



An
Bord
Pleanála

Inspector's Report ABP 311261-21

Development

Mixed use development in thirteen two to eight storey blocks: 309 apartments, commercial office buildings, hotel, leisure centre, swimming pool, cultural centre, retail units, café and restaurants car and cycle parking and associated site works. (Natura Impact Statement).

Location

Galway City North Business Park, Parkmore and Castlegar, Tuam Road, Galway city.

Planning Authority

Galway City Council

P.A. Reg. Ref.

20/261.

Applicant.

Strategic Land Investments.

Type of Application

Permission.

Decision

Grant Permission.

Type of Appeal

Third Party x Decision to Grant

Appellant.

Pat O'Neill

Date of Site Inspection

21st February, 2022.

Inspector

Jane Dennehy.

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1.0 Site Location and Description

- 1.1. The application site is a greenfield site has a stated area of 68,100 square metres (6.81 hectares) and is formed from lands in the Galway City North Business Park which is on the east side of the N83 (Tuam Road) approximately three kilometres northeast of the centre of Galway city and one kilometre to the north-east of the junction for the N8 with the N6 on the north east side of the city centre. The An Post Mail centre is to the north east, Kenny Motors with frontage onto the N83 is to the north and the Ballybrit Business Park is to the south. The lands to the south and south west are mainly characterised by low density residential development, mainly single dwellings on individual plots are to the south.
- 1.2. The site location comes within an area in which the maximum speed of 50 kph applies. The N83 extending from the city towards Clare Galway and Tuam the north east is to the west of the site lands. There are hard shoulders along both sides of the N83 with the shoulder on the east for traffic from the north incorporating a left turn lane. A right turning lane allowing for stacking of seven cars on approach from the south is within the carriageway for traffic approaching from the south.
- 1.3. The application site, (within the red line boundary) includes an existing priority T junction entrance of the N83 at the south western from which there is an access road through the site serving the An Post Building and the Kenny Car dealership to the north east, but which is setback from the road frontage.
- 1.4. The reservation corridor of the N6 Galway City Ring Road (GCRR) is the north and a west-east direction has been approved. The GCRR includes a future Parkmore Link the routing of which at the east of the application site and which is to connect to Parkmore Business Park and onwards to Ballybrit Business Park to the south east. A future N6 link road is located at the southern end of the site a west – east direction as far as the Parkmore Link route
- 1.5. The site lands are under grass and other vegetation with indigenous hedgerows and trees with the exception for the access road extending from the entrance along the western and northern sides and it is underlain by karst bedrock

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for a grant of permission for a seven-year period. The proposals are for demolition of a security block and relocation of a substation, a mixed- use development thirteen two to eight storey blocks over ground level and basement parking comprising: 309 apartments, commercial office buildings, hotel and apart hotel, leisure centre, swimming pool, cultural centre, retail units, café and restaurants car and cycle parking and associated site works.
- 2.2. Significant modifications were proposed in response to a multiple item additional information request in respect of several issues which was issued to the applicant and the total stated floor area is reduced from is 100,509 square metres to 97.936 square metres.
- 2.3. The further information submission proposals can be outlined in brief as follows:
 - 2.3.1. The total residential element of 309 apartment units is reduced to a total of 248 units in eight blocks, Nos B, G, F, H, J, K, L and M and by omission of one block (G) and reductions in two other blocks. The residential element is equivalent to 37 per cent of the total development, in floor area. Included are proposals for residential amenity, gym and laundry facilities along with co corking spaces, bookable space and workshop bike repair areas. a total stated floor area of 25.190 square metres is indicated for this element of the development The total of 248 units can be broken into the following:
 - 61 one bed units (28%)
 - 3 studio units (1%)
 - 143 two bed units (46%)
 - 42 three bed units (14%)
 - 3 four bed units (1%)
 - 2.3.2. In the 'Development Concept Rationale' submitted with the original proposal, (providing for 309 apartments) it is indicated that the residential component is targeted toward younger renters on a PRS basis the scheme being 'Build to Rent' with an thirty-one-unit allocation, (details included) to fulfil Part V commitments. An

Area and Occupancy Schedule for the entire development is included. Details for the residential units in each of the eight blocks is also provided also indicating that 158 units (64%) of the total are dual aspect with the remaining 90 (38%) being single aspect.

- 2.3.3. The Parkmore Ballybrit link to the distributor road is indicative of increased connectivity.
- 2.3.4. The commercial/office element comprises four, four to five storey blocks over a ground level with a total stated floor area of 24,426 square metres, reduced from 25,190 square metres. These blocks are to be located towards the north west and north east areas in the site adjacent to the An Post Block.
- 2.3.5. Ground floor retail and café units (in the commercial office block element) comprise a total of 969 and 1,292 square metres.
- 2.3.6. An eight-storey hotel with 222 rooms, an increase from 150 rooms in the original proposal along with conference facilities and restaurant bar areas. (Total floor area 12,370 square metres. (An apart hotel element within the original proposal is omitted.) In addition, a leisure centre and spa with indoor pool and gym, changing rooms treatment rooms studios and ancillary space with a total stated floor area of 2,480 square metres is included. The hotel and associated development is to be located at the south western end facing towards the entrance of the N83.
- 2.3.7. The eight residential blocks, as shown in the further information submission are to be located to either side of a West Square which they will overlook along with the commercial blocks to the north and by the hotel development which adjoins it on the east side.
- 2.3.8. A creche increased in size from a stated floor area of 429 to 497 square metres and outdoor play area with a stated area of 275 square metres and rooftop play area
- 2.3.9. A cultural centre including community use facilities such as community café, multi-functional ground floor exhibition spaces workshops party rooms meeting spaces lounge areas a concierge and parcel collection point and ancillary kitchen and toilet facilities with stated floor area of 1,141 square metres.
- 2.3.10. 908 carparking spaces, an increase from 788 spaces in the original proposal and, 1,084 cycle parking spaces. These spaces are to be mainly located at ground level

within openside parking formats in the podium slab at the office blocks and residential blocks. The additional 120 spaces in the revised proposal will be located in Block P (an office block) at basement level. A surface carpark shown in the original application at the western side of the site is omitted in the revised proposal and replaced by a buffer of tree and hedgerow planting.

- 2.3.11. A buffer zone is located along the route towards the Parkmore Link Road to mitigate transition between the two and three storey blocks close to the southern boundary and the lands zoned LDR (lower density residential) to the south with the Parkmore Link Road providing for a barrier effect between the development and these lands.
- 2.3.12. Upgrades to the entrance of the N83 at the southwestern end of the site. In the further information submission, to take account of the GCRR, a signalised junction is to be designed to GCRR design standards with two detailed design options.
- 2.3.13. Facilities for footpaths and cycle route connectivity and linkage to the southwest along the N83.
- 2.3.14. Temporary access facilities for development in the Galway Business Park (during construction)
- 2.3.15. Shared communal open space provision, private open space, public realm works landscaping and boundary treatment EV charging points street furniture bin storage footpath and cycle lanes a pedestrian crossing at the main entrance, bus stops on the N83 fitness and play equipment outdoor seating lighting substation set down area signage, PV panels at roof top levels green roof systems plant rooms green general ancillary works and associated site and servicing works.
- 2.3.16. In substitution for omission of Block G, (a residential block which was included in the original proposal) a central formal park with a stated are of 0.2650 hectares is provided and it is the top element in the hierarchy of community amenity space within the scheme. Also included within the external spaces is a dog run park, adventure play area, courtyard with play equipment, facilities for skate boarders and skaters, and workout fitness facilities and equipment for adult use.
- 2.3.17. The revised proposals include a pedestrianised street at the southern end of the site. ('South Street'.)

2.3.18. Green sedum roofs throughout the development as a means of surface water collection, thermal insulation and biodiversity and surface management proposals incorporating measures for control of runoff, attenuation and treatment and disposal to the public system are included.

2.3.19. The area and occupancy schedule accompanying the further information submission indicates the following gross floor areas for the various elements of the development:

Residential	25,190
Office	26,426
Hotel	12,370
Parking	30,144
Leisure	2,480
Food and beverages	1,292
Community	1,141
Creche	497 (plus outdoor play area)
Retail	969

2.3.20. The stated floor area calculable for plot ratio according to the application, exclusive of carparking and plant and equipment is 73,279 square metres.

2.3.21. The original application and/or further information submissions include:

A Natura Impact statement incorporating an appropriate assessment screening report.

Environmental Impact Assessment Screening report

Environmental Analysis report including Wind Analysis

Noise Assessment report,

Acoustic Design Statement

Sunlight and Daylight Analysis and addendum Sunlight and Daylight Analysis

Development Concept Rationale

Area and Occupancy schedule

Architecture and Urban Design and Landscape statement
CGI Pack
Lux Contour Map and Site Lighting Report
Traffic and Transport Impact assessment
Workplace Travel Plan
DMURS compliance statement
Fire and Access strategy review
Construction and Demolition Waste Management Plan.
Operational waste Management Plan
Archaeological Desktop Assessment
Building Life Cycle report.
Property Management Strategy Report,
Energy and Sustainability Report
Planning Application cover report and written covering submission for the further information submission.

2.3.22. In the planning statement accompanying the original application submission it is claimed, having regard to the NPF and in particular Objective 1 B (See Section 4) approximately 1,600 homes per annum providing for a total of 20,000 additional homes by 2040 is required. In providing for compact and sustainable growth maximisation of density within the urban footprint of the city the current proposal according to the submission represents efficient use of land in the context of residential density while providing for compact and sustainable growth at the city intrinsically linked to the commercial element which generates employment and economic activity.

3.0 Planning Authority Decision

By order dated 11th August, 2021 the planning authority decided to grant permission subject to forty-two conditions, following review and consideration of the further information submission lodged with the planning authority on 18th June, 2021 in

response to the request for additional information. Requirements by condition include the following in addition to standard requirements:

Condition No 2 Duration of grant of permission is a seven-year period.

Condition No 6: Modifications to floor plan for Block F and its north elevations can provide for dual aspect, road frontage access to the road adjacent to the An Post block and pedestrian access for café, retail and reception units. A compliance submission is required.

Condition No 7. Nature of office uses at the four office blocks to be within a specified range. A compliance submission is required.

Condition No 8. Designation of convenience retail unit and café (further to which a grant of permission would be required for change of use in the future.) and service retail convenience servicing facilities to be maintained as proposed. A compliance submission is required for details of signage.

Condition No 9. Redesign for Block C facing the N83 with winter gardens substituted for balconies at Levels 1-3 at Units C2.03, C2.04, C3.03 and C3.04 and C4.03 and C4.04. A compliance submission is required to include revised drawings.

Condition No 10. Increase in private amenity space size at balconies from five to seven square metres in gross floor area for Units C1.08, C2.08, and C3.08 at Levels 1-3 in Block 3. A compliance submission is required.

Condition No 13. Is an archaeological monitoring condition of a standard nature.

Condition No 14. Requirement for a comprehensive signage scheme for the overall development A compliance submission is required.

Condition No 18. Implementation of traffic mitigation measures in the Traffic and transport Impact assessment, Preliminary workplace travel Plan and Property Strategy Management report at the application expense.

Condition No 19. Dedicated space to be made available to the City Council and NTA for installation of public bike scheme within the development. A compliance submission is required.

Condition No 21. Detailed carpark management plan for location and allocation of spaces between different uses with a minimum of 0.3 spaces per unit for occupants of residential units, an agreed number for public use and no staff parking to be provided unless agreed with the planning authority. No sale or letting of spaces to third parties is permitted. A review of the management and mobility management plan is to take place on a two-yearly basis. A compliance submission is required.

Condition Nos 23 and 25. A detailed construction traffic management plan to be provided to include measures for minimisation of disruption for vehicular and pedestrian traffic in the vicinity. A compliance submission is required.

Condition No 26. A revised mobility management plan and appointment of a Mobility Manager is required to have responsibility for preparation and implementation of plans.

Condition No 28. Requirement for payment of a development contribution under Section 49 of the Act) in respect of specified pedestrian and cycle linkages.

Condition No 29. Provision for pedestrian and cycle linkages to the north and east. A compliance submission is required.

Condition No 30. No development to take place within the reservation for the N6 GCRR, excluding the access road and associated infrastructure.

3.1. Technical Reports

- 3.1.1. **N6 GCRR Project Office.** In a report dated, 10th November, 2020 there is a recommendation for consultation with the Transportation Department so that it is established that there is no variance with GTS measures and section 3.5 of the CDP. A condition is recommended for exclusion of development in the area between the N83 and the internal access road at the southwestern end of the site. Overlap between the development and the fence line within the N6 GCRR boundary is noted as requiring consideration by the GTS. It is stated that this area includes the roadbed on the N83, the proposed City North Business Park junction, portion of the link for the City North Business Park, the location for an attenuation pond and an access

road. it is also stated that the 776 cart spaces are inside the N6 NCRR boundary and in conflict with it in that is a proposal for new parking provision contrary to the overarching policy under which the N6 GCRR is being developed.

3.1.2. **N6 GCRR Project Office.** In a supplementary report on the further information submission dated, 9th August, 2021 the future Parkmore Bus Access route and a track for limited access to the racecourse, subject to the acquisition as part of the N6 GCRR Motorway Order is noted. The difference in the ground level and lower level of the site and the racecourse access road and Parkmore Bus access route is noted. It is stated that the connection should be designed to current standard for pedestrian and cyclist access. While the increase to 908 parking spaces in the proposal is noted it is recommended that any variance with the N6R GCRR Section 3.5 of the CDP should necessitate refusal of permission. A recommendation for a condition for retention of the area between the N83 at the south-western end of the site and the access road free of development is included.

3.1.3. **National Transportation Authority (NTA):** The report dated 20th November, 2020 notes the twenty-year planning framework for transport infrastructure development in Galway and the proposals for the city bus network in the Galway Transport Strategy (GTS). With reference to Section 2.7 of (National Roads Interchanges and junctions) in *Spatial Planning and National Roads: Guidelines for Planning Authorities* (Spatial Planning Roads Guidelines) providing for careful assessment of proposals for development in proximity. It is stated that the NTA considers the proposed development's transport and access options are not sufficient at present to serve a development of the size proposed. It is the view of the NTA that: -

The proposal is at variance with Section 2.7 of the Spatial Planning Roads Guidelines in that the single access for vehicles, cyclist and pedestrians is hostile as an environment for pedestrians and cyclists.

There is a lack of a scheduled bus service serving the city, the nearest service being 1.7 m from the site and with future services which are dependant on the GCRR not yet confirmed.

Dependency on private car trips by cyclists and pedestrians, (resident and/or employed) at the development due to a poor level of accessibility by walking and cycling and public transport. Reduce levels of parking could be

insufficient and as a result the development would lead to overspill parking on the N83.

3.1.4. **National Transportation Authority (NTA):** In a supplementary report on the further information submission dated, 21st July, 2021 it is stated that the NTA relies on the planning authority to ensure consistency with national roads policies as set out in the Spatial Planning Roads Guidelines. Requirements of the NTA are otherwise to be implemented in accordance with the recommendations in the Transport (Traffic Impact) Assessment report, at the applicant's expense, with retention and protective measures for future National Roads schemes.

3.1.5. **Transportation Infrastructure Ireland (TII).** The report dated 13th November, 2020 indicates: -

Variance in the proposal with regard to the recommendations in the Spatial Planning Roads Guidelines due to adverse effect or precedent in the operation and safety of the national roads network due to proximity to the route of a national road scheme which would be prejudiced (s 2;9 of the Spatial Planning Roads Guidelines refers.)

Adverse impact on the N6 GCRR with further consultation with the National Roads guidelines being required.

Lack of clarity as to consistency with the GTS in that access to and from facilities for public transport are limited in the area and the likelihood that the parking provision would promote undesirable dependency on the private car for travel. This would result in adverse impact on the efficiency and operation of the existing and future national road network in the area. This is at variance with the Spatial Planning Roads Guidelines.

3.1.6. **Recreation and Amenity Section.** The report dated 10th August on the revised proposals in the further information submission indicates that the proposed arrangements, including those in (Residual Impact on Bat Populations) the site lighting report providing for mitigation for pollution to bats are of high quality and no objection subject to inclusion of conditions if permission is granted. It is stated that there is consistency with Annex 1 and Annex IV of the Habitats Directive and Wildlife Acts, 1975-2000.

3.1.7. **Department of Culture, Heritage and the Gaeltacht.** The report dated 13th November, 2020 notes the scale and size of development and potential for presence in the site are of subsurface remains. In line with section 3.6.2 of *Frameworks and Principles for Protection of Archaeological Heritage*, (1999) a recommendation for an archaeological impact assessment to be prepared, test excavation in consultation with the National Monuments service and for a written report. A compliance submission is required.

3.1.8. **Irish Aviation Authority, (IAA).** In a report dated, 22nd October, 2020 it is stated that thirty-days' prior notification of intention to erect cranes at the site would be required.

3.1.9. **An Taisce (Prescribed Body)** The report dated 10th November, 2020 indicates concerns as to:

- Lack of written confirmation that the authority or TII has given written approval for a signalised junction at N83 in the absence of which it is contended that the proposed development would be premature as it is not operable without a signalised junction being in place.
- Lack of written confirmation that a licensed provider for a commercial public service is available to operate a shuttle service.
- Lack of written confirmation of provision for pedestrian sidewalks cycle paths, and connectivity towards the city.
- Possible overlap on lands in dry calcareous and neural grassland habitat (GOI) in that untreated wastewater enters the Corrib during high rainfall periods and as to assurances of adequate assessment of potential extra water loading due to the development.

3.1.10. **Irish Water.** The report dated, 26th November, 2020 indicates no objection. The connection agreements should be obtained prior to commencement of development. Connections for water and wastewater infrastructure are subject to the constraints of the Irish Water Capital Investment Programme.

3.1.11. **Environment Section (Waste Management Division)** In a report dated 9th November, 2020 it is stated that there are no objections subject to conditions. A

compliance submission is required for a waste management plan prior to commencement of development to be provided.

- 3.1.12. **Fire Officer.** The report dated, 28th November, 2020 indicates necessity for a Fire Safety certificate and some building control issue should be addressed such as details for fire access at exterior of buildings.

3.2. Third Party Observations

- 3.2.1. A submission lodged by the Appellant Party (Pat O'Neill) indicates objection based on issue of concern as to:
- Consistency with the zoning objective,
 - nature of uses and their appropriateness to the site location as opposed to the city centre locations.
 - Appropriateness of the density of the residential element in that the lands are not included in the adopted Housing Strategy,
 - Overdevelopment in that only half of the required number of 1674 car spaces of, (having regard to CDP standards) can be provided.
 - Cumulative environmental impact attributable to the proposed development.

4.0 Planning History

- 4.1.1. The application site has a planning history dating back to the 1990s which includes grants of permission for hotel and retail development and commercial parks in which retail warehousing is the main use. A brief account follows.

P. A. Reg. Ref. 90/941: Outline permission was granted for a hotel, filling station, garage, show room office and roads and services for (future) residential development, on 20th February, 1990.

P. A. Reg. Ref. 96/552: Permission was granted for a commercial park in eighteen blocks (33,000 square metres gross floor area of which 20,00 square metres is in retail warehousing) on 25th may, 1997.

P. A. Reg. Ref. 00/665: Permission was granted for a business park comprising retail warehousing, warehousing, office ancillary space, car

showrooms, distribution units and specialist office in ten blocks along with restaurant and a service block and associated parking on 11th January, 2001.

4.1.2. Planning history of a minor nature comprises:

A grant of permission for temporary information signage under P. A. Reg. Ref. 97/515 on 14th October, 1997.

A refusal of permission under P A. Reg. Ref. 98/800 for forty detached bungalows on 15th December, 1999.

A grant of permission for rock crushing and reworking and removal of surplus rock to provide for alterations to levels to align with those for a permitted development under P. A. Reg. Ref. 552/96 at Parkmore and Castlegar.

A grant of permission for advertising signage at the previously permitted commercial park under P A. Reg. Ref. 90/660 and,

A grant of permission for free standing company signage and fingerpost signage at the entrance for An Post under P. A. Reg. Ref. /941.

5.0 Policy Context

5.1. Project Ireland 2040 National Planning Framework. (NPF)

- 5.1.1. In providing for balanced and concentrated growth with fifty percent of population and employment growth within the five cities with existing populations in excess of fifty thousand there are multiple objectives which include for the Northern and Western Region, population growth by a total of 180,000.

5.2. The Regional and Economic Spatial Strategy 2020-2032 – Northern and Western Regional Assembly. (RSES)

- 5.2.1. Galway City is designated the Metropolitan Area for the region for which in the Galway Metropolitan Area Strategic Plan (MASP) in which the city is identified as the primary of growth and is to become a leading global successful sustainable competitive and compact and accessible city with a distinctive identity and high quality of life.
- 5.2.2. Policy RPO 6.3.2 provides for 50% of new dwellings for population targets to be within the existing city development envelope with forty percent on infill and or

brownfield sites. The MASP targets are to provide 27,500 additional population and 10,220 homes by 2026 and a further 14,500 additional population and further 5,330 homes by 2032 assuming an average household size of 2.72 persons

5.3. Development Plan

5.3.1. The operative development plan is the Galway City Development Plan, 2017-2023. Variation No 5 provides for alignment of the Core Strategy within the CDP with the National Planning Framework (NPF), Regional Spatial and Economic Strategy, (RSES) and the Galway Metropolitan Strategy Plan, (MASP) Half of the target for new homes are to be located within the MASP area. (See section 5.2.2 above)

5.3.2. The site area in entirety is subject to the zoning objective, C1 *'to provide for enterprise, light industry and commercial uses other than those reserved for the CC zone.'* Compatible uses, according to section 11.2.6 are

retail in scale and nature appropriate to the area,

specialist offices,

offices appropriate to the function and character of the area,

childcare and community and cultural facilities.

5.3.3. Also, according to section 11.2.6 the following uses that may contribute to the zoning objective can also be considered.

service retailing,

residential use at a scale that does not unduly interfere with the primary uses for the C1 zoning but would accord with the principles of sustainable neighbourhood as specified in Chapter 2,

Offices,

carparking including heavy duty vehicle parks,

outdoor recreation and

commercial leisure and indoor recreational uses.

- 5.3.4. Section 11.2.6 does not contain specific objectives in respect of the subject C1 zoned lands. It does provide for such objectives in respect of several other parcels of similarly zoned lands within the city.
- 5.3.5. The maximum permissible site coverage is eighty percent, and the maximum permissible plot ratio is 1.25:1 according to section 11.9.1 and table 11.3.
- 5.3.6. Section 2.4 (Neighbourhood Concept) encourages the development of sustainable residential neighbourhoods which provide for high quality, safe, accessible living environments accommodating local community needs. The policy seeks to protect and enhance new and existing residential neighbourhoods in the city. The N6GCRR includes a Parkmore Link Road connecting Parkmore- Business Park to Ballybrit Business Park.
- 5.3.7. Chapter 3 provides for integration of land-use and transportation, support for and prioritisation for the Galway Transportation Strategy which includes provision for a local bus service with high frequency cross city services according to section 3.5. It is the policy of the city council to support the N6 GCRR in conjunction with Galway County Council and Transportation Infrastructure Ireland.
- 5.3.8. There is a specific objective for provision for a greenway and a public transport corridor along the eastern boundary of the site lands.
- 5.3.9. According to section 8.7 (Urban Design)
- ‘Areas where major change is anticipated to occur such as at Ardaun, Murrough, Ceannt Station and the Inner Harbour may present opportunities for increased heights. As these are major development areas, there is potential for these areas to establish their own distinctive character. Such height increase will only be considered in the context of an LAP in the case of Ardaun and Murrough and in a masterplan in the context of Ceannt Station and the Inner Harbour’.*
- 5.3.10. The adopted Housing Strategy is set out in Schedule 1.

5.4. Strategic Guidance.

5.4.1. Relevant statutory guidance issued under Section 28 of the Planning and Development Act, 2000 as amended are:

'Sustainable Residential Development in Urban Areas- Guidelines for Planning Authorities' and the accompanying *'Urban Design Manual'*, DOEHLG, 2009. (SUD Guidelines.)

Urban Development and Buildings Heights: Guidelines for Planning Authorities, 2018 revised 2021. (Building Height Guidelines)

Sustainable Urban Housing – Design Standards for New Apartments – Guidelines for Planning Authorities, March, 2018, updated 2021. (Apartment Guidelines.)

Spatial Planning and National Roads: Guidelines for Planning Authorities' 2012 (Spatial Planning Roads Guidelines.) particularly, section 2. 7 and section 2.9

'Design Manual for Urban Roads and Streets' 2012 (DMURS)

Retail Planning Guidelines,

'The Planning System and Flood Risk Management' (and associated 'Technical Appendices') 2009.

'Childcare Facilities – Guidelines for Planning Authorities' 2001

Parkmore Area Strategic Transportation Framework.

This (non-statutory) framework was prepared and published by the National Transport Authority in 2020 to provide for sustainable transport for the Parkmore Area. Deficiencies are identified and short, medium and long-term objective to provide for optimal trips to be by sustainable transport modes and, to enhance connectivity and linkages.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. An appeal was lodged on behalf of Mr Pat O'Neill on 31st August 2021 in which it is submitted that the proposed development is contrary to strategic policy, and to the CDP's zoning objective, constitute overdevelopment, is contrary to the *Spatial Planning and National Roads: Guidelines for Planning Authorities* (statutory guidelines) and, is inappropriate in layout and design. An outline of the appeal grounds follows:
- 6.1.2. With regard to consistency with strategic policy and the zoning objective:-
- The proposed development is contrary to the zoning objective which while it allows for uses that complement the city centre it does not allow for uses reserved for the city centre. The envisaged primary '*compatible uses*' exclude residential use and the envisaged *secondary uses which contribute to the zoning objective* only provides for inclusion of residential use at a scale that would not unduly interfere with the primary use of the land for C1 zoning purposes.
 - The proposed mixed-use scheme is suited to the city centre's 'CC' zoned areas and is inappropriate in scale for a peripheral location. The unsuitability is indicative in the inclusion of Condition No 7 with the planning authority decision to grant permission which specifies restrictions on the offices uses to uses that can be accepted in 'out of town' locations. (eg. technology and IT.) Enforcement of the condition may be impracticable.
 - With regard to unsuitability of the scheme for the location, the residential use unduly compromises and is incompatible with and, would interfere with the primary uses for C1 zoned lands. Eight of the blocks are for residential use representing thirty-six per cent of the total floor space which is comparable to the amount of development to be in office use. Office blocks are to be located at the rear (east) side of the site whereas the residential blocks are to be located to the front. Office blocks are to be built in Phase 3 whereas they should be included at least in Phase 2.

- The benchmarking for the current proposal with the Crown Square development also on C1 zoned to justify the residential element proposed lands, as submitted on behalf of the applicant, is questionable. The 37% residential element in the Crown Square development (an SHD application) was accepted by the Inspector and by the Board as suitable for high density due to the more centralised and accessible location at 1.5 km from the centre of the city and availability of good transport linkage for pedestrians, cyclists and public transport facilities. The current proposal, as raised in the request for additional information involves residential development at the periphery which leapfrogs existing residential zoned lands and the central area of the city.
- The site is not included as a potential housing site in the Housing Strategy. or identified as being in the 'Outer Suburbs' in the CDP.
- The Hotel use is not suitable for the C1 zoning or is it identified as such in the CDP in which tourism and related uses are highlighted as being suited for the city centre (CC zone) according to section 11.2.7.
- The proposed development is contrary to the thrust of the NPF and to the core strategy in the CDP for the city in that from a sequential perspective the mix of uses proposed should be located in or near the city centre. The core strategy focusses on regeneration of the city centre in a sequential approach as provided for in section 1.4 (page 16). There is no 'regeneration spinoff' to the current proposal.
- There is a preponderance of existing and permitted commercial floor space within and close to the city centre. Galway is one of the counties which has the highest vacancy rates for commercial floor space at 16.6% compared to the national average of 13.6% in June 2021 and in 2020 according to the Geodirectory report. The permitted Crown Square development includes 39,483 square metres of Grade A office space across five blocks, a hotel, 288 residential units and retail, food and medical uses. The Bonham Quay Docklands scheme will deliver, 25,000 square metres of Grade A office space and retail and landscaped spaces. These city centre schemes, owing to reduced demand for office space, due to the effects of the covid crisis and

blended working, should secure their occupancies before consideration is given to an 'out of town' scheme which has no synergy with neighbouring uses.

6.1.3. With regard to overdevelopment: -

- The site location is not identified as 'C1' zoned land close to the city centre that accommodates a sizeable element of residential development, and presumably lower density residential development is therefore envisaged for the area.
- Higher density development is inappropriate for the zoning of the surrounding lands to the site which are zoned for lower density development which would yield five units per hectare at Parkmore and at Tuam Road as shown in figures 22.28 and section 11.19 of the CDP. The proposed residential element on the site, in the further information proposal for 248 apartments is for a sevenfold increase at 36 units per hectare.
- Overdevelopment and excessive density are proven in the inability of the proposal to provide for carparking in accordance with CDP standards in that it provides for 908 of the requirement for 1,674 spaces and, at a non-central location, dependency on podium parking. Promotion of non-car borne travel and a shuttle bus service is not a justification for the under supply in the scheme.
- Overdevelopment and excessive density is proven by way of the omission (in the further information submission) of a block so that the requirement for amenity space as required in the CDP to be provided.

6.1.4. With regard to the claim that the proposed development is contrary to the *Spatial Planning and National Roads: Guidelines for Planning Authorities*:

- The proposed development is almost entirely dependent on car travel, and the critical deficiency in sustainable transport modes available for the future residential population of 3,500 to 4000 persons, a population similar to that of a town such as Donegal. This is contrary to the CDP (section 2.7) as stated in the NTA report on the application of 20th November 2020. An extract is included in which reference is made to potential for a hostile environment at

the entrance due to poor service for pedestrians and cyclists; the unacceptable 1.7 km distance from the nearest bus service and, lack of certainty as to the alignments for the future bus service for the GCRR. Reference is made to observations as to poor levels of accessibility and excessive demand for use of a carpark by employees, residents, visitors and to the likelihood of under-provision of carparking for the site due to lack of options for travel by alternative modes also leading to parking along on the N83.

- The proposal is contrary to the Guidelines in stressing the importance of avoidance of setting undesirable precedent for traffic generation by development at or in the vicinity of the proposed development to arise.
- The Crown Square development is not 'like for like' development for the purposes of taking precedent.

6.1.5. With regard to appropriateness of the proposed layout and design for the proposed development it is submitted that: -

- The scheme is unsympathetic to the site location. The obtrusive scale and height, at up to thirty metres and at three times the height of the An Post building at 8.8 metres. The difference from Block P, at twenty-three metres is accentuated by the 3.1 metres difference in levels. The development is out of scale and character with single and two storey dwellings and warehouse type structures in the area.
- The response, in the further information submission, providing for transition to the LDR zoned lands, to the land use characteristics and residential and visual amenities does not provide for changes along the perimeter of the site. There is over reliance the planning assessment on the statutory Building Height Guidelines in providing for densification of urban areas and under emphasis from the perspective of the environs of the site and as to whether it is well serviced by high capacity and frequent public transport service with good links.

- The planning officer fails to establish that the development satisfied district and neighbourhood levels and responds positively in the urban neighbourhood and streetscape. Instead, it has been considered in isolation in an area outside the outer suburbs identified for the city. It is incongruous at the location. The application seeks to prioritise densification as provided for in the Building Height Guidelines in seeking to prioritise densification at the expense of consistency with the zoning and strategic guidance of the CDP.

6.2. Applicant Response

6.2.1. A submission was received on 29th September, 2021 which includes an account of the planning context and background and the view that there is great potential for transformation of the area close to the N6 GCRR in which the site is located.

According to the submission:

- It is not agreed that the development is in principle unacceptable and in material conflict with the zoning objective the proposal being mixed use and a development in which people can work, reside and play. This approach and the design parameters are supported by the planning authority. The 37% residential element (in the further information proposal) compliments the city centre zoning, is at an appropriate balance at the location and its ratio relative to the commercial element does not interfere with the C1 zoning objective. The mix of employment, accommodation and services and community facilities along with the abundance of public open space and amenities improves pedestrian connectivity and cycling and mixed uses are central to sustainable development.
- The contention that hotel use is only suitable to a central city location is rejected. This use is fully recognised as an appropriate commercial development for 'C1' zoned lands and omission of the part hotel element in the further information submission is noted as having overcome issues about viability and sustainability at a peripheral location in the planning officer report.
- The appellant is in support of the Crown Square development which is on lands similarly zoned. It is almost identical to the current proposal. It includes a residential element representing thirty-seven per cent of the overall mixed

use and this is at odds with rejection of the subject proposal in principle. There are references to comparable examples in the planning officer report.

- There is a substantial body of strategic policy that supports the nature and scale of the proposed development as appropriate. Half of the future growth targets for the RSES are to be delivered within the footprint of the Galway MASP so the current proposal is consistent with these objectives in supporting population growth. It accords with Objectives RPO 6.3.2, 6.3.6 (a) and 6.3.10 of the RSES and with the CDP settlement strategy and it is in line with the designation of the city as a Gateway. Density is guided by the thirty-five units per hectare standard within the Building Height Guidelines and the creche accords with the standards in section 11.1.3 of the CDP.
- The reference to extracts from the CDP regarding regeneration on large brownfield sites. The focus on the Ceannt station site and Inner Harbour is irrelevant and does not relate to the core strategy which, in so far as it is relevant to the current proposal provides for significant growth for the Gateway on the east side of the city, especially at Ardaun intended for high density residential development. Ardaun is well placed for employment and has physical links with technology parks including Ballybrit /Parkmore. As there has been little development at Ardaun the current proposal is a logical alternative and that demonstrates that the core strategy is not prescriptive.
- The contentions about high levels of vacant floor space as grounds for refusal of permission is refuted because there are no grounds for a moratorium on commercial floorspace. It continues to be in demand which high quality space being needed in the city centre and the suburbs. The economic viability report included in the further information submission shows that there is a distinct lack of quality office accommodation and reduced vacancy rates have been identified in it. A large tract of land with residential development potential is adjacent to the site. The planning officer commented positively on the mix and co-location of uses as sustainable working and living environments which are in accordance with the CDP and MASP.
- In response to the claim as to overdevelopment in relation to the LDR zoning on adjacent lands and as to the density in relation to five units per hectare

envisaged for LDR zoned lands, reference is made to the provisions for 'growth upwards' and discouragement of outwards expansion at low density in the Building Height Guidelines. There is a shift from inappropriate low density suburban development to a planning solution of sustainable development solutions supported by innovative alternative transport with connections to surrounding areas. It was never intended that the site would mirror the surrounding low-density development as it is close to the built-up areas on the N83, Ballybrit and Parkmore and subject to the C1 zoning objective.

- The further information proposal is appropriate to the area and the GCRR which would precede further development. Reference is made to the planning officer's favourable comments on height, scale and massing in the context of the landscape and surrounding development including the racecourse buildings and lower density development to the south. The development would break the trend of lower density suburban development and is an example of innovative development delivering much needed commercial floor space and residential development.
- It is not agreed that the inability to provide for parking at CDP standards and to omit an apartment block in the further information submission is testament to overdevelopment. There is support for the under-provision, having regard to the MASP, the report of the Transportation section at Galway City Council, are, the mixed-use nature of the development with co-location of uses and associated generation of multiple trips and proximity to future sustainable transport.
- The claim as to conflict with the Spatial Planning and National Roads guidelines is refuted. Significant changes were made in the further information submission which address issues raised such as the future shuttle bus service to be provide at regular intervals, seven days per week, increased in on-site parking which is appropriate in view of sustainable transport options according to the planning officer report.

6.3. Planning Authority Response

There is no submission from the planning authority on file.

7.0 Assessment

7.1. Overview.

- 7.1.1. The proposed development is a large mixed-use development described in the application as a 'live work and play' scheme on a site with a stated area of 6.8 hectares. According to the Galway City Development Plan 2017-2023 (CDP) the site land is subject to the C1 zoning objective: *'to provide for enterprise, light industry and commercial uses other than those reserved for the CC zone.'* There is a third-party appeal against the decision to grant permission in which issues raised relate to strategic policy and to specific planning and technical issues.
- 7.1.2. The site is formed from greenfield lands circa 3.5 kilometres to the north of Galway city centre and one kilometre north of the junction of the N83 with the N6 north of the city. The location is to the south of the reservation for the N6 Galway City Ring Road (GCRR) and on the east side of the N83, (Tuam Road) from which there is an existing entrance and internal access road extending through the site north eastwards and serving the An Post Distribution Centre and McGowan Motors to the north of the site. Opposite the site are undeveloped lands, at Castlegar which are subject to a zoning objective for residential development while lands to the south in low density development and correspondingly zoned 'LDR'.
- 7.1.3. In response to a multiple item additional information request, significant modifications were made to the original proposal. The main modifications include:

A reduction in apartment units from 309 to 248 through omission of one of the residential blocks, (G) with minor alterations to other blocks and increased separation distances between blocks.

Substitution of a formal Park in its place between two other residential blocks, increased and enhanced public open space and amenity areas in conjunction with a comprehensive landscaping plan which includes tree planting and landscaping at a buffer between the internal access road and site frontage at the N83 originally allocated for surface parking.

An increase in on-site parking provision at podium and basement level and omission of surface parking at the west side of the site, an enlarged eight storey hotel with 222 rooms and restaurant café, and leisure centre and gym

facilities with omission of an apart hotel, and an increase in size and capacity of creche and enhanced amenity and recreational facilities.

The revised modified proposal was lodged with the planning authority on 25th May, 2021, with some references to the original application submission is considered in the following assessment.

7.1.4. The breakdown in the different elements, in gross floor area in the revised proposal included in the further information submission in square metres is as follows:

Hotel 12,370,

Offices 26,426,

Residential 25,190 (248 Appts)

Creche 497, excluding outdoor play area.

Leisure 2,480 square metres,

Food and beverage 1,292,

Retail, 969

Community/culture building, 1,141

Parking, 30,144 (908 spaces)

7.1.5. The original and reduced further information proposal, (with the exclusion of the floor area for carparking and plant and other service and ancillary areas.) are in accordance with a maximum permissible site coverage of eighty percent, and the maximum permissible plot ratio is 1.25:1 as provided for in section 11.9.1 and table 11.3 of the CDP.

7.1.6. The issues central to the determination of the decision taking the appeal grounds into account are considered below under the following sub headings.

Strategic Policy – Development in Principle – Nature and Intensity of Uses.

Traffic and, trip generation, (N83) and Entrance Arrangements.

Alternative transport and travel.

Parking

Residential Development - Qualitative standards.

Creche and community facilities

Visual Impact,

Public Realm and Open Space

Phasing

Foul, and surface water drainage and water supply.

Flooding Risk

Environmental Impact Assessment Screening

Appropriate Assessment.

7.2. Strategic Policy – Development in Principle – Nature and Intensity of Use.

- 7.2.1. It is questionable as to whether the proposed development is consistent with and would not hinder the implementation of adopted national, regional and local strategic and policy and planned achievement of future development targets which for the Metropolitan area of Galway, are considerable. For residential development, delivery of a target of 15,440 units within the Metropolitan area by 2031 is envisaged.
- 7.2.2. The subject lands have not been identified for residential development whereas the proposed development provides for a considerable quantum of units. By way of peripherality of the location, the strategic policies and 'C1' zoning objective for the site it is considered that the proposed development could lead to diversion of planned development of a similar nature from appropriately designated lands within the city centre, 'established suburbs' and 'outer suburbs' for the range of land uses proposed as provided for in the CDP. With regard to the zoning objective there is also potential conflict with the zoning objective in that there are no specific additional objectives and provisions for the subject C1 zoned lands in the CDP and that there are no substantive changes to the 'C1' zoning for the lands proposed in the review of the CDP or included within the draft CDP for Galway city.
- 7.2.3. It is therefore considered that the proposed development is not of a scale and nature intended by way of the C1 zoning objective which is '*to provide for enterprise, light*

industry and commercial uses other than those reserved for the CC zone’.

According to section 11.2.6 of the CDP

The permissible and primary uses are: - warehousing/storage, Retail of a type and scale appropriate to the function and character of the area, specialist offices, offices of a type and scale appropriate to the function and character of the area, light industry, accommodation for travellers, child care facilities community and cultural facilities, and,

The following land-uses are uses, “which contribute to the zoning objectives dependent on the C1 location and scale of development for example, General industry (small scale) service retailing, Residential content of a scale that would not unduly interfere with the primary use of the land for C1 purposes and would accord with the principles of ‘sustainable neighbourhoods’ outlined in Chapter 2. Offices, car parks (including heavy vehicle parks), waste management facility, public transportation facility, public utilities, outdoor recreation, commercial leisure/indoor recreation places of worship”

- 7.2.4. Correspondingly, the location of the application site lands, there is no policy objective for the development of the site and environs as ‘a sustainable neighbourhood’ as provided for in Chapter 2 of the CDP, the proposed development being described in the application as a mixed-use development which would become a new neighbourhood in which to ‘live, work and play’. As such the relevance of the provisions in Chapter 2 for ‘sustainable neighbourhoods’ to the application site would appear be in inapplicable given that the site location is not within areas designated as ‘established suburbs’ and ‘outer suburbs’ as designated in the CDP.
- 7.2.5. In contrast, within Section 11.2.6 of the CDP there are specific provisions for various parcels of ‘C1’ zoned lands but there are no such specific provisions for the subject C1 zoned site lands. The Crown Equipment site to which references are made for taking precedent to support the proposed development in the applicant’s submissions and C1 zoned lands at Ragoon, on both sides of the Western Distributor Route are within areas designated, as ‘established suburbs’ and ‘outer Suburbs’. As such, a development of the nature proposed and of considerable size and intensity represents a major departure from that to be envisaged for the site lands and having regard to the policies and objectives as represented in the CDP

and national, regional and local strategic planning policy. Given the foregoing, a rationale to justify an intensive and high-density mixed-use development providing for significant residential and commercial development at 'out of town' site location on the subject 'C1' zoned lands is not evident.

7.2.6. Residential Development.

The residential component in the revised proposal is for the 248 units, a reduction from the original proposal for 309 units and is considerable, notwithstanding the claim that thirty seven percent, (reduced from fifty five percent in the original proposal) proportion of the total development with reference to gross floor areas. This amount and proportion of the total range of uses is considerable and it is questionable as to whether it is consistent with the provision for the 'C1' zoning allowing for consideration of a residential use of a scale that does not interfere with the primary uses for the 'C1' zoning objective particularly given the peripheral location and issues such as limited transport facilities.

7.2.7. There is no doubt that the primacy of Galway City as represented in the RSES and MASP in providing for compact and sustainable plan led growth with fifty percent of dwelling target to be within the city's development envelope is considerable. A case is made on behalf of the applicant that the current proposal contributes to delivery of significant residual demand for units not being delivered elsewhere in the city but provided for according to the core strategy for the current CDP. However, this is not accepted as justification for significant residential development at a peripheral location, at the prescribed density for suburban areas in the Building Height Guidelines (35 units per hectare) outside any lands zoned for residential development, not included within the adopted Housing Strategy and outside designated 'established suburbs' 'outer suburbs' and the city centre according to the CDP.

7.2.8. Furthermore, the applicant's agent's assertion that the current proposal should be favourably considered due to lack of progress in development of the Ardaun lands, on the east side of the city of circa 164 hectares, (for which an LAP is available) and the site's proximity to employment in the Medtech sector at Ballybrit would not alone justify positive consideration of the current proposal for residential and commercial space with high employment potential by way of development management. It

would need, at least be established that favourable consideration of the proposed development would not result in diversion from planned development at Ardaun. It is likely that assessment and evaluation and changes in the city's development strategy and policy objectives, subject to Review by the members of the City Council would be necessary.

7.2.9. The C1 site lands are on the periphery lacking in scope under the zoning objective for a significant residential element that does not interfere with the primary land uses and which accords with the principles for sustainable neighbourhoods as set out in chapter 2 of the CDP in that these sustainable neighbourhood provisions in Chapter 2 are not relevant to the site lands due to lack of appropriate designations, as previously discussed.

7.2.10. Specialist Offices

Similarly, development of a significant quantum of high-quality office development on C1 zoned lands on the periphery of the city also gives rise to concern as to diversion of demand for, and occupancy of similar development at and close to City Centre with good transportation facilities. There is conflicting information in the applicant and appellant party submissions as to current occupancy and projected future demand for high quality space, there already being considerable existing and additional high-quality space being developed in the city centre at present and at the Crown Equipment site in the established suburbs.

7.2.11. The proposed office element appears speculative, and it is questionable as to whether it is demonstrated having regard to the, on C1 zoning that the future occupancy is 'Specialist' in nature and/or at a scale appropriate the function and character of the area and, compatible with and contributing to the zoning objective as provided for in section 11.2.6 of the CDP. It is reasonable that specialist offices involving an element of white collar light industrial type work such that within the technology or pharmaceuticals sectors in which there is component of laboratory space on site might be located at 'out of town' business parks and as such on the 'C1' zoned site lands. In this regard, offices associated with laboratories or other types of production may come within the definition, 'specialist offices.

7.2.12. It considered that it should be clearly demonstrated that future occupancy is of a specialist nature as discussed and is consistent with the zoning and that there is

sufficient demand for such occupancy without risk of diversion from office development in and near the city centre. There is no persuasive case within the application to show that future occupancy would not compete with lead to significant diversion of generic office use from the city core and established suburbs or similar locations. The doubt expressed in the appeal, doubt as to the scope for practicable and effective enforcement as to the nature occupancy as required under Condition No 7 attached to the planning authority decision is considered reasonable.

7.2.13. Hotel.

The appellant has raises similar concerns about the proposed hotel providing for two hundred and twenty-two rooms and restaurant bar and related services and leisure centre, spa and associated facilities. The planning authority is satisfied that the revised proposal omitting an aparthotel and increasing the number of hotel of rooms is consistent with the 'C1' zoning objective. There is no provision for hotel development for C1 zoned lands and policy for tourism and tourism infrastructure is that hotel development should be directed toward the city centre. While in principle outright preclusion of hotel development beyond a city centre or central business district is unwarranted, there would be little justification for the proposed hotel development, if it is agreed that the proposed mixed use, primarily residential and commercial development and creation of a new neighbourhood to 'live work and play' as proposed in the application is unacceptable at the subject 'C1' zoned lands as previously discussed.

7.2.14. Similarly, the various other components of the proposed development, such as the retail, service retailing, creche and recreational facilities and carparking although in principle open to consideration having regard to the zoning objective, would not within the current proposal be acceptable in that these components are of a services nature integral to and interconnected with the overall proposal.

7.2.15. While for significant mixed-use development for the site lands has been favourably considered in the past, circa twenty years ago, (as recorded in the details under section 4 below), This was well in advance of the bringing effect of the current strategic planning policy framework at national, regional and local levels providing for and prioritising significant but compact growth through consolidation of the built-up areas of the city over greenfield lands and within its development envelope. As

such, it is considered that in view of the different planning context on which these prior applications were assessed, this planning history is of little relevance or significance in determination of a decision on the current proposal.

7.3. Traffic and Trip Generation Roads layout and entrance arrangements.

- 7.3.1. The application includes an Engineering Design Report and accompanying Junction and internal road design layout, preliminary workplace travel plan, Traffic and Transport Assessment and accompany RSA Stage 1 and, a statement of compliance with standards within DMURS.
- 7.3.2. The sole vehicular entrance proposed to serve the development is the existing entrance onto the N83 for the An Post Building and McGowan Motors. The entrance is for vehicular traffic, serve cyclists and pedestrians and the is possible future pedestrian and cyclist access to the greenway and Parkmore link adjoining the east side boundary of the site at Ballybrit.
- 7.3.3. Redesign options at the entrance and the N83 has been considered prior to and during the application stage to provide both for the proposed development and the possible future development on the lands opposite the site on the west side of the N83 at Castlegar which are zoned for residential development
- 7.3.4. The modelling in the submitted traffic and transport assessments (TTA) for alternative design options for the proposed entrance off the N83 and, in addition at the N83/L5149, for the range of scenario combinations whereby the N6/GCRR and/or residential zoned lands at Castlegar directly opposite the site are included/excluded, in demonstrating predictive capacity between opening year (2025) and at design year (2040). It is apparent that considerable capacity, nearing full and possible saturation of capacity in the later years is absorbed with increasing length in waiting times at peak hours. Possible mitigation measures are considered in the assessment, in regard for example, to signalisation at the N6 83 junction.
- 7.3.5. It is reasonable to assume the likelihood of generation of commuter travel and trips in unsustainable private car travel by the proposed development including turning movements on and off the N83 absorbing this capacity hinders the operational efficiency a capacity of the national road network. There is a likelihood of conflict with national policy relating to the function and purpose of the national road network in

that that such trip generation should not be accommodated and, alternative modes of sustainable transport should be encouraged.

- 7.3.6. Expectation of effectiveness for the subject proposal in achieving diversion from private car trips to alternative sustainable travel modes may be unrealistic as the options at the site location are and are likely to remain limited. It is therefore considered that the assessment and recommendations for the proposed high density and intensity mixed use development, described as a 'place to live work and play' in The Workforce Travel Plan, (both in the original application and, as amended in the further information submission) are optimistic as to effective diversion of modal choice away from private car towards alternative sustainable modes of travel. As such there is no assurance that the proposed development would not lead to interference with the efficiency and effectiveness of operational capacity and safe and free flow of traffic on national routes or that it would accord with The Special National Roads Planning Guidelines and in particular Section 2.7.

7.4. Alternative Transport and Travel Modes.

- 7.4.1. As mentioned above, it is considered that there is lack of certainty as to confirmation of availability of comprehensive and accessible alternative viable modes of travel and transport that the proposed development would not result in undue unsustainable private car trip generation of a commuter and non-strategic nature. Correspondingly, the peripheral location and lack of forward planning providing for zoning and designation of the lands for development of the nature proposed gives rise to additional concern in this regard.
- 7.4.2. For existing local bus network services, owing to the peripheral location, the distance of 1.7 from the nearest bus stop and the existing privately operated bus service between the city and Dunmore. There remains uncertainty about the Parkmore Link and limitations and lack of certainty and capacity in respect of the existing and possible future bus services by private operators although it is indicated that negotiations with Burkes Buses about increased frequency and capacity on existing Dunmore route and the possible future shuttle service shuttle service which would be routed route through the development in the submitted TTA. There is no certainty as to possible future plans for and delivery of quality local bus services with routing and at a frequency and corresponding to effective future provision of local bus services

as envisaged within the GTS to serve the development at the nature and intensity proposed.

- 7.4.3. The increased permeability shown in the further information submission and improvements for cyclists and pedestrians, along with proposals for a bike scheme stop and for access to and connectivity with the greenway and route to the east side of the site lands would be of significant benefit to the quality of the proposed development but should be delivered in the early in the construction stage.
- 7.4.4. For cyclists and pedestrians, it is noted that inclusion of conditions if permission is granted is recommended in the Transportation Department's report, including conditions for financial contributions towards the cost of provision of new and improvement works for cycle path and footpath facilities on the public road outside the site along with the references to linkage to the future greenway and bus corridor to the east of the site for public transport, cyclist and pedestrians. Again, notwithstanding preparation of the Parkmore Area Strategic Framework there is at the very least a need for phasing in the development to coincide with the availability of transport and travel facilities. For a large-scale, mixed-use development of the size and nature proposed, on lands not intended, according to the CDP for such development, this current situation is unsatisfactory.
- 7.4.5. It is agreed with the appellant that the permitted development at the Crown Equipment Site within the 'Established Suburbs' according to the CDP in which Section 11.2.6 also provides for specific objectives is not comparable for the purposes of taking precedent. (P. A. Reg. Ref.386/81 refers.), There are convenient and bus services with high frequency, other facilities, connectivity with and proximity to the city centre.
- 7.4.6. Given the C1 zoning of the lands, trip generation associated with the uses within the range provided for C1 zoned lands such as commercial trips associated with goods distribution and customer trips associated bulky goods, light industry and retail warehousing and some leisure and recreational activity, would be marginal in contrast to that which would be generated by the proposed development. Furthermore, there would little or no concern as to the impact on the national road network or limitations in alternative modes of travel.

7.5. Parking

- 7.5.1. The revised proposal in the further information provides for 907 parking spaces within the development, it being arguable that some spaces would be dual use spaces, due to collocation of land uses, providing for employees and demand associated with the commercial uses of the site in daytime with demand by residents being predominant in evening and weekend times. However, the effectiveness of dual use parking is potentially questionable.
- 7.5.2. While the proposed development was altered and changed in composition in the further information submission in which the residential component was reduced by sixty units, (from 309 to 248 units) the on- site parking provision was increased in quantum by 150 spaces to 788 to 908. This represents a shortfall of 286 spaces of the development plan requirement of 1,194 spaces if the standard of on space per 75 square meters gross floor area for specialist offices space instead of the standard of one space per 25 square metres for 'offices' which indicates a requirement of 1576 spaces and consequently a considerably bigger shortfall as indicated in the applicant's submissions. As stated in section xxxx above, there is concern as to the restriction of prospective occupancy of the office element of to 'specialist office' use.
- 7.5.3. While undersupply of carparking provision having regard to standards is a desirable and effective means of encouragement of use alternative transport modes, it is agreed with the appellant that there is potential for overspill parking onto the N83 partly due to the limitations in appeal and quality of alternative modes of travel at the peripheral location. The argument in the applicant's submission as to dual use owing to the combination of commercial and residential development (daytime night-time/weekends) there would need to be an available clear assessment and management scheme in place at operational stage with monitoring in place to ensure the availability for switch over in daytime and night time of spaces with a possible need for exclusion of designated parking spaces.
- 7.5.4. There is no objection to the prevalence of podium parking throughout the development and the applicant's references to incorporation of podium parking at large scale developments of a similar nature which has operated satisfactorily is noted.

7.6. Residential Development – Qualitative Standards.

7.6.1. The total number of apartment units was reduced from 309 to 248 units the total gross floor area of which is stated to be 25,290 square metres in the further information submission proposal in which one of the blocks is omitted. The residential component comprises thirty six percent of the overall development. The mix of unit types as indicated in the Area of Occupancy schedules for the proposed development and considered consistent with SPRR 1 and SPRR 2 of the Building Height Guidelines comprise:

61 one bed units (28%)

3 studio units (1%)

143 two bed units (46%)

42 three bed units (14%)

3 four bed units (1%)

7.6.2. A schedule of for each apartment size, internal layouts, dimensions and room sizes, full details of which were made fully available for the original application are, in the revised proposal consistent with minimum standards within the Apartment Guidelines. Sixty four percent of the units are dual aspect. Private open space quantum deficiencies for some units at Block C can be addressed by condition if permission is granted. There are no issue arising as to layouts at each floor level and numbers of units to each staircore/lift. With the omission of one block (G) from the nine originally proposed, based on review of the plans and written submissions, the site layout and separation distances are such that substandard development due to potential for undue overlooking to interiors of private amenity spaces is eliminated and the development as a result accord with the standards within section 11.3.1 I(d) of the CDP and would not be at variance with standards within the Apartment Guidelines.

7.6.3. For daylight and sunlight, the submission includes assessments following the methodology and recommendations – within BRE 209 Site layout for all external amenity spaces and within BS 8206-2:2008 as recommended in the Apartment Guidelines and a European standard for daylight in Buildings (EN 17037 2019 –

British Version) for daylight to internal living dining room spaces achieved minimum standards for ADF in terms of compliance with the standards in EN17037) in the original application but overcome in the revised proposal.

- 7.6.4. The details for methodology and computer modelling to provide for Wind Analysis included in the submitted Environmental Analysis also indicate a microclimate at ground and podium levels which is satisfactory for pedestrian comfort, seated and standing around and between the blocks.
- 7.6.5. At some units in Block C towards the front west side of the site, as advised in the planning officer report, the proposal for enclosed winter gardens in place of open balconies and terraces and installation of noise attenuative glazing and ventilation as means of mitigation of noise impact owing to proximity to the N83. The residential blocks are shielded from potential noise impacts from the N6GCRR the corridor for which is to the north of the site by the office blocks which are positioned the N6GCRR and the residential blocks.
- 7.6.6. The residential element benefits from of internal and external communal amenity and leisure space and facilities and primary and secondary open space.

No major issues of issues as to the qualitative standards for the residential units with the eight apartment blocks:

7.7. Creche and Community Facilities.

- 7.7.1. The revised proposal for the creche providing for an internal area of 497 square metres and additional external areas at rooftop (328 square metres) and ground level (275 square metres) accords with the standards with in section 7.4.3 of the CDP and the Childcare Guidelines and has been appropriate in capacity to serve a population of 3000-4000 as envisaged for the overall development. The facility along with the cultural/community building and associated facilities benefiting a new community are incorporated in the earlier stages of development is at an appropriate location towards the front/the west side of the site convenient for drop offs and pick-ups both for occupants of the residential blocks and employees within the scheme serving both the residential and commercial development.

7.8. Visual Impact

- 7.8.1. The landscape character at the location of the undeveloped, C1 zoned lands which is peripheral to the city, is distinctly rural in nature but not sensitive or special high amenity value visually or otherwise. Inevitably a grant of permission entails a presupposition of acceptance of radical change. Furthermore, it is also of note in this regard the lands to the west side of the N83 are subject to a zoning objective for residential development but not for low density development. As such there is reasonable expectation as to development on the lands which is consistent with the C1 zoning objective assimilating with other zoned lands such as the lands zoned for residential development opposite the site and existing surrounding development, such as the An Post Building and McGowan's Motors, existing and future development to the east and existing low-density development on (LDR zoned lands) to the south.
- 7.8.2. However, the proposed development is a high intensity, residential and commercial development in multiple blocks of up to eight storeys and is a distinct new urban settlement advocated as a place to 'live, work and play' in the applicant's submissions. While large sites for which an adopted planning framework in the form of an adopted local area plan or masterplan guides development can accommodate an individual character, there are no such provisions within the CDP for the subject site having regard to the C1 zoning objective and section 11.2.6 of the CDP. As such if the proposed development is permitted, a development clearly characteristic of and appropriate to established built up areas and which is quite distinct in layout, form and character from the light industrial and associated uses intended for C1 zoned lands and, generally for out of town locations for out of town locations.
- 7.8.3. Otherwise, setting aside the foregoing, the proposed development which is for an area of 6.8 hectares transforms and creates a new 'stand-alone' high intensity urban area. It does provide for lower height blocks stepping down at the southern end adjacent to the low-density development on LDR zoned lands whereas at the eastern south eastern side, there is an existing context of higher buildings at the

redeveloped building complex for the Galway Racecourse. Reciprocally, the buffer and tree and planting proposals for the west side of the site provide softening and enhancement of visual amenities in outlook from within the development and in views towards the development from the N83.

- 7.8.4. The revised hotel building (Block A) which is a substantial structure in which the facades are dominated by glazing and metal cladding is appropriate for a gateway structure overlooking the entrance and in views on approach in either direction along the N83 and adjacent to the main parkland space to the west. The retailing and café elements at ground level as proposed in the further information submission provide for adequate animation and interest, planting and pedestrian facilities provide sufficient amenity, visual interest and vitality in the streetscape at ground level. Shopfront and signage details can be finalised by condition if permission is granted. enhances the street.

7.9. Public Realm and Open Space.

- 7.9.1. It is considered that the modified proposal within the further information submission is effective in addressing concerns about hierarchy, quality, layout in the original proposal as indicated in the planning officer report. The serious deficiencies identified by the planning authority in the original proposal are addressed through the omission of one of the residential blocks, Block G in that a formal landscaped park, at the top of the hierarchy and which is linked to the 'West Square' towards the front of via pedestrian streets. It is also established in the submissions that omission of Block G also allows for good sunlight to the residential units and to the park space itself. In addition, outdoor recreational and amenity facilities are included in the landscaping scheme such as fitness equipment, plan areas and a dog run park. The development also benefits by the proposed an access, via lift and steps along with the planting scheme at east boundary of the site and substantive landscaping at the west of the site adjacent to the Tuam Road. There is sufficient permeability with good scope walking, cycling throughout. The positive observations of the planning officer public realm and open space and outdoor recreational and amenity as well as those of the Recreation and Amenity Department are noted and are supported and it is agreed that the proposed development is acceptable to this end.

7.9.2. As a standalone scheme, subject to ongoing management and maintenance, visually and, from the perspective of standards of attainable amenities for future occupants and visitors to the buildings, the proposed layout, landscaping and planting, public open space provision and public amenity spaces is acceptable in quality and in quantum.

7.10. Phasing

7.10.1. The revised phasing as proposed in the further information submission provides for well-balanced three phase delivery of the development: in Phase 1, a mix of offices the hotel and three residential blocks retail, food and beverage elements, creche and community building mainly positioned towards the west side of the site. Phase 2 provides for construction of three residential blocks and Phase 3 each provides for combination of two residential and two office blocks. Delivery of the public realm such the park at the top of the public open space hierarchy and feasible due to the omission of Block G one of the residential blocks in the original application and communal amenity spaces, roads and landscaping are to be implemented in stages at each phase This to enables the earlier phases to operate independently with the benefit of the amenities and facilities. The front loading of the creche community facilities and retail café use and the hotel into the first phase is appropriate and commendable in this regard due to their positive functions benefiting the occupied elements of the development at earlier stages separately and independently prior to deliver of the subsequent stage office and residential blocks and associated landscaping etc. A fully detailed bar chart for a ten-year period (2022 – 2032) is included with the further information submission.

7.10.2. The decision of the planning authority to allow for a duration of seven years, the duration of permission if granted, as decided by the planning authority, to seven years instead of the ten-year period sought in the application is supported in that it allows for further planning review and to take account of the three-phase delivery of the development and possible future changes in planning context. It is pointed out in the planning officer report that a similar seven-year period was provided for in the grant of permission under P.A. Reg. Ref. 18/363 (PL304928) at the Crown Equipment site.

7.11. Foul, and surface water drainage and water supply.

- 7.11.1. The relevant sections in the submitted engineering design report and drawings have been reviewed and it is no issues of concern arise in consideration of the proposed development.
- 7.11.2. The proposed arrangements for surface water disposal and foul drainage at construction and operational stages, measures for management of runoff being provided for in the outline construction management plan. The surface water system for operational stage is designed to greenfield rates. Green roofs systems and below attenuation storage to which discharge from hard surfaces by oil interceptors and a hydro-brake flow control system designated to accommodate a 1 in 100-year storm event.
- 7.11.3. Foul drainage by gravity from the development to the local public network below the N83 and onwards to the Mutton Island treatment plant.
- 7.11.4. A watermains layout and design within the development has been provided and Irish Water has indicated that there is capacity to serve the proposed development.

7.12. Flood Risk Assessment.

- 7.12.1. A flood risk assessment report included with the application according to which the Western CFRAM Programme and it has been reviewed and consulted. The site comes within Flood Zone C for coastal and fluvial flooding, and it is demonstrated that the proposed development inclusive of a climate change factor is not at risk of flooding within or on the adjacent N83 for a 1 in 1000-year event.
- 7.12.2. There are no watercourses within or adjacent to the site, the nearest being the Terryland River which has flow to two swallow holes circa one kilometre to the south west of the site. The nearest area with evidence of past pluvial flooding is on the N83 to the north at circa five hundred metres from the site where the level of the road is more than ten metres lower than that of the site. Any increase in Flooding risk is also prevented due to the proposed design for surface water drainage arrangements which include green roof systems, storage and control of flow to achieve predevelopment greenfield conditions.

7.13. Ecology

- 7.13.1. A comprehensive report based on desk research and detailed ecological field surveys of habitats and bird and fauna species and including dedicated badger and a bat-surveys (according to which evidence of the lesser horseshoe bat and no bat roosts were recorded) is available with the application. It includes drawings showing design and landscaping details which include extensive planting and lighting designed to minimise disturbance to bats and flight paths. There are no national designated natural heritage sites within or adjacent to the site, or watercourses within or adjacent to the site, the nearest being the Terry River which flows to swallow holes south west of the site.
- 7.13.2. For bats slight fragmentation and loss of foraging and commuting habitats for bats is predicted for which mitigation has been provided for in the landscaping scheme in woodland hedging and tree planting in linear form, in boundaries and amenity areas.
- 7.13.3. For lighting at construction stage spillage is to be minimised and directed away from trees and treelines. Luminaires to be used at operation stage is to be low intensity and designed in accordance with the Institute of Lighting Professionals Guide 08/18 *Bats and Artificial Lighting in the UK*. With the measures in place the conservation status of bat species evident within the site are would not be adversely affected.
- 7.13.4. For birds, removal and loss of dry calcareous and neural grasslands and hedgerows that provide habitat to birds could cause disturbance. Site clearance works are to be avoided as required under the Wildlife Acts, between April and August inclusive. due to potential for destruction of nests. The tree and hedgerow planting within and around the periphery of the site. An ecologist is to be employed to monitor and supervise works.
- 7.13.5. With protective measures proposed in the report, such as those for management of storm water run-off and potential for hydrocarbons to enter ground water from surface/surfaces during construction protection incorporated in the construction. At operational stage the proposed drainage arrangements are designed to provide for pre development rates and include measures for attenuated storage and management and treatment of run off from hard surfaces. Surface water arrangements which include green roof systems and attenuation with water from

ground surfaces being passed through interceptors and controlled discharge is to be at pre development greenfield rates.

- 7.13.6. Foul effluent for which there is capacity within the local public network and treatment plant at Mutton Island is to be subject to preliminary, primary and secondary treatment before discharge to Galway Bay.
- 7.13.7. The ecological assessment includes an account and review of existing and permitted developments on the basis of which it is established in the report that the permitted developments, plans and projects on the basis of which it is established that the proposed project would contribute to significant cumulative impacts
- 7.13.8. It can be concluded having regard to the ecological assessment that no potential for significant adverse impacts on by way of disturbances and loss of habitats, fauna, birds and no cumulative impacts or residual impacts would arise if the project implemented in accordance with plans and particulars and incorporation of the recommended measures within the ecological assessment report.
- 7.13.9. Construction works are to be in accordance with best practice as provided for in the outline construction management plan. At operational stage discharge of foul water, collected by gravity and connected to the public system for onward transfer to the Mutton Island Treatment plant at operational stage.

7.14. Environmental Impact Assessment

- 7.14.1. Environmental Impact Assessment (EIA) is not a requirement in that the proposed development is at a greenfield site outside of a central business district or a built-up area and as it is for a site with a stated area of 6.8 hectares which comes below the twenty hectares threshold for mandatory EIA having regard to:

Item 10 (b) (i) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 and section 172(1) (a) of the Planning and Development Act 2000 (as amended) according to which EIA is required for infrastructure projects that involve:

(i) construction of more than 500 dwelling units

(iv) an area of two hectares in the case of a business district, ten hectares in the case of other parts of a built-up area and, and twenty hectares elsewhere.

- 7.15. There are no grounds or issues arising that would indicate that sub-threshold EIA is warranted. The ecological assessment report submitted with the application has also been consulted for the purposes of screening in this regard.
- 7.16. Having regard to the nature of the proposed development and its peripheral greenfield location 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, be excluded at preliminary examination and a screening determination is not required.
- 7.17. The review and assessment in the ecological report of other plans existing and permitted development within the ecological assessment report which is comprehensive indicate that with good practice for protection of water quality and measures to include landscaping and planting of treelines, no potential for cumulative impacts in conjunction with the proposed development on designated sites or species are identified.
- 7.18. **Appropriate Assessment Screening.**
- 7.18.1. The application is accompanied by an appropriate assessment screening report and a Natura Impact Statement. These documents have been consulted for the purposes of appropriate assessment screening and appropriate assessment.
- 7.18.2. The project site is formed primarily from agricultural lands through which an internal hard surfaced internal access road between the entrance off the N83 at the south west the Galway An Post Distribution Centre and to McGowan Motors both of which are on fully serviced sites adjacent to the north and north west boundary of the site. The remainder of the site lands are mainly under grass, primarily dry calcereous and neutral grassland and hedgerows and trees and there is underlying karst limestone within the site and the environs. The surrounding area is semi-rural being

characterised by low density residential development to the south, some commercial development and Galway Racecourse at Ballybrit.

- 7.18.3. There are no watercourses within or adjacent to the site lands. The Terry River flows to swallow holes circa 900 metres to the south west. The nearest stream to which the site lands have no direct connectivity is the Kilroghter stream over two kilometres to the north and it is separated from the site lands by the N83, a quarry and agricultural lands.
- 7.18.4. The project, (as modified in the further information submission lodged with the planning authority) is a mixed use development comprising: 248 apartments, and associated facilities such as a creche, leisure and recreational facilities, and commercial development comprising specialist offices, a hotel with 222 rooms and restaurant bar facilities, retail and café units within the office blocks at ground level, a culture centre, community building, 908 parking spaces mostly at podium level, roadways, hard and soft landscaping and indoor and outdoor recreational facilities, and services and utilities and at the entrance, improvement and upgrade works.
- 7.18.5. Surface water drainage arrangements at construction stage are to accord with best practice as provided for in a construction management plan. Surface water drainage arrangements at operational stage provide for design to for discharge to the public system at predevelopment greenfield rates. Measures include green roof collection and storage, use of petrol interceptors for water collected from hard standing, attenuation in two large areas designed with capacity for a 1 in 100-year storm event providing for flow, through a hydro-brake flow control system before discharge to the public network.
- 7.18.6. The following European Sites are within the likely zone of impact:

Lough Corrib SAC [00297]	1.9 km from site
Lough Corrib SPA [004042]	3.9 km from site
Cregganna Marsh SPA [004142]	6.7 km from site
Lough Fingall Complex SAC [000606]	13.6 km from site
Ross Lake and Woods SAC [00312]	14.6 km from site

- 7.18.7. Applying the precautionary principle, the following two sites within the likely zone of impact are screened in for further assessment.

Lough Corrib SAC [00297]	1.9 km from site
Lough Corrib SPA [004042]	3.9 km from site

7.18.8. As indicated in the Appropriate Assessment Screening report, due to the nature and scale of the proposed project and the Conservation Objectives for the two Sites having regard to their, Qualifying and Special Conservation Interests, potential for indirect impacts on the two European sites could arise by way of groundwater pollution at construction and or operational stages, having regard to the permeable nature of underlying karst limestone. Potential for indirect connectivity at either construction or operational stages between the project site and the waters at Lough Corrib within the two European sites, via the Kilrogther stream through groundwater, cannot be eliminated.

7.18.9. It is therefore concluded and agreed that a Stage 2 Appropriate Assessment is required for these two European sites.

7.18.10. The other three European sites within the likely zone of impact, (Cregganna Marsh SPA, Lough Fingall Complex SAC and Ross Lake and Woods SAC) are screened out in the appropriate assessment screening report for further assessment because the nature and scale of the proposed development project and the nature of the Conservation Objectives, Qualifying and Special Interests, the separation distance between the sites and the project site, absence of substantive linkage, functional relationship or habitat connectivity and lack of direct or direct connectivity of pathways for direct or indirect effects.

7.18.11. It is agreed that these three sites can be screened out. On the basis of the information available that the proposed development individually or in combination with other plans and project would not be likely to have significant effect on these European sites in view of their conservation objectives. A Stage 2 Appropriate Assessment is therefore not required for these sites.

7.18.12. **Appropriate Assessment (Stage 2)**

Applying the precautionary principle, the following two sites within the likely zone of impact are screened in for stage 2 appropriate assessment.

Lough Corrib SAC [00297]	1.9 km from site
Lough Corrib SPA [004042]	3.9 km from site

7.18.13. Lough Corrib SAC.

The qualifying interests for the Lough Corrib SAC according to the NPWS Site synopsis and outlined in the NIS are:

white clawed crayfish,
sea lamprey,
brook lamprey,
salmon,
otter,
hard oligo-mesotrophic waters with benthic vegetation of Chara spp
Calcareous fens with cladium mariscus and species of the caricoin
davalliana,
alkaline fens, and,
petrifying springs with tufa formation (cratoneurion)

7.18.14. For the SAC the conservation objectives include specified attributes and targets for the qualifying interests There are a range of targets and attributes for the conservation objectives for these qualifying interests t details of which are set out under the Conservation Objectives for the Lough Corrib SAC [00297] NPWS 2017. A comprehensive and outline of the attributes and targets and assessment, based on best scientific knowledge is available in paras 6.1.2 to 6.2.5.1 and Tables 6-1 – 6.13 in the submitted NIS.

7.18.15. It has been agreed that it has been satisfactorily established in the screening report accompanying the submitted NIS that there is no potential for direct effects on any qualifying interests of the Lough Corrib SAC.

7.18.16. Further to review of the NIS, it is noted that in applying a precautionary principle, if there is deterioration in ground water quality due to pollution associated with the project there is potential for indirect effects on qualifying interests of the

European Site, having regard to its conservation objectives if these waters enter Lough Corrib and cause a significant deterioration in water quality.

7.18.17. Lough Corrib SPA.

The special conservation interests for the Lough Corrib SPA, according to the NPWS Site synopsis and outlined in the NIS are:

Gadwell

Shoveler

Pochard

Tufted Duck

Common Scotor

Hen Harrier

Golden Plover

Black headed Gull

Common Gull

Common Tern

Arctic tern

Greenland white fronted goose and

Wetland and waterbirds

7.18.18. The Conservation Objective is to maintain or restore the favourable conservation condition of the bird species listed as special conservation interests for this SPA and, having regard to the Greenland white fronted goose and Wetland and waterbirds, to maintain or restore the favourable conservation condition of the wetland habitat at Lough Corrib SPA as a resource for the regularly occurring migratory water bird that utilise it. and, for the SPA the conservation objectives are for maintenance and/or restoration of the favourable conservation conditions for the special conservation interests as specified by the NPWS (2017),

7.18.19. It has been agreed that it has been satisfactorily established in the screening report and NIS that there is no potential for direct effects on any special conservation interests of the Lough Corrib SPA.

- 7.18.20. Further to review of the NIS, it is noted that in applying a precautionary principle, if there is deterioration in ground water quality due to pollution associated with the project there is potential for indirect effects on special conservation interests of the European Site, having regard to its conservation objectives.
- 7.18.21. Groundwater quality could be at risk should pollution attributable to the project percolate through to it owing to permeability and underlying karst bedrock underlying the site and reach and affect waters within the European sites by indirect pathway and as a result be a source of significant adverse impact on the qualifying interest and special conservation interests.
- 7.18.22. To this end, in the absence of good environmental construction and management practice at Construction stage, earthworks and construction works could contribute to deterioration in groundwater quality if surface water runoff from the site containing suspended solids and or contaminants from fuel spillages is not suitably collected, treated and disposed of could affect groundwater. This groundwater if polluted, on reaching the two European sites could have significant affect, on the quality of waters within them and contribute to significant impact on the qualifying interest and special conservation interests.
- 7.18.23. At Operational stage, surface water runoff and foul effluent, if not suitably collected, treated and disposed of could, as in the case with the Construction stage, due to high permeability could cause deterioration of groundwater quality beneath the site. Similarly, this groundwater if polluted, on reaching the two European sites could have significant affect, on the quality of waters within them and contribute to significant impact on the qualifying interest and special conservation interests.
- 7.18.24. Construction stage measures are to be incorporated in construction management arrangements which are outlined in the Ecological Assessment report (sections 6.2.2.2 - 6.3.2.2.) included with the application would preclude potential for adverse impact on groundwater quality indirectly, by pathways, affecting waters within the European sites. Included measures to prevent pollutant materials from entering the groundwater and provision for surface water within the site to be collected and discharged to the public surface sewer network. Measure to be employed during the construction stage include safeguards for machinery usage,

removal of potential pollutants from surface water prior to discharge to the local network, under license, for storage of potentially pollutant materials such as cement-based materials, avoidance of certain activities at times of heavy rainfall, and for procedures which would be in place in the event of any accidental spillages that could lead to hydrocarbons entering groundwater and, adherence to best practice.

7.18.25. At Operational stage, comprehensive measures are incorporated in the design for foul drainage arrangements within the site that would preclude potential for adverse impact on groundwater quality indirectly, by pathways, affecting waters within the European sites. Further to collection within the site effluent which is to be connected to the local public sewer network effluent is to be transferred transfer to Mutton Island Treatment Plant prior to discharge and there is confirmation as to capacity within the public network and treatment plant to service the project. Three stages of treatment, Preliminary, primary and secondary) is to take place. Furthermore, capacity is to be increased at Mutton Island owing to confirmation of inclusion within a current capital investment plan of confirmed upgrade works. At Construction stage, the project would not lead to indirect impact on European sites by way pathways from the site leading to deterioration in water quality within these sites.

7.18.26. At Operational stage, comprehensive measures are included in the design for the proposed surface water drainage system that would preclude potential for any change to the hydrogeological regime in the area. As a result, potential for adverse impact on hydrological conditions and groundwater quality by surface water emanating from the project will be avoided. As specified in the NIS, the project design incorporates measures for restriction of discharge flow to predevelopment greenfield rates. Extensive green roof systems are to be provided which reduces overall capacity requirements at two attenuation storage areas with the ground level attenuation being designed to accommodate a 1 in 100-year event. A hydro brake system is be used for control of flow and petrol and oil interceptors are to be installed to provide for removal of pollutants from waters collected from areas of hardstanding.

7.18.27. It can be concluded that at operational stage the project would not lead to indirect impact on European sites by way pathways from the site leading to deterioration in water quality within these sites.

7.18.28. With regard to potential for indirect impacts by source pathway linkage, for the two European Sites it is agreed that it is satisfactorily demonstrated in the NIS and application submissions that the proposed development would not alter the natural hydrological regime or water quality necessary to support the distribution of species. It is established that the project is designed to include a range of measures that prevent all water pollution by indirect pathways linking to waters with the two European sites. As a result, there is no likely impact in that, for example, designated species would not decline, be changed in structure or density or decline in extent and distribution of spawning and juvenile habitats etc. for the SAC and that there would be no significant impacts that would hinder the maintenance and or restoration of favourable conditions for bird species and wetland habitats for migratory waterbirds listed as special conservation interests in the SPA.

7.18.29. **Potential for Cumulative and Residual Impacts.**

Taking into account existing plans and projects and permitted developments within the vicinity a record of which has been provided within the NIS and the design measures included in the subject project provided for as a means whereby water quality within the European sites would not be affected indirectly by source pathway linkage to no significant additional cumulative impacts on the qualifying interests and special conservation interests, within the site having regard to the conservation objectives would occur.

7.18.30. Furthermore, in view of the design measures incorporated within the proposed construction and operational stages of the project, and the potential for residual impacts which could indirectly affect the integrity of the two European sites which in all instances are not significant.

7.18.31. **Conclusion.**

It is reasonable to conclude, having regard to the information available in connection with the application and the appeal which is considered adequate for the purposes of conducting Stage 2 Appropriate Assessment, that the proposed project individually or in combination with other plans and projects would not affect the integrity of the Lough Corrib Special Area of Protection [000297] or the Lough Corrib Special

Protection Area, [004042] or any other European site in view of their conservation objectives.

8.0 Recommendation:

It is recommended that permission be refused based on the reasons and considerations which follow.

9.0 Reasons and Considerations:

Having regard to:

- The Galway City Development Plan, 2017-2023 incorporating Variation No 5 which provides for alignment of the Core Strategy with the National Planning Framework, the Regional Spatial and Economic Strategy, and the Galway Metropolitan Strategy Plan which seek compact, sequential and sustainable development in larger urban areas that is focused on consolidation and a shift towards a compact urban form in which sprawl of the suburbs is prevented by delivery of high density schemes at appropriate locations;
- To the location of the site at the periphery of the city outside the areas designated as the 'city centre' as 'established suburbs' or as 'outer suburbs' and which is lacking accessible and convenient high frequency public transport, alternative sustainable travel and, services and facilities and
- to the site which is not included within the adopted Housing Strategy, and which is subject to the zoning objective, C1 *'to provide for enterprise, light industry and commercial uses other than those reserved for the CC zone'*, and,
- to the scale extent, nature and intensity of the proposed mixed-use development,

It is considered that the proposed development would materially contravene the zoning objective for the site, would be contrary to strategic development policy and objectives for the city as provided for in the National Planning Framework, the Regional Spatial and Economic Strategy, and Galway City Development Plan, 2017-

2023 and which provides and consolidation and compact growth the city; would lead to diversion of residential and commercial development from areas within the city and suburbs designated for development of the nature proposed; would lead to high dependency on unsustainable commuter driven trip generation by private car on the N83 on the national road network which is in conflict with the policies within Spatial Planning and National Roads: Guidelines for Planning Authorities' 2012 and, would be contrary to the proper planning and sustainable development of the area.

Jane Dennehy
Senior Planning Inspector
20th April, 2022.