



An
Bord
Pleanála

Inspector's Report ABP 312452-22.

Development	External cladding (permitted and constructed under P.A. Reg. Ref. 08/58) and associated works to facilitate completion of building.
Location	Unit 5, Racecourse Technology Park, Parkmore, Galway.
Planning Authority	Galway City Council
P. A. Reg. Ref.	2/346.
Applicant	Mary Dooley.
Type of Application	Permission
Decision	Refuse Permission.
Type of Appeal	First Party x Refusal
Appellant	Mary Dooley
Date of Inspection	5 th July, 2022.
Inspector	Jane Dennehy

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
4.0 Planning History.....	5
5.0 Policy Context.....	6
5.1. Development Plan.....	6
6.0 The Appeal	6
6.1. Grounds of Appeal	6
6.2. Planning Authority Response	7
7.0 Assessment	7
8.0 Recommendation.....	9
9.0 Reasons and Considerations.....	9

1.0 Site Location and Description

- 1.1. The application site which has a stated area of 9,200 square metres is that of Racecourse Technology Park located on the north side of the public road (Ballybrit Crescent) opposite the entrance to Ballybrit Racecourse which is to the west of Parkmore Road to the north of the N6.
- 1.2. There are five industrial buildings including the building subject of the current application within the Technology Park. The stated floor area of the existing part constructed structure is 1,670.5 square metres. Permission has been granted under P. A. Reg. Ref. 20/194 for a single storey building with a stated floor area of 189 square metres for a duration of three years only. Permission has also been granted under P. A. Reg. Ref. 21/155 for retention of external alterations to Units 3 and 4 (originally permitted under P. A. Reg. Ref.08/58) to include a switch room door to southern elevations and cladding to the western elevations including a change of cladding colour.
- 1.3. The site location is within the area of the reserved corridor for the N6 Galway City Ring Road (N6 GCRR) which was Approved (subject to conditions) on 6th December, 2021.

2.0 Proposed Development

- 2.1. The background and prior planning history leading to the current proposal for completion of the building can be outlined as follows. Permission was originally granted for development at The Racecourse Technology Park in which the structure subject of the current application was described as Unit 5, under P. A. Reg. Ref. 05/829.
- 2.2. The application is for installation of cladding which is to facilitate completion of a part constructed building for which permission was granted under P. A. Reg. Ref.08/58. It was defined as Unit 3 within this permitted but partially completed development. However, this grant of permission was subsequently superseded by a grant of permission under P. A. Reg. Ref 12/131 for demolition of the said Unit No 3 and an adjoining unit, No 4 and for construction of a carpark (330 spaces). The part

completed Unit No 3 has not been demolished and the 330-space carpark was not constructed.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. By order dated, 10th December, 2021, the planning authority decided to refuse permission based on the following reason:

“The site of the proposed scheme is located within the reserved corridor of a national road scheme, N6 Galway Ring Road (N6GCRR). The proposed development would prejudice plan for delivery of the road scheme. A grant of permission in this instance, would be contrary to the Core Strategy for Galway City, Policy 3.3 Galway Transport Strategy (GTS) of the current City Development Plan, 2017-2023 which seeks to continue to progress a sustainable transport solution for the city through implementation of measures included in the GTS and require supporting projects I particularly the N6 GCRR project and Section 3.10 Specific Objectives Traffic and Road Network which states it is the aim of the Council to reserve the preferred route corridor of the N6 Galway City Ring Road (N6 GCRR) project which has been selected to accommodate the requirements of an emerging strategic road and the associated bridge crossing the River Corrib and give priority to the reservation of the N6 GCRR Preferred Route corridor and the associated land requirements over other land uses and objectives of the City Development Plan and prohibit developments within the corridor which could potentially prejudice the development of this strategic road and river crossing. The proposed development, therefore, if permitted, would be contrary to the policies of the City Development Plan and would be contrary to the proper planning and sustainable development of the area”

- 3.1.2. The application was lodged, assessed and a decision determined by the planning authority on 10th December, 2021. The N6 GCRR was Approved on 6th December, 2021.

3.2. Reports

- 3.2.1. A report from the N6 Galway City Ring Road Project Office dated 19th November, 2021 indicates that the structure subject of the application will, subject to the Approval of the Motorway Order for the N6 GCRR be acquired and demolished in that the footprint is within the N6 GCRR layout.
- 3.2.2. A statement from Transportation Infrastructure Ireland (TII), indicates that there are no observations on the proposed development.
- 3.2.3. A statement by the Arup Design Team dated, 19th November, 2021 provided to the National Roads Office for the N6GCRR project notes the planning history and also confirms the site location is being within the area of the Motorway Order, and that the development is premature in that the building subject of the application would be acquired and demolished to facilitate the completion route.
- 3.2.4. The report of the Planning Officer notes the provisions within the CDP to support the GTS and N6GCRR, the reservation for its preferred route corridor and associated requirements over other land uses that could prejudice it. It is stated that as there is a clear conflict between the application site and the reservation the Motorway Order the application is deemed to be premature and contrary to the Core Strategy, GTS and Traffic and Road Network Specific objective in the CDP. Sections 3.3 and 3.10 refer.) Refusal is therefore recommended.

4.0 Planning History

- 4.1. An explanatory planning background relating to prior relevant applications leading to the current application is outlined under para 2.2 above. A brief summary of the planning history for the Racecourse Technology Park follows.
- 4.2. Permission was originally granted for the technology park, comprising six warehouses and parking under P. A. Reg. Ref 05/29 further to which permission was granted to alterations to the permitted development under P. A. Reg. Ref 08/58 and 11/208. Permission was subsequently granted for a 330-space carpark under P. A. Reg. Ref 11/298 and for a 314-space carpark under P. A. Reg. Ref. 12/131.
- 4.3. Under P. A. Reg. Ref. 20/194, Permission was granted for a single storey industrial building for a period of three years. Under P. A. Reg. Ref.21/155 Permission was

granted for retention of external alterations to Unit 3 and 4 originally constructed under P. A. Reg. Ref. 8/58).

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative development plan is the Galway City Development Plan, 2017-2023 according to which the site comes within an area subject to the zoning objective ‘I’ *“Industrial, to provide for enterprise, industry and related uses.”*
- 5.1.2. Policy 11.2 provides for prioritisation of the N6 GCRR Preferred Route Corridor and associated requirements over other land use zonings and specific objectives.
- 5.1.3. Chapter 3 provides for integration of land-use and transportation, support for and prioritisation for the Galway Transportation Strategy (GTS) and it is the policy of the city council to support the N6 GCRR in conjunction with Galway County Council and Transportation Infrastructure Ireland. Section 3.3 provides for the implementation of the GTS and specifically the N6 GCRR. Section 3.10 for specific transportation objectives for the reservation of the N6 GCRR preferred route corridor for the road and bridge crossing and priority for associated land use requirements over other land uses and objectives thus prohibiting development within the corridor that could prejudice the route.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. An appeal was lodged by MKO on behalf of the applicant on 12th January, 2022. It is stated that the building subject of the application is within the Technology Park which is operational and in which there are five units and a carpark. It is also stated that Permission has been granted in 2020 for an industrial building for a period of three years and in 2021 for external alterations for Units 3 and 4 which were originally permitted under P. A. Reg. Ref. 08/58. (P. A. Reg. Refs 20/194 and 21/155 refer.)
- 6.1.2. The reasoning for the decision to refuse permission, with reference to Section 3.3 and 3.10 of the CDP is not accepted. The proposed development does not in any

way prejudice the delivery of the N6 GCRR due to the location within the reserved corridor. There will be multiple requirements, through the CPO process, for extensive acquisitions and demolition of existing buildings across the city including the building subject of the application to facilitate the delivery of the N6 GCRR.

- 6.1.3. The proposal is for external cladding and finishes for an existing building which is already within the preferred route corridor. The provision of external cladding has no relevance in the context of maintaining the route corridor and does not materially impact on it.
- 6.1.4. The land is zoned for development, and the proposed development accords with CDP provisions and therefore does not prejudice the delivery of the N6 GCRR or materially affect the preferred route corridor. These issues were not raised in connection with the development proposals in the Technology Park for which permission was recently granted. (See para 5.1.1 above) These permitted developments are also within the preferred route corridor. These recent grants of permission set precedent for the acceptability of minor proposals for additions and alterations to existing buildings within the Technology Park, notwithstanding their location.
- 6.1.5. The Board is requested to overturn the planning authority decision and to grant permission.

6.2. Planning Authority Response

- 6.2.1. There is no submission from the planning authority.

7.0 Assessment

- 7.1.1. The subject building within the Technology Park is part constructed only and is therefore not operational or suitable for any viable use or to be occupied at present. Completion of the construction as proposed in the current application would provide a material change to the existing part constructed structure in that it would result in a completed development which is operational and suitable for occupation and use. As the building is within the area of the N6 GCRR, as confirmed in the technical reports, it is to be acquired and demolished to facilitate the construction of the N6 GCRR.

- 7.1.2. As such a grant of permission for the subject proposal in this instance is prejudicial to the N6 GCRR as provided for in the policies and objective within sections 3.3 and 3.10 of the CDP which was Approved on 6th December, 2022. (ABP 302848 refers.)
- 7.1.3. It is not agreed that the two recent grants of permission referred to in the appeal provide established precedent for positive consideration of the proposed development. It is clear both from the reports and recommendations of the of the N6 GCRR project office and the planning officer on the proposed development under P.A. Reg. Ref. 21/155 that the elements of the proposed development were solely, “superficial aesthetic alterations” with no requirement construction on the site. It had been confirmed that one of the buildings was in occupation by the planning authority three weeks prior to the determination of the decision to grant permission. As such the alterations proposed were immaterial having regard to the Approved N6 GCRR The current proposal for a part constructed building which is not operational or suitable in its current purposes is not comparable
- 7.1.4. The grant of permission under P. A. Reg. 20/194 – is not comparable to the current proposal for the purposes of taking precedent in that the applicant explicitly lodged an application for permission for a temporary structure for a period limited to three years. Although the proposal as such was deemed to be at variance with the N6GCRR it was confirmed that subject to the limited duration of three years the proposed development for that period would be acceptable. A condition was attached in which it is confirmed that the duration the limited duration of the grant of permission is limited to three years with removal of the structures prior to the expiry of the three-year period being required. The planning authority therefore granted permission, and, at the same time included an option for a repeat application to be lodged so that the applicant would not be precluded from further planning review in the event of any change in the circumstances and context in relation to the N6 GCRR.
- 7.1.5. It is not clear as to how the remarks about the multiplicity of requirements, through the CPO process, for extensive acquisitions and demolition of existing buildings across the city including the building subject of the application to facilitate the delivery of the N6 GCRR, which are noted, are relevant to the appeal case.

7.1.6. There is no dispute as to the consistency of the proposed development with the zoning objective for the site lands. However, under Policy 11.2 and section 3.10 the CDP there is prioritisation of the N6 GCRR Preferred Route Corridor and associated requirements over other land use zonings and specific objectives. Clearly, as the subject application site lands and building are within the footprint of the Approved N6 GCRR. There are no circumstances for the current proposal that could justify a departure of the prioritisation of the policies and objectives for the N6 GCRR over the other zoning and specific objectives for the site lands.

7.1.7. **Environmental Impact Assessment Screening**

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

7.1.8. **Appropriate Assessment Screening.**

Having regard to the location and to the nature of the proposed development in a serviced inner suburban area in the city, no Appropriate Assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

8.1. In view of the foregoing, it is recommended that the decision of the planning authority be upheld based on the following reasons and considerations.

9.0 **Reasons and Considerations**

The proposed development provides for a completion of a part constructed building resulting in a development suitable for occupation and operational use. The footprint of the existing building subject of the proposal is within the reserved route corridor for the N6 Galway City Ring Road (N6 GCRR) a strategic route incorporated within the Galway Transport Strategy (GTS) as provided for under Policy 3.3 of the Galway City Development Plan, 2017-2023. The N6 GCRR reservation and associated land

requirements are therefore prioritised over the other land uses and specific objectives for the lands according to Section 3.10 of the Galway City Development Plan, 2017-2013 therefore precluding consideration of development proposals within the reservation which prejudice the delivery of the N6 GCRR. The proposed development is therefore in material conflict with the development of the N6 GCRR, a strategic route forming part of the GTS and therefore materially contravenes the Galway City Development Plan, 2017-2022.

Jane Dennehy

Senior Planning Inspector

8th July, 2022.