes are addressed in the design and an RSA addressing these issues was included in the application.
- The development would not have negative impact on the GTS in that the proposed new junction is designed for the existing and proposed layout for the WDR in the upgrade for which new bus and cycle lanes and widening are included. (Drawing KLG-PUN-ZZ -00-DR - 0401 refers.)
- The use of 'Junctions 9' software for the traffic analysis shows the junction to operate well within the design threshold at 78% RFC. This includes the entire masterplan traffic and accounts for the future WDR design. These figures will be lower following the N6GCRR commissioning benefiting the junction capacity.
- The N6GCRR project includes upgrading of the Gort No Bro roundabout to a signalised junction and it will not be affected by the proposed development other

than positively. The predicated AADT for the WDR in 2023 is to reduce by 32 percent or 3,693 following opening of the Ring Road.

- The optimal location for the proposed junction minimises impact for traffic to the west to the Bothar Stiofain junction. The new bus stop will be a further improvement, contributing to sustainable transport. With and without the upgrade to the WDR and the roundabouts, the development will not compromise the GTS requirements.
- Pedestrian safety is addressed, there being pedestrian priority in the development where the internal access road is shared zone between the anchor retail blocks. Pedestrian and cycle routes are to be incorporated and provides east west connectivity. adjustments were made for pedestrian access in the design, further to the stage 1 RSA.
- Impact on traffic flow on the WDR would be least using the proposed junction arrangement which selected from the options considered. The assessment is robust and has an allowance for trade sharing and linked trips. Reference is made to the Mobility Management Plan, the mixed of uses and the CDP objective for modal shift, it being anticipated that significant trips will be on public transport and, the capacity at the entrance as shown in the junction analysis conducted the design year (2039)
- With regard to possible non-compliance with the 'left in, left out' arrangement for traffic at the junction, signage and erection of bollards, (if required by condition) would prevent illegal turning movements. (Drawing KLG-PUN-ZZ-00-C-4301 refers.)

6.2.10. The proposed development fully accords with planning policy:

- It accords with the National Planning Framework's provision for ambitions growth targets, increases in densities and populations in the cities, Galway being the most rapidly growing area and a key driver for the west of Ireland. It complies with the Objective 13 criteria and standards (chapter 4) for making stronger urban places in delivering a well-designed scheme.
- It accords with the Retail Planning Guidelines 2012 (RPG) and the Retail Design Manual - Section 2.5.3, section 4 and section 4.4 with regard to the location and impact on the city or town centre as a whole and with regard to the objectives

for (i) plan led development; (ii) promotion of vitality and viability through sequential site selection in that there is no negative impact as demonstrated in the retail impact assessment on existing centres; (iii) securing competitiveness in the sector in enabling high quality development at appropriate locations, having regard to section 2.5.3 of the RPG. The supermarket strengthens the retail offer at Knocknacarra and the Decathlon store is a specialised retail operator entering Galway and the west of Ireland within a suitable zoned site introducing new competition and consumer choice; (iv) increased access in accordance with the Smarter Travel strategy in that the masterplan provides opportunities for improvements to sustainable access by prioritisation for pedestrians and linkage and connectivity and public transport in a sustainable way. Section 4.11.2 of the RPG provides for retail warehousing as appropriate to out of town locations or transport off site by customers and car borne main shopping at supermarkets. (v) with regard to quality urban design, due consideration was given to the layout, massing and relationships and landscape design and retail impact assessment having regard to section 3.4 and 4.1 of the RPGS and to the Retail Design Manual which supports a more compact urban form and higher density.

- With regard to the CDP zoning and section 11.2.6 there is clear distinction with regard to the 'C1' zoning objective for the lands to the north and south of the WDR in that the development management criteria are different, notably with regard to the design criteria as set out in the section and reproduced in the appeal. (P49) The application and appeal clearly demonstrate that the proposed development clearly meets and fulfils these criteria.
- The proposed development is consistent with Galway's retail strategy and specifically district centres functions which are characterised by multiple anchors and convenience and comparison goods, Knocknacarra being one of the four district centres within tier 3 of the hierarchy with anticipated additional growth to 18,000 from 12,000. It, along with Doughiska have experienced major growth indicating clear needs for additional retail and service retail and community facilities and opportunity for scales of mixed uses at a scale nature

and function that does not threaten the city centre's core shopping area with Knocknacarra district centre functioning as an urban village type centre.

Competing centres and supermarkets are trading healthily and can withstand trade diversion that would result from the proposed development as indicated in the quantitative impact assessment within the retail impact assessment.

The new supermarket incentivises the local retail offer and improves consumer choice and competition and the retail warehouse is an important retail anchor underpinning the viability of the urban village development identified in the retail strategy.

6.3. Planning Authority Response

- 6.3.1. A response to the appeal was received from the planning authority on 31st August, 2021 according to which it is confirmed that the planning authority does not wish to alter its assessment of the proposed development and the decision. According to the submission, the applicant was clearly aware that the planning authority considered that 'the proposal was not compliant with the CDP and the vision for the area and, that the transport analysis was unsatisfactory having regard to capacity to accept the traffic impacts. It is requested that the decision to refuse permission be upheld and it is asserted that the applicant had been clearly advised that the planning authority considered the proposals unacceptable.
- 6.3.2. The submission includes a detailed account of pre planning consultations, (including their timeline) along with observations and comments and copies of, and correspondence issued to and received from the applicant's agent prior to lodgement of the application. These documents include a pre planning report issued to the applicant's agent regarding a meeting on 21st April, 2021.
- 6.3.3. In it the observations and recommendations of the planning authority are outlined, with particular reference to the CDP provisions and the Transportation Planning Department and Recreational and Amenities Section. There are separate observations in response to the appeal prepared by the Recreation and Amenity Section and by the Transportation and Infrastructure department as outlined below:
- 6.3.4. According to the Transportation and Infrastructure Department:

- Traffic hazard generation by the proposed junction with the WDR: Vehicles can easily opt to turn right causing conflict with public transport on the bus lane at present and following upgrade works to the WDR.
- Use of TRICS analysis is not suitable for trip generation by the proposed Decathlon store which would be a major trip generator with traffic coming along the local urban network which is too congested. The two existing stores in Ireland are accessed from major routes (M50 and N4)
- The TTA is unsatisfactory. There is inadequate between distribution of traffic flows from the proposed development and their tie into to existing. A network map would be required. There are discrepancies in the TTA distribution of traffic and Picardy inputs. Traffic assessment for services to stores (from the Bothair Stiofain roundabout) and auto track for larger delivery vehicles are not available or addressed.
- The future replacement of the roundabouts at the signalised junctions and introduction of bus lanes as part of the GTS are not addressed. The WDR is to be a high-quality corridor with priority for public transport and for pedestrians, cyclists and public transport users with shorter journey times. The new junction will impede the journey times.
- Cyclists would take illegal right turns at the exit following their desire lines. The junction mouth is not wide enough to accommodate pedestrians at 24 metres. There are serious safety concerns for pedestrians using the WDR. The pedestrian desire line for the ALDI store on the other side of the WDR is not addressed. This desire line would be used by shoppers and school trips and employees in the Galway Gateway Retail Park. Pedestrians will stick with their desire lines and cross the mouth of the twenty-four metres wide junction an uncontrolled crossing point. The junction island would not be sufficient to accommodate pedestrian crossings. Road access road safety impacts and the layout of the junction, service vehicle entrance, off the link road to the Alton development are not assessed in the RSA.
- At the junction signage and bollard will not be sufficient to control right turning and conflict with the RFC.
- A new junction on a high-quality transport corridor is problematic

- Vertical alignment of the internal access road is inconsistent with design standards due to rising gradients that tie into sag curves.

6.3.5. According to the Recreation and Amenity Section:

- There are serious concerns about delivery of the layout in two separate stages. The design of the public realm needs serious review and reconsideration.
- Front loading of delivery of public and community facilities should not result in separation and disconnected zones of open space and outdoor amenity. The civic space in Phase one and the open spaces shown for Phase 2 are not cohesively designed and interrelated. They read as to separate developments and there is no clear hierarchy of public realm and amenities spaces. All the green space is allocated to the phase 2 residential element.
- The linear space adjacent to the WDR frontage although attractive at the edge, has limited functionality.
- The civic space at the centre is not large enough and does not function as a green space with active and passive amenity. It is dominated by the retail units on all sides and the location of the playground for older children is inappropriate.
- The surface carpark lacks tree planting and a soft landscaping scheme and it would benefit biodiversity and green amenity space provision.
- The tree species selected for planting is not suitable for the Galway area.
- An increase in the setback between Block B and the north-east boundary and additional soft landscaping are required because of the negative impact of the building mass on adjoining residential amenities at An Logan.
- Many of the concerns of the third-party appellant about biodiversity are supported. Further ecological investigation is required the possible presence of breeding owls being noted. The ecological impact assessment should have information and baseline data that informs the drawing up of the landscaping and planting scheme.

7.0 **Assessment.**

- 7.1. The application is for a mixed-use development comprising Phase one of a two Phase Development for which a masterplan layout for an combined site area, of 6.88 hectares. These lands are on the southern side of the Western Distributor Road, (WDR) within the Ragoon/Knocknacarra/Kingston of the western suburbs of Galway city. The second phase for the area to the south to be subject of separate future application(s) is for residential development with some community facilities and public open space. These lands together with a large area on the north side of the WDR, are subject to the zoning objective CI at which the Galway Retail Park and LIDL and ALDI supermarkets operational, substantially complete or advanced. These C1 zoned lands come within the designated Knocknacarra District Centre, (at level 3) in the county and city's retail hierarchy. There is a first party appeal against the decision to refuse permission and a third-party appeal before the Board.
- 7.2. The issues central to the determination of the decision can be considered under the following subheadings.

Policies and Objectives – Galway City Development Plan.

Traffic, Transport, Access and Parking

Layout and design – public realm and amenities

Ecology

Environmental Impact Assessment Screening

Appropriate Assessment.

7.3. **Policies and Objectives Galway City Development Plan.**

- 7.3.1. While a detailed framework plan or similar within the CDP which would facilitate and benefit preparation and design and assessment of proposals for the District Centre is regrettable, there are specific policy objectives and criteria within section 11.2.6 of the CDP for these 'C1' zoned land. (See section 5 above) Furthermore, as has been pointed out in the planning officer report that the CDP was prepared and brought into effect in advance of other strategic policies and plans such as the NPF and Galway Transportation Strategy (GTS) in respect of which issues of concern may have arisen.

- 7.3.2. With the exception of the proposed retail warehouse unit, one of two proposed anchor stores which is discussed below, the proposed mix of uses notwithstanding the limited information available for the fourteen retail/retail service units, appears broadly consistent with the zoning objective with Section 11.2.6 of the CDP. Although consistent with the District Centre designation, justification for a large convenience retail offer in the form of the large anchor supermarket having regard to the extent of the intended catchment is questionable. It is noted that it is submitted that trade transfer would occur from the other stores in the vicinity but that it could be absorbed within the catchment according to the retail impact statement.
- 7.3.3. The proposed retail warehouse store is clearly described in the applicant's submission as being intended as a "flagship store" serving the western region as opposed to the local catchment intended for the District Centre, the intended tenant being 'Decathlon'. This gives rise to concern as to compatibility for a designated Level 3 District Centre within the retail hierarchy and which is not designated specifically as a retail park for the sale of bulky goods involving specific trips by customers by private car originating from a wide area.
- 7.3.4. It is also agreed with the planning authority that there is both an under representation overall, having regard to the district centre designation, in smaller retail/retail services space and units within the overall scheme. This concern is exacerbated by the lack of available information as to the prospective mix of tenants and nature of their retail or retail and other services' offer. Similarly, comprehensive information with regard to the proposed medical/community units would benefit consideration as to the availability of and requirement, according to section 11.2.6 of the CDP for front loading of one or more community, educational, health or similar facilities.
- 7.3.5. As a result, there is concern as to whether both the two anchor stores as proposed exceed and or are inappropriate for the District Centre having regard to section 11.2.6 of the CDP and as to whether there is sufficient range and extent of smaller retail and retail services and (front loaded') delivery of community services and facilities appropriate to serve the catchment for Knocknacarra District Centre and as such it is highly questionable as to whether there is consistency with the Level 3 District Centre designation having regard to the intended catchment. The planning authority' reasoning for refusal of permission in this regard is therefore considered reasonable.

7.4. Traffic, Transport, Access and Parking.

- 7.4.1. Notwithstanding the case made in the traffic and transportation assessment report associated documents, it is considered that to creation of a new junction to serve the proposed development and Phase 2 as shown in the submitted masterplan is at odds with the strategic function of the WDR which is to be upgraded and is designated as a high-quality transport corridor having regard to the Galway Transport Strategy which incorporates the N6 GCRR. Further to review of the appeal it is considered that there is no additional information or analyses that would suggest that the position arrived at by the planning authority can be addressed and reconsidered having regard to the serious concerns, observations and recommendations of the Transportation Infrastructure Department and Transportation Infrastructure Ireland (prescribed body) in their reports.
- 7.4.2. It is acknowledged that the trip generation and junction analyses provided by the applicant, the projections in which indicate spare capacity at design year (in fifteen years) for the proposed junction and the Gort No Bro junction to the east and Bothair Stiofain junction to west which are to be (upgraded from roundabouts to signalised junctions) but it is not agreed that the proposed junction arrangement can justified on this basis.
- 7.4.3. Even with the restriction to the left /in left out movement at the junction, eliminating right turning, (with traffic for the Gort na Bro junction having to travel to the Bothar Stiofain junction and turn back,) considerable interference with the flow and safety of vehicular, cycle and pedestrian movement on the carriageway and with unobstructed flow along the bus corridors and cycle paths would occur. The effect would be totally contrary to the delivery of pedestrian priority supported by quality functioning facilities. In this regard it is noted that there is failure to respond to pedestrian to respond to desire lines, lack of provision for controlled pedestrian crossing at the WDR and at the twenty-four metres wide junction and constraints in potential to accommodate pedestrians at an island midway across the proposed junction.
- 7.4.4. The trip generation by the proposed Decathlon store customer trips to and from which would be almost entirely private car dependant, and which would originate from all over the western counties and potentially the midlands and mid-west as indicated in the applicant's submissions. Furthermore, the concerns raised by the

planning authority as to underestimation of the trip generation associated with this anchor store in the applicant's submission are considered reasonable. The inappropriate private car trip generation and trip diversion on the immediate road network in the western suburbs which would be entirely at odds with the intended local catchment for the Level 3 District Centre is in direct conflict with the sustainable transport priority provided for WDR having regard to the GTS and planned WDR upgrade.

- 7.4.5. It is not fully apparent that the C1 zoned lands subject of the masterplan area would necessarily be landlocked in the absence of a junction on the WDR. It has been observed that at the surrounding established residential estates there are internal access routes which terminate at the site boundaries adjacent to some areas within the indicative layout for the residential elements. The feasibility of access, (in addition to service access) via the existing entrance route adjacent to the Altan apartments as an entrance for some development should not necessarily be ruled out.
- 7.4.6. Despite the concerns of the planning authority as to the routing and access for the proposed services (at operational stage) and construction stage traffic adjacent to the Alton apartments, which is close to Bothar Stiofain Junction and a school, it is considered that these proposals should not be rejected in principle. Full details of in quantum and nature of trips, routing, design and layout etc would need to be available for consideration within a comprehensive construction traffic management plan incorporated with a construction management plan which could be addressed by condition.
- 7.4.7. With regard to the proposed arrangements for on-site parking, it is noted from section 11.3.6 of the CDP that under provision of the parking requirement should be be considered, as a means of encouragement of alternative modes of travel and that for the LIDL store on the northern side of the WDR within the 'C1' zone provision for fifty-eight per cent of the standard was accepted. Given current policies for priority for and encouragement of for alternative sustainable transport as is being provided for in the area, catchment, under provision, at circa sixty percent would be reasonable subject to the mix of uses being appropriate to the Level 3 District Centre catchment as indicated in the CDP and referred to in the applicant's submissions. As previously stated, the regionwide catchment for the proposed Decathlon store,

described as “flagship”, which would be a destination in its own right, and is not consistent with the District Centre designation. It is therefore agreed with the planning authority that under provision of on-site parking would not be acceptable for this use.

- 7.4.8. The planning authority’s reasoning for refusal of permission with regard the issues discussed above is considered reasonable.

7.5. Layout and design – public realm and amenity

- 7.5.1. There are several concerns with regard to the proposed layout for the proposed Phase 1 alone and in the context of the overall two-phase development within the area of the Masterplan.
- 7.5.2. While encouragement of more compact mixed-use retail/commercial centres as encouraged in statutory policy and guidance is acknowledged, it is considered that the subject proposal for Phase 1 is cramped, has poor public realm potential, amenity, integration and connectivity when considered alone or in combination with Phase 2 as shown on the masterplan. The observations and views in the Recreation and Amenity section and the planning officer reports are reasonable.
- 7.5.3. The proposals for linear green space along the frontage of the WDR allowing for a setback and softening of the context of the blocks would be very effective and well considered as a visually positive linear space facilitating pedestrian movement. On the other hand, it is agreed that it cannot be regarded as having public external amenity potential as quality open space due to the configuration, location and lack of sunlight access. However, as stated in the applicant’s submissions consistency with the required minimum quantum of public open space having regard to CDP standards is not dependant its inclusion to this end.
- 7.5.4. The centrally located civic space is considered seriously deficient in size and inadequate terms of function ad amenity as a centrally focussed and integrated primary public open space within a hierarchy of open space serving both Phases within the masterplan area. On close review of the plans, this space is small and crowded and somewhat cluttered by elements of the adjoining uses, such as the café seating and the sports courts adjacent to the Decathlon store and other service facilities such as the cycle stands. It is dominated by the buildings around it and is potentially a very crowded circulation and ancillary space for the blocks enclosing it

and their retail and commercial uses which overspill into the space, (for example the outdoor sports court and café. In effect it is an outdoor space that in function supports and services the uses within the development rather than as an external recreational amenity space.

- 7.5.5. The proposed civic space does not contribute to permeability through the layout for the proposed development alone and in conjunction with Phase 2 as shown on the masterplan. The civic space is severed by the roadway off the central spine route from, the WDR to the south and pedestrian linkage to the east and west and with adjacent development through which there are potential routes are poorly represented as opposed to being prominent and clearly recognised. It is severed from the central open space shown for Phase 2 which itself is broken up by apartment blocks shown on the masterplan located across the centre of it.
- 7.5.6. Given the foregoing, as proposed, it is considered that the linear space at the northern frontage is not public open space but that it would be positive in effect in softening the visual impact on the WDR. The civic space is seriously inadequate in size, and is not functional as meaningful public amenity space, in that it functions instead as a circulation and ancillary space for retail and commercial and services uses within the blocks enclosing it and, there is no continuity into or connectivity into meaningful centrally focussed open space or parkland space for the two phases within area of the Masterplan and linkages routes to the surrounding area.
- 7.5.7. Irrespective of the concerns discussed above, based on the information available in connection with the application and appeals, it is not satisfactorily demonstrated that comprehensive public open space plan for the proposed development and the entirety of the masterplan area in which there is hierarchy, permeability, connectivity with detailed hard and soft landscaping and planting schemes and would facilitate high quality integrated development consistent with the urban village concept as envisaged in Section 11.2.6 of the CDP can be delivered.
- 7.5.8. Given the foregoing, having reviewed the appeal submission, the decision to refuse permission with regard to the proposed outdoor amenity and open space provision by planning authority is considered reasonable and is supported.

7.6. Ecology.

- 7.6.1. A large proportion of lands subject of the masterplan area, particularly within the application site area, which formerly were farmlands were disturbed cleared and altered circa twenty years ago for the purpose of development and that a considerable amount of fill was imported into it. These lands would not appear to be particularly sensitive as indicated in the submitted ecologist report. Notwithstanding the undertaking of the desk study and walk over visual survey, it is considered that the details and ecological impact assessment conducted are arguably summary rather than comprehensive in detail as submitted in the third-party appeal. The area of the masterplan is not subject to any statutory conservation designations and no protected habitats or annexed species are recorded within the site or being dependant on the site lands according to the ecologist's report. It is also concluded that there is no likelihood of significant biodiversity implications or adverse ecological impacts attributable to the proposed development.
- 7.6.2. The concerns and case made in the third-party appeal to support a more comprehensive study, particularly with regard to ornithological assessment are reasonable. It has been reported that there is a likelihood of presence of a pair of breeding barn owls is noted along with the presence of indigenous hedgerows and surface level scrubland and vegetation. In the event of possible favourable consideration of the proposed development it is recommended that these concerns be taken into consideration prior to determination of a decision.

7.7. Environmental Impact Assessment Screening

- 7.8. The site area is in excess of two hectares in area and it is agreed with the planning officer and the applicant's agent that the site location would not come within the 'central business district' of Galway whereby mandatory (above threshold) environmental impact assessment, would be required having regard to Schedule 5, Part 2 (10 (b) of the Planning and Development Regulations, 2001, as amended (The Regulations.)
- 7.9. The masterplan area for the two-phase development of which phase one is subject of the current application extends over an area in excess of six hectares. This total size for the site lands is well below the threshold of ten hectares in respect of which,

in other parts of a built-up area, EIA would be required, according to Schedule 5 Part 2. (b) of the Regulations.

- 7.9.1. Having regard to the minor nature and scale of the development proposed and its inner urban location in an area removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.10. Appropriate Assessment.

- 7.10.1. The application is accompanied by a "Report for the purposes of Appropriate Assessment Screening" for the proposed development, which has been consulted for the purposes of Stage 1 Appropriate Assessment Screening. The site is in the western suburbs of the city and comprises an area of 20,888 square metres which is part of an overall parcel of lands with a stated area of 60,840 square metres (6.84 hectares) which are former which were cleared and altered circa twenty years ago to facilitate a permitted mixed-use development that was not constructed.
- 7.10.2. The project is a mixed-use development comprising mainly retail and retail services and community and medical services and facilities and has a total stated floor area 11,600 square metres. It includes hard and soft landscaping, internal roads, a new junction on the WDR and parking below and above ground. Surface water is to be collected and discharged to the public surface water drainage network in the area and foul water drainage is to be connected the public sewer network and onwards for discharge into the Mutton Island waste-water treatment plant at which there is sufficient capacity. Construction is to be carried out in accordance with good practice, relevant codes of practices and a construction management plan to be agreed with the planning authority.
- 7.10.3. The site lands are not within or immediately adjacent to any European site. The closest sites are the Inner Galway Bay SPA (004031), and Galway Bay Complex SAC (000268) are approximately one kilometre to the south of the site location.
- 7.10.4. There are nine other European sites located within the 15 km zone of influence of the site location. The Lough Corrib SAC (000297) is 3.5 kilometres from the site location and the Lough Corrib SPA (004041) is four kilometres from the site location. These nine European sites can be screened out due to distance and lack of source

pathways linkage or connectivity to habitats of species of the sites having regard to their conservation objectives and qualifying interests.

- 7.10.5. With regard to the Inner Galway Bay SPA (004031) and Galway Bay Complex SAC There are thirteen Annex 1 habitats and two Annex 2 species which are qualifying features of conservation significance for the SAC comprising several habitats and wildlife species. There are several Annex 1 bird species for the SPA, Galway Bay being an important ornithological site supporting winter birds of national and international significance.
- 7.10.6. Potential threats would be of disturbance to species or habitat loss or fragmentation arising from reduced water quality due to contamination and interference with ecology supporting conservation objectives and qualifying interests of the European sites, especially the ornithological species in the Inner Galway Bay SPA.
- 7.10.7. There are no watercourses within the application site. The Ragoon stream which is culverted along the WDR, and which does not cross the application site originates 1.7km to the northeast of the site and flows in southerly direction toward the former Clybaun Stream prior to discharge to Rusheen Bay circa 1.5 metres to the southwest of the site. The site lands also come within an area designated Flood Zone C area in which the development in principle is acceptable
- 7.10.8. There are no suitable habitats within the site area that support the bird species, or the range of habitats and species included as qualifying interests and conservation objectives of the European sites.
- 7.10.9. Taking into account the scale, nature and size of the project in combination with the Galway City Development Plan and existing and permitted developments for which appropriate assessment or appropriate assessment screening has been carried out, there are no predicted in combination effects that have potential for adversely affect the European sites. Therefore, Potential for likely significant effect of the project alone or in combination with the other plans and projects in the vicinity on the SPA and SAC in view of their conservation objectives can be fully eliminated.
- 7.10.10. Having regard to the, the location of the site which is on serviced land urban land and, to the nature and scale of the proposed development, no appropriate assessment issues arise, the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a

European site. It can be concluded that a Stage 2 appropriate assessment is not required.

8.0 Conclusion and Recommendation

Given the foregoing, it is recommended that the planning authority decision to refuse permission upheld based on the following reasons and considerations.

9.0 Reasons and Considerations

1. Having regard to the Galway City Development Plan, 2017-2023 according to which the site location which is within the western suburbs and is designated a Level 3 District Centre within the Galway City and County Retail Hierarchy, is within an area subject to the zoning objective C1 and, in particular to the specific criteria section 11.2.6 thereof, including high quality urban design in accordance with an urban village concept it is considered that the proposed development is:

- Deficient by way of under provision of smaller retail and retail service District Centre units and in range and nature of proposed uses and in lack of provision for “front loaded delivery of a public community facility” to serve the needs of the local community.
- Deficient in quality and public amenity potential open space provision in that it is not demonstrated that civic open space/parklands of size and function to reflect to scale of overall development as provided for in section 11.2.6 can be delivered for the C1 zoned lands of which the application site forms part. The proposed civic plaza is seriously insufficient in size, is enclosed and dominated by the adjoining buildings, and retail uses some of which overspill into it and services such as cycle parking resulting in cluttering and poor-quality circulatory space, and lack of potential passive outdoor recreational amenity and, connectivity and integration into and with

open space in adjoining lands to the south and linkage with surrounding development.

The proposed development would therefore be contrary to the Galway City Development Plan, 2017-2023 and to the proper planning and sustainable development of the area.

2. The Board is not satisfied that the proposed development would endanger public safety by reason of traffic hazard and would not result in adverse impact on the Galway Transport Strategy in which the Western Distributor Road and N6GCRR are integral in the western suburbs by reason of traffic and turning movements generated by the proposed development at the proposed junction direct off the Western Distributor Road resulting in obstruction of free and safety of public transport, cyclist and pedestrian flow and circulation for which facilities and prioritisation is to be provided. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Jane Dennehy

Senior Planning Inspector

9th February, 2022.