



An
Bord
Pleanála

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

Inspector's Report ABP-313286-22

Strategic Housing Development

240 no. student bed space student accommodation and associated site works.

Location

A Site at Westside Shopping Centre,
Seamus Quirke Road, Co. Galway.
(www.westsidepbsa.ie)

Planning Authority

Galway City Council

Applicant

Westside Shopping Centre Limited

Prescribed Bodies

- (1) Irish Water
- (2) Irish Aviation Authority

Observer(s)

- (1) Claremont Residents Association
- (2) Galway Cycling Campaign

(3) Mike Cubbard

(4) Dunnes Stores

Date of Site Inspection

07th September 2022

Inspector

Colin McBride

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1.0 Introduction

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

2.0 Site Location and Description

2.1 The appeal site, which has a stated area of 0.54, hectares, is located along the Seamus Quirke Road (R338) to the north west of Galway City Centre. The site is part of the existing curtilage of the Westside Shopping Centre located to the north of the Seamus Quirke Road. The appeal is currently a parking area located between the existing retail units on site and the public road.

2.2 The site is rectangular in shape and flat, and is currently part of the surface car parking area associated with the Westside Shopping Centre. The site is currently laid out as parking spaces and an internal access road that runs along the front edge of existing the retail units within the red line boundary. The remainder of the centre including the retail units and drive thru are with the blue boundary indicating ownership/control of the applicants (entire landholding is 2.2 hectares). The site is defined by the Seamus Quirke Road along its south eastern boundary and the front elevation of the existing retail units within the shopping centre along its north western boundary, to north east the site adjoins the curtilage of the Catholic Church of the Sacred Heart with a pedestrian path (access to existing residential development and recreational/community facilities to the north of the site) located between the appeal site and the Church premises. To the south west is the remaining portion of the parking area associated with the Westside Shopping centre and a drive thru restaurant (McDonalds). The Westside Shopping Centre structure to the north west is a single-storey structure split into various retail units with their frontage facing the site.

2.3 The area is characterised by mainly commercial development in the form of retail units and associated parking. On the opposite side of the Seamus Quirke Road to the site is a three-storey structure with retail units at ground floor, a cancer care centre on the upper levels and associated parking. The site is located 1.2km from the NUI Galway Campus, which is an approximately an 18min walk. Seamus Quirke Road has dedicated cycling paths along the road frontage of the site.

3.0 **Proposed Strategic Housing Development**

3.1 The proposed development comprises the construction of a 7 no. storey development (with roof level telecommunications infrastructure, plant and lift overruns over) including 1 no. café unit with ancillary takeaway (c. 94.4sqm) at ground floor level and 240 no. student accommodation bed spaces with associated facilities, which will be utilised for short-term lets during student holiday periods.

3.2 The 240 no. spaces are provided in 32 no. clusters ranging in size from 4 no. bed spaces to 8 no. bed spaces, and all clusters are serviced by communal living/kitchen/dining room. The gross floor area of the development is c. 8,121sqm.

3.3 The development includes the relocation eastwards of pedestrian access route in the car park from the Seamus Quirke Road to the Westside Shopping Centre and reorganisation of car parking spaces and internal roads to the north and west of the newly proposed student accommodation building including resurfacing of part of the car park's internal circulation road to a shared surface. There is current is 332 car parking spaces within the entire Westside centre, including the car parking area to the front and a parking area to the rear. The site is currently laid out as car parking spaces. The proposal will result a loss of 94 no. spaces overall from the centre with the proposed development entailing the provision of the block and 75 no. spaces within the site boundary. The proposal will result in the loss of 94 car parking spaces resulting in the retention of 238 no. car parking spaces remaining within the curtilage of the centre and to serve the proposed development.

- 3.4 The development also includes internal communal student amenity space, telecommunications infrastructure at roof level (18 no. antennas and 6 no. transmission dishes), bin store, bicycle parking, motorcycle parking, communal and public open space including a public plaza along the eastern boundary and replacement boundary treatment along the Seamus Quirke Road.
- 3.5 Access to the site is through the existing entrance serving the Westside Shopping Centre off Bothar LeCheile to the west of the site.

Key Development Statistics are outlined below:

Gross floor area: 8,1211sqm

240 student bed spaces

32 clusters ranging from 4 to 8 bed spaces.

12 no. disabled access bedrooms.

Communal open space, 480sqm at sixth floor level and 156sqm at first floor level/

Removal of 84 existing car parking spaces and reconfiguration of existing parking to provide a total of 283 no. spaces within the overall centre.

Bicycle parking: 212 internal specie, 8 no. spaces externally.

Ground floor level include a café (94.4sqm), remaining space at ground floor provide lounge area, study area, games room/tv room, cinema room, gym, bike store and bin store associated with the student accommodation.

The application included the following:

- Architectural Design Statement & response to ABP Opinion
- Response to ABP Opinion
- Planning report and Statement of Consistency
- Material Contravention Statement
- Landscape and Visual Impact Assessment

- Verified Views and CGI
- Landscape Design and Access Statement
- Infrastructure Design Report
- Ecological Impact Assessment
- Appropriate Assessment Screening Report
- Environmental Impact Assessment Screening Report
- Article 299B Statement
- Daylight and Sunlight Assessment
- Lighting Impact Assessment
- Universal Access Statement
- Microclimate Assessment
- Student Accommodation Management Plan
- Outline Construction & Environmental Management Plan
- Telecommunications: Technical Justification Report
- Aborigicultural Assessment Report
- Outline Construction & Demolition Waste Management Plan
- Transport Assessment Report
- Building Life Cycle Report
- Geotechnical Report
- Landscape Management and Maintenance Plan
- Aeronautical Assessment
- Waste Classification Report
- Part L & NZEB Report

4.0 **Planning History**

4.1 Subject Site

ABP-303071-18 (18107): Permission granted for the development of a single storey, free standing café with access from existing shopping centre carpark. Permission was granted on 26/03/2019.

In the vicinity...

15/536: Permission granted for change of use of part of an existing retail unit to use for health services.

13/365: Permission for changes to external wall cladding and colour of columns and windows frames.

08/693: Permission granted to erect 7m high free standing illuminated sign.

01/229: Permission granted to amended previous permission ref no. 221/99 and 517/00.

00/517: Permission granted for change of use of approved library to retail.

99/221: Permission granted for extension of existing retail units, new shopping mall canopy, new retail area at first floor and construction of new library.

5.0 Section 5 Pre Application Consultation

- 5.1 A Section 5 pre-application virtual consultation took place on the 09th November 2021 remotely via Microsoft Team due to Covid-19 restrictions in place; Reference ABP-311102-21 refers. The development as described was for the construction of 250 no. student bed spaces in a structure with a gross floor area of c. 7,668m² and consisting of a part six-storey and parts seven-storey block at a site part of the Westside Shopping Centre at Seamus Quirke Road, Galway City.
- 5.2 An Bord Pleanála was of the opinion having regard to the consultation meeting and the submission of the Planning Authority, that the documents submitted with the

request to enter into consultation require further consideration and amendment to constitute a reasonable basis a reasonable basis for an application for strategic housing development. In particular further consideration is required regarding...

1. The height strategy/design approach and architectural treatment along the Seamus Quirke Road and the need to ensure that the design of the building provides the optimal architectural solution for this strategic site. The treatment, aesthetic design, articulation and animation of the façade, along Seamus Quirke Road, Westside Shopping Centre and community resource area to the north, and the need to avoid an excessive use of design details and materials to ensure a more refined/simplistic and high-quality design approach.

2. The provision of appropriate connections and pedestrian permeability through the site from the Seamus Quirke Road to the shopping centre.

3. Design and treatment of public open spaces to ensure that they are appropriate to the future student community. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

4. Further consideration and/or justification of the documents as they relate to the proposed car parking strategy for the proposed development, having particular regard to the quantum of residential and commercial parking proposed. Further details should include a rationale explaining the need for student parking and details for any proposed car parking management.

Furthermore, pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant was 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. The proposed development shall be accompanied by an architectural report and accompanying drawings which outlines the design rationale for the proposed building, having regard to inter alia, National and Local planning policy, the site's context and locational attributes. Particular regard should be had to 12 criteria set out in the Urban Design Manual which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (May 2009) and the requirement for good design and the inclusion of a sense of place, as well as section/ Policy 10.4 of the Galway City Development Plan.
2. A report that specifically addresses the proposed materials and finishes of the proposed structures including specific detailing of finishes and frontages including the maintenance of same, café and student amenity areas, the treatment of landscaped areas, pathways, entrances and boundary treatment/s. The treatment/screening of exposed areas such as car park and podium areas should also be addressed. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the overall development. The documents should also have regard to the long-term management and maintenance of the proposed development.
3. A Sunlight/Daylight/Overshadowing analysis showing an acceptable level of residential amenity for future occupiers, which includes details on the standards achieved within the proposed residential units, in all private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.
4. A response to issues raised by the Infrastructure Department, Recreation & Amenity Department and Water Services Report in the Planning Authority Report, dated 09th of September 2021, relating to the design of the Surface Water Drainage

Systems and Foul Water capacity, the public lighting design, a landscape plan which indicates the planting details, boundary treatment and waste management.

5. A taking in charge map.

6. Additional Computer-Generated Images (CGIs) and visualisation/cross section drawings showing the proposed development in the context of the existing shopping centre and lands surrounding the site.

7. The submission of a detailed Waste Management Plan.

8. Relevant consents to carry out works on lands which are not included within the red-line boundary.

9. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, unless it is proposed to submit an EIAR at application stage.

5.3 Finally, a list of authorities that should be notified in the event of the making of an application were advised to the prospective applicant and which included the following:

1. Irish Water

2. Transport Infrastructure Ireland.

3. National Transport Authority

4. Irish Aviation Authority

5. The relevant Childcare Committee.

Applicant's Statement

5.4 A report prepared by Thornton O'Connor Town Planning, entitled 'Response to An Bord Pleanála Opinion' and was submitted in accordance with Section 8(1)(iv) of the Act of 2016. The proposed development was revised in response to the tripartite meeting and An Bord Pleanála Opinion, and the revisions include:

- Reduction in no. of bed spaces from 250 to 240, increase in provision of disable access units.

- Removal of undercroft and basement arrangement in favour of expanded ground floor footprint. Creation of active frontage and passive surveillance along the perimeter of the ground floor.
- Relocation of communal spaces from first to sixth floor while retaining some communal space at first floor.
- Relocation of plant room at roof level.
- Change to façade treatments and external finishes.
- Introduction of telecommunication infrastructure at roof level.
- Additional reduction of car parking spaces from 62 no. removed to 94 no. removed with a total of 283 no. car parking spaces will remain in the car park.

5.5 The following information was provided in response to the opinion

Issue 1-Height and design approach, architectural treatment: C+W O'Brien Architects have prepared an Architectural design statement and Park Hood Chartered Landscape Architects have prepared a Landscape Design and Access Statement. There is no height limitation under development plan policy with it demonstrated the proposal is consistent with SPPR3 of the Building Height Guidelines. The design of the structure will contribute to streetscape and provide an appropriate architectural treatment at this location.

Issue 2-Pedestrian permeability: C+W O'Brien Architects have prepared an Architectural design statement and Park Hood Chartered Landscape Architects have prepared a Landscape Design and Access Statement. The design and layout includes provision of a plaza to east that incorporates and upgrades the pedestrian pathway, provision of a shared surface area between the structure and the shopping centre structure and a relocated pedestrian path within the car parking linking to the shared surface area. The provision of pedestrian permeability and connections is of a good and improved standard.

Issue 3-Public Open Space: C+W O'Brien Architects have prepared an Architectural design statement and Park Hood Chartered Landscape Architects have prepared a

Landscape Design and Access Statement. The proposal include provision of a public plaza to the east that provides an enhanced level of public open space and incorporates an existing pedestrian pathway. Provision of communal open space is sufficient to cater for future amenity of the occupants and includes increased open space at roof level and the retention of small communal paces at first floor level. Provision of public and communal open space is sufficient in size, functional and attractive in design and overall quality.

Issue 4-Car Parking: C+W O'Brien Architects have prepared an Architectural Design Statement, Park Hood Chartered Landscape Architects have prepared a Landscape Design and Access Statement and NRB Consulting Engineers have prepared a Transportation Assessment Report. The proposal provides for increase in the level of car parking removed in response to the opinion with the site located in an accessible location relative to NUI Galway for both pedestrian, cyclists and the site is well served by public transport infrastructure. The Transport Assessment demonstrates that sufficient car parking is retained to allow the serve the existing shopping centre and the proposed development.

6.0 Relevant Planning Policy

6.1 National Planning Policy

6.1.1 Project Ireland 2040 – National Planning Framework (NPF)

Chapter 4 of the National Planning Framework (NPF) is entitled 'Making Stronger Urban Places' and it sets out to enhance the experience of people who live, work and visit the urban places of Ireland.

A number of key policy objectives are noted as follows:

- National Policy Objective 4 seeks to 'Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being'.
- National Planning Objective 11 provides that 'In meeting urban development requirements, there be a presumption in favour of development that can encourage

more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth’.

- National Planning Objective 13 provides that “In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

Chapter 6 of the NPF is entitled ‘People, Homes and Communities’ and it sets out that place is intrinsic to achieving a good quality of life.

A number of key policy objectives are noted as follows:

- National Policy Objective 27 seeks to ‘Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages’.
- National Policy Objective 33 seeks to ‘Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location’.
- National Policy Objective 35 seeks ‘To increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights’.

6.2 Section 28 Ministerial Guidelines

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

- Urban Development and Building Heights - Guidelines for Planning Authorities – (DoHPLG, 2018).
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) (DoEHLG, 2009).
- Quality Housing for Sustainable Communities (DoEHLG, 2007).
- The Planning System and Flood Risk Management including the associated Technical Appendices (DEHLG/ OPW, 2009).
- Telecommunications Antennae and Support Structures Guidelines (DoEHLG 1996).
- Dept. of Education and Skills ‘National Student Accommodation Strategy’ (July 2017)
- Dept. of Education and Science ‘Guidelines on Residential Developments for 3rd Level Students Section 50 Finance Act 1999’ (1999).
- Dept. of Education and Science ‘Matters Arising in Relation to the Guidelines on Residential Developments for 3rd Level Students Section 50 Finance Act 1999.’ (July 2005).

Other Relevant Policy Documents include

- Smarter Travel – A Sustainable Transport Future: A New Transport Policy for Ireland 2009 – 2020.
- Permeability Best Practice Guide – National Transport Authority.

6.3 Local/County Policy

6.3.1 Galway City Development Plan 2017-2023

6.3.2 The Galway City Development Plan 2017 - 2023 is the current statutory plan for Galway City, including the subject site.

The subject site is zoned, ‘CI – Enterprise, Light Industry and Commercial’, with a stated objective ‘To provide for enterprise, light industry and commercial uses other than those reserved to the CC zone’. Section 11.2.6 of the development Plan sets out uses which are compatible with and may contribute to the CI zoning objective.

This includes 'residential content of a scale that would not unduly interfere with the primary use of the land for CI purposes and would accord with the principles of sustainable neighbourhoods outlined in Chapter 2'.

Section 6.3 Retail Hierarchy

Level 3: Districts Centres – Suburban Areas

The area known as Westside is more established than the other two existing district centres. It has a legacy of mainly convenience floorspace with a range of local services including post office, church, community facilities and local credit union office. It exhibits an area in transition from older more industrial nature uses to a gradual delivery of more diversified services and facilities which can serve the local areas including Shantalla, Newcastle and Taylors Hill. It is considered that any new developments in Westside should be so designed to contribute to improvements in the public realm. Investment in access upgrades including bus lanes and cycle lanes and the designation of the main access road as suitable for a rapid transit route reflect the benefit that designation as a district centre may have particularly from future investment in sustainable transport.

Section 2.4 Neighbourhood Concept

Policy 2.4 Neighbourhood Concept

Encourage the development of sustainable residential neighbourhoods, which will provide for high quality, safe, accessible living environments which accommodates local community needs. Encourage sustainable neighbourhoods, through appropriate guidelines and standards and through the implementation of local area plans, masterplans / frameworks / area plans. Protect and enhance new/existing residential neighbourhoods through appropriate guidelines and standards, preparation of framework plans, development briefs and design statements. Ensure the design of residential developments have regard to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and the accompanying Urban Design Manual–A Best Practice Guide and the Design Manual for Urban Roads and Streets (2013).

Building height

The scale of development in terms of height and massing can have a considerable impact on other buildings and spaces as well as views and skylines. Additional building height over and above the prevailing height can usefully mark points of major activity such as business districts, civic functions and transport interchanges. They can also however, have a considerable impact in the context of historic buildings, conservation areas, areas of natural heritage importance and can detract from a city's skyline and impinge upon strategic views. In the context of the city which is predominantly low rise with its sensitive historic core and unique natural amenity setting, there is little capacity for dramatic increases in height. However, it is recognised that modest increases at appropriate locations, can help use land efficiently and provide for sustainable high densities.

In the assessment of development proposals, the following principles will be considered when assessing capacity for height:

- Protection of existing built and natural heritage and residential amenity.
- Creation of landmarks that enhance the city's legibility without eroding its innate character
- Retention of existing benchmark heights so as to retain strategic views and to protect and enhance the general character of sensitive locations.
- Promotion of higher density at centres/nodes of activity, on large scale infill sites and along public transport corridors.

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.

Any development proposals for buildings above the prevailing benchmark height will be required to be accompanied by a design statement outlining the rationale for the

proposal and an assessment of its impact on the immediate and surrounding environment including buildings, open space, public realm and any views.

Open Space

Section 11.9.3 Open Space Requirements

Table 11.4 Minimum open space requirements for CI and I zoned lands

CI: 5% of the total site area and 50% of the gross floor area of residential content where a residential content is proposed.

- Lands zoned RA or G shall not be included as part of the open space requirement for development on commercial or industrial lands.
- In situations where effective open space cannot be provided on sites due to the location of existing buildings, inappropriate aspect, small scale or for other reasons, the Council may consider a lesser standard.

Plot Ratio

Section 11.9.2 Site Coverage and Plot Ratios for CI and I Land Use Zones

Table 11.3 Site Coverage and Plot Ratio for CI and I Zoned Lands

Maximum site coverage CI 0.80

Maximum plot ratio CI 1.25

- In the case of infill development in an existing terrace or street, it may be necessary to have a higher plot ratio in order to maintain a uniform fenestration and parapet alignment or to obtain greater height for important urban design reasons. In such circumstances, the Council may allow an increased plot ratio.
- Where a site has an established plot ratio in excess of the general maximum for its zone, re-development may, in exceptional circumstances, be permitted in line with its existing plot ratio if this conforms to the proper planning and sustainable development of the area.
- Minor extensions, which infringe plot ratio or site coverage limits may be permitted where the Council accept that they are necessary to the satisfactory operation of the buildings.

- On CI zoned lands, where it is proposed to provide, above ground level, an amenity open space area in association with residential accommodation, this space may be accepted as open space for site coverage purposes.

6.4 The applicant has submitted a 'Material Contravention Statement' of the Galway City Development Plan 2017 - 2023 with the application. The public notices make specific reference to a statement being submitted indicating why permission should be granted having regard to the provisions s.37(2)(b). The purpose of the statement is to set out justification for aspects of the proposed development which may be determined to materially contravene the Development Plan. A total of three (3) issues have been raised in the applicant's Material Contravention statement as follows:

- Building Height
- Open Space
- Plot ratio

7.0 **Third Party Submissions**

7.1. A total of 5 submissions were received. Irish Water (IW) and the Irish Aviation Authority (IAA) as prescribed bodies submitted comments; see Section 8.0 Prescribed Bodies of this report for their specific comments.

7.2 Submissions were received from...

Claremont Park Residents Association

Galway Cycling Campaign

Mike Cubbard

Gerry Minogue

Dunnes Stores

7.3 The submissions from residents/ members of the public, grouped under appropriate headings, can be summarised as follows.

7.3.1 Scale/principle of development

- Height and scale is excessive and out of character at this location. Would alter community grain and have a negative impact on wider neighbourhood.
- The proposal is contrary the zoning objective and will interfere with the primary use of the CI zoning objective. Impacts noted include noise and antisocial behaviour, overspill of parking into neighbouring housing developments, removal of car parking spaces at existing shopping centre impacting future viability or retail and subsequent reduction in local shopping available.
- The necessity for such accommodation is questioned with it stated that there is considerable level of on-campus accommodation, which is a better location for such and that enrolment numbers are falling.

7.3.2 Cycling

- The submission provides a number of suggestion regarding the cycle storage including suggestion regarding the provision in most accessible/convenient location, provision of doors of adequate width for access and opening in the direction travel and provision of appropriate design stands and adequate space between standards including wide enough aisles.
- External cycle access routes not well considered with improved accessibility required between the existing cycling infrastructure along the Seamus Quirke Road and the proposed development. Provision of drop kerbs should be considered in relation to the existing eastbound cycling path along Seamus Quirke Road. Revisions should be considered to allow for sufficient provision of shared walking and cycling path along western side of the development, an increased width should be considered for cycling provision along the northern side of the development. Breaking up car parking to the north of the development with a cycling access route as per development policy (11.3.1(g)).
- Provision of dedicated bin storage away from pedestrian or cycle access routes.

- Provision of external cycle spaces for visitor/short stay considered low for development of this size with the submission outlined potential locations for addition cycle parking.
- Lack of detail regarding car parking management in terms of dedication for retail and residential use with concerns that the access to the retail parking will encourage car use.

7.3.3 Qualification as an SHD development

- The development is not an SHD development as defined under the Planning and Development (Housing) and Residential Tenancies Act 2016 as other uses within the planning unit cumulatively exceed the 4,500sqm threshold. Permission cannot be granted.

7.3.4 Viability of retail due to loss of parking

- The level of existing parking accessible to customers is overstated with 280 spaces available (a further 52 are not accessible and are used for service/staff car parking). The loss of spaces is 34% of the available spaces and such are located adjacent Dunnes Stores. The loss of car parking will have a severe impact on the vitality and viability of the district centre. The loss of parking and provision new use will result in completion for spaces and the use of the development in summer months will exacerbate this issues. The parking occupancy survey submitted is flawed as it uses spaces that are inaccessible to customer and was carried out during Covid-19 and fails to take account of pre-Covid demand.

7.3.5 Requirement for EIA

- The proposal is an urban development involving a site of 2.2 hectares with the mandatory requirement for EIA under part 2(10)(b)(iv). The proposal is an infrastructural project with a GFA of 8,121sqm and taken in conjunction with the existing shopping centre structures exceeded the threshold of 10,000sqm under part 2(10)(b)(iii).

- An EIA is required to assess environmental impacts on the existing shopping centre (material assets) during both construction and operational stage.

8.0 Planning Authority Submission

8.1. The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 07th of June 2022. The report details the site location/ site zoning, provides a description of the proposed development, details pre-submission meetings, planning history, lists the issues in the received submissions, the internal reports of Galway City Council are summarised, details the relevant Development Plan policies and objectives, and provides a planning assessment of the development. The Chief Executives report recommends refusal of the proposed development.

8.2 A summary of the submissions made by third parties is provided and a full list of who made these submissions. Submissions were grouped under the following headings:

- Density/Quantum of Development and Mix
- Scale, massing & visual impact
- Neighbouring amenity
- Transport & parking
- Infrastructure

8.3. Submissions have been received from Irish Water and the Irish Aviation Authority

8.4 Planning Assessment

This is summarised as follows under the headings of the Chief Executive Report.

Development Layout:

- The development is considered to be substandard development in regard to urban layout and linkages, poor in urban form and unsatisfactory in how it

addresses the public realm. The proposal would be in conflict with Galway City Council Development plan policies and Ministerial guidelines.

Building height/scale and mass:

- The height and scale is considered to be excessive and overwhelming, introverted in nature and fails to have regard to the neighbourhood context of the site or provide a development that is of human scale and provides sufficient interaction with the public pathway along the east of the site. The proposal would be in conflict with Galway City Council Development plan policies and Ministerial guidelines.

Materials:

- The proposed external finishes and materials used are regarded to be satisfactory and reflect Galway City's historic and natural materials, landscape and environment.

Communal Space:

- The quality of the main communal space at ground floor level is considered poor due to no western/north-western sunlight penetration. The communal space on the roof is also considered substandard due to lack climatic proofing as well as safety concerns being raised regarding the high level communal space.

Density:

- The proposed development is located on a site that is considered a central and/or accessible urban location as defined under the Apartment Guidelines and is open for consideration for higher densities.
- Plot ratio standards for CI zoning based on Development Plan policy is 1.25:1 with the proposed plot ratio being 1.37:1 and approximately 10% greater than CDP standards.
- The increase in site area from 'opinion' stage does not resolve the Planning Authority concerns regarding height, scale and massing and that an increase in density should be accompanied by an improved urban residential and amenity

design. The proposal fails to provide for an acceptable quality and disregards the existing pattern of development.

Car Parking:

- Reduction in car parking on site is welcomed, but the report is critical of the lack of planning gain from the loss of parking through landscaping and improved pedestrian provision.
- Reduced parking provision is provided for under Section 11.10.1 of the CDP and would be open for consideration on this site however it is noted that the parking to the rear of the site is not accessible to the public.

Telecommunications mast/equipment:

- The masts/equipment have not been included in all drawings or images submitted and such could be considered to be a visually intrusive feature at this location.

Conclusion:

- The Planning Authority conclude that the development is unacceptable in its current form and recommend that permission should be refused based on two reasons...

1. Having regard to its nature, height, density, scale, mass and layout of the proposed development, with a poorly configured communal open space which is overshadowed and inappropriately located. It is considered that the proposed development would generate a strident, overbearing excessively high building in terms of height, scale and mass, resulting in the overdevelopment of this site, which would be significantly out of character with the established pattern of development in the area, and would fail to respond appropriately to the setting, context and character of the surrounding area,. This would be contrary with the Galway City Council development plan 2017-2023 policies under Chapter 2

Housing and Sustainable Neighbourhoods, Chapter 9 Built Heritage and Urban design and Chapter 11 Land Use Zoning Objectives and Development Standards and Guidelines. The proposed development would, therefore be contrary to the policies of the City development plan and be contrary to the proper planning and sustainable development of the area.

2. With regards to the proposed telecommunications masts/equipment; positioned at the highest location of the building in combination with this height would detract from the visual amenities and be a strident visually obtrusive feature contrary to the proper planning and sustainable development of the area.

Suitable conditions are provided in the event that permission is to be granted.

9.0 Prescribed Bodies

9.1. The applicant was required to notify the following prescribed bodies prior to making the application:

- Irish Water
- Transport Infrastructure Ireland- No response made.
- National Transport Authority- No response made.
- Irish Aviation Authority
- Galway Childcare Committee- No response made.

9.2. The following is a brief summary of the issues raised.

9.2.1 Irish Water:

Irish Water has issued a Confirmation of Feasibility for the proposed development to connect to the public water and wastewater networks.

9.2.2 Irish Aviation Authority

The applicant should be requested to engage with the HSE Aero-medical & Special Operations Section, HSE and Galway University Hospital in relation to implications for the safety of operations to/from the helipad located at Galway University Hospital. In the event of permission be granted, the applicant should be requested to provide a minimum of 30 days notification to the HSE in advance of any crane operations on site and consult fully with regard to crane strategy and any obstacle lighting requirements.

10.0 **Assessment**

10.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. Having examined the application details and all other documentation on file, including the Chief Executive's Report from the Planning Authority and all of the submissions received in relation to the application, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this application are as follows:

10.2. The assessment of the submitted development is therefore arranged as follows:

- Principle of Development
- Development Height
- Design and Layout
- Visual Impact
- Residential Amenity – Future Occupants
- Residential Amenity – Existing/ Adjacent Residents
- Transportation, Traffic and Parking
- Infrastructure and Flood Risk
- Other Matters
- Material Contravention

- Appropriate Assessment Screening
- Environmental Impact Assessment Screening

10.3. Principle of the Development:

10.3.1 The proposal is for the construction of a seven-storey structure consisting of 240 student bed spaces with a café on the ground floor as well as communal facilities for the student accommodation. The appeal site is currently a parking area associated with the Westside Shopping centre with the development within the curtilage of such and using the existing access arrangements to the shopping centre. The subject site is zoned, 'CI – Enterprise, Light Industry and Commercial', with a stated objective 'To provide for enterprise, light industry and commercial uses other than those reserved to the CC zone'. Section 11.2.6 of the Development Plan sets out uses which are compatible with and may contribute to the CI zoning objective. This includes 'residential content of a scale that would not unduly interfere with the primary use of the land for CI purposes and would accord with the principles of sustainable neighbourhoods outlined in Chapter 2'.

10.3.2 Residential development is permitted within the CI zoning objective, however such is on the basis that it would not unduly interfere with the primary use of the land. Whilst the principle of development is accepted to be in accordance with the C1 zoning objective, the impact on the adjoining area and the existing Westside Shopping centre is considered further in this report. As residential development is a permitted use within the CI zoning objective, the proposal would not constitute a material contravention of the Development Plan zoning objective.

10.3.3 The proposed development is student accommodation and is located approximately 1.2km from the campus of NUI Galway and is in walking distance of such. The location of such accommodation on this site is acceptable given its accessibility to the college campus.

10.3.4 The proposal entails the provision of telecommunication infrastructure on the roof of part of the block (18 no. antennas and 6 no. transmission dishes). The submitted

documents include a technical justification report outlining the need for proposed infrastructure, existing infrastructure in the area and coverage maps. The proposal is required to improve coverage in the intervening area. I am satisfied that sufficient technical justification exists for the proposed telecommunications structures and such would be consistent with the recommendations of national policy under the Telecommunication Antennae and Support Structures (1996).

10.3.5 **Conclusion on Section 10.3:** The site is suitably zoned for residential development and the proposal would see the provision of 240 student bed spaces units on a site in an established urban area, where public transport is available. Considering the zoning of the site and nature of the proposed development, there is no reason to recommend a refusal to the Board.

10.4 Development Height:

10.4.1 The proposal is for seven storey structure with a maximum ridge height of 25.495m above ground level. The height of the building is one of the issues raised in the third party submissions with the height considered to be excessive and out of character at this location. The area is characterised by buildings of no greater height than three-storeys with a high degree of single-storey commercial structures in the vicinity of the site. Development Plan policy on building height is outlined above. There is no specific limit placed on building height with development to be assessed based on its context and impact on existing built and natural heritage and residential amenity.

10.4.2 Section 3.2 – ‘Development Management Criteria’ of the ‘Urban Development and Building Heights – Guidelines for Planning Authorities’, December 2018, sets out a number of considerations for developments with increased heights.

10.4.3 In the interest of convenience, I have set these out in the following table my assessment of development in relation to the considerations for developments with increased heights:

At the scale of the relevant city/ town
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Criteria	Response
<p>The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.</p>	<p>Public transport is available in the form of Bus Routes 405, 411 & 412 along the Seamus Quirke Road (existing bus lanes) and Route 404 along Bothar LeCheile. with three bus stops within 400 m from the site.</p>
<p>Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/ enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key view. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.</p>	<ul style="list-style-type: none"> • No protected views, Architectural Conservation Area (ACA), or other architectural/ visual sensitives apply to this site. The development is not located within a landscape character area worthy of particular protection. • Verified Views and photomontages have been prepared by 3D Design Bureau and a Landscape and Visual Impact Assessment has been prepared by Park Hood in support of the application. • Architect Design Statement prepared by C+W O'Brien.
<p>On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond</p>	<ul style="list-style-type: none"> • The site provides a strong urban edge along Seamus Quirke Road and the layout includes provision of pedestrian linkages, shared surface area and public plaza. • An Architect Design Statement prepared by C+W O'Brien has been

to the scale of adjoining developments and create visual interest in the streetscape.	submitted in support of the development.
At the scale of district/ neighbourhood/ street	
Criteria	Response
The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape.	<ul style="list-style-type: none"> • The development will provide for strong frontages along the Seamus Quirke Road and animation/activity at ground floor level along the public road and public open space.
The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.	<ul style="list-style-type: none"> • The design includes careful articulation of fenestration and detailing that ensure that the massing of the blocks is suitably broken up to ensure that it is not monolithic.
The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).	<ul style="list-style-type: none"> • The design provides for a public open space/plaza to the east, a shared surface area between the proposed structure and the existing shopping centre. • The ‘Planning System and Flood Risk Management – Guidelines for Planning Authorities’ (2009) are complied with, and a Site-Specific Flood Risk Assessment is included in the Infrastructure Design report.
The proposal makes a positive contribution to the improvement of legibility through the site or wider	<ul style="list-style-type: none"> • Improved legibility is provided in the form of strong elevations.

urban area within which the development is situated and integrates in a cohesive manner.	
The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.	<ul style="list-style-type: none"> The proposed development will provide for a more defined urban edge along Seamus Quirke Road.
At the scale of the site/ building	
Criteria	Response
The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.	<ul style="list-style-type: none"> The development allows for good access to natural light and reduces the potential for overshadowing.
Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.	<ul style="list-style-type: none"> The applicant has engaged the services of 3D Design Bureau to prepare a Daylight and Sunlight Analysis, and which is included with the application.
Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this has been clearly identified and a rationale for any alternative,	<ul style="list-style-type: none"> As above.

<p>compensatory design solutions has been set out, in respect of which the Board has applied its discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.</p>	
<p>Specific Assessment</p>	
<p>Criteria</p>	<p>Response</p>
<p>To support proposals at some or all of these scales, specific assessments may be required and these may include: Specific impact assessment of the micro-climatic effects such as downdraft. Such assessments shall include measures to avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered.</p>	<ul style="list-style-type: none"> • Daylight and Overshadowing analysis have been submitted and demonstrate compliance with standards, as applicable.

<p>In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision.</p>	<ul style="list-style-type: none"> • An Ecological Impact Assessment (EclA) and an Appropriate Assessment Screening Report have been submitted in support of the application and which fully consider the impact of the development. • In summary, the site is an existing urban site and not an ecological sensitive environment.
<p>An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.</p>	<ul style="list-style-type: none"> • N/A Due to seven storey nature of the development.
<p>An assessment that the proposal maintains safe air navigation.</p>	<ul style="list-style-type: none"> • N/A Due to seven storey nature of the development.
<p>An urban design statement including, as appropriate, impact on the historic built environment.</p>	<ul style="list-style-type: none"> • Included with the application is An Architectural Design Statement, prepared C+W O'Brien Architects which demonstrates how the development will integrate into its surroundings.
<p>Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate.</p>	<ul style="list-style-type: none"> • SEA and EIA not required/ applicable due to the scale of the development. • EclA and AA screening report are submitted with the application.

10.4.4 The above table demonstrates that the development complies with Section 3.2 of the 'Urban Development and Building Height' guidelines and that the criteria are suitably

incorporated into the development proposal. The proposal is consistent with SPPR1 of the aforementioned guidelines which states that “in accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/ city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height”. The proposal is also consistent with National Policy Objective 33 and 35 of the National Planning Framework (see planning policy section). Many of the issues identified in the table are assessed in greater depth in the following sections of my report.

10.4.5 As stated national and local policy is to provide for increased heights and density on sites that can be demonstrated to be suitable for such development. The above table includes appropriate considerations for such development. A number of the third-party submissions state that this development results in the introduction of a seven-storey development into an area defined by lower heights. The proposed development will provide for an efficient use of zoned serviced land and provide for increased residential accommodation for which demand exists, namely student accommodation in close proximity and accessible to the NUI Galway College Campus.

10.4.6 The issue of Material Contravention is considered further in this report under Section 11.

10.4.7 **CE Report Comments:** The Planning Authority, through the CE Report, have raised concerns about the scale and quality of design. It is indicated that increased building height at this location is appropriate, however such requires a good quality design with adequate consideration of its context. The overall scale and quality of design was considered inappropriate and excessive in scale.

10.4.8 Conclusion on Section 10.4: I am satisfied that proposed development demonstrates that it complies with the criteria set out in Section 3.2 of the 'Urban Development and Building Height' guidelines. In terms of local planning policy there is no specific limit on building height with development to be assessed based on its context and impact on existing built and natural heritage and residential amenity and recommend that the Board grant permission for the development having regard to SPPR 3, in addition to NPO13 and 35 – which seek to improve urban areas through suitable regeneration and increased densities/ height. The issue of Material Contravention is considered later under Section 10.11 of this report.

10.5 Design and Layout:

10.5.1 The site is currently laid out as a parking area part of the overall parking area to front of the Westside shopping centre. At present there is pedestrian path running along the eastern boundary of the site providing access from Seamus Quirke Road to existing residential and community and recreational facilities further to the north, north east and west of the site and existing commercial development.

10.5.2 The proposal is for a seven-storey block with a café on the ground floor as well as communal facilities serving the student accommodation (lounge area, study area, games/tv room, gym, bike store). The proposal entails the provision of a number of pedestrian pathways and linkages within the site including a pedestrian pathway along the western elevation of the block linking Seamus Quirke Road to a new shared surface area that facilitates pedestrian access to the existing shopping centre. There is provision of pedestrian pathway along the northern elevation and a public plaza to the east of the site that incorporates the existing pedestrian pathway running from Seamus Quirke Road along the eastern side of the site. The proposal also entails reconfiguration of the parking layout to the north and west of the proposed block.

10.5.3 **CE Report comments:** The development was considered to be substandard development in regard to urban layout and linkages, poor in urban form and

unsatisfactory in how it addresses the public realm. The proposal would be in conflict with Galway City Council Development plan policies and Ministerial guidelines.

10.5.4 I note these comments however I would be of the view that the proposal does have regard to the provision of linkages and permeability as well as providing an improved public realm. The existing site is defined by a surface level car parking without much in the way of defined pedestrian linkages or hard and soft landscaping. The existing centre is defined by a high level of open surface parking and lack of defined pedestrian linkages apart from along the eastern boundary. The proposal provides for more defined pedestrian linkages from Seamus Quirke Road including a pedestrian pathway along the eastern side of the block and a shared surface area on the main access road along the front of the existing retail units linking to such. To the east of the site a public plaza provided is defined by hard and soft landscaping and incorporating the existing pedestrian path. Along the northern edge of block is pedestrian pathway that links the proposed pathway to the west of the block to the public plaza to the east. The new linkages and public spaces are connected to existing pedestrian and cycle infrastructure along Seamus Quirke Road. In addition the proposed development will provide passive surveillance along the proposed and existing pedestrian pathways with a significant level ground floor activity overlooking these spaces (within the proposed block and the existing retail units) as well as upper floor residential accommodation.

10.5.5 **Conclusion on Section 10.5:** The proposed design is considered to be acceptable for this location in terms of urban form, layout, permeability and enhancement of the public realm. There is no reason to recommend a refusal of permission to the Board in terms of the proposed design and layout.

10.6 Visual Impact:

10.6.1 The Architectural Design Statement describes the elevational treatment of the structure, and which are to consist of a mix of light and darker brick finishes for the majority of the elevations above ground floor with some smooth render detailing defining windows, floor to ceiling glazing at ground floor broken up by perforated metal panels along the southern, eastern and western facades and a mixture brick

glazing and the perforated metal panels along the northern elevation, and a rainscreen cladding for the sixth floor elements setback from the lower floors. The Planning Authority have raised no objections to the external finishes. The use of external materials is acceptable in that it provides variation to sufficient break up the facades of the block. Final details on the external treatment can be agreed with the Planning Authority by way of condition.

10.6.2 As already reported, the area is characterised by a significant level of single-storey commercial structures with the maximum height being some three-storey structures on the opposite side of Seamus Quirke Road. The applicant has submitted a number of documents in support of the proposed development and with particular reference to the issue of height as follows:

- Architectural Design Statement by C+W O'Brien
- CGI, Aerial & Verified Views by 3D Design Bureau
- Landscape and Visual Impact Assessment by Park Hood
- Landscape Design and Access Statement by Park Hood

The submitted documents in conjunction with the submitted elevational and contiguous elevational drawings, clearly demonstrate what the visual impact will be on the character of the area.

10.6.3 The primary view that the public will have is from the Seamus Quirke Road with the proposed development located along the road frontage of the site. The proposal is for a seven-storey structure with the top floor/sixth floor set back relative to the lower floors. The proposal is located in an area characterised by a mixture of commercial/institutional development characterised by structures ranging from single-storey up to three-storeys. There is a lack of a defined pattern of development or architectural character. In particular there is a lack of any urban edge or streetscape along Seamus Quirke Road. Which is a wide dual carriageway (including bus lanes, cycle paths and footpaths). The proposal does provide for a more defined urban road frontage and the site is suitable for a structure of increased height.

10.6.4 The development is screened from houses in the area by existing commercial and institutional structures and is sufficiently separated from existing residential areas in terms of overall visual impact. The application is accompanied a report showing verified views and CGI of the proposed structure. The development is screened by the existing intervening structures from dwellings to north, north east and north west and views that would be available, would not be significant.

10.6.5 I do accept that the proposed development will have a significant visual impact on at this location, particular when viewed along Seamus Quirke Road, however I am of the view that the proposed structure although a of height above that of the prevailing heights can be adequately absorbed and is beneficial to establishing a stronger urban edge along the Seamus Quirke Road. The area as it standards is severely lacking is the provision of a defined urban edge along the public road, and is an area lacking is any strong or defined architectural character. The area is not characterised by any structures of significant architectural merit, heritage value or any view or prospects. I would be of the view that the area can adequately absorb the visual impact of this taller structure such as this and that the verified views and CGI images provided demonstrate that the proposal would be acceptable in regards to the visual amenities of the area and give an accurate reflection of the visual impact of the proposal.

10.6.6 The proposal entails the provision telecommunication equipment on the roof of the proposed block. This equipment, which is described as consisting of 18 no. antennas and 6 no. transmission dishes, all enclosed in 9 no. shrouds together with associated equipment. This element is concentrated on the roof of the sixth floor element along the western side of the block. The drawings and contextual elevations illustrate that the overall scale of these elements and the verified views and CGI, show these elements clearly. I would be of the view that these elements are subordinate in scale relative to the existing structure and would have no significant or adverse visual impact.

10.6.7 **CE Report comments:** The Planning Authority raised concerns in respect of the visual impact of the development and the excessive height of the proposed

development. In addition concern were raised regarding the visual impact of telecommunications equipment proposed at roof level.

10.6.8 Conclusion on Section 10.6: The separation distance between the proposed development and the existing houses to the north, north east and north west is considered to be significant with the site screened from existing residential areas by intervening commercial structures. The provision of a taller structure at this location can be adequately assimilated without having an adverse impact on the visual amenities of the area.

10.6.9 The proposed block is considered to be visually acceptable and will integrate into this established urban area. There is no reason to recommend a refusal of permission to the Board in terms of the impact on visual amenity.

10.7 Residential Amenity-Future Occupants:

10.7.1 Unit Mix: A total of 240 bed spaces are proposed varying between 4 bed to 8 bed clusters with each cluster served by a communal living/kitchen/dining room. Each bedroom has an ensuite bathroom. Provision is made for 12 no. disabled access single-occupancy bedrooms.

10.7.2 Quality of Units – Floor Area: the documents submitted include a schedule of accommodation setting out the details of configurations of each unit including floor areas. There are no national design standards for student accommodation other than the standards in the Guidelines on Residential Development for 3rd Level Students issued by the Department of Education and Science under Section 50 of the 1999 Finance Act.

The guidelines set out the following general standards:

- Student accommodation should be grouped as 'house' units, with a minimum of three and maximum of eight bed spaces.
- GFA's should range from 55 sqm to 160 sqm.

- Shared kitchen/dining/living room space is to be based on a minimum of 4 sq. m per bed space in the unit.
- The minimum areas for bedrooms are: 8sq.m for a single study bedroom; 12 sq.m for a single study bedroom with ensuite; 15 sq.m for a twin study bedroom; 18 sq.m for a twin study bedroom with ensuite; and 15 sq.m for a single disabled study bedroom with ensuite.
- Bathrooms shall serve a maximum of 3 bed spaces.

The Planning Report & Statement of Consistency outlines that the design and layout of units are based on these guidelines and the proposal is compliant with the standards outlined in such.

10.7.3 Conclusion on Sections 10.7.1-10.7.2: The proposed development provides for an adequate mix of unit types. The internal layout of these units is acceptable and complies with recommended requirements. There is no reason to recommend a refusal of permission to the Board in terms of the unit mix and internal floor area quality.

10.7.4 Quality of Units – Amenity Space: Amenity space is in the form of communal amenity space. The proposal includes a public open space area along the eastern boundary (550sqm), and 2 no. communal spaces within the student block, one at first floor level (156sqm) and one at roof level (sixth floor, 480sqm). There are no guidance standards for amenity space within student accommodation. The applicant has proposed to provide a total of 636sqm of communal amenity space within the student block in addition to a public open space at ground floor level.

10.7.5 I am satisfied that the developer has proposed an adequate area of open space on site that would function as an amenity area for future residents of the proposed development.

10.7.6 Conclusion on Sections 10.7.4 – 10.7.5: The proposed development provides for adequate private, communal, and public open space areas. There is no reason to

recommend a refusal of permission to the Board in terms of the quality of the amenity spaces.

10.7.7 Daylight and Sunlight: The applicant has engaged the services of 3D Design Bureau to assess the impact of the development on daylight and sunlight and a 'Daylight and Sunlight Analysis has been submitted in support of the application. This assessment has been prepared based on best practice guidance set out in the following documents:

- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' BRE, 2011 (BR209).
- BS8206 Part 2:2008, Lighting for Buildings, Code of Practice for Daylighting.
- BS EN 17307:2018 – Daylight in Buildings – British Standard
- IS EN 17037: 2018 – Irish Standard
- Sustainable Urban Housing: Design Standards for New Apartments (December 2020)

The submitted assessment undertook a number of tests and these are detailed in the following section of this report.

10.7.8 Site Sunlight and Shading: The submitted analysis includes an assessment of the communal open space and public open space areas. The BRE requirement is that a minimum of 50% of the amenity space shall receive two or more hours of sunlight on the 21st of March. The submitted analysis demonstrates that the BRE requirement is met and exceeded at greater than 92% for two main amenity spaces proposed. This relates to the public plaza to the east of the block and the main amenity space at sixth floor level/roof space (480sqm). The standard is not met on the smaller additional amenity area at first floor level (156sqm). The cumulative level of amenity space within the block (636sqm) meets with the recommended standard with a minimum of 50% of the amenity space receiving two or more hours of sunlight on the 21st of March.

10.7.9 Daylight Analysis: From the information provided in the 'Daylight Analysis', I am satisfied that the target Average Daylight Factor's (ADF) are appropriate and are generally compliant. Table 2 of BS8208 Part 2:2008, provides the following target Average Daylight Factor (ADF)

- Bedrooms 1%
- Living Rooms 1.5%
- Kitchens 2%

10.7.10 The guidelines recommend that in the case of rooms that serve more than one function, the higher of the two minimum ADFs should be demonstrated. The proposed clusters provide for rooms labelled as communal facility, in which the kitchen/ living and dining areas are provided in one room. In the case of all rooms including bedrooms and communal facility the recommended standard in terms of ADF is met in all cases (1% for bedrooms and 2% for communal facility).

10.7.11 **CE Report Comments:** The quality of communal open space is criticised based on available light levels at the first floor amenity area as well as potential climatic conditions on the roof level open space.

10.7.12 **Conclusion on Daylight and Sunlight Assessments:** I have had appropriate and reasonable regard of quantitative performance approaches to daylight provision, as outlined in the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. I am satisfied that the design and layout of the scheme has been fully considered alongside relevant sunlight and daylighting factors. The standards achieved, when considering all site factors and the requirement to secure comprehensive urban development of this accessible and serviced site within the Galway City area, in accordance with national policy guidance, are in my opinion acceptable and will result in an acceptable level of residential amenity for future occupants of this development. Overall, I am satisfied that the proposed development will provide for good daylight and sunlight to the proposed units and

that the level of sunlight available over the entire amount of the amenity space provided meets best practice standards.

10.7.13 The submitted analysis provides full details of the Average Daylight Factors (ADFs) and a breakdown of the achieved results for all clusters and associated rooms. The recommended best practice standard for ADF is met in all cases.

10.7.14 A Microclimatic Assessment was submitted in support of the application. The building is deemed to be not of such height that would result in high wind speeds at the roof garden level. I would also note that this area is to be landscaped with hard and soft landscaping and some screening planting as well as being screened by the partial sixth floor elements. I agree with the conclusions of the microclimate assessment and consider that the roof top open space is of sufficient environmental quality for future residents.

10.8 Adjoining Amenity

10.8.1 The proposal is within the curtilage of an existing shopping centre with the nearest existing structure/uses being the single-storey retail units that make up the Westside Shopping Centre to the north west of the site and a detached drive thru restaurant to the south west. To the north east of the site is an institutional use in the form of a church premises and to the south are commercial developments location on the southern side of Seamus Quirke Road. In terms of residential development, the site is separated from existing residential development by the existing commercial structures/premises in the intervening area with a number of residential areas located further to the north, north east and north west.

10.8.2 The proposal is sufficiently separated from existing residential areas to rule out any significant impacts on existing residential amenity through overbearing scale, overshadowing, overlooking or loss of daylight and sunlight.

10.8.3 Daylight and Sunlight: The impact of the development on adjoining properties is considered in the Daylight & Sunlight Analysis prepared by 3D Design Bureau.

Daylight: The Vertical Sky Component (VSC) is a measure of how much direct daylight a window is likely to receive. The Vertical Sky Component is described as the ratio of the direct sky illuminance falling on the vertical wall at a reference point, to the simultaneous horizontal illuminance under an unobstructed sky. A new development may impact on an existing building, and this is the case if the Vertical Sky Component measured at the centre of an existing main window is less than 27%, and less than 0.8 (20%) times its former value.

10.8.4 The applicant has assessed the potential impact on a three-storey building on the opposite/southern side of Seamus Quirke Road. The structure in question has retail units at ground floor level and cancer care centre on the upper floors. The assessment of VSC relates to first floor windows on its facade facing Seamus Quirke Road and a north east facing side façade.

10.8.5 The analysis of the above listed units found that all windows assessed currently have VSC value above 27% and all of such windows retain a level a value above 27% post development meaning compliance with recommended standards under the BRE guidelines. I would point out that no residential properties are close enough to the site to require assessment for VSC (is the distance of each part of the new development from the existing window three or more times its height above the centre of the existing window).

10.8.6 Annual Probable Sunlight Hours (APSH) assessment indicates what the impact of a development would be on the sunlight received by existing units. Only south facing windows are considered in this assessment, in accordance with BRE guidance. According to the BRE guidance a dwelling/ or a non-domestic building which has a particular requirement for sunlight, will appear reasonably sunlit if:

- At least one main window wall faces within 90° of due south and
- The centre of at least one window to a main living room can receive 25% annual probable sunlight hours, including at least 5% of annual probable sunlight hours in winter months (the winter period is considered to fall between the 21st of September and the 21st of March).

Further to this the BRE advise that the sunlighting of existing dwellings may be adversely affected if the centre of the window in question:

- Receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between the 21st of September and the 21st of March and
- Receives less than 0.8 times its former sunlight hours during either period and
- Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

In this case there are no dwellings within a distance or orientation such as would require assessment under the BRE guidelines. In the case of other structures in the vicinity, such are commercial structures that are not reliant on natural light and are located to the north and west of the proposed structure. Structures to south of the site are also commercial in nature and are sufficiently separated from the site.

10.8.7 Shadow Analysis: Shadow Diagrams have been prepared/ included in the analysis. These are prepared for the 21st of March, June, and December at hourly intervals from 6.00 hours to 18.00 hours.

10.8.8 The submitted details give no rise for concern. As noted above there are no dwellings in close enough proximity to the site to require assessment regarding impact on private amenity spaces. The report submitted does include an assessment of a private amenity space associated with a property within the curtilage of Church of the Sacred Heart to north east of the site. This private amenity will receive at least two hours of sunlight on the 21st of March.

10.8.9 The submitted details are noted. From the available information, no residential units will be impacted in terms of daylight and sunlight and the nature of existing development in the vicinity is such that the proposed development will not impinge on their existing amenity or functionality due to loss of light/overshadowing.

10.8.11 Functionality of shopping centre: One of the issues raised is the impact of the proposal on the functionality of the existing shopping centre. The proposal is part of

an existing shopping centre and is currently a portion of parking area associated with the existing centre. The proposal will result in the loss of existing parking provision, which has the potential to impact the functionality of the centre. This aspect of the proposal and its overall impact is to be elaborated upon in the following section of this report relating to traffic. The proposal will result in the loss of a number of existing car parking spaces within the centre, however I would be of the view that the change in the level of car parking will not impact on the functionality of the centre. The proposal will retain a sufficient level of parking for the existing shopping centre and proposed uses. In addition the applicants/landowners are responsible for the management of car park and the existing car park is subject to time constraints. The ability to manage the car parking will ensure that the remaining car parking spaces can be operated and allocated in manner that can facilitate the proposed and existing uses and the imposition time constraints as is the current situation will ensure appropriate turnover of parking spaces. In addition it is important to note that the existing centre is accessible to a significant residential catchment by other modes such as walking, cycling and public transport.

10.8.12 Other than the potential loss of parking, I would consider that the proposed uses and operation of the development would not affect the functionality of the existing centre. The development is mainly residential in nature, however such is student accommodation (holiday accommodation in the summer months) and is also commercial in nature and is a managed development. I would be of the view that the proposed use would be beneficial to the existing centre in terms of location of potential customers accessible to the existing centre. In addition the owners/operators of the overall centre manage the operation and use of the car park including limiting hours of occupation to ensure turnover of spaces. Car parking within the site of the development will be subject to management of its use.

10.18.13 **CE Report Comments:** The CE comment are mainly critical of the design, visual impact and overall quality of the development. The CE report does raise concern regarding the provision of a communal space at a high level, in regard to potential antisocial behaviour on the high level open space.

10.18.14 Conclusions on adjoining amenity: The proposal although mainly residential in nature is a commercially managed block of student accommodation. The proposed use would not conflict with the existing functionally or uses within the overall shopping centre. In relation to issues of antisocial behaviour and concerns regarding potential noise and disturbance, the proposal is for a managed student accommodation block, which would require management and staff onsite to oversee its operation. I would be of the view that such would be sufficient to ensure no impact in terms of antisocial behaviour.

10.9 Transportation, Traffic and Parking

10.9.1 The application is supported with a number of documents in relation to traffic and parking as follows:

- Transportation Assessment – NRB Consulting

This document incorporates the following...

- DMURS Compliance Statement
- Stage 1 Quality/Road Safety Audit
- Bus Capacity & demand Report

10.9.2 Traffic: The submitted reports indicate that the proposed development will not adversely impact on traffic flows in the area. The proposed development is located within the curtilage of the Westside Shopping centre and will use the existing access arrangement for such with a vehicular access off Bothar LeCheile, which itself has a signalised junction with Seamus Quirke Road to the south west of the site. The report includes an assessment of trip distribution, trip generation and a capacity of analysis of the road network including the relevant junctions. The assessment demonstrates that the local road network has sufficient capacity for the traffic likely to be generated. The report highlights the accessibility of the site for pedestrian and cyclists and indicates that student accommodation would not generate significant traffic levels and that car parking access will be managed as is the current case with the existing car park.

10.9.3 Car Parking: The proposed development is located on a portion of the existing car parking area servicing the existing shopping/district centre. The Transportation Assessment identifies that there is 332 car parking spaces within the entire Westside centre, including the car parking area to the front and a parking area to the rear. The proposal will result in the loss of 94 car parking spaces resulting in the retention of 238 no. car parking spaces remaining within the curtilage of the centre and to serve the proposed development. The Transport Assessment includes details of traffic and parking surveys over three weekends, which indicate that for the vast majority of the time in excess of 110 spaces are unoccupied. It is assumed that the permitted free-standing café granted under ABP-303071-18 may not be implemented. The assessment notes that this element permitted would remove 27 existing spaces and generated a parking requirement of 27 spaces (based on Development Plan standards).

10.9.4 The transport assessment concludes that the omission of car parking provision from the proposal is justified based on the location of the site and its accessibility for sustainable modes of transport with existing bus services routes along the Seamus Quirke Road and Bothar LeCheile, as well as the provision of cycling infrastructure and pedestrian linkages.

10.9.5 The third party submission from Dunnes Stores raises concerns about the impact of loss of parking on the viability/functionality of the centre. The submission states that not all of the 332 existing spaces are accessible to customers with a parking area to the rear of the existing centre only accessible to staff and service parking (52 spaces). The submission also questions the fact that the surveys carried out are not reflective of pre Covid traffic levels and may not be an accurate reflection of parking demand.

10.9.6 **CE Report Comments:** Galway City Council raised no objection to the development in their report on the grounds of traffic/car parking provision; but are critical of the design of the parking provided in terms of provision of more pedestrian friendly parking proposals. The CE refers to Section 11.10.1 of the CDP conditions and that

such does facilitate reduced parking in situations where there are dual usage of parking.

10.9.7 Conclusion on Transportation, Traffic and Parking: The development is located in an area with good public transport provision, and which is accessible for pedestrian and cyclists. In terms of its location the site is in walking and cycling distance of the college campus, the site is in walking and cycling distance of the city centre and the centre itself is well served by public transport in the form of bus routes as well as being within walking and cycling distance of a significant residential population with existing pedestrian linkages to the site from such areas.

10.9.8 The proposal will result in the loss of existing parking on site and I would acknowledge that existing parking to the rear of the shopping centre is not accessible to the general public (staff/service area). The loss of car parking does have the potential to impact on the viability and function of the centre, however I would be of the view that the applicant has demonstrated that there is capacity within the car park to cater for the additional development. I would also note that the existing car parking is a managed parking area accessible only for short term parking ensuring a high turnover of spaces and the usage of car parking spaces can be managed and controlled. In relation to the permitted development under ref no. ABP-303071-18 (18107), which overlaps with the site would appear to be not a consideration as it would appear this would supersede such a proposal with a clearly defined proposal for parking and pedestrian proposals and the permitted development is in close proximity to the western elevation of the proposed block. In this regard the permitted development is not a consideration in terms of a reduction in parking. I would consider it reasonable to conclude that car parking demand for student accommodation should be not excessive and the site is located in an accessible location relative to the college campus, the city centre and existing retail, community and recreational facilities. In relation to traffic impact relative to out of terms holiday accommodation, such usage tends to require parking at morning and evening times and I would consider that such would be compatible with the existing functioning of the shopping centre.

10.10 Other Issues

10.10.1 Qualification as an SHD: One of the third party submissions states that the development is not an SHD development as defined under the Planning and Development (Housing) and Residential Tenancies Act 2016 as other uses within the planning unit exceed the 4,500sqm threshold. The proposal provides for 240 student bed space with ancillary accommodation at ground floor level on a zoning that has residential as a permitted use (CI). The majority of the development at the ground floor is ancillary development to the residential use proposed. The only separate use is the ground floor café with a floor area of 94.4sqm. The proposal comes under the definition of an SHD as set out under the Planning and Development (Housing) and Residential Tenancies Act 2016.

10.10.2 EIA: One of the submission raises indicates that the development should be subject to EIA based on the fact the site is part of an urban development involving a site of 2.2hectares with the mandatory requirement for EIA under part 2(10)(b)(iv). The proposal is an infrastructural project with a GFA of 8,121sqm and taken in conjunction with the existing shopping centre structures exceeded the threshold of 10,000sqm under part 2(10)(b)(iii). Section 12 of this report deal with screening for Environmental Impact Assessment.

10.10.3 Cycling infrastructure: The proposal is well served in terms of cycling infrastructure with the provision of 212 secure bicycle parking spaces at ground floor level and defined linkages to existing cycling infrastructure in the wider road network. Seamus Quirke Road is well served with cycling infrastructure and the proposed development would not impact or compromise the existing cycling infrastructure. One of the submissions is critical of some elements of cycle infrastructure provisions in particular the lack of more bicycle parking stands (8 proposed) external to the block, lack of dishing of the kerb to provide access to the existing bike lanes along Seamus Quirke Road and the provision of door openings from the secure internal bike storage. I would be of the view that the proposal is generally acceptable in regards to cycling, and note that the issues raised can be dealt with by way of condition if

considered necessary. I would concur with the assessment that the provision of additional bike stands external to building would be beneficial.

10.10.4 Aeronautical Assessment: The Irish Aviation Authority (IAA) made an observation as a prescribed body. The submission states that the applicant should be requested to engage with the HSE Aero-medical & Special Operations Section, HSE and Galway University Hospital in relation to implications for the safety of operations to/from the helipad located at Galway University Hospital. In the event of permission be granted, the applicant should be requested to provide a minimum of 30 days notification to the HSE in advance of any crane operations on site and consult fully with regard to crane strategy and any obstacle lighting requirements.

10.10.5. The application was accompanied by an Aeronautical Assessment Report, which includes assessment of the proposal in context of aeronautical operations in the area, helicopter movements in relation to the Galway University Hospital and operation of Galway Airport as well impact of cranes, light and solar PV panels. The assessment concludes that the proposal will not interfere with any of these operations and recommended a number of restrictions in relation crane operations and external light (Lighting Impact Assessment). The IAA have raised no objection to the proposal however do recommend some degree of consultation and notification. I am satisfied this element can be dealt with by way of condition.

10.10.6 Demand for student accommodation: One of the submission refers to the fact there is no demand for additional student accommodation point to decreased enrolment figures. The demand for student accommodation is dealt with under Section 6.5 of the Planning report (Thronton O'Connor) with reference to the National Student Accommodation Strategy. The National Student Accommodation Strategy was launched in July 2017 and is described as an important action in the Government's overall plan to accelerate housing supply. Under this strategy it is identified that there is projected supply of 4,702 bed spaces for 2024 still leaving an excess demand of 1,950 bed spaces. National policy clearly identifies a demand for additional student

accommodation and the proposed development would contribute towards meeting that demand on a site that is suitable for such and accessible to the college campus.

11.0 Material Contravention

11.1 The applicant has submitted a 'Material Contravention Statement' of the Galway City Development Plan 2017 - 2023 with the application. The public notices make specific reference to a statement being submitted indicating why permission should be granted having regard to the provisions s.37(2)(b). The purpose of the statement is to set out justification for aspects of the proposed development which may be determined to materially contravene the Development Plan. A total of three (3) issues have been raised in the applicant's Material Contravention statement as follows:

- Building Height
- Open Space
- Plot ratio

The report outlines the procedure and requirements in relation to Material Contravention. The statement set out justification for the aspects which may be considered to materially contravene the Galway City Development Plan 2017-2023.

11.2 **Building Height:** Under Section 8.7 of the Galway City Development Plan 2017 – 2023 in relation to building height, it is stated that
“The scale of development in terms of height and massing can have a considerable impact on other buildings and spaces as well as views and skylines. Additional building height over and above the prevailing height can usefully mark points of major activity such as business districts, civic functions and transport interchanges. They can also however, have a considerable impact in the context of historic buildings, conservation areas, areas of natural heritage importance and can detract from a city's skyline and impinge upon strategic views. 8 Built Heritage and Urban

Design Galway City Development Plan 2017-2023 1248 Built Heritage and Urban Design.

In the context of the city which is predominantly low rise with its sensitive historic core and unique natural amenity setting, there is little capacity for dramatic increases in height. However, it is recognised that modest increases at appropriate locations, can help use land efficiently and provide for sustainable high densities”.

- 11.3 The applicant refers to the Urban Development and Building Heights Guidelines (2018) and National Planning Framework which promotes increased density, a mix of housing types and building heights. The applicant considers that the proposed development meets the requirements of these guidelines. The proposed development has been designed to ensure it integrates with the surrounding area and does not impact negatively on adjoining amenities or the visual amenity of the area.
- 11.4 The Planning Authority through the CE report have raised concerns regarding overall height, scale and quality of the proposal, however did not determine that the proposal is a material contravention of Development Plan policy in relation to building height.
- 11.5 I have considered the issue raised in the applicant’s submitted Material Contravention Statement and advise the Board that the proposal is not a material contravention of Development Plan policy in relation to building height and the provisions the provisions of s.37(2)(b) of the 2000 Act (as amended) do not apply.
- 11.6 **Open Space:** Under section 11.9.3 of the Galway City Development Plan 2017 – 2023 the minimum open space requirements, which will apply in CI and I zones, are set out in Table 11.4. The requirement for CI zoned lands 5% of the total site area and 50% of the gross floor area of residential content where a residential content is proposed.

11.7 The applicant is of the view that there is no explicit requirement to provide open space for student accommodation scheme, however the proposal does have the provision of a public plaza of 550sqm to the east of the site and such is 21% of the site area. This is above the 5% open space requirement but does not meet the requirement for 50% of gross floor area of residential content.

11.8 It is the applicants' view that public open space is not required within student accommodation and there is no clearly stated requirement for such within the Development Plan. Development plan policy does allow to include open space above ground level within a residential development on lands zoned C1. The applicant points out that the communal open space within the building taken in conjunction with the public plaza represents 40% of the buildings gross floor area. The applicant points out a number of other student accommodation projects in which specific public open space was not provided.

11.9 I note the comments of the applicant, however I am satisfied that there is no material contravention in this case. The Planning Authority through the CE Report did raise concerns about overall quality and design of layout including provision of communal space, however were not of view the proposal was a material contravention of Development Plan policy.

11.10 I have considered the issue raised in the applicant's submitted Material Contravention Statement and I do not advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended) as I do not consider that the development contravenes the Galway City Development Plan 2017 - 2023 in relation to open space provision. The proposed development is student accommodation and although having a residential aspect, it is commercial development providing short term accommodation and there is no explicit open space standard provided for such developments.

11.11 **Plot ratio:** Under section 11.9.2 of the Galway City Development Plan 2017 – 2023 the maximum open space requirements, which will apply in C1 and I zones, are set out in Table 11.3. Maximum plot ratio of the C1 zoning is 1.25 with the proposed development having a plot ratio of 3.13. There is provision for deviation for such including...

“In the case of infill development in an existing terrace or street, it may be necessary to have a higher plot ratio in order to maintain a uniform fenestration and parapet alignment or to obtain greater height for important urban design reasons. In such circumstances, the Council may allow an increased plot ratio”.

11.12 The applicant is of the view that the proposal is not a material contravention of Development Plan policy. It is applicant view that there is no specific plot ratio standard outlined for student accommodation and that the policy objective in relation to such is not clearly stated.

11.13 I note the comments of the applicant, however I am satisfied that there is no material contravention in this case. The Planning Authority through the CE Report has raised concern regarding the overall quality or the layout and level of development proposed on site, however have not determined that the proposal is material contravention of Development Plan policy in relation to plot ratio.

11.14 I have considered the issue raised in the applicant’s submitted Material Contravention Statement and I do not advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended) as I do not consider that the development contravenes the Galway City Development Plan 2017 - 2023 in relation to plot ratio provision. The proposal is higher than the specified plot ratio in C1 zoning, however Development Plan policy does allow for deviation from plot ratios in certain circumstances. I would also note that deviation from plot ratio or development standard in general would not constitute a ‘material’ contravention of development plan policy.

12.0 **Appropriate Assessment**

12.1 Stage 1 – Appropriate Assessment Screening

12.2 The applicant has engaged the services of Enviroguide Consulting, to carry out an appropriate assessment screening; the report is dated April 2022. I have had regard to the contents of same.

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

The areas addressed are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- Appropriate assessment of implications of the proposed development on the integrity of each European site

12.4 Compliance with Article 6(3) of the EU Habitats Directive

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

12.4.2 The subject site is located to the north of Seamus Quirke Road and the development site area has a stated to be 0.54 hectares. The site is portion of the existing

curtilage of the Westside Shopping Centre and is part of the parking areas associated with such. A The proposed development comprises the construction of a 7 no. storey development (with roof level telecommunications infrastructure, plant and lift overruns over) including 1 no. café unit with ancillary takeaway (c. 98sqm) at ground floor level and 240 no. student accommodation bed spaces with associated facilities, which will be utilised for short-term lets during student holiday periods. The gross floor area of the development is c. 8,121sqm.

12.4.3 The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The zone of influence of the proposed project would be limited to the outline of the site during the construction phase. The proposed development is therefore subject to the provisions of Article 6(3).

12.4.4 The site by virtue of its size (0.54 hectares) and the number of units proposed (240 student bed spaces) is below the threshold levels for infrastructure development that would require EIA as set down under item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 as amended, and section 172(1)(a) of the Planning and Development Act 2000 as amended.

12.4.5 A total of nine European Sites have been identified as located within the potential zone of influence and these are as follows:

Name	Site Code	Distance from Site
<p>Lough Corrib SAC</p> <p>Conservation Objectives:</p> <p>To maintain and restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p>	(000297)	1.1km

<p>Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]</p> <p>Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p> <p>Depressions on peat substrates of the Rhynchosporion [7150]</p> <p>Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Bog woodland [91D0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Najas flexilis (Slender Naiad) [1833]</p> <p>Hamatocaulis vernicosus (Slender Green Feather-moss) [6216]</p>		
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<p>Galway Bay Complex SAC</p> <p>Conservation Objectives:</p> <p>To maintain and restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Turloughs [3180]</p> <p><i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Phoca vitulina</i> (Harbour Seal) [1365]</p>	<p>(000268)</p>	<p>1.4km</p>
<p>Conemara Bog Complex SAC</p> <p>Conservation Objectives:</p>	<p>(002034)</p>	<p>11.3km</p>

<p>To maintain and restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Coastal lagoons [1150]</p> <p>Reefs [1170]</p> <p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130]</p> <p>Natural dystrophic lakes and ponds [3160]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p><i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Transition mires and quaking bogs [7140]</p> <p>Depressions on peat substrates of the <i>Rhynchosporion</i> [7150]</p> <p>Alkaline fens [7230]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p><i>Euphydryas aurinia</i> (Marsh Fritillary) [1065]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Najas flexilis</i> (Slender Naiad) [1833]</p>		
<p>Ross Lake and Woods SAC</p> <p>Conservation Objectives:</p> <p>To restore the favourable conservation condition of the qualifying interests.</p>	(001312)	12.8km

<p>Qualifying Interests</p> <p>Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p>		
<p>East Burren Complex SAC</p> <p>Conservation Objectives:</p> <p>To maintain and restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]</p> <p>Turloughs [3180]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Juniperus communis formations on heaths or calcareous grasslands [5130]</p> <p>Calaminarian grasslands of the Violetalia calaminariae [6130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis) [6510]</p> <p>Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Caves not open to the public [8310]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p>	<p>(001926)</p>	<p>14.2km</p>

<p>Euphydryas aurinia (Marsh Fritillary) [1065]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p> <p>Lutra lutra (Otter) [1355]</p>		
<p>Lough Fingall Complex SAC</p> <p>Conservation Objectives:</p> <p>To maintain and restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Turloughs [3180]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Juniperus communis formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</p> <p>Limestone pavements [8240]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p>	(000606)	14.9km
<p>Inner Galway Bay SPA</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Black-throated Diver (Gavia arctica) [A002]</p> <p>Great Northern Diver (Gavia immer) [A003]</p> <p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Grey Heron (Ardea cinerea) [A028]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p>	(004031)	2.1km

<p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Sandwich Tern (<i>Sterna sandvicensis</i>) [A191]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Wetland and Waterbirds [A999]</p>		
<p>Lough Corrib SPA</p> <p>Conservation Objectives:</p> <p>To maintain or restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Gadwall (<i>Anas strepera</i>) [A051]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Pochard (<i>Aythya ferina</i>) [A059]</p> <p>Tufted Duck (<i>Aythya fuligula</i>) [A061]</p> <p>Common Scoter (<i>Melanitta nigra</i>) [A065]</p> <p>Hen Harrier (<i>Circus cyaneus</i>) [A082]</p> <p>Coot (<i>Fulica atra</i>) [A125]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p>	(004042)	6.2km

Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Common Gull (<i>Larus canus</i>) [A182] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395] Wetland and Waterbirds [A999]		
Cregganna Marsh SPA Conservation Objectives: To maintain or restore the favourable conservation condition of the qualifying interests. Qualifying Interests Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]	(004142)	9.2km

12.4.6 **Connectivity-Source-Pathway-Receptor:** The submitted AA Screening Report makes full consideration of the Connectivity-Source-Pathway-Receptor model for each of the four identified sites. The following is found in summary:

Site	Connection	Comment
Lough Corrib SAC	Yes	Weak hydrological pathway via surface water discharges into the River Corrib during construction and operation.
Galway Bay Complex SAC	Yes	Weak hydrological pathway via surface water discharges into the River Corrib during construction and operation, and discharge from Mutton Island WwTP into Galway Bay.

Conemara Bog Complex SAC	No	No hydrological connection, due to distance and the lack of any relevant ex-situ factors of significance to the listed species or habitats.
Ross lake and Woods SAC	No	No hydrological connection, due to distance and the lack of any relevant ex-situ factors of significance to the listed species or habitats.
East Burren Complex SAC	No	No hydrological connection, due to distance and the lack of any relevant ex-situ factors of significance to the listed species or habitats.
Lough Fingall Complex SAC	No	No hydrological connection, due to distance and the lack of any relevant ex-situ factors of significance to the listed species or habitats.
Inner Galway Bay SPA	Yes	Weak hydrological pathway via surface water discharges into the River Corrib during construction and operation, and discharge from Mutton Island WwTP into Galway Bay.
Lough Corrib SPA	No	No hydrological connection, due to distance possibility of significant effects arising from emissions of noise, dust, pollutants and/or vibrations can be ruled out and the site does not provide any ex-situ habitat for QI/SCI species.
Cregganna Marsh SPA	No	No hydrological connection, due to distance possibility of significant effects

		<p>arising from emissions of noise, dust, pollutants and/or vibrations can be ruled out and the site does not provide any ex-situ habitat for QI/SCI species.</p>
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12.4.7 There are no ecological networks supporting the identified European sites and there are no other areas of conservation concern that would be affected by the proposed development.

12.4.8 Assessment of Likely Significant Effects:

The submitted AA Screening considers the potential impacts on European Sites from the proposed development. As reported, there are no direct connection between the site and European sites with only indirect connections identified in the form of potential discharges to surface water and wastewater from the development, which will be treated at the Mutton Island Wastewater Treatment Plan (WWTP) and such is only in the case of three sites...

Lough Corrib SAC (000297)

Galway Bay Complex SAC (000268)

Inner Galway Bay SPA (004031)

The range of indicators for significant effects include

Habit loss or alteration

Habitat species/fragmentation

Disturbance and/or displacement of species

Changes in population density and

Changes in water quality and resource

Potential significant effects could arise during the construction and operational phased

Construction Phase

Uncontrolled release of silt, sediments and/or other pollutants to the air during earth works.

Surface water run-off containing silt, sediments and/or other pollutants in nearby waterbodies and local groundwater.

Waste generation during construction phase comprising soils, construction and demolition wastes,

Increase noise, dust and/or vibrations as a result of construction activity and construction traffic.

Increase lighting in the vicinity as a result of construction activity.

Operational Phase

Surface water drainage from site.

Increased lighting in the vicinity emanating for the proposed development.

Increased human presence in the vicinity as a result of the proposed development.

Habitat loss or alteration:

No habitat loss or alteration as a result of the proposed development.

Habitat/species fragmentation

No habitat/species fragmentation as a result of the proposed development.

Changes in Water Quality and Resource

The proposal is to be connected to the public surface water system to the south of the site with a hydrological connection to the Lough Corrib SAC, Galway Bay Complex SAC and Inner Galway Bay SPA via surface water discharge during both construction and operational phase. During the construction phase standard measures will be employed to address surface water run-off and the general management of liquid waste on site. These will be outlined in the adopted Construction Management Plan (outline Construction and Environmental Management Plan submitted) and any associated documentation.

During the operational phase of the development the surface water drainage design will have full regard to SUDs. The proposed surface water drainage system will ensure that the risk of pollutants entering the Galway Bay system is unlikely to occur with full details of surface water drainage proposals in the submitted Infrastructural Report.

This wastewater plant has capacity to treat the wastewater from this development. Table 1 of the AA Screening Report considers likely significant effects at Construction and Operational stages. No significant effects are identified, and no mitigation measures are required. Best practice construction methods will be employed on site, but these are not necessary to ensure that effects on a European site can be avoided/ reduced.

In-combination effects are considered under Section 3.5.2.6 of the applicant's report and following the consideration of a number of planning applications in the area, there is no potential for in-combination effects given the scale and location of the development.

12.4.9 AA Screening Report Conclusion: The AA Screening report has concluded that the possibility of any significant effects on identified, designated European sites can be excluded. The following are noted:

- '1. The Proposed Development is not directly connected with, or necessary to the conservation management of the European sites considered in this assessment.
2. The Proposed Development is unlikely to either directly or indirectly significantly affect the Qualifying interests or Conservation Objectives of the European sites considered in this assessment.
3. The Proposed Development, alone or in combination with other projects, is not likely to have significant effects on the European sites considered in this assessment in view of their conservation objectives.
4. It is possible to conclude that significant effects can be excluded at the screening stage'.

There is no requirement to therefore prepare a Stage 2 – Appropriate Assessment.

12.5 Screening Assessment

12.5.1 In determining the Natura 2000 sites to be considered, I have had regard to the nature and scale of the development, the distance from the site to the designated Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site. The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The impact area of the construction phase would be limited to the outline of the site.

12.5.2 In terms of the zone of influence, I would note that the site is not within or immediately adjacent to a European site and therefore there will be no loss or alteration of habitat, or habitat/ species fragmentation as a result of the proposed development.

12.5.3 There are no watercourses on site and the only connection between the site and the identified European sites would be an indirect linkage by way of the public wastewater system or potential discharges to surface water (River Corrib). Considering the distance from the site to the nearest European site and the use of the existing public wastewater treatment, I am satisfied that there would be no significant effect on any identified site.

12.5.4 During the construction phase of development, standard measures will be employed to address surface water run-off and the general management of liquid waste on site. These will be outlined in the adopted Construction Management Plan and any associated documentation. Considering the site layout, location, and distance from the designated sites, there is no realistic likelihood of pollutants reaching the identified Natura 2000 sites.

12.5.5 During the operational phase of the development the surface water drainage design will have full regard to SUDs. The proposed surface water drainage system will ensure that the risk of pollutants entering the Galway Bay system is unlikely to occur.

12.5.6 Foul drainage will be through the existing foul drainage system. Considering the distance from the site to Galway Bay, there is no significant risk of any pollutants from the development site impacting on any Natura 2000 sites.

12.5.7 I note in full the submitted AA Screening Report and supporting documentation. I note various measures proposed during the construction and operational phase of the development and I am satisfied that these are standard construction/ operational processes and cannot be considered as mitigation measures. These measures are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Galway Bay, from surface water runoff, can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in Galway Bay (dilution factor).

12.5.8 Consideration of Impacts on Lough Corrib SAC, Galway Bay Complex SAC and Inner Galway Bay SPA:

- There is nothing unique or particularly challenging about the proposed urban development, either at construction phase or operational phase.
- There are no surface water features within the site. During the construction phase standard pollution control measures are to be used to prevent sediment or pollutants from leaving the construction site and entering the water system.
- During the operational phase of development, foul water will drain to the public system. The discharge from the proposed development would drain, via the public network, to the Mutton Island Wastewater Treatment Plant for treatment and ultimately discharge to Galway Bay. There is potential for an interrupted and distant hydrological connection between the site and sites in Galway Bay due to

the wastewater pathway. However, the discharge from the site is negligible in the context of the overall licenced discharge at Mutton Island Wastewater Treatment Plant, and thus its impact on the overall discharge would be negligible.

12.6 In-Combination or Cumulative Effects

12.6.1 This project is taking place within the context of greater levels of built development and associated increases in residential density in the Galway area. This can act in a cumulative manner through increased volumes to the Mutton Island Wastewater Treatment Plant (WWTP). The expansion of the city is catered for through land use planning by the various planning authorities in the Galway area, and in accordance with the requirements of the Galway City Development Plan. This has been subject to AA by the Planning Authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 sites. I note also the development is for an urban development in an established urban area, with an appropriate CI zoning. As such the proposal will not generate significant demands on the existing public drainage network for foul water and surface water.

12.6.2 Having regard to the scale of development proposed, and likely time for occupation if permitted and constructed, it is considered that the development would result in an insignificant increase in the loading at the Mutton Island Wastewater Treatment Plant, which would in any event be subject to Irish Water consent and would only be given where compliance with EPA licencing in respect of the operation of the plant was not breached.

12.6.3 Taking into consideration the average effluent discharge from the proposed development, the impacts arising from the cumulative effect of discharges to the Mutton Island WWTP generally, and the considerations discussed above, I am satisfied that there are no projects or plans which can act in combination with this development that could give rise to any significant effect to Natura 2000 Sites within the zone of influence of the proposed development.

12.7 AA Screening Conclusion:

12.7.1 It is reasonable to conclude that on the basis of the information provided on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Lough Corrib SAC (000297), Galway Bay Complex SAC (000268) and Inner Galway Bay SPA (004031), or any European site, in view of these sites' Conservation Objectives, and having regard to the nature and scale of the proposed development and the location of the site in an established, serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise. It is therefore not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on an European site. In consideration of the above conclusion, there is no requirement therefore for a Stage 2 Appropriate Assessment (and for the submission of a Natura Impact Statement - NIS).

13.0 Environmental Impact Assessment Screening

13.1. This application was submitted to the Board after the 1st of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.

13.2. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted EIA Screening Report (Prepared by Enviroguide Consulting – Dated April 2022) and I have had regard to same. The report considers that the development is below the thresholds for mandatory EIAR having regard to Schedule 5 of the Planning and Development Regulations 2001, due to the site size, number of residential units (240 bed spaces in 32 clusters) and the fact that the proposal is unlikely to give rise to significant environment effects, a formal EIAR is not required. In addition, detailed and comprehensive assessments have been undertaken to assess/ address all potential planning and environmental issues relating to the development.

13.3 Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 as amended, and section 172(1)(a) of the Planning and Development Act 2000 as amended provides that an EIA is required for infrastructure developments comprising of urban development which would exceed:

- 500 dwellings.
- Construction of a shopping centre with a gross floor area exceeding 10,000sqm.
- Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. A business district is defined as 'a district within a city or town in which the predominant land use is retail or commercial use'.

13.4 Item (15)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 as amended provides that an EIA is required for: "Any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7."

13.6 The proposed development is for student accommodation providing 240 bed spaces, in 32 apartment units providing from 4-8 bed spaces per unit, provision of 1 no. café unit with ancillary takeaway (c. 98sqm) at ground floor level. The site is part of the curtilage of the Westside Shopping centre, which is a district retail centre. The site is within an area that could be classified as business district based on existing uses on site, however the site is 0.54 hectares in area. It is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001 as amended, in that it is less than 500 units and is below the 2 hectares (that would be the applicable threshold for this site, being a site less than 2 hectares in a business district).

13.7 Environmental Impact Assessment is required for development proposals of a class specified in Part 1 or 2 of Schedule 5 that are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

13.8 The applicant submitted an EIA Screening Statement with the application, and this document provides the information deemed necessary for the purposes of screening sub-threshold development for an Environmental Impact Assessment.

13.9 The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application including inter alia:

- Architectural Design Statement (C+W O'Brien 2022)
- Planning report (Thornton O'Connor 2022)
- Landscape and Visual Impact Assessment (3D Design Bureau)
- Verified Views and CGI (3D Design Bureau)
- Infrastructure Design Report (incorporating Flood Risk Assessment) (AECOM)
- Ecological Impact Assessment (Enviroguide)
- Appropriate Assessment Screening Report (Enviroguide)

- Outline Construction & Environmental Management Plan (Byrne Environmental)
- Outline Construction & Demolition Waste Management Plan (Byrne Environmental)
- Transport Assessment Report (NRB Consulting Engineers)
- Geotechnical Report (AECOM)
- Aeronautical Assessment (O'Dwyer Jones Design Partnership)

13.10 In addition, noting the requirements of Section 299B (1)(b)(ii)(II)(C), whereby the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account and are listed in Appendix A of the EIAR. The documents are summarised as follows:

Document:	Comment:	Relevant Directives:
Ecological Impact Assessment prepared by Enviroguide.		Directive 92/43/EEC, The Habitats Directive
Appropriate Assessment Screening prepared by Enviroguide.		Directive 92/43/EEC, The Habitats Directive Directive 2000/60/EC, EU Water Framework Directive
Infrastructure Report prepared by AECOM		Directive 92/43/EEC, The Habitats Directive Directive 2000/60/EC, EU Water Framework Directive Directive 2007/60/EC on the assessment and

		management of flood risks
Planning Report prepared by Thornton O'Connor which includes a Statement of Consistency. Material Contravention Statement prepared by Thornton O'Connor		Directive 2001/42/EC, SEA Directive
Outline Construction & Environmental Management Plan prepared by Byrne Environmental		Directive 2002/49/EC, Environmental Noise Directive
Outline Construction & Environmental Management Plan prepared by Byrne Environmental		Directive 2002/49/EC, Environmental Noise Directive Directive 2008/50/EC on ambient air quality and cleaner air for Europe
Transport Assessment Report prepared by NRB Consulting Engineers		Directive 2008/50/EC on ambient air quality and cleaner air for Europe
Outline Construction & Demolition Waste Management Plan prepared by Byrne Environmental		Directive 2008/50/EC on ambient air quality and cleaner air for Europe
Infrastructure Report prepared by AECOM		Directive 2007/60/EC on the assessment and

		management of flood risks
Site Specific Flood Risk Assessment prepared by AECOM		Directive 2007/60/EC on the assessment and management of flood risks
N/A	Seveso sites in the area were identified in: Topaz Energy Galway 3km from the site.	SEVESO DIRECTIVE 82/501/EEC, SEVESO II DIRECTIVE 96/82/EC, SEVESO III DIRECTIVE 2012/18/EU

13.11 The EIA screening report prepared by the applicant has under the relevant themed headings considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all other relevant assessments have been identified for the purposes of screening out EIAR.

13.12 I have completed an EIA screening assessment as set out in Appendix A of this report.

13.13 I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application.

13.14 I am overall satisfied that the information required under Section 299B(1)(b)(ii)(II) of the Planning and Development Regulations 2001 (as amended) have been submitted.

13.15 A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

14.0 Recommendation

Section 9(4) of the Act provides that the Board may decide to:

- (a) grant permission for the proposed development.
 - (b) grant permission for the proposed development subject to such modifications to the proposed development as it specifies in its decision,
 - (c) grant permission, in part only, for the proposed development, with or without any other modifications as it may specify in its decision, or
 - (d) refuse to grant permission for the proposed development,
- and may attach to a permission under paragraph (a), (b) or (c) such conditions it considers appropriate.

In conclusion, I consider the principle of development as proposed to be acceptable on this site. The site is suitably zoned for student accommodation and a café development, is a serviced site, where public transport, social, educational and commercial services are available. The proposed development is of a suitably high quality and provides ancillary communal facilities and acceptable level and quality communal open space.

I do not foresee that the development will negatively impact on the existing residential/adjoining amenities and visual amenities of the area. Suitable pedestrian, cycling and public transport is available to serve the development. The development is generally in accordance with National Guidance and Local Policy and is in accordance with the proper planning and sustainable development of the area.

14.1. Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied, and that permission is **GRANTED** for the development, for the reasons and considerations and subject to the conditions set out below.

15.0 Reasons and Considerations

Having regard to

(i) the site's location on lands with a zoning objective allowing for student accommodation development and the policy and objective provisions in the Galway City Development Plan 2017 - 2023 in respect of residential development,

(ii) the nature, scale and design of the proposed development which is consistent with the provisions of the Galway City Development Plan 2017 – 2023 and appendices contained therein,

(iii) Housing for All (2021),

(iv) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and the accompanying Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,

(v) Urban Development and Building Heights - Guidelines for Planning Authorities – (DoHPLG, 2018).,

(vi) National Student Accommodation Strategy (2017),

(vii) Telecommunications Antenna & Support Structures: Guidelines for Planning Authorities (1996),

(viii) the availability in the area of a wide range of social and transport infrastructure,

(ix) to the pattern of existing and permitted development in the area, and

(x) Chief Executive's Report and,

(xi) to the submissions and observations received,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of

traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

16.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The proposed development shall be implemented as follows:

(a) The student accommodation and complex shall be operated and managed in accordance with the measures indicated in the Student Accommodation Management Plan submitted with the application.

(b) Student House Units shall not be amalgamated or combined.

Reason: In the interests of the amenities of occupiers of the units and surrounding properties.

3. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

4. No additional development shall take place above roof parapet level apart from that specified in the development description and public notices, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission. Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

5.

(a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling shall not exceed:- (i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. (ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

(b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

Reason: To protect the residential amenities of property in the vicinity of the site.

6. The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interests of clarity and public health.

7. Drainage arrangements including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management.

8. The following requirements of the planning authority in terms of traffic, transportation and mobility shall be incorporated and where required, revised drawings/reports showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(a) A Mobility Management Plan which addresses all of the uses within the proposal and the term-time and out-of-term use of the accommodation shall be submitted to and agreed with the Planning Authority.

(b) Additional bike stands externally to the proposed block shall be provided;

(c) Provision of adequate linkage of pathways to the east and west with the existing cycle way along the northern side of Seamus Quirke Road with appropriate dishing of the kerb.

(d) Provision of wider external door openings to the secure bicycle parking to facilitate separate inward and outward opening doors, relocation of accessible bicycle parking to nearer the external doors and provision of an internal door opening to bicycle parking from the communal area at ground floor.

(e) Findings of the Stage 1/2 Road Safety Audit and the undertaking of a Stage 3/4 Road Safety Audit shall be agreed and discharged with the Planning Authority.

(f) Public lighting and all external lighting shall be agreed with the Planning Authority.

Reason: In the interests of traffic, cyclist and pedestrian safety.

9. Prior to the commencement of development the applicant shall consult with the the HSE Aero-medical & Special Operations Section, HSE and Galway University Hospital in relation to implications for the safety of operations to/from the helipad. The applicant shall provide a minimum of 30 days notification to the HSE in advance of any crane operations on site and consult fully with regard to crane strategy and any obstacle lighting requirements.

Reason In the interest of air traffic safety.

10. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

11. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

12. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

13.

(a) In the event of the proposed telecommunications structures becoming obsolete and being decommissioned, the developers shall, at their own expense, remove the mast, antenna and ancillary structures and equipment.

(b) The site shall be reinstated on removal of the telecommunications structure and ancillary structures. Details relating to the removal and reinstatement shall be submitted to and agreed in writing with the planning authority at least one month

before the removal of the telecommunications structure and ancillary structures and the work shall be completed within three months of the planning authority's approval in writing of these details.

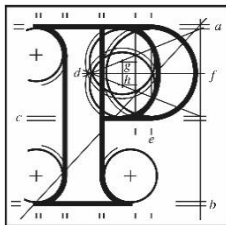
Reason: In the interest of orderly development.

14. The transmitter power output, antenna type and mounting configuration shall be in accordance with the details submitted with this application and, notwithstanding the provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, shall not be altered without a prior grant of planning permission.

Reason: To clarify the nature and extent of the permitted development to which this permission relates and to facilitate a full assessment of any future alterations

15. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



An
Bord
Pleanála

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS

An Bord Pleanála Case Reference		ABP-313286-22
Development Summary		The development of student accommodation providing for 240 bed spaces, a ground floor café in a seven-storey block, and all associated car parking, open space and necessary infrastructure.

	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	An EIA Screening Report and a Stage 1 AA Screening Report was submitted with the application
2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	SEA undertaken in respect of the Galway City Development Plan 2017 - 2023 and the results of the Strategic Environmental Assessment of the plan. See also Section 13.10 of the Inspectors Report for details of other relevant assessments.

B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures – Where relevant specify features	Is this likely to result in significant effects on the environment ? Yes/ No/ Uncertain

		or measures proposed by the applicant to avoid or prevent a significant effect.	
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	Yes	The development comprises the construction of student accommodation on zoned lands. A seven-storey block is proposed in an area predominantly characterised by single-three storey structures.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposed development is located on a brownfield/ infill site within Galway City.	No.
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	Construction materials will be typical of such an urban development. The loss of natural resources or local biodiversity as a	No.

		<p>result of the development of the site are not regarded as significant in nature.</p>	
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels, hydraulic oils and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this</p>	<p>No.</p>

		regard are anticipated.	
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential</p>	<p>No.</p>

		<p>impacts. Operational waste will be managed via a Waste Management Plan. Significant operational impacts are not anticipated.</p>	
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No</p>	<p>No significant risk identified. Operation of a Construction Management Plan will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services. Surface water drainage will be separate to foul services within the site. No significant emissions during operation are anticipated.</p>	<p>No.</p>

<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p>No.</p>
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in</p>	<p>No.</p>

		<p>nature and the application of a Construction Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	
<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p>No.</p>
<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>Yes</p>	<p>Redevelopment of this site as proposed will result in a change</p>	<p>No.</p>

		<p>of use and an increased population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses.</p>	
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>No.</p>	<p>Permission was granted for a similar development on this site. The proposed development provides for one additional floor and an increase in unit numbers. The development changes have been considered in their entirety and will not give rise to any significant additional effects.</p>	<p>No.</p>
<p>2. Location of proposed development</p>			

<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ol style="list-style-type: none"> 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	No	<p>No European sites located on the site. An Appropriate Assessment accompanied the application which concluded the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of any designated European sites.</p>	No.
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	No	<p>No such species use the site and no impacts on such species are anticipated.</p>	No.
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	No	<p>The site is not within or adjacent to any such sites.</p>	No.
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	No.	<p>There are no such features arise in this urban location.</p>	No.
<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project,</p>	No.	<p>There are no direct connections to watercourses in the area. The</p>	No.

<p>particularly in terms of their volume and flood risk?</p>		<p>development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding. Potential indirect impacts are considered with regard to surface water, however, no likely significant effects are anticipated.</p>	
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No.</p>	<p>Site is located in a built-up urban location where such impacts are not foreseen.</p>	<p>No.</p>
<p>2.7 Are there any key transport routes (e.g. National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>No.</p>	<p>The site is served by a local urban road network. There are sustainable transport options available to future residents. No significant contribution to traffic congestion is anticipated.</p>	<p>No.</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	<p>No</p>	<p>None adjacent to the subject site.</p>	<p>No.</p>

3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No.	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects. Some cumulative traffic impacts may arise during construction. This would be subject to a construction traffic management plan.	No.
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No.	No trans-boundary effects arise.	No.
3.3 Are there any other relevant considerations?	No.	No.	No.
C. CONCLUSION			
No real likelihood of significant effects on the environment.	Yes	EIAR Not Required	EIAR Not Required.
Real likelihood of significant effects on the environment.		Refuse to deal with the application pursuant to section 8(3)(a) of the Planning and Development (Housing) and	

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- c) the location of the site on lands governed by zoning objective CI 'To provide for enterprise, light industry and commercial uses other than those reserved to the CC zone' in the Galway City Development Plan 2017 - 2023,
- d) The existing use on the site and pattern of development in surrounding area,
- e) The planning history relating to the site,
- f) The availability of mains water and wastewater services to serve the proposed development,
- g) The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),
- h) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003),
- i) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 as amended, and
- j) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Outline Construction & Demolition Waste Management Plan (CDWMP) and Outline Construction and Environmental Management Plan (CEMP),

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

Inspector: Colin McBride

Date:

30/09/22