



An
Bord
Pleanála

**S. 6(7) of Planning and
Development (Housing) and
Residential Tenancies Act 2016**

**Inspector's Report on
Recommended Opinion
312197-21**

Strategic Housing Development	Demolition of buildings, construction of 170 no. residential units (84 no. houses, 86 no. apartments, creche and associated site works.
Location	Bothar na Choiste, Castlegar, Co. Galway.
Planning Authority	Galway City Council
Prospective Applicant	Lock House Developments Limited
Date of Consultation Meeting	21.03.2022
Date of Site Inspection	25.02. 2022
Inspector	F. Fair

1.0 Introduction

- 1.1.1. Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority and the documentation received from the prospective applicant, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

- 2.1.1. The site of the prospective development is located on the north-eastern Outer Suburbs of Galway city at Castlegar. It is located north of Bothar na Choiste Road and east of N84 Headford Road. Largely a greenfield site, save for the existing dwelling house at the south western corner of the site and a derelict dwelling and outbuilding located at the south eastern edge of the site.
- 2.1.2. Site boundaries are largely defined by stone walls and natural hedgerow. An agricultural laneway occurs along the southeastern site boundary. In terms of topography the land rises significantly from south to north. The site is at a higher elevation than the road and the adjoining housing estate Cluain Riocard to the south.
- 2.1.3. The site is located approx. 3.5 Km north of Galway City Centre and approx. 300m from the local retail centre (Centra). Local bus route (407) has a bus stop outside the local centre. Castlegar National School is located approx. 0.8km to the northeast.

3.0 Proposed Strategic Housing Development

Site area	3.8 ha net / 4.62 ha gross
No. of Units	170
Density	45 u/ha
Plot ratio	0.33
Communal Open Space	5,982 sq. m (15.7%)
POS	5767 sq. m (15)
Car parking	247
Cycle Parking	268
creche	289 sq. m
Part V	17 units
Mat Con	Car Parking (only)

26.0 National and Local Planning Policy

26.1.1. National

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and the accompanying Urban Design Manual
- The Planning System and Flood Risk Management (2009)
- Design Manual for Urban Roads and Streets
- Design Standards for New Apartments - Guidelines for Planning Authorities (December 2020)
- Part V of the Planning and Development Act 2000 - Guidelines issued by the Minister for Housing, Planning, Community and Local Government under section 28 of the Planning and Development Act 2000
- Urban Development and Building Heights Guidelines for Planning Authorities December 2018
- Guidelines for Planning Authorities on Childcare Facilities (2001)
- Appropriate Assessment Guidelines for Planning Authorities (2009)
- Childcare Facilities – Guidelines for Planning Authorities

26.1.2. Development Plan

Galway City Development Plan, 2017-2023 is the statutory relevant Development Plan:

The site is zoned R: “To provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods”.

There is a specific objective to provide for a greenway link along the western boundary.

The GCDP includes a Core Strategy and Settlement Strategy that notes the need to accommodate continued population growth, in line with the City's designation as a 'Gateway', in a sustainable manner. In this regard, the adopted Settlement Strategy is primarily based on consolidating the urban form of the City. The strategic goals of the GCDP include the following:

- Promote balanced and sustainable economic development that will enable Galway City to fulfil its role as a National Gateway and a Regional Centre, providing sufficient employment opportunities and appropriate services
- Use the role of the Gateway to harness the strengths and maximise the economic development of the region.
- Provide for a built and natural environment that is of high quality and that contributes to providing a good quality of life for residents and visitors and affords sustainable transportation opportunities.

Housing Strategy is addressed in Chapter 2 of the GCDP.

The GCDP states that 'an essential element of urban sustainability is the development of a compact city, which is characterised by the consolidation of existing neighbourhoods and the establishment of new neighbourhoods'.

Section 2.4 of the GCDP sets out the framework of residential neighbourhoods in the city identifies four indicative neighbourhood areas as follows:

- Outer Suburbs;
- Established Suburbs;
- Inner Residential Areas and
- City Centre Residential

The application site is designated as 'Outer Suburban'.

The GCDP includes a specific objective (traffic and road network) to implement road widening and improvements at Bóthar na Chóiste. These are stated at Section 3.10 of the GCDP as follows:

'Implement road widening and improvements at Bóthar na Chóiste'.

The Galway Transport Strategy (September 2016) is also of relevance.

The Galway Transport Strategy 2016 (GTS) represents a partnership approach between Galway City Council, Galway County Council and the National Transport Authority. It includes a series of measures which will address the transport problems experienced across the city particularly during peak hours, over a phased and co-ordinated basis over the next 20 years, based on priority needs. The GTS has established that the reduction in traffic congestion requires both improvements to public transport, cycling and walking networks and the provision of a new orbital route.

The proposed measures were arrived at following transport modelling which included defining the existing transport problems, predicting future travel demands, access mode share and assessing their mutual impacts and interdependencies. The strategy includes traffic management, giving priority to walking cycling and bus movements, modifications to the traffic network, management of parking activities and heavy goods vehicles, improvements to the public realm and use of 'smarter mobility'. These measures are designed to both address the current significant problems and inefficiencies in the movement of people and goods within and around the city and to establish a long-term transport plan that will underpin the future sustainable growth of the city as supported by the Core Strategy.

27.0 **Planning History**

None on the site itself.

Reference is made in documents to recent housing development in the vicinity of the site; including **pl ref no. 00/828** (granted 2/03/2002) Cluain Riocard residential estate to the south, a development of 106 houses, 159 apartments, 4 entrances, a student accommodation facility consisting of 31 student apartments and

pl ref. 08/532(29/01/2008) Caireal Mor permission for the construction of 84 no. residential units (14 No. 1 bed apartments, 44 no. 2 bed town houses and 26 no. 3 bed townhouses) in 8 No. two and three storey blocks, 118 no. car parking spaces.

28.0 **Section 247 Consultation(s) with Planning Authority**

28.1.1. A formal pre-application meeting under Section 247 of the Act was undertaken with Galway City Council (the Planning Authority) on the 09/12/2020.

29.0 **Submissions Received**

29.1.1. Irish Water (report dated 19th January 2022)

Irish Water has assessed the proposal and has issued a Confirmation of Feasibility for connection(s) to the Irish Water network(s).

In respect of Water:

There is sufficient capacity in the existing Water Treatment Plant to facilitate the proposed development. Approximately 450m of network extension will be required to connect to the Irish Water water network to the southwest towards the junction between Bothar an Choiste and the main road. These extension works are not currently on Irish Waters investment plan therefore the applicant will be required to fund these local network upgrades. The Irish Water regional contractor in Galway will carry out these works and all costs will be payable by the applicant. The fee will be calculated at the connection application stage.

Irish Water notes that while flows in excess of the applicants required demand may be achieved in the Irish Water network and could be utilised, Irish Water cannot guarantee a flow rate to meet this requirement. The applicant should provide adequate storage capacity within the proposed development to guarantee a flow rate that meets their requirements.

In respect of Wastewater:

There is sufficient capacity in the existing Wastewater Treatment Plant to facilitate the proposed development. The applicant has proposed the installation of a foul sewer network extension to the south west towards the junction between Bothar an Choiste and the main road. Irish Water records indicate that this proposed

connection point is in fact a twin rising main and is therefore not suitable for connection.

The nearest viable connection point is to the existing 450mm diameter concrete pipe located approximately 600m from the proposed site, to the south west, on the Baile an Choiste Road, near the Terryland River Valley WWPS. The applicant will be required to reflect this connection point in their designs and layout ahead of any SHD application.

30.0 Forming of Opinion

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submissions and the discussions which took place during the tripartite consultation meeting. I shall provide brief detail on each of these elements hereunder.

31.0 Documentation Submitted

The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia,

- An Bord Pleanála Cover Letter
- Galway City Council Cover Letter
- Section 5 SHD Consultation Form
- Planning Report & Statement of Consistency (including the following appendices:
 - Appendix 1 – Meeting Minutes
 - Appendix 2 – Area Schedules
 - Appendix 3 – Part V Proposals
 - Appendix 4 – Statement of Consistency Matrix)
- Material Contravention Statement
- Irish Water Confirmation of Feasibility Letter
- EIA Screening Report

- A3 Drawings Booklet
- Architectural Design Statement
- Landscape Report
- Engineering Report on Civil Works
- Traffic & Transport Assessment
- DMURS Statement of Consistency
- Appropriate Assessment Screening Report
- Natura Impact Statement
- Ecological Impact Assessment, including appended Bat Report
Archaeological Impact Assessment
- Site Lighting Design Report
- Mechanical and Electrical Services Report

I have considered all of the documentation submitted by the prospective applicant, relating to this case.

32.0 Planning Authority Submission

In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Galway County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on the 02nd February 2022.

The planning authority's 'opinion' included the following matters: copies of record of section 247 consultation, planning history; site location, Development Plan Policy and zoning, Requirement for EIAR, Appropriate Assessment (AA), Consistency with GCDP Core Strategy, Landuse Zoning, Urban Density, Placemaking, Architecture & Urban Design, Mobility, Sustainable Energy, Carbon Usage Efficiency & Biodiversity, Community Facilities and Services, Servicing, Part V, Archaeological, Cultural and Architectural Heritage, Development Phasing, Regulation of Commercial Institutional Investment in Housing, together with appendices containing reports of internal departments.

The report is summarised as follows:

- The boundary of the N6 GCRR reservation corridor on layout plan does not correspond with CDP maps.
- It materially contravenes the core strategy which specifically states that the core strategy is supported and informed by the Galway Transport Strategy and its objectives to deliver the N6 GCRR
- N6 GCRR Project Office should be fully consulted
- Urban Design Issues: Entrance is defined by a blank gable wall and rear garden boundary – poor vista
- Pumping Station,
- Environmental Noise
- Overshadowing and passive surveillance of POS – Block 03 to be relocated.
- Overlooking of Cluain Riocard
- Carparking dominates, unregulated, distant from some units – layout and quantum.
- Balconies
- Plot ratio at 0.389:1 is low CDP sets out 0.46:1 for new residential development – consolidation and sustainability queried.
- Level of development off the Bothar an Choiste road to the east through to Castlegar Village and the Tuam Road is of concern - there are no plans for the improvement of this public road.

I have reviewed and considered all of the documentation submitted by the planning authority relating to this case.

33.0 Consultation Meeting

33.1.1. A Section 5 Consultation meeting took place by way of conference call on the 21st March 2022, commencing at 10.00 am. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

The main topics raised for discussion at the tripartite meeting were as follows:

1. Compliance with land use zoning and specific objectives of the Galway City Development Plan 2017 – 2023
2. Quantum of Development, Density, Layout and Urban Design
3. Residential Amenity
4. Transportation, Connectivity, integration with the wider area.
5. Infrastructure Issues raised in the CE Opinion
6. AOB

33.1.2. In relation to compliance with land use zoning and specific objectives of the Galway City Development Plan 2017 – 2023, An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Further consideration that the proposal has regard to specific objectives set out in the Galway City Development Plan for lands ‘North of Bothar na Coiste’ which specifies:
 - Layout of residential development and boundary treatment shall have regard to protected views from the Headford Road.
 - Requirements for road improvements capable of accommodating future developments shall be incorporated into any development proposals.
- Further clarification and justification with respect to location of a portion of the north-eastern section of the scheme within the reservation of the Galway City Ring Road (GCRR) - reservation corridor as set out in the GCDP 2017 - 2023.
- Further clarity that the N6 GCRR Project office has been consulted.

33.1.3. In relation to quantum of development, density, layout and urban design, issues raised, An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Further clarification that all issues raised in the Planning Authority CE Opinion submitted to the Board on the 02nd February 2022, in particular, with respect to

layout issues, POS, entry into the estate, sense of place, variety distinctiveness and layout has been justified.

33.1.4. In relation to residential amenity, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- There is a need for a noise action plan, which assesses environmental noise in particular to the northeast of the site where proposed houses abut the GCRR reservation.
- Further justification of the layout in terms of passive surveillance of open space and the Greenway reservation.
- Further consideration of Daylight / Sunlight Impact of the development. Detailed analysis of Shadow Impact Assessment of the proposed development (internally and externally) within the scheme and to the adjoining development to the south. Concerns of overshadowing of communal open spaces, private open space and public open spaces needs to be addressed.
- Further justification that all units comply with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.209, 2011) and B.S. 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting or other updated relevant documents.
- Elaboration and demonstrate clearly in any future application the % of dual aspect units proposed. The onus is on the application to demonstrate compliance with the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities', March 2018.

33.1.5. In relation to transportation, permeability, access, carparking, An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Further justification and clarity of the proposed development in terms of the specific objective in the GCDP 2017 - 2023 for the implementation of road widening and improvements at Bothar na Choiste.

- Clarity in respect of whether the road improvements to Bothar na Choiste will be carried out as part of the overall scheme, who is responsible for delivery of the road widening and provision of footpaths.
- Letters of consent for works to all third party lands are required with any future stage 3 application.
- Further justification of the scheme in terms of timeframe for delivery of the road improvements and widening of Bothar na Choiste west to the junction with Castlegar Local Centre and east to the Tuam Road, in light of comments included in the transportation department report attached to the CE Opinion.
- Further consideration and justification of the proposal in terms of connectivity and integration with the wider area, to the bus stop and to the city centre, this is a critical matter.

33.1.6. In relation to infrastructure issues raised in the CE opinion, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Further clarity with respect to wastewater capacity, surface and storm water proposals.
- Further consideration for inclusion of additional Suds measures into the design.
- Further consideration of connection to wastewater and water supply given the Irish Water report submitted, which requires a network extension to connect to the Irish water network and the issue raised with respect to wastewater connection.
- Clarification that all items raised by the PA in their report submitted to the Board are addressed, further meetings should be sought to resolve outstanding issues, where possible.
- Consideration that there is limited further information facility available to the Board, only in exceptional circumstances, therefore all information submitted needs to be clear and of a high quality and accurate to ensure that the Board can make an informed decision.

33.1.7. In relation to any other matters, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- All reports and drawings to have regard to one another and be consistent and accurate.
- Each application is dealt with on a case by case basis and therefore it is imperative issues relating to transportation, heritage, environment, noise dual aspect, archaeology and are fully considered.

33.1.8. Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-312197-21' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

34.0 **Conclusion and Recommendation**

34.1.1. Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

34.1.2. I have examined all of the information and submissions before me including the documentation submitted by the prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.

34.1.3. Having regard to all of the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **constitutes a reasonable basis for an application for strategic housing development** under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

34.1.4. I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

35.0 **Recommended Opinion**

35.1.1. An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

35.1.2. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, **An Bord Pleanála is of the opinion that the documentation submitted with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development.**

35.1.3. Furthermore, pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. A detailed statement of consistency and planning rationale, clearly outlining how in the prospective applicant's opinion, the proposal is consistent with the specific objectives of the Galway City Council Development Plan 2017 – 2023, in particular with respect to the Galway City Ring Road (GCRR) reservation corridor and to the specific objective for implementation of road widening and

improvements at Bothar na Choiste both to the west to the Castlegar Local Centre and east to the Tuam Road, in light of the concerns raised in the Planning Authority's opinion.

2. A detailed statement, which should provide adequate identification of all such elements and justification as applicable, where the proposed development materially contravenes the Development Plan other than in relation to the zoning of the land, indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000. In this regard, in addition to car parking contravention as identified by the applicant, consideration should also be given to possible contravention of the GCRR reservation route and plot ratio standards for new residential development as set out in the Galway City Development Plan 2017 – 2023.
3. An assessment on how the proposed scheme ties in with, connects and integrates with the expansion of the overall area. The subject site represents an expansion of the outer suburbs of Galway city centre at Castlegar. It is important that safe pedestrian and cycle connections to Galway city centre and to the development to the south is delivered. There needs to be strong permeability within the scheme and to the Castlegar local centre.
4. Further consideration of the traffic and transportation infrastructure upgrades required, who is responsible for delivery of upgrade and improvement of Bothar na Choiste, as per the specific objective set out in the CDP 2017 – 2023, and timeframe for delivery of the upgrades in tandem with delivery of residential development.
5. Further justification of quantum and layout of car parking and bicycle parking.
6. A report that addresses issues of residential amenity, specifically with regards to potential overlooking, overshadowing and overbearing. The report shall include full and complete drawings including levels and cross-sections

showing the relationship between the proposed development and any adjacent existing or permitted development.

7. A Daylight and Shadow Impact Assessment of the proposed development, specifically with regard to impact upon adequate daylight and sunlight for individual units, public open space, courtyards, communal areas, private amenity spaces and balconies.
 8. A full response to matters raised within the PA Opinion and addendum reports submitted to ABP on the 02.02.2022.
 9. Detailed landscape drawings that illustrate hard and soft landscaping, useable communal open space, meaningful public open space, quality audit and way finding. The public open space shall be usable space, accessible and overlooked to provide a degree of natural supervision. Details of play equipment, street furniture including public lighting and boundary treatments should be submitted.
 10. A Noise Action Plan and Assessment.
 11. A full and detailed Building Lifecycle Report.
 12. An up to date Ecological Impact Assessment, inclusive of a Bird and Bat Survey.
 13. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.
 14. Site Specific Construction and Demolition Waste Management Plan.
- 35.1.4. Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application

arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Transport Infrastructure Ireland
2. National Transport Authority
4. Heritage Council
5. An Taisce — the National Trust for Ireland
6. Irish Water
7. Galway City Council Childcare Committee

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Fiona Fair
Senior Planning Inspector
21.04.2022