



An  
Bord  
Pleanála

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

## Inspector's Report ABP-314295-22

### **Strategic Housing Development**

Demolish house and ruinous structures, and construct 84 houses, 86 apartments, a childcare facility and associated development

### **Location**

Castlegar and Ballinfoile townlands, Bóthar an Chóiste, Galway

### **Planning Authority**

Galway City Council

### **Applicant**

Lock House Developments Limited

### **Prescribed Bodies**

Irish Water

Transport Infrastructure Ireland

### **Observers**

Castlegar Residents' Association

Galway Cycling Campaign

### **Date of Site Inspection**

9<sup>th</sup> December 2022

### **Inspector**

Colm McLoughlin

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## **1.0 Introduction**

- 1.1. This report provides an assessment of a proposed strategic housing development submitted to An Bord Pleanála under the provisions of section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (hereinafter referred to as ‘the Act of 2016’).

## **2.0 Site Location and Description**

- 2.1. Situated on the northern edge of Galway city in the Castlegar area, the application site measures a stated gross area of approximately 4.6 hectares. It is approximately 3.2km from the city centre and primarily comprises an agricultural field and a stretch of public road, known as Bóthar an Chóiste, leading southwest from the proposed housing part of the site to a local access road (L5041), serving numerous residential developments including Baile an Chóiste, Lóchan, Maigh Riocaird, Cluain Riocaird and Ard an Chóiste. It features a house and associated gardens known as ‘Brambles’ in the southwest corner and accessed off Bóthar an Chóiste. A ruinous house and associated outbuilding are situated in the southeast corner of the site. The subject agricultural field features 180m frontage onto Bóthar an Chóiste, which connects the N83 Tuam Road and the N84 Headford Road. Based on the submitted survey levels, there is a 9m rise in ground levels from the southern roadside boundary to the northeast corner of the site. Ground levels on site initially rise steadily by 6m towards the centre of the site from the roadside boundary, before dropping steadily by 4m towards the rear of the site. There are also 3m to 4m inclines along the centre of the western boundary and in the northeast corner of the site. There are no open watercourses situated within or adjoining the site. The site features a mix of boundary types, primarily dominated by stonewalls and hedgerows. Overhead telecommunication lines follow the roadside field boundary. The public road element of the site measuring approximately 650m in length features carriageways, footpaths and traffic islands at the junction of Bóthar an Chóiste with the L5041 local road and Baile an Chóiste residential access road to the south.
- 2.2. The immediate area to the west and north of the site is primarily characterised by agricultural fields, while the lands on the opposite side of Bóthar an Chóiste feature numerous residential estates, including those referred to above, which generally

feature a mix of three-storey apartment and townhouse blocks, as well as two-storey semi-detached and terraced houses. Leading east from the site fronting onto Bóthar an Chóiste there are numerous one-off houses. Light industrial / warehouse premises are located northwest of the application site.

### **3.0 Proposed Strategic Housing Development**

3.1. The proposed strategic housing development would consist of the following elements:

- demolition of an existing house (124.6sq.m), a ruined outbuilding (42.8sq.m), and a ruined dwelling (41.7sq.m);
- construction of 170 residential units, comprising 84 two-storey houses (34 two-bedroom, 42 three-bedroom and eight four-bedroom), an apartment block comprising 17 apartments (ten one-bedroom and seven two-bedroom), an apartment block comprising 21 apartments (12 one-bedroom and nine two-bedroom), 48 duplex units (11 one-bedroom, 24 two-bedroom and 13 three-bedroom);
- construction of a two-storey childcare facility (300sq.m) accommodating 46 child spaces and featuring associated outdoor play and parking areas;
- provision of all associated surface water and foul drainage services and connections, including a pumping station, with all associated site works and ancillary services;
- upgrade of the existing Bóthar an Chóiste local road from the proposed development to its junction with the L5041 local road, consisting of road improvements, road widening and junction re-alignment;
- pedestrian, cyclist and vehicular links throughout the development and onto Bóthar an Chóiste, with a pedestrian and cyclist link to the adjacent greenway route;
- provision of shared communal and private open space, site landscaping and public lighting, resident and visitor car parking, including electric-vehicle charging points, bicycle parking spaces, and all associated site development works.

3.2. The following tables set out the key standards for the proposed strategic housing development:

**Table 1.** Stated Development Standards

Site Area – gross / net	4.63ha / 3.76ha
No. of units	170
Part V units (%)	17 (10%)
Residential Gross Floor Area (GFA)	14,997sq.m
Non-residential GFA (% total GFA)	300sq.m (2%)
Total GFA	15,227sq.m
Residential Density (net)	45 units per ha
Public Open Space (% of net site area)	5,841sq.m (15.4%)
Communal Open Space (% of net site area)	0sq.m (0%)
Plot Ratio (net area)	0.46:1
Site Coverage	Not stated

**Table 2.** Unit Mix

	one-bedroom	two-bedroom	three-bedroom	four-bedroom	Total
Apartments (%)	33 (19.4%)	40 (23.5%)	13 (7.7%)	-	86 (50.6%)
Houses (%)	-	34 (20.0%)	42 (24.7%)	8 (4.7%)	84 (49.4%)
Total Units	33 (19.4%)	74 (43.5%)	55 (32.4%)	8 (4.7%)	170 (100%)

**Table 3.** Parking Spaces

Car parking – houses	154
Car parking – duplex apartments	53
Car parking – apartments	48
Car parking – childcare facility	5
Total car parking	260
Cycle parking (residential)	417

3.3. In addition to the standard contents, the application was accompanied by various technical reports with appendices and drawings, including the following:

- Planning Report & Statement of Consistency;
- Statement of Response Report;
- Material Contravention Statement;
- Architectural Design Statement;

- Ecological Impact Assessment (including Bat Report);
- Appropriate Assessment Screening Report;
- Natura Impact Statement;
- Environmental Impact Assessment Screening Report;
- Report on Civil Works Planning Stage;
- Daylight, Sunlight and Overshadowing Study;
- Traffic and Transportation Assessment;
- Design Manual for Urban Roads and Streets (DMURS) Statement of Consistency;
- Landscape Report;
- Archaeological Impact Assessment;
- Stage 1 Road Safety Audit Proposed Works to Castlegar Road / Bóthar an Chóiste;
- Stage 1 Road Safety Audit Strategic Housing Development;
- Construction and Demolition Waste Management Plan;
- Preliminary Construction Traffic Management Plan;
- Acoustic Design Statement;
- Mechanical and Electrical Services Report;
- Building Lifecycle Report;
- Site Lighting Design Report.

## **4.0 Planning History**

### **4.1. Application Site**

4.1.1. I am not aware of any recent planning applications relating to the application site. The following compulsory purchase order (CPO) relates to the stretch of local road included within the application site:

- ABP ref. CH61.311965 – following the withdrawal of objections a CPO was granted in April 2022 for road improvement and widening works along a 516m stretch of Bóthar an Chóiste.

## 4.2. Surrounding Area

4.2.1. The applicant, the Planning Authority and observers refer to applications for development relating to the surrounding area of the application site, including the following:

- Galway City Council (GCC) ref. 00/828 – permission was granted by the Planning Authority in June 2001 for Cluain Riocaird development to the south of the application site, including 106 semi-detached and terraced houses, 159 apartments in two to three-storey blocks, 31 student-accommodation apartments and accesses off the L5041 local road;
- An Bord Pleanála (ABP) ref. PL61.248739 / GCC ref. 16/302 – permission was granted by the Board in January 2018 for 13 houses at the junction of Bóthar an Chóiste and the L5041 local road. This was amended by a new permission granted by the Planning Authority in June 2018 under GCC ref.18/21 for 15 houses known as Cairéal Mór following withdrawal of an appeal (ABP ref.301785-18);
- ABP ref. 302848-18 - in December 2021 the Board granted permission for a Local Authority road scheme development comprising the N6 Galway City Ring Road Motorway Scheme 2018 and Protected Road Scheme 2018, which would feature the motorway element skirting the northeast corner of the application site. This road project is currently the subject of an Order of Certiorari to quash the Board's decision and remit the decision back to An Bord Pleanála. A CPO (ABP ref. 302885-18) was granted concurrently with the permission;
- ABP ref. 313723-22 – permission was refused by the Board in October 2022 for a Local Authority social housing development comprising 24 units on the Headford Road approximately 300m to the northwest of the application site, due to the peripheral site location lacking of adequate bus connections, the lack of adequate and safe pedestrian and cycle linkages, as well as the resultant excessive car dependency of the development.

4.2.2. The following are currently the closest recent strategic housing development applications in the wider area to the subject site:

- ABP ref. 306403-20 – permission granted in June 2020 for 248 student bed space development in two blocks of three to four storeys in height on a site approximately 1.2km to the southwest of the application site close to the junction of Coolough Road and Dyke Road in Terryland;
- ABP ref. 310348-21 – permission granted in September 2021 for 345 build-to-rent apartments in four blocks of up to six storeys in height on a site approximately 1km to the south of the application site along Wellpark Road in Mervue.

## **5.0 Section 5 Pre-application Consultation**

### **5.1. Pre-application Consultation**

5.1.1. A pre-application consultation meeting between representatives of An Bord Pleanála, the applicant and the Planning Authority took place on the 21<sup>st</sup> day of March, 2022, in respect of a proposed development comprising 170 residential units, a childcare facility and associated site works. Copies of the record of this consultation meeting and the Inspector’s report are appended to this file. The main topics raised for discussion at the tripartite meeting were as follows:

- clarification and justification of the proposals with regard to land-use zoning objectives and specific local objectives contained in the Galway City Development Plan 2017-2023;
- development layout and design details;
- residential amenity, including the need for noise and lighting assessments;
- clarification with respect to road upgrade works and access to public transport;
- infrastructural considerations, including drainage and water supply capacity, sustainable urban drainage system (SUDS) measures and pumping station details.



## 5.2. Board Opinion

5.2.1. In the Notice of Pre-Application Consultation Opinion (ABP ref. 312197-21) dated the 22<sup>nd</sup> day of April, 2022, An Bord Pleanála stated that it was of the opinion that the documents submitted constituted a reasonable basis for an application under section 4 of the Act of 2016 and that the following specific information, in addition to the standard strategic housing development application requirements, should be submitted with any application for permission arising:

- a statement to address local roads objectives;
- a statement addressing any material contraventions of the Development Plan;
- an assessment addressing connectivity and permeability;
- details of road upgrade and improvement works along Bóthar an Chóiste, including timeframes for delivery of same;
- justification for the proposed car parking and cycle parking layouts and quantum;
- a report addressing the potential impacts on neighbouring residential amenities;
- a daylight and shadow impact assessment;
- a response to matters raised within the Planning Authority's opinion;
- detailed landscape plans;
- a noise action plan and assessment;
- a building lifecycle report;
- an ecological impact assessment, including bird and bat surveys;
- taking-in-charge details;
- a construction and demolition waste management plan.

5.2.2. The prospective applicant was requested by the Board to notify the following prescribed bodies in relation to the lodging of the application:

- Transport Infrastructure Ireland (TII);

- the National Transport Authority;
- The Heritage Council;
- An Taisce
- Irish Water;
- Galway County and City Childcare Committee.

### 5.3. Applicant's Response to Opinion

- 5.3.1. The application includes a document titled 'Statement of Response'. Section 2 of this document outlines the specific information that has been submitted with the application to address the Board's opinion, while also detailing how the development is considered to comply with the requirements listed in the initial written opinion of the Planning Authority.

## 6.0 Planning Policy

### 6.1. National Planning Policy

#### Project Ireland 2040 - National Planning Framework

- 6.1.1. Project Ireland 2040 links planning and investment in Ireland through the National Planning Framework (NPF) and a ten-year National Development Plan (NDP). The NPF encapsulates the Government's high-level strategic plan to shape the future growth and development of Ireland to the year 2040. The NPF supports the requirement set out in the Government's strategy titled 'Rebuilding Ireland: Action Plan for Housing and Homelessness (2016)', in order to ensure the provision of a social and affordable supply of housing in appropriate locations. The NPF seeks to realise the potential of Galway to become a city of scale, growing its population by between 40,000 and 45,000 by 2040.
- 6.1.2. National Planning Objective (NPO) 3b seeks to deliver at least 50% of all new homes in the cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford. NPOs for people, homes and communities are set out under chapter 6 of the NPF. NPO 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 the

location. Other NPOs of relevance to this application include NPOs 4 (build attractive, liveable and well-designed urban places) and 13 (development standards).

### Ministerial Guidelines

6.1.3. In consideration of the nature and scale of the proposed development, the receiving environment and the site context, as well as the documentation on file, including the submissions from the Planning Authority and other parties addressed below, I am satisfied that the directly relevant Section 28 Ministerial Guidelines, including revisions to same, comprise:

- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2022);
- Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities (2021);
- Design Manual for Urban Roads and Streets (DMURS) (2019);
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018);
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009);
- The Planning System and Flood Risk Management - Guidelines for Planning Authorities, including the associated Technical Appendices (2009);
- Childcare Facilities – Guidelines for Planning Authorities (2001).

6.1.4. The following planning guidance and strategy documents are also considered relevant:

- Climate Action Plan (2023);
- Places for People – National Policy on Architecture (2022);
- Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas - Water Sensitive Urban Design Best Practice Interim Guidance Document (Department of Housing, Local Government and Heritage, 2022);

- Housing for All – A New Housing Plan for Ireland (2021);
- Archaeology in the Planning Process (2021);
- Water Services – Guidelines for Planning Authorities - Draft (2018);
- IS EN 17037:2018 / BS EN 17037:2018 – Daylight in Buildings (2018);
- Part V of the Planning and Development Act 2000 - Guidelines (2017);
- National Biodiversity Action Plan 2017-2021;
- Road Safety Audits (Transport Infrastructure Ireland, 2017);
- Rebuilding Ireland - Action Plan for Housing and Homelessness (2016);
- Traffic and Transport Assessment Guidelines (Transport Infrastructure Ireland, 2014);
- Spatial Planning and National Roads Guidelines for Planning Authorities (2012);
- National Cycle Manual (2011);
- Building Research Establishment (BRE) 209 Guide - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, (Paul J. Littlefair, 2<sup>nd</sup> Edition 2011);
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (2009);
- Smarter Travel – A Sustainable Transport Future. A New Transport Policy for Ireland 2009 – 2020 (Department of Transport, 2009);
- British Standard (BS) 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting (2008);
- Best Practice Guidelines for Delivering Homes, Sustaining Communities – Quality Housing for Sustainable Communities (2007);
- Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development (2003);
- Framework and Principles for the Protection of the Archaeological Heritage issued by the Department of Arts, Heritage, Gaeltacht and the Islands (1999).

## 6.2. Regional Planning Policy

6.2.1. The 'Northern and Western Regional Assembly Regional Spatial and Economic Strategy (RSES) 2020-2032' supports the implementation of Project Ireland 2040 and the economic and climate policies of the Government, by providing a long-term strategic planning and economic framework for the region. Within the RSES the population of Galway is envisaged to grow by 23,000 between 2016 and 2026. According to the RSES, the application site lies within the Galway metropolitan area, where it is intended to deliver dynamic development through the Galway Metropolitan Area Strategic Plan (MASP) to ensure compact growth. Key transport components for the MASP are set out, including a public transport route and a feeder cycle network route along the L5041 local road to the south of the application site. The consolidation of existing neighbourhoods in Galway is referred to in the RSES, including the Castlegar area. The following regional policy objectives (RPOs) of the RSES are considered relevant to this application:

- RPO 3.6.2 – 50% of all new homes should be built within the existing Galway city development envelope, with 40% on infill and/or brownfield site;
- RPO 3.6.3 – support preparation of a building height strategy setting out a target residential density of 50 units per hectare in high density areas and 35 units per hectare outside of this;
- RPO 3.6.7 – support the delivery of Galway city ring road and Galway Transport Strategy.

## 6.3. Local Planning Policy

### Galway City Development Plan 2023-2029

6.3.1. This recently adopted Development Plan assigns the application site a 'residential' land-use zoning with an objective 'to provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods'. The lands to the immediate west, east and south of the application site also feature this 'residential' land-use zoning objective. The adjoining lands to the north of the application site are zoned for agricultural purposes. An 'RA Greenway' objective is

indicated in the Development Plan along the western boundary of the site connecting Bóthar an Chóiste with the 'Enterprise, Light-Industrial and Commercial' zoned lands adjacent to the northwest of the application site.

- 6.3.2. The northeast corner of the site is identified as adjoining lands within a specific objective relating to the N6 Galway City ring road project. Bóthar an Chóiste is identified in the Development Plan as being subject of a 'road improvement' objective. Specific objective 28 of the Development Plan supports the implementation of general road widening and street improvements for safety and convenience purposes, to facilitate improved infrastructure and safer environments, and for sustainable modes of transport such as walking, cycling and public transport, including along Bóthar an Chóiste. A local neighbourhood centre is identified in the Development Plan at the junction of Bóthar an Chóiste and the L5041 local road in the location of the existing convenience retail shop and retail service units.
- 6.3.3. The application site is situated in an outer-suburban location based on the Development Plan details, which has also identified a requirement for 4,245 additional dwellings in the city between 2023 and 2029. Specific objective 3.9(8) of the Development Plan refers to an Area Plan being prepared for the Castlegar area.
- 6.3.4. Policy 3.4 of the Development Plan sets out the key components for sustainable neighbourhoods in the outer suburbs, including higher densities in appropriate areas, coherent, integrated and attractive neighbourhoods responsive to adjoining developments and biodiversity, featuring mixed housing, recreational facilities, homezones, universal design and adaptability. Section 11.3.1 of the Development Plan sets out management standards for residential development in outer-suburban locations, including standards for housing, amenity, lighting, roads and parking. The application site and the adjoining lands north of Bóthar an Chóiste appear to have been assigned specific development objectives that are subject to design, environmental requirements and traffic safety, regard for protected views from Headford Road, the futureproofing of development proposals, the coordination of developments and compliance with drainage proposals. Section 11.10 of the Development Plan sets out that the framework for density and building height in the city is contained in the 'Galway Urban Density and Building Height Study' (2021).

- 6.3.5. On the 13<sup>th</sup> day of January, 2023, the Minister for Housing, Local Government and Heritage notified Galway City Council of his intention to issue a Draft Direction pursuant to Section 31 of the Planning and Development Act 2000, as amended (hereinafter ‘the Act of 2000’) in relation to a number of matters in the adopted Galway City Development Plan 2023-2029, however, these matters, primarily relating to specific land parcels, do not appear to directly relate to the application site.

#### Galway Transport Strategy 2016

- 6.3.6. The Galway Transport Strategy aims to address current and future transport requirements of the city and its environs, and to identify the level of service requirements for each mode of transport, including walking, cycling, public transport and private vehicle. The N6 Galway City ring road project is identified as an important element of the strategy to remove car journeys and traffic congestion from the city roads to enable the reallocation of road space to more sustainable forms of transport. Figure 4.4 of the Strategy illustrates the emerging route for the ring road project, which would be complemented by a high-quality public transport system with increased passenger capacity, in conjunction with the delivery and promotion of a core and feeder cycling network and an attractive pedestrian-prioritised network. In line with the Galway MASP proposals referenced above, the Strategy indicates a feeder cycle route as part of the wider cycle network and a public bus route along the L5041 local road to the south of the application site.

## **7.0 Statement of Consistency**

- 7.1. The applicant has submitted a document titled ‘Planning Report & Statement of Consistency’, as per the provisions of Section 8(1)(iv)(l) of the Act of 2016. Section 6.1 of the document refers to the provisions of the NPF and the Design Manual for Urban Roads and Streets (DMURS). Section 6.2 of the document addresses Ministerial guidelines, including those referenced in section 6.1 above. The RSES for the Northern and Western region is addressed in section 6.3 of the document. Section 6.4 of the document addresses local planning policy comprising the Galway City Development Plan 2017-2023, the Draft Galway City Development Plan 2023-2029 and the Galway Transport Strategy 2016. Within this document the applicant

asserts that the proposed development is consistent with planning policy at national, regional and local levels, and that the development would contribute towards housing targets for the Galway city area.

## **8.0 Material Contravention Statement**

- 8.1. The applicant has submitted a Material Contravention Statement, as provided for under Section 8(1)(iv)(II) of the Act of 2016. The applicant states that this Statement is submitted with the application in the event that An Bord Pleanála consider the proposed development to materially contravene specific policy standards of the Galway City Development Plan 2017-2023 with respect to the provision of car parking for the duplex units and the childcare facility (section 11.3.1(g) and table 11.5). The Statement also addresses the potential for it to be considered that the development would materially contravene the Development Plan 2017-2023 with respect to the provision of the N6 Galway City ring road project and plot ratio standards.
- 8.2. Within this statement the applicant sets out their rationale to justify granting permission in this case, including:
- the strategic and national importance of the development in delivering housing;
  - conflicting objectives within the Development Plan 2017-2023 allowing for reduced car parking standards;
  - the quantum of parking being appropriate for the site having regard to the provisions of the NPF, the RSES and the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (hereinafter the 'New Apartment Guidelines') supporting reduced car parking.
- 8.3. In conclusion, the applicant asserts that the Board may grant permission for the strategic housing development having regard to the provisions under subsections 37(2)(b)(i)(ii) and (iii) of the Act of 2000.



## 9.0 Observers' Submissions

9.1. A total of two submissions were received within the statutory period from a local residents group and a local cycle advocacy group. The residents' group submission includes photographs of the area and the advocacy group submission includes extracted images from the planning application documentation and extracts from various planning guidance and strategy documents, as well as maps and images relating to the area. The submissions can be summarised as follows:

### Castlegar Residents' Association

- the application site zoning and the need for housing is acknowledged, but the need for safety and proper planning needs to be respected;
- the development would feature poor or absent provision of supporting services and amenities;
- an area plan is required to guide development;
- the proposed development would not protect or enhance the existing character and amenity of Castlegar village and it would not provide improved pedestrian, cycle and traffic movement, as required in the Development Plan 2017-2023 and the draft Development Plan 2023-2029;
- development would feature very imposing buildings set onto a rural road, with more scope to move the taller buildings to the northern side of the site, which would provide greater means to address potential overshadowing;
- a consolidated recreational area amounting to at least 15% of the site area would be necessary to ensure that this space would be useable and functional;
- the greenway link would be susceptible to anti-social behaviour and would be an eyesore;
- local roads have been turned into 'rat runs' for traffic, particularly during peak times, as exemplified in the traffic survey data, and this situation would be exacerbated by the subject proposals with implications for road safety;
- through traffic along Bóthar an Chóiste has increased since then the applicant's traffic surveys were undertaken with the N6/N84 junction now a

traffic-light controlled junction, no longer featuring the five-arm roundabout that was in place when the applicant's traffic survey was undertaken in 2019;

- further assessment of road junction capacity and safety audits would be necessary;
- limited public transport options exist in the area and poor road infrastructure conditions prevail along Bóthar an Chóiste, including blind bends, an absence of footpaths, road markings, cycle infrastructure and lighting, and congested junctions at peak times;
- given the various employment centres and services, such as schools east of the site, the applicant's traffic assessment study is unreliable and unrealistic in assuming that all traffic would exit and enter southwest from the proposed development;
- the proposed childcare facility would be likely to attract traffic from the east side of the development along Bóthar an Chóiste;
- an increase in traffic along the local road network would lead to an increase in ongoing littering;
- a road safety audit the entire length of Bóthar an Chóiste would be necessary with a revised layout and assessment of the proposed access for the development;
- a zebra crossing or ramped crossing should be provided at the entrance to facilitate safe crossing for pedestrians to the proposed footpath along the south side of Bóthar an Chóiste;
- additional car parking or improved pedestrian and cycle infrastructure along Bóthar an Chóiste to the east of the site should be provided;
- the proposed works to upgrade the road along Bóthar an Chóiste should be undertaken in advance of the site works being commenced to address potential conflicts between construction traffic and existing road users, including pedestrians and cyclists;
- it needs to be assured that construction traffic, including vans, cars and heavy-goods vehicles (HGVs), would only access the site from the west;

- there is potential for an alternative vehicular access route through Local Authority-owned land adjoining Cluain Riocaird estate and this should be considered;
- access westwards from the northern boundary of the application site to the N84 Headford Road should be considered, as this would facilitate access to local shops, schools and public transport via active transport modes.

#### Galway Cycling Campaign

- generally in favour of development at this zoned location, subject to appropriate servicing;
- the proposals fail to maximise opportunities for safe active travel and are overly car reliant;
- proposals are premature pending publication of a revised Galway Transport Strategy and pending significant traffic-calming or modal filters along Bóthar an Chóiste;
- road safety concerns arise, in particular the suitability of Headford Road (N84) to cater for cycle traffic based on traffic volumes
- Bóthar an Chóiste serves as a rat run between the N84 and the N83 with an inappropriate 50km/hr speed limit and restricted carriageway widths particularly as pinch points;
- proposals feature an absence of cycle infrastructure as part of the proposed Bóthar an Chóiste upgrade works;
- the topography of the site and area, including stepped pedestrian access into Cluain Riocaird estate leading south towards the greenway route, is not suitable for cyclists and those with mobility issues;
- reduced vehicular speed limits on Bóthar an Chóiste may need to be considered;
- removing through vehicular traffic along Bóthar an Chóiste or provision of the Development Plan greenway route south of the site would substantially progress provision of safe active travel routes;

- contrary to Development Plan and RSES policy, permeability concerns would arise, including scope for improved permeability along the site boundaries by addressing boundary treatments and connecting with the RA greenway route and the adjoining lands to the north;
- the proposals represent a missed opportunity to provide a pedestrian crossing on Bóthar an Chóiste, to improve road layouts in line with the DMURS and to provide lighting;
- revised pedestrian crossing details or a safety audit of same would be necessary for the proposed entrance off Bóthar an Chóiste, including a continuous footpath;
- reduced corner radii at all junctions should be provided in line with the DMURS;
- cyclist safety has not been considered in the two road safety audits submitted by the applicant despite this needing to be considered;
- a reduction in car parking is supported based on statutory and strategic planning guidance, as well as the site context;
- further plans should be requested with respect to the revisions necessary;
- inappropriate and ineffective cycle parking provision is proposed, given the absence of individual cycle storage lockers for apartment residents, the absence of cargo, non-standard and inclusive cycle parking spaces, the limited space available to use cycle parking spaces, and the lack of scope for secure and sheltered cycle parking spaces.

## **10.0 Planning Authority Submission**

10.1. In accordance with the provisions set out under subsection 8(5) of the Act of 2016, the Planning Authority submitted the report of its Chief Executive Officer in relation to the proposal, summarising the prescribed bodies and observers' submissions, and providing planning and technical assessments of the proposed development. The views of the Chief Executive of the Planning Authority can be summarised as follows:

### Development Principles

- reference to the site planning history and development context, including land-use zoning objectives and specific local objectives within the Development Plan 2017-2023;
- the subject proposals provide for an appropriate quantum of housing on these lands;
- the site is in a 'peripheral and/or less accessible urban location' based on the location categories in the New Apartment Guidelines and the density and mix of units is considered to comply with the provisions of the Development Plan 2017-2023;

### Layout and Open Space

- concerns regarding the layout and form of the proposed development, which is defined by a high degree of regimented linearity with heavily urbanised cells / character areas featuring limited visual and open space relief;
- concerns are raised regarding the entrance layout, including scope for car lights to shine into the proposed houses facing directly onto the main entrance, and as the layout would not create the distinctive sense of place advocated in the Urban Design Manual;
- the proposed provision of communal open space is unbalanced and unequally distributed within the development with limited overlooking, separated from residential units and of limited passive or active benefit;
- the development does not feature obvious future tangible links with the adjoining greenway route, which is an objective of the Development Plan 2017-2023;
- the western portion of open space is sub-optimal owing to its narrow form and sloped topography, despite the need for quality communal open space being emphasised given the distance to facilities, such as parks, playing pitches and amenities;
- there is an absence of communal open space for the apartment blocks;

## Access and Parking

- there are no proposals to improve Bóthar an Chóiste east of the site;
- the proposed road upgrades along Bóthar an Chóiste should be completed by the developer prior to occupation of any of the proposed residential units;
- the points raised by the Galway Cycling Campaign regarding cycle parking should be considered;
- safe and convenient access for pedestrians and cyclists between the proposed scheme and the greenway route should have been presented.

## Conclusion, Recommendation and Statement

10.1.1. The Planning Authority recommend refusal to grant planning permission for this strategic housing development, for two reasons: -

**Reason 1** – the layout featuring unbalanced and poorly configured communal open space would fail to meet the requirements of the Development Plan;

**Reason 2** – the proposed development is premature due to the deficiencies in pedestrian, cycle and public transport infrastructure along Bóthar an Chóiste to the east of the site leading to the Tuam Road (N83), which would result in high levels of commuting by cars causing traffic congestion in the area.

10.1.2. In the event that the Board decide to grant permission for this strategic housing development, the Planning Authority list 33 conditions that should be attached, the following of which are of note:

**Condition 7** – phasing plan to be agreed with phase 1 to include the road upgrade along Bóthar an Chóiste;

**Condition 11** – cycle-parking details;

**Condition 24** – provision of a piece of artwork.

## 10.2. Inter-Department Reports

- Parks – various conditions and additional information is recommended, including landscape plans, a special levy, tree survey details, soil details, and proposals with respect to tree protection, root protection zones, mitigation

measures, work method statements, visual impacts in spring and autumn settings, biodiversity, climate action, rainwater management and landscape maintenance;

- Transportation Department – the proposed development is premature in the context of the level of development on Bóthar an Chóiste east of the site and the absence of plans to improve this stretch of local road. Five conditions are recommended should permission be granted, including phasing of the road upgrade works in advance of occupation of the development. Construction vehicles should not access the site from the east side;
- Water Services Department – proposals with respect to potable water supply, foul water and surface water drainage are noted, including the applicant’s pre-connection enquiry to Irish Water, and the potential for conflict with a 525mm trunk watermain along Bóthar an Chóiste, which serves the entire east of Galway city;
- Housing Department – engagement regarding the acquisition of units on site is noted.

### 10.3. Elected Members

10.3.1. The proposed development was presented to the Elected Members from the East Local Area Committee of the Local Authority on the 7<sup>th</sup> day of September, 2022. In accordance with subsection 5(a)(iii) of the Act of 2016, the comments of the Elected Members at that meeting have been outlined as part of the Chief Executive’s Report and these can be summarised as follows:

- there is a need to clarify if this is a proposal for private or social housing;
- concerns raised regarding transportation implications;
- queries regarding the time period for traffic surveys prior to the new junction being installed;
- concerns regarding the quantum and layout of open space are raised;
- a footpath is not proposed on the northern side of Bóthar an Chóiste;

- there would be a lack of support services to cater for the proposed development;
- the proposed quantum of two-bedroom units would be welcome.

## **11.0 Prescribed Bodies**

11.1. The following comments were received from prescribed bodies:

### Irish Water

- wastewater – a connection is feasible without upgrades and there is sufficient capacity in the Terryland River Wastewater Treatment Plan (WWTP);
- water supply – a connection would be feasible and adequate storage capacity within the proposed development should be provided to ensure a flow rate to meet requirements;
- the developer would be responsible for the design and construction of infrastructure within the site;
- conditions are recommended, including those relating to connections and agreements, and compliance with Irish Water’s standards, codes and practices.

### TII

- no observations to make.

11.1.1. In addition to the above prescribed bodies, the applicant states that they notified Galway County and City Childcare Committee, the National Transport Authority, The Heritage Council and An Taisce. An Bord Pleanála did not receive a response from these bodies within the prescribed period.

## **12.0 Assessment**

### **12.1. Introduction**

12.1.1. This assessment considers the proposed development in the context of the statutory plan for the area, as well as national policy, regional policy and relevant guidelines, including section 28 guidelines. Having regard to the documentation on file,



including the application submitted, the contents of the Chief Executive's report received from the Planning Authority, issues raised in the observations to the application, the planning and environmental context for the site, and my visit to the site and its environs, I am satisfied that the substantive planning issues arising for this assessment can be addressed under the following headings:

- Development Principles;
- Density;
- Urban Design;
- Building Heights and Visual Impact;
- Impacts on Neighbouring Amenities;
- Residential Amenities and Development Standards;
- Traffic and Transportation;
- Services and Drainage;
- Built and Natural Heritage;
- Material Contraventions.

12.1.2. From the outset I wish to highlight that since lodgement of the application with An Bord Pleanála, Galway City Development Plan 2017-2023 has been superseded by Galway City Development Plan 2023-2029, which came into effect on the 4<sup>th</sup> day of January, 2023. Where referring to the 'Development Plan' below, this is with respect to the new statutory plan for the 2023 to 2029 period.

## 12.2. **Development Principles**

### Land-Use Zoning and Specific Objectives

12.2.1. The application site features a land-use zoning 'Residential - R' with an objective in the Development Plan 'to provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods'. The Development Plan states that residential and childcare facility uses are compatible with and contribute to 'Residential - R' zoning objectives. Having regard to the nature of the

development proposed and the current statutory plan for this area, the residential and childcare facility uses proposed on this site are acceptable, and I am satisfied that the proposed development would not materially contravene the Development Plan in relation to land-use zoning objectives for the site. A similar land-use zoning objective had been assigned to the site in the previous Development Plan 2017-2023 for the area, and the Planning Authority did not find the principle of providing residential development to be contrary to this previous zoning.

- 12.2.2. I note the context of the proposed development site adjacent to lands to the north that are permitted to facilitate a motorway element forming part of the N6 Galway City ring road project (ABP refs. 302848-18 and 302885-18). I understand that the decision for this road project has been quashed and remitted back to An Bord Pleanála. These lands are also identified in the Development Plan as being subject of a specific objective for the N6 Galway City ring road with Bóthar an Chóiste identified as being subject of a specific objective relating to 'road improvements'. The northeast corner of the application site appears to be splayed in order to exclude 0.0055ha of land identified in the CPO Schedule for the N6 Galway City ring road project as not forming part of the motorway project, but forming part of the scheme (CPO plot ref. 624b.202). Notwithstanding the present status of the adjoining national road project application, given the strategic and statutory planning objectives relating to and supporting this project, it is imperative that the proposed development does not compromise the future delivery of this road project. Detailed consideration of the proposals with respect to specific objectives relating to new roads and road upgrades is undertaken below in section 12.8. The proposed development would also need to be designed cognisant of the permitted road project, which I address in sections 12.4 where dealing with the development layout and section 12.7 when considering the amenities of future residents of the proposed development. There is also a specific objective in the Development Plan for a greenway running along the western boundary of the site, which I also address under section 12.4 below.
- 12.2.3. Specific objective 3.9(8) of the Development Plan refers to an Area Plan being prepared for the Castlegar area and this is elaborated upon in section 3.8 of the Development Plan where it is stated that the consolidation of the existing residential community of Bóthar an Chóiste with the undeveloped residential zoned lands at

Castlegar, as well as the commercial and residential zoned lands along the Tuam Road (N83), will provide opportunities to strengthen the identity of Castlegar as a neighbourhood. Third-party observers have referred to this matter and I recognise the intention to prepare an Area Plan for this area. Notwithstanding this, I am not aware of any timelines for the preparation of an Area Plan for Castlegar or whether this is to be incorporated into the Development Plan through statutory variation procedures. Accordingly, I do not consider the absence of an Area Plan to prejudice assessment of the subject proposals or place a restriction on granting planning permission in this case.

### Core Strategy

12.2.4. According to the Development Plan, the application site is situated in an outer-suburban location and the Plan's core strategy notes that residential areas outside the specifically identified growth areas in the city, such as the subject site area, will grow, but at constrained rates and in character with the established character of their respective areas, with policy to allow for consolidation and densification where appropriate.

12.2.5. The Development Plan sets out a housing target of 4,245 units for Galway City up to and including 2029. The outer suburbs eastern area of the city, including the Castlegar and Doughiska areas, are anticipated to yield in the region of 2,060 housing units in the Plan period based on the settlement strategy for the city. Given the zoning of the site for residential purposes, a review of the Planning Authority register for the Castlegar and Doughiska areas, and the very recent coming into effect of the Development Plan, it appears highly unlikely that the stated housing targets have been exceeded at this time. I am not aware of any information that would contradict the above conclusions. Accordingly, the proposed development could not be considered to materially contravene the core strategy contained in the Development Plan.

### Demolition Works

12.2.6. Details and locations of the buildings to be demolished on site are included in the applicant's demolition drawing (no.18151-3070), including details of the bungalow known as Brambles (125sq.m), a ruinous dwelling (43sq.m) and a ruinous outbuilding (42sq.m). Section 2.5 of the applicant's Architectural Design Statement

addresses the existing structures, noting that the bungalow dates from the 1970s. Section 8.4 of the Development Plan addresses the vernacular heritage of the city and includes policy 8.3, which aims to encourage the conservation, rehabilitation, renovation and reuse of existing structures that contribute to the character of the city. The Planning Authority do not address the principle of demolishing the existing buildings. The subject buildings proposed to be demolished are not included in the Record of Protected Structures appended to the Development Plan, nor are they located within an architectural conservation area. The subject buildings do not appear to be of any particular architectural significance and no parties to the application have objected to their demolition and removal. The Development Plan does not require justification for the removal of a habitable house, although I would note that in demolishing and removing the bungalow the proposed development would facilitate the provision of more sustainable use of the bungalow site area for a more dense form of housing.

- 12.2.7. In conclusion, the buildings proposed to be demolished are not assigned a specific conservation status and in providing for sustainable redevelopment of the site at the scale proposed, their removal would not be contrary to planning policy in the Development Plan. A Construction and Demolition Waste Management Plan has been submitted with the application and a final Construction and Demolition Waste Management Plan can be requested by condition in the event of a permission for the proposed development.

#### Strategic Housing Definition

- 12.2.8. The proposed buildings would comprise a stated 14,997sq.m of residential floor space. A total of 300sq.m of non-residential floor space is proposed in the form of a childcare facility, and this would amount to 2% of the overall development gross floor area. The service and storage areas for the two proposed apartment blocks would primarily serve as ancillary residential areas. The buildings (210sq.m) proposed to be demolished would not form functional floorspace serving the development. Accordingly, the extent of non-residential floorspace proposed in the development would not exceed the 4,500sq.m or 15% floor area limitations set out in section 3 of the Act of 2016, and I am satisfied that the proposed development would come within the statutory definition of a 'strategic housing development'.

## Housing Tenure

- 12.2.9. Given the number of units proposed and the size of the site, the applicant is required to comply with the provisions of Part V of the Act of 2000, which aims to ensure an adequate supply of housing for all sectors of the existing and future population. The Elected Members of the Planning Authority queried the extent of social housing proposed. Part V Guidelines require a planning application to be accompanied by detailed proposals in order to comply with Part V housing requirements, and the Housing Department within the respective Local Authority should be notified of the application.
- 12.2.10. Policy 3.1 of the Development Plan requires 10% of new residential developments to be made available for social housing and a further 10% to be made available for affordable housing. Part V of the Act of 2000 was amended by the Affordable Housing Act 2021, inter alia, amending provisions with respect to the Part V percentage housing allocation in a development, dependent on the date of purchase of the respective site. It is not possible to identify when the applicant purchased the proposed housing development site. Within appendix 3 to their Planning Report and Statement of Consistency the applicant sets out that 10% of the units within the scheme, comprising two duplex apartments, six apartments, eight terraced houses and one semi-detached house, all distributed throughout the development, would be transferred to the Planning Authority or an approved housing body as part of the Part V housing requirement.
- 12.2.11. Should the Board decide to grant permission for the proposed development, I am satisfied that Part V requirements are matters that can be finalised with the Planning Authority by way of a condition. The details provided appear to accord with the requirements set out within the relevant Guidelines and the proposed Part V housing provision can be finalised at compliance stage, which would help to provide a supply of housing for all sectors of the existing and future population, as well as facilitate the development of a strong, vibrant and mixed-tenure community in this location.
- 12.2.12. Based on the Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities (2021), there is only a requirement to regulate investment in the proposed houses and the upper-level duplex apartments, as apartments, including the 24 proposed own-door ground-floor apartments within the

duplex blocks, are exempt from a restrictive ownership condition. In the event of permission being granted, a condition should be attached to this effect to ensure an adequate and affordable choice and supply of housing within the development.

### 12.3. Density

- 12.3.1. The applicant considers the site to be categorised as being in an 'outer suburban / greenfield' location for the purposes of considering appropriate densities based on the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (hereinafter referred to as the 'Sustainable Residential Development Guidelines'). A density within the range of 35 to 50 units per hectare would be appropriate in this location category. The applicant further asserts that the proposed density would be appropriate based on the site constraints and the surrounding character, the provisions of the New Apartment Guidelines and the Building Heights Guidelines, the provisions of the NPF, including NPOs 2a and 35 seeking to increase residential densities in settlements such as Galway and the building height and density provisions in the Development Plan 2017-2023. The Planning Authority notes the proposed density of the development.
- 12.3.2. Comprising 170 units on a net site area of 3.76ha, which appears to exclude the lands associated with the road upgrade works, the proposed development would feature a net density of 45 units per hectare. The proposed density would be marginally higher than the densities in the immediate area, including the 40 units per hectare in the Maigh Riocaird / Cluain Riocaird / Lochán development adjoining to the south (GCC ref. 00/828). Much lower densities are in existence further east along Bóthar an Chóiste.

#### Local Policy

- 12.3.3. Policy 3.4 of the Development Plan sets out the key components for sustainable neighbourhoods in the outer suburbs, including higher densities in appropriate areas especially in conjunction with public transport facilities and active travel networks. The Development Plan refers to the Galway Urban Density and Building Heights Study (2021) with respect to residential densities and the matters to be considered when assessing proposals for such developments. Part D of Galway Urban Density and Building Heights Study identifies the eastern suburbs area, including the

application site, as having a good level of suitability for higher-density development. The study states that a significant amount of land has been zoned for housing development and to make best use of this land and the investment already made in the area, the higher densities of recent housing development in Castlegar should be pursued. An appropriate target density range for new development between 40 and 50 units per hectare is recommended.

- 12.3.4. Within their Material Contravention Statement the applicant addresses the potential for the proposed development to materially contravene provisions of the Development Plan 2017-2023 with respect to plot ratio standards. As highlighted above, the Galway City Development Plan 2023-2029 is currently the statutory plan for this area, section 11.4.1 of which sets out a maximum plot ratio of 2:1 for new development. The proposed plot ratio is stated by the applicant as being 0.46:1, which would be in compliance with the maximum plot ratio allowed for in the current Development Plan and a material contravention of the Development Plan would, therefore, not arise.

#### National and Regional Policy

- 12.3.5. In terms of the national policy context, the NPF promotes the principle of 'compact growth' at appropriate locations, facilitated through well-designed, higher-density development. Of relevance are NPOs 13, 33 and 35 of the NPF, which prioritise the provision of new homes at increased densities through a range of measures. The NPF signals a shift in Government policy towards securing more compact and sustainable urban development within existing urban envelopes. It is recognised that a significant and sustained increase in housing output is necessary. The RSES for the region includes RPO 3.6.3, which supports densities of 50 units per hectare in high-density locations within the Galway city area and 35 units per hectare in the remainder of the city. All national and regional planning policy indicates that increased densities and more compact urban forms are required within urban areas, subject to high qualitative standards being achieved in relation to design and layout.
- 12.3.6. The Building Heights Guidelines state that increased building height and density will have a critical role to play in addressing the delivery of more compact growth in urban areas and that this should not only be facilitated, but should be actively sought out and brought forward by planning processes, in particular by Local Authorities and

An Bord Pleanála. The Guidelines caution that due regard must be given to the locational context, to the availability of public transport services and to the availability of other associated infrastructure required to underpin sustainable residential communities.

#### Sustainable Residential Development Guidelines

- 12.3.7. The Sustainable Residential Development Guidelines set out where increased residential densities will generally be encouraged in cities and large towns, including city or town centres, on brownfield sites within city or town centres, along public transport corridors, on inner-suburban / infill sites, on institutional lands and on outer-suburban / greenfield sites. The site is not centrally located, nor is it brownfield. The Sustainable Residential Development Guidelines encourage higher densities in specific locations, including existing or planned high-quality, public transport services.
- 12.3.8. The Guidelines refer to walking distances from public transport services as best guiding densities with scope for increased densities along public transport corridors, including locations within 500m walking distance of a bus stop or within 1km of a light rail stop or a rail station. Observers refer to the area as featuring limited access to public transport services, as well as poor existing and proposed pedestrian and cycle infrastructure to such services. The nearest public bus stops to the application site serving Galway Bus route 407 are located along the L5041 local road, approximately 300m to 400m to the south of the proposed entrance to the housing element of the development site. This would entail a four to five-minute walk with a gradual incline on the return journey from the bus stops. The shortest route to one of the stops via Cluain Riocaird, includes 12 steps down from Bóthar an Chóiste. The Guidelines refer to the capacity of public transport services requiring consideration with respect to appropriate densities, a matter that I specifically address further below.

#### New Apartment Guidelines

- 12.3.9. The New Apartment Guidelines (2022) note that increased housing supply must include a dramatic increase in the provision of apartment development to support ongoing population growth, a long-term move towards smaller average household sizes, an ageing and more diverse population with greater labour mobility, and a



higher proportion of households in the rented sector. The Guidelines address in detail suitable locations for increased densities by defining the types of location in cities and towns that may be suitable to achieve housing objectives, with a focus on the accessibility of a site by public transport and its proximity to city/town/local centres or employment locations. Suitable locations stated in the Guidelines include 'central and/or accessible urban locations', 'intermediate urban locations' and 'peripheral and/or less accessible urban locations'. The Guidelines also state that the range of locations is not exhaustive and will require local assessment that further considers these and other relevant planning factors.

12.3.10. Intermediate urban locations are stated in the New Apartment Guidelines to include sites within walking distance (i.e. up to five minutes or 400m to 500m walk) of a reasonably frequent urban bus services (with a minimum 15-minute peak hour frequency), as well as sites with reasonable walking distance of urban centres and high-frequency or high-capacity, public transport services. The neighbouring bus route connecting with Galway city centre provides for two bus services per hour during morning and evening peak hours.

#### Location Category

12.3.11. While the site can be considered to be within walking distance of public bus stops, given the greenfield nature of the site and the frequency of public transport services available in the area, I am satisfied that the site most appropriately falls into the category of an 'outer-suburban / greenfield' site, as defined in section 5.11 of the Sustainable Residential Development Guidelines. Furthermore, based on the above information and a review of the location categories in the New Apartment Guidelines relative to the provision of public transport services proximate to the site, this would suggest that the site would best fall into the category of a 'less accessible urban location'.

#### Density Conclusion

12.3.12. The statutory plan for this area sets out a density range of 40 to 50 units per hectare for this site. Greenfield sites in the outer suburbs are stated in the Sustainable Residential Development Guidelines to generally be suitable for net residential densities of 35 to 50 units per hectare. The New Apartment Guidelines recommend densities of broadly less than 45 dwellings per hectare in less accessible urban

locations and this provision is also met as part of the subject proposals. The proposed development is within the guided density range allowed for in the Development Plan and the Sustainable Residential Development Guidelines, and it does not exceed the maximum density allowed for in the New Apartment Guidelines.

12.3.13. Accordingly, development at the density proposed on the application site would comply with the density provisions in the Development Plan and in strategic planning guidelines. Notwithstanding this, certain criteria and safeguards must be met to ensure a high standard of design and I address these issues in my assessments below.

## 12.4. Urban Design

12.4.1. The design and layout are considered in this section in terms of the urban design quality of the proposed development, with the potential impacts on visual and residential amenities and the natural and built heritage primarily considered separately below (see sections 12.5, 12.6 and 12.10).

12.4.2. Policy 3.4 of the Development Plan sets out the key components for sustainable neighbourhoods in the outer suburbs, including coherent, integrated and attractive neighbourhoods that are responsive to adjoining developments. As part of the site analysis in their Architectural Design Statement, the key opportunities and constraints in developing the site are indicated, including the immediate site context, access, views, topography, the N6 Galway City ring road project, the greenway objective, the provisions of the Development Plan and various housing and urban design standards documents, including the Urban Design Manual.

### Design

12.4.3. According to the applicant, the scheme is to be split into two character areas in order to enhance the distinctiveness and wayfinding through the proposed development. Character area 1 features the two apartment blocks and duplex blocks on the southern side of the site overlooking Bóthar an Chóiste, as well as the greenway route along the western boundary. Character area 2 along the northern side of the site would feature clustered forms of housing, including four cells of two-storey terraced and semi-detached housing. A pedestrian route would link through the amenity space along the western boundary facilitating pedestrian passage from the

northern urban cells to Bóthar an Chóiste. I am satisfied that the character areas that are proposed would aid in creating a sense of place and provide for a reasonable transition in scale moving through the development.

- 12.4.4. In relation to the proposed buildings, I note that they would feature units addressing corner locations for passive surveillance purposes, including the units on the ends of the duplex blocks and unit type B3 in the end-of-terrace locations. The houses, duplex and apartment blocks would feature regular rhythm and proportions, with a consistent architectural language used throughout the scheme, albeit with alternative horizontal and vertical detailing to differentiate the clustered housing character area with the apartment buildings in character area 1. The limited palette of contemporary quality, robust and low-maintenance materials proposed to be used to enhance the consistency of the scheme and the village feel, would include grey brick, smooth and course greys renders, stainless steel railing and dark grey fibre cement cladding. Extensive use of render is proposed throughout the scheme with the applicant's Building Lifecycle Report asserting that the render would require repair every 18-years. It is not stated whether the proposed render would be of a specification to address the likelihood of discolouration within this 18-year timeframe. Furthermore, there is no specific reference in the applicant's Building Lifecycle Report addressing the likely need to repaint or at minimum wash the rendered facades of the proposed apartment buildings. Consequently, I am satisfied that the extensive use of render for the upper-floor levels of the two apartment buildings, where they face onto Bóthar an Chóiste and the main entrances to the development would not be acceptable. A condition to require a brick finish to the apartment block elevations onto the public realm would be necessary in these circumstances and the final materials can be addressed via condition in the event of a grant of planning permission for the proposed development.

#### Layout and Surrounding Context

- 12.4.5. Section 11.2.8 of the Development Plan states that development on the subject and neighbouring lands north of Bóthar an Chóiste shall demonstrate coordination with the overall land bank. The lands to the immediate west, east and south of the application site also feature this 'residential' land-use zoning objective. The adjoining lands to the north of the application site are zoned for agricultural purposes. Housing along the eastern boundary would side or back onto residential-

zoned lands to the east with reasonable separation distances achieved from the proposed residential buildings to the adjoining residential-zoned lands. The layout would allow for future pedestrian connections to be made into the adjoining residential-zoned lands. Bóthar an Chóiste separates the proposed development from the other housing developments to the south that feature rectilinear block layouts. I am satisfied that the proposed development layout would suitably addresses the established grain and character of the immediate area, as well as the future development potential of neighbouring lands.

#### General Layout Arrangement

- 12.4.6. The roads hierarchy and layout features a network of local estate access roads with home zones serving as streets and parking areas off these access roads. The Planning Authority express concerns regarding the layout and form of the proposed development, which they consider to be defined by a high degree of regimented linearity with heavily urbanised cells / character areas featuring limited visual and open space relief. This concern appears to primarily relate to the allocation and distribution of open space within the development and the road layout along the northern boundary featuring a 170m-long streetscape. I address the provision of open space under separate heading below. With regard to the length of the street along the northern boundary, I would note that this follows the approach within the estates to the south, although the layout could have benefitted from a more staggered street arrangement, as opposed to a street ramp, as a measure to control traffic speeds.
- 12.4.7. The proposed development provides for extensive passive surveillance of the public realm, however, with the exception of the 40m-stretch of road at the main entrance and a pocket park (497sq.m) on the eastern boundary, the remainder of the streets would be dominated by an unrelenting provision of perpendicular and parallel parking bays featuring limited provision of street planting. Scope to narrow carriageway widths to align with the 4.8m width allowed for shared surfaces and the 5m width allowed for access roads in the DMURS and the Development Plan is not harnessed in the proposals, primarily by virtue of the extensive parking onto the streets and homezones. The maximum 6m-wide shared surface provisions of the DMURS are also exceeded in the central public shared space dividing the northern and southern portions of the development. The applicant asserts that this shared

space would act as a traffic-calming measure and a public area with a mix of soft and hard landscaping. With the exception of the green spaces to the eastern and western ends of the central shared space, the area would be dominated by an array of hard surfaces with limited soft landscaping, which to all intents and purposes would result in the space forming and functioning as an expansive car park that would not be conducive to creating a people-friendly environment, nor would it form a visually soft method of breaking up the urban cells within the development. A similar situation arises with respect to the car park and street situated between apartment blocks and duplex blocks 2, 3 and 4, as best visualised in computer-generated images (CGIs) 43 and 45 in the applicant's Architectural Design Statement, with extensive hard landscaping for traffic movement and parking dominating this space.

- 12.4.8. The proposed childcare facility is located along the eastern boundary in a position reasonably close to the main vehicular entrance to the development, although I would consider that it would have been more preferable for this to have been sited adjacent to the greenway route and playground area along the western side of the proposed scheme.

#### Bóthar an Chóiste Layout

- 12.4.9. The proposed development would feature a new vehicular access onto Bóthar an Chóiste. The Planning Authority express concerns with respect to the proposed entrance arrangements, in particular with regard to the potential for car lights to shine into the dual frontage house no.32, and as this arrangement would not provide an appropriate vista at the entrance to the development. The layout of the roads would appear to discourage traffic speeds at the entrance to the development and the entrance road could be slightly realigned to address the concerns raised by the Planning Authority with respect to car lights. The Planning Authority's concerns appear to relate to the fact that the view would be closed by the proposed housing facing the entrance area to the development, as opposed to the road alignment. As noted above, the rectilinear roads layout is a common feature of the estates to the immediate south of the proposed development and there would not appear to be any specific justification, such as the exploitation of a view, to require an open vista to be provided leading to and from the proposed vehicular entrance area.

12.4.10. Bóthar an Chóiste is earmarked for road improvement measures based on the provisions of the Development Plan. At present, with the exception of a pair of detached houses, Cluain Riocaird and Ard an Chóiste estates do not provide any substantive active frontage onto Bóthar an Chóiste with only limited overlooking by secondary elevation windows towards this local road. The proposed apartment buildings and a duplex terrace block would be set back from the footpath along a widened Bóthar an Chóiste with provision of green strips creating a buffer between the residences and the road. These apartment blocks would provide some passive surveillance of the public roadside. This roadside frontage would also feature the southern end of the linear park route along the western boundary, a car park with bin and bicycle store serving duplex block 1, and a service layby with traffic island serving the centrally-positioned proposed pumping station.

12.4.11. The applicant considers this layout to form a strong edge along Bóthar an Chóiste. The main entrances to the two apartment blocks would be from the car park area to the rear and not from the Bóthar an Chóiste frontage. With the exception of the terrace of duplex apartments on the eastern side of the site frontage to Bóthar an Chóiste, the remainder of the public roadside frontage would not provide an active edge, and the layby serving the pumping station would dominate this frontage, as best visualised in figure 43 of the applicant's Architectural Design Statement. The applicant asserts that the pumping station layout has been guided by the Irish Water document 'Wastewater Infrastructure Standard Details' (2020), which I note to provide indicative pumping station site layouts for access by a layby arrangement or by direct access from a public road (see pages 40-41). While the positioning of the pumping station would preferably be provided in a more concealed location within the development, the necessity for the pumping station along this frontage, as well as SUDS features and engineering infrastructure, would appear to be largely influenced by the site topography, with the lowest ground level in the general location of the proposed pumping station. The pumping station would only cater for two to four tanker visits per annum according to the applicant's Report on Civil Works Planning Stage. Notwithstanding this, the applicant's decision to utilise a layby arrangement as opposed to a direct access or less noticeable arrangement results in substantially more of the frontage being absorbed for the pumping station facility. I am satisfied that the pumping station access would have greater visual primacy than

the actual main access to the residential development. A more coordinated approach would appear to be needed to address the need for competing elements along the roadside frontage.

12.4.12. In conclusion, I consider the layout of the development onto Bóthar an Chóiste as failing to sufficiently provide for active frontage onto this urban route that is being improved as part of the proposed development, and, as such, the layout of the proposed development would not create a people-friendly street nor would it create a distinct sense of place moving along Bóthar an Chóiste. Substantive alterations to the layout of the development along this frontage would be necessary to address these concerns, and, as such, I am satisfied that there would not be scope as a condition of a permission to address the concerns arising.

#### Open Space

12.4.13. Section 11.3.1(c) of the Development Plan generally requires 15% provision of communal recreation and amenity space in residential developments and the applicant asserts that this is complied with as the proposed provision of 5,841sq.m of open space amounting to 15.4% of the net site area. The applicant's proposals entail the provision of a linear park along the western boundary measuring 4,460sq.m (11.8% site area), a pocket park on the eastern boundary measuring 497sq.m (1.3% site area) and a park set between two duplex blocks measuring 884sq.m (2.3% site area). The Planning Authority assert that the proposed provision of open space would be unbalanced and unequally distributed within the development with limited overlooking, at a distance from many of the residential units and with limited passive or active benefits for residents. The Planning Authority also assert that the linear park would be sub-optimal as a communal recreation and amenity space, owing to its narrow form and sloped nature. A third-party observer considers a consolidated recreational area amounting to 15% of the site area to be necessary to serve the development. The Development Plan sets out that residential developments of greater than 100 units should provide a range of recreational facilities, with playgrounds for all ages, a playing pitch and a landscape park indicated in the Plan as possible options in this regard.

12.4.14. The applicant considers that the open space provision as being a key consideration in the overall layout of the development, and that this space features a linear park

providing pedestrian access from the northern and southern ends of the proposed development. The applicant also refers to the pocket park as creating a physical buffer between two urban cells, while the linear park would contain play equipment of differing forms and for differing age groups. I am satisfied that the extent of amenities proposed, generally comprising playground climbing equipment as illustrated in the applicant's Landscape Report, would not cater for a wide array of age categories and based on proposals of a similar nature and scale would provide limited amenities for future residents of the development, in particular the older children, age cohort.

12.4.15. Notwithstanding that the quantum of open space proposed would comply with the relevant Development Plan quantum standard, the layout and distribution of open space would fail to conveniently serve numerous residences within the development. Numerous residences in the proposed development would be 150m to 200m from the open space areas. I recognise that the majority of the linear park along the western site boundary would feature widths of greater than 20m in some locations thereby facilitating some use for active and passive purposes, however, the width of the park would be reduced substantially in locations to allow for car parking, a bin and bicycle store, and ramped access. This reduced width coupled with the topographical change to the front of the site would reduce the overall functionality of this space for recreational and amenity purposes. The linear park is clearly intended to serve as a setting for the greenway route that is provided for in the Development Plan along the western boundary, however, this should not negate the need for a fully functional and overlooked, conveniently-located public open space areas that would cater for the recreational needs of all ages within this new residential community. This matter is exacerbated by the limited provision of public open space in the immediate environs of the application site.

12.4.16. The applicant's assessment of the lighting to the recreational and amenity spaces in the proposed development concluded that these spaces would receive sufficient sunlight based on the BRE 209 Guide minimum need for greater than half of these spaces receiving at least two hours of sunlight on the 21<sup>st</sup> day of March (the Spring equinox). This is not contested and would appear a reasonable conclusion.

12.4.17. Appendix 1 of the New Apartment Guidelines, states that the communal open space provision to serve apartments should amount to a minimum of 5sq.m per one-



bedroom unit, 7sq.m for a two-bedroom unit and 9sq.m for a three-bedroom unit. Based on the apartment mix only and these planning provisions, the proposed development would require 580sq.m of communal open space.

12.4.18. There is no provision for accessible, secure and useable communal amenity space in the development, as noted by the Planning Authority. There would be a green verge surrounding the two apartment buildings fronting the development, but this would appear to primarily serve as defensible space for the lower and upper ground-floor apartments. The proposals also fail to provide any allocation of communal amenity space to serve the four proposed duplex block apartments. The green space proposed between duplex blocks 2 and 3 would be an ideal location to serve as communal amenity space for these two duplex blocks, however, this space would not be conveniently located and easily accessible for future occupants of the two apartment blocks. Given the absence of communal amenity space to serve future residents of proposed apartment blocks 1 and 2, as well as duplex blocks 1 and 4, the proposals fail to comply with the standards contained in New Apartment Guidelines. This is indicative of the layout concerns raised above with respect to the proposed development, and should form part of the reason for refusal to grant planning permission in this regard.

12.4.19. Concerns have been raised in my assessment above with respect to the roadside layout arising from the positioning of the pumping station element of the proposed development. Any revisions to the scheme should look to reduce the overall land take associated with this element of the proposed development and its potential position as part of or adjoining functional open space. This would facilitate these elements better assimilating into the overall development.

12.4.20. In conclusion the layout of the proposed development would not provide for a balanced distribution of open spaces and the proposed open space provision would not feature sufficient quality recreational and amenity space and facilities to conveniently serve the public and communal open space needs of future residents of the development.

#### Greenway Objective

12.4.21. An 'RA Greenway' objective is proposed within the Development Plan straddling the western boundary of the application site with the adjoining residential-zoned lands

connecting Bóthar an Chóiste to the 'Enterprise, Light-Industrial and Commercial' zoned lands adjacent to the northwest of the application site. The abbreviation 'RA' is referred to in this context in the Development as a 'recreation and amenity' greenway. Appendix 5 of the Development Plan defines a greenway as a circulation route reserved exclusively for non-motorised journeys, developed in an integrated manner, which enhances both the environment and quality of life of the surrounding area. The Development Plan sets out that the greenway network identifies some greenways with key connections and linkages, while other greenways serve more of a recreational function, some with capacity for walking only or with potential for both walking and cycling. The Planning Authority raise concerns regarding the lack of tangible links with the adjoining greenway route and the absence of proposals showing pedestrian / cyclist access between the proposed scheme and the greenway.

12.4.22. The specification envisaged for the 'RA Greenway' along the western boundary of the site is unclear from the Development Plan, although I am satisfied that it is clear that at a minimum the subject proposals should detail how this greenway route is to be facilitated other than reserve an area for public open space along this route. The application documentation includes numerous references to this greenway objective, referring to it as influencing the overall site layout with an attractive green corridor formed along the western boundary, thereby ensuring permeability through the development. The applicant's site layout plan (drawing no.18151-3004) includes an annotation on the adjoining lands referring to the 'proposed greenway link as per Galway City Development Plan'. A stepped and ramped path 1.8m in width winding through the linear park space along the western boundary is proposed. The applicant's Architectural Design Statement refers to this path as being 3m in width, but this does not correlate with the drawings. While a 1.8m-wide path would facilitate some pedestrian and cyclist movement through this space, it would have very limited capacity to accommodate pedestrian and cyclist movements as part of wider circulation routes. I am satisfied that the development presented in this application does not provide a greenway suitable of meeting the 'RA Greenway' objective of the Development Plan. I am not aware of any proposals to develop the adjoining residential-zoned lands to the west.

12.4.23. More definitive proposals are required for the greenway objective to be achieved, as the reservation of lands to facilitate same or the reliance on this objective being achieved solely on the adjoining undeveloped lands would not align with the provisions within the Development Plan showing this objective straddling the boundary. In conclusion, the proposed layout as presented would not appear to comply with the Development Plan objective to provide a greenway along the western boundary of the site.

#### N6 Galway City Ring Road Project

12.4.24. Section 2.9 of the Spatial Planning and National Roads Guidelines for Planning Authorities states that national road schemes should be safeguarded from development intrusion that could compromise their delivery. The Galway Transport Strategy 2016 sets out that the N6 Galway City ring road project is pivotal in address broader transport issues in the city. The current Development Plan 2023-2029 and the former Development Plan 2017-2023 included numerous provisions with respect to the proposed route of the N6 Galway City ring road project, including similar mapped objectives for the road alignment in the vicinity of the application site.

12.4.25. The layout plans submitted show the proposed development with reference to the reservation area to serve the N6 Galway City ring road project. The ring road would feature a motorway element approximately 15m to 20m from the rear boundary of the closest proposed house, which is house no.66 in the northeast corner of the site. I understand that the motorway element closest to the application site would not feature any extensive cut or fill elements and the motorway would be positioned on marginally higher ground when compared with house no.66. The Planning Authority and TII have not raised concerns regarding the potential impact of the proposed development on the ring road project or the potential impact of the ring road project on the proposed development.

12.4.26. The proposed development would not overlap the CPO lands associated with the ring road project and it would not appear to impact on the ancillary engineering elements to facilitate delivery of the road, such as associated groundworks. Based on the details provided and available, the proposed development would not appear to prejudice the delivery of the road project. The applicant has addressed the potential for the proposed development to materially contravene provisions of the

Development Plan 2017-2023 with respect to the N6 Galway City ring road. This Development Plan is no longer in force and based on the above considerations I do not consider that the proposed development could reasonably be considered to materially contravene previous or current planning provisions with respect to the N6 Galway City ring road. The proposed development would appear to position the proposed houses at reasonable separation distances from the ring road, although further consideration with respect to noise and vibration is undertaken separately in section 12.7 below.

### Conclusion

12.4.27. The overall design and layout of the proposed scheme would not provide for a reasonable response in developing this site from an urban design perspective, in particular with regard to my concerns regarding the extent of hard surfaced areas in the central shared spaces, the unbalanced distribution of open space, the weak urban edge and active frontage onto Bóthar an Chóiste, and the absence of comprehensive proposals for the greenway along the western boundary, which would fail to comply with various strategic and statutory guidance required for the layout and design of residential developments. Accordingly, for these reasons I am satisfied that the proposed development should be refused to be granted planning permission in these circumstances.

## **12.5. Building Heights and Visual Impact**

### Building Heights

12.5.1. The proposed development would feature two four-storey apartment blocks and a three-storey duplex block fronting onto Bóthar an Chóiste, with two-storey housing, three-storey duplex blocks and a two-storey childcare facility fronting the network of streets to the north of this. The development would also feature single-storey bin and bicycle stores. Building heights in the area vary from single and two-storey residences along the immediate stretch of Bóthar an Chóiste to the east, as well as two-storey housing and three-storey duplex and apartment blocks in the residential estates to the south of Bóthar an Chóiste. The Planning Authority has not raised concerns regarding the proposed building heights.

- 12.5.2. With regard to urban development and building heights, the Development Plan refers to the Galway Urban Density and Building Height Study (2021) as setting out the framework for density and building height in the city. Policy 8.7 of the Development Plan sets out that proposals should adhere to this study. Part D of the Study addressing the 'spatial strategy' for the city, outlines the potential for appropriate building densities and heights for new development in each geographic zone and sub-zone of the city. In relation to the subject Castlegar area, the Study notes that the prevailing heights in the area are characterised by the existing bungalows in Castlegar village, three-storey mixed-use developments, four-storey apartment blocks and stacked duplex blocks in more recent developments. The Study outlines that building heights open for consideration in new developments in the area should be of a scale that respects the scale of prevailing neighbourhoods and newer areas. In the newer areas of Castlegar where high-density development has taken place, building heights of between two and four storeys are considered appropriate in the Study.
- 12.5.3. The variations in proposed building heights are illustrated on the site section drawings (nos. 18151-3006 to 3012 inclusive). The applicant refers to the proposed building heights as being consistent with planning policy, including the provisions of the Building Heights Guidelines and NPO13 of the NPF, supporting the need for compact urban growth.
- 12.5.4. I am satisfied that the subject site could be considered to be within a newer area of the Castlegar area with high-density development to the south of Bóthar an Chóiste. Accordingly, I am satisfied that the proposed development featuring building heights of up to four storeys could not reasonably be considered to materially contravene the provisions set out in the Development Plan, which rely on the provisions of the Galway Urban Density and Building Height Study (2021) referring to four storey heights as being open for consideration in this area. The heights of the proposed buildings would not appear excessive in principle, particularly when noting the general transition to lower heights moving north towards the more peripheral areas of the site bordering the ring road project area and the provision of the higher building elements at the roadside boundaries of the site. In addressing topography and sensitive interfaces, the height of the proposed blocks provides transition and variety in the buildings, as required in SPPR4 of the Building Heights Guidelines.

Excessively tall buildings are not proposed in the development relative to the scale of the site and its context. A third-party has asserted that the development would feature very imposing buildings set onto a rural road, with greater scope to move the taller buildings to the northern side of the site, with greater potential as a consequence to address overshadowing. The potential for overshadowing is considered further below, however, I am satisfied that the principle of providing taller buildings closest to Bóthar an Chóiste would be most logical, as this would provide a means of creating a stronger urban edge along the public road, which is to be upgraded to address the extension of the urban footprint to the city.

- 12.5.5. I have had regard to section 3.2 Development Management Criteria of the Building Heights Guidelines and I am satisfied that at the varying scales of the town, neighbourhood, street and site, the predominance of two and three-storey buildings in the subject development would be acceptable and would be appropriate for the site, and there would be scope for the two four-storey apartment buildings on the lower grounds onto the roadside boundary. Further consideration with respect to the building height impacts on the visual and residential amenities of the area is undertaken below.

#### Visual Impacts

- 12.5.6. To aid in visualising the proposed development CGIs, contextual elevations and section drawings were submitted with the application, although the assessment of the visual impacts of the proposed development could have benefitted from photomontages and a landscape and visual impact report, as alluded to by the Planning Authority. The applicant asserts that the proposed development would introduce an attractive, high-quality, contemporary development into this part of the city. Section 5.7.3 of the Development Plan addresses views of special amenity value and interest, including landscapes, views, prospects and other visual amenity classifications. Section 11.2.8 of the Development Plan states that the layout of residential development and boundary treatments on the subject and neighbouring lands north of Bóthar an Chóiste shall have regard to the protected views from the Headford Road (N84).
- 12.5.7. The closest protected view to the application site comprises protected view 19 along the Headford Road (N84), approximately 370m to the northwest of the site. This

specifically refers to 'views encompassing Ballindooley Lough from parts of the Headford Road'. The closest other protected view to the application site comprises protected view 6 along School Road (L5039), approximately 660m to the west and 750m to the northeast of the site. This specifically refers to 'panoramic views of the city, and the Terryland Valley from parts of the Castlegar-Ballindooley Road'.

- 12.5.8. I have viewed the site from a variety of locations in the surrounding area, including the locations of protected views 6 and 19. The CGIs submitted with the application include visual representations, which I am satisfied would be likely to provide a reasonably accurate portrayal of the completed development in a late summer setting with the development well maintained.
- 12.5.9. Protected view 19 primarily comprises views west from Headford Road (N84) to the low-lying area containing Ballindooley Lough and not in the direction of the application site, which would sit on a ridge to the south overlooking the lough. From the location of the protected views along Headford Road, the rising ridge that the development would be situated on would largely screen the majority of the development from view. From this location the proposed buildings in the subject development would be viewed amongst a broader urban / suburban landscape, including the taller buildings and structures, such as North Point and telecommunications mast, on more elevated ground southeast of the site in the Parkmore area. The magnitude of visual change from this long-range viewpoint would be negligible in my opinion.
- 12.5.10. Protected view 6 comprises panoramic views from School Road (L5039) towards the city, including views in the direction of the application site. From the location of the protected views along School Road (L5039) it would be likely that there would be only very limited potential to view the proposed development, as screening would be provided by roadside and field boundaries, one-off housing and the undulating topography. Any of the proposed buildings visible from the protected view locations would be viewed amongst a broader suburban landscape, including the housing developments south of Bóthar an Chóiste. I am satisfied that the magnitude of visual change from these long-range viewpoints would be negligible in this context.
- 12.5.11. The subject site does not feature exceptional or unique landscape characteristics and the zoning of the subject lands for residential and associated development

implies an inherent acceptance that the lands have been deemed suitable from a broad visual perspective to absorb a reasonable scale of housing development. In the immediate area the development would be most visible from the approaches and houses along Bóthar an Chóiste, as well as the adjoining residential estates to the south, including Ard an Chóiste and Cluain Riocaird. From more distant views, where the proposed development would only be visible intermittently, it would sit amongst the surrounding suburban landscape, including light-industrial / warehouse premises to the northwest and the housing estates to the south. With the exception of the upper floors and roof profiles, very limited aspects of the proposed development would be visible from the more open rural lands to the north of the site.

12.5.12. Construction impacts would be unavoidable, but would be temporary, and would have similar visual impacts to those experienced from the neighbouring residential projects along Bóthar an Chóiste, including Cairéal Mór. The operational phase of the development would include landscaping measures to soften the appearance of the development. The cumulative effects of the N6 Galway City ring road project and the proposed housing development would have very limited additional visual impacts on the area, with the operational road project likely to have a much greater visual impact on the area, particularly from the referenced protected views.

12.5.13. I am satisfied that the housing element of the proposed development would be viewed as a modest insertion into this suburban setting with the apartment blocks and duplex apartment terrace viewed as substantive new elements along the key approaches, particularly along Bóthar an Chóiste and from Cluain Riocaird estate to the south. Buildings of similar scale and nature are adjacent to the site to the south and the proposed development would sequentially extend the housing area of the city. Screening offered by existing boundaries and buildings, as well as the undulating ground levels, would largely negate the visual impact of the development from medium and long-range locations, and the development would not impact on the protected views towards the city and Ballindooley Lough.

12.5.14. I am satisfied that the broad visual changes that would arise from the proposed development, would largely have limited to moderate effects on the landscape based on the information available, the existing site context, the design of the scheme and the objectives and policies of the Development Plan for this area. I am satisfied that the proposed development would have acceptable impacts on the landscape and the



visual amenities of the area. The impact on the outlook for neighbouring residences is considered in the proceeding section.

## 12.6. Impacts on Neighbouring Amenities

- 12.6.1. The Planning Authority do not raise any particular concerns regarding the potential impact on neighbouring properties. Policy 3.4 of the Development Plan includes objectives seeking a balance between the reasonable protection of residential amenities and requiring the design and layout of residential developments to have regard to adjoining developments.

### Context

- 12.6.2. The nearest existing residential properties to the proposed development are those located adjoining to the east along Bóthar an Chóiste and those to the south within the Cluain Riocaird estate. The distances from selected neighbouring residences relative to the proposed houses and apartments are identified on the applicant's site layout plan drawing (no.18151-3004). Building height differences are illustrated in the contextual elevation (site section) drawings (no.18151-3006 to 3012 inclusive).
- 12.6.3. The side elevation of the nearest house to the east of the site would be 29.5m from the proposed childcare facility and over 50m from the nearest proposed residences. Proposed duplex block 1 to the south of the site would be approximately 27m from the side elevation of nos.122-124 Cluain Riocaird with the proposed duplex block featuring a roof ridge height 4m above that of nos.122-124. Proposed apartment block 2 would be approximately 25m from the rear elevation of nos.78-80 Cluain Riocaird and 21m from the side elevations of nos.81-83 Cluain Riocaird, with the roof parapet height to proposed apartment block approximately 7m to 9m above the roof ridge height of these neighbouring residences. I am satisfied that the residential amenities enjoyed by residents of these neighbouring residences would have the greatest potential to be directly impacted by the proposed development, and, as such, they present a worst-case scenario in assessing the likely impacts of the proposed development on the amenities of neighbouring residences. No.121 Cluain Riocaird located 33m to the south of proposed apartment block 1 does not appear to feature first-floor side elevation windows facing the proposed development.

### Overlooking and Loss of Privacy

- 12.6.4. To avoid direct overlooking, the Development Plan requires the upper floors of residential developments to be at least 11m from neighbouring private open spaces or land with development potential. In the case of developments exceeding two storeys in height a distance of greater than 11m may be required according to the Development Plan, depending on the specific site characteristics. The Development Plan states that the Council will have regard to the Sustainable Residential Development Guidelines when considering proposals for residential developments. These Guidelines refer to the traditional minimum separation distance of 22m between opposing first-floor windows in two-storey housing for privacy reasons. Dependent on positioning and detailed design, reduced separation distances may be acceptable based on the Guidelines.
- 12.6.5. Given the separation distances and planning provisions presented above, the greatest potential for excessive overlooking to arise would relate to the neighbouring residences in Cluain Riocaird to the south, in particular from the south elevation of proposed apartment block 2 and the side elevations of nos.81-83 Cluain Riocaird. The windows within the proposed apartment block would not directly face the windows in nos.81-83, as this existing building is slightly to the side of the proposed position for the apartment block. The existing public roadway, which is to be widened as part of the subject proposals would also serve as a buffer between these proposed and existing residences, and as noted only a very minor shortfall in the 22m guideline separation distance would be achieved.
- 12.6.6. I consider that the separation distances that would be achieved from neighbouring residences would be typical for a suburban setting that is primarily zoned for residential development and the design measures, including the positioning of the buildings along the roadside boundary and the eastern boundary, would sufficiently address the potential for excessive direct overlooking between neighbouring residences and the proposed development.
- 12.6.7. The proposed development would appear to maintain reasonable separation distances from the potential future development lands adjoining to the west and east that are zoned in the Development Plan 2023-2029 for 'residential' use. Furthermore, there would be no first-floor side elevation windows serving habitable

rooms in the closest houses (no.46, 47, 65, 66 and 89) facing directly onto these neighbouring 'residential' zoned land. Accordingly, a refusal of permission or modifications to the proposed development for reasons relating to overlooking of neighbouring properties would not be warranted. I consider the impacts on the privacy for future occupants of the proposed residences separately under section 12.7 below.

#### Outlook and Overbearing Impacts

- 12.6.8. The proposed development would be visible from the private amenity areas and internal areas of housing neighbouring the site. Consequently, it would change the outlook from these neighbouring properties. Having visited the area and reviewed the application documentation, including the CGIs within the Architectural Design Statement, I consider that the extent of visual change that would arise for those with views of the development, would be reasonable having regard to the existing edge of city context, the separation distances to the existing housing, as referred to above, and as a contemporary development of this nature would not be unexpected in this area owing to the residential zoning objectives for the site, as contained in the Development Plan for this area.
- 12.6.9. Another key consideration is whether the height, scale and mass of the proposed development and its proximity to neighbouring properties is such that it would be visually overbearing where visible from neighbouring properties. As noted above, the proposed development features building heights similar to the prevailing building heights in Cluain Riocaird, albeit with the exception of an additional floor to the two proposed apartment blocks. Figures 28, 30 and 35 of the Architectural Design Statement best illustrate the visual impact of the development from the general area of the nearest neighbouring residential properties. I also recognise the height difference between the proposed buildings onto the roadside boundary and the existing residences in Cluain Riocaird, which feature finished-floor levels approximately 3m below the level of the proposed roadside buildings (see site section 2-2 drawing no.18151-3007).
- 12.6.10. I am satisfied that the proposed development would not be overly prominent when viewed from the nearest residences, with an open outlook and sky view maintained from these areas. There would be sufficient intervening space from the existing

residences to the proposed buildings to ensure that the proposed development would not be excessively overbearing when viewed from these neighbouring houses. The height of the proposed buildings, coupled with the separation distances from the existing housing, is such that where visible from neighbouring properties the proposed development would not be excessively overbearing.

#### Impacts on Lighting - Daylight and Sunlight

- 12.6.11. Section 11.3.1 of the Development Plan refers to the need for all buildings to receive adequate daylight and sunlight with reference to the standards in BRE 209 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice' (2011) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. In assessing the potential impact on light access to neighbouring properties where existing occupants would have a reasonable expectation of daylight, two primary considerations apply, including the potential for excessive loss of daylight and light from the sky into existing buildings through the main windows to living rooms, kitchens and bedrooms, and the potential for excessive overshadowing of existing external amenity spaces, including gardens. The applicant has provided a Daylight, Sunlight and Overshadowing Study, including an assessment of the effect of the proposed development on lighting to selected neighbouring houses.
- 12.6.12. The BRE 209 guidance outlines a series of tests to identify whether rooms where daylight is required in adjoining dwellings, would receive adequate lighting as a result of a proposed development. The first of these tests states that if the separation distance is greater than three times the height of the new building above the centre of the main window (being measured), no further testing would be necessary. Based on section drawings and levels stated in the application, the proposed buildings along Bóthar an Chóiste would appear to be located a distance of less than three times the height of the nearest buildings when measured from the centre of the main window facing the development in existing residences along Cluain Riocaird. According to the BRE 209 guidance, daylighting may not be an issue if development is less than 25° to the horizontal when measured from the centre of the lowest window to a main living room. The applicant asserts that when taking into account the differences in ground levels, the building heights and the separation distances, with the exception of proposed apartment block 2 and nos.81-83 Cluain Riocaird, and proposed duplex block 1 and nos.122-124 Cluain Riocaird, the proposed

development would not appear to subtend below an angle of less than 25° to the horizontal when measured from the centre of the lowest windows to the main living rooms of the neighbouring properties. Based on the site section drawings and levels stated by the applicant, it is also possible that the proposed buildings would subtend below an angle of less than 25° to the horizontal when measured from the centre of the lowest windows in nos.78-80 Cluain Riocaird. The applicant undertook tests to assess the potential for loss of daylight to six windows in nos.81-83 Cluain Riocaird. As the vertical sky component (VSC) with the development in place would be between 0.81 to 0.86 of the previous value and, therefore, not less than 0.8 of the previous value, the applicant asserts that the occupants of nos.81-83 would not notice a reduction in the amount of skylight based on the BRE 209 guidance. I am satisfied that in the absence of testing for nos. 78-80 and 122-124 Cluain Riocaird, the testing undertaken by the applicant for nos. 81-83, which would appear to be indicative of a worst-case scenario, would suggest that the proposed development would have negligible impact on all windows tested in these properties.

12.6.13. Section 3.2.2 of the BRE 209 guidance states that 'obstruction to sunlight' to existing dwellings may become an issue if –

- (i) some part of a new development is situated within 90° of due south of a main window wall of an existing building;
- (ii) the new development subtends an angle greater than 25° to the horizontal measured from the centre of the lowest window to a main living room.

12.6.14. To this end, obstruction of sunlight to the majority of neighbouring houses would not be an issue, as the situations where the proposed development would subtend below an angle of less than 25° to the horizontal when measured from the centre of the lowest window to a main living room of the nearest properties would not be within 90° due south of the proposed development. Notwithstanding this, the applicant tested the annual probable sunlight hours (APSH) for six windows facing the proposed development serving nos.81-83 Cluain Riocaird, and this revealed compliance with the BRE 209 guidance for APSH and no impact for winter probable sunlight hours to these windows. Consequently, the proposed development is not considered to cause an obstruction to sunlight to neighbouring properties based on this scenario representing a potential worst-case scenario.

### Overshadowing

- 12.6.15. As part of the consideration of good design, the Development Plan also requires assessment of overshadowing impacts. The BRE 209 guidance require greater than half of neighbouring gardens and amenity areas to receive at least two hours of sunlight on the 21<sup>st</sup> day of March (the Spring equinox). The scale, height, siting and orientation of the proposed buildings are such that it is clear that neighbouring gardens would be unlikely to be unduly impacted by overshadowing from the proposed development and it would not result in less than half the area of existing neighbouring gardens receiving at least two hours of sunlight on the spring equinox.
- 12.6.16. Within their Daylight, Sunlight and Overshadowing report, the applicant tested the potential for overshadowing of the nearest rear gardens and communal amenity areas within Cluain Riocaird and the garden serving the bungalow property adjacent to the east of the site. This tests calculated that with the proposed development in place there would be no actual change to sunlight hours to neighbouring amenity areas. Furthermore, the shadow analysis diagrams detailed in section 5.2 of the applicant's Daylight, Sunlight and Overshadowing Report also suggest that there would be no substantive change to sunlight hours to neighbouring amenity areas at the Spring equinox.

### Construction Impacts

- 12.6.17. The applicant has submitted a Construction and Demolition Waste Management Plan in compliance with section 11.12.5 of the Development Plan. Observations assert that the proposed development would result in nuisance for neighbouring residents as a result of traffic disruption during the construction phase. The Planning Authority require construction access from the west side only and the provision of the road upgrade works as part of the first phase of the development. Within the applicant's documentation the estimated construction period is not stated, however, based on the single phase of development and the opening year of 2024 used in the Traffic and Transportation Assessment, as well as applications for projects of a similar nature and scale, the construction period could amount to between 18 and 24 months. The Preliminary Construction Traffic Management Plan (CTMP) sets out the intended measures during the construction phase to address traffic, including the envisaged routing of all construction traffic to the site from the N84 Headford Road

side. This would avoid the low density housing areas along Bóthar an Chóiste to the east of the site. According to the Preliminary CTMP, deliveries would be restricted at certain periods to avoid clashing with any events that would attract substantive traffic volumes to the area. The Construction and Demolition Waste Management Plan refers to the development comprising the excavation of approximately 12,000m<sup>3</sup> of soil/subsoil, which, if suitable, is intended to be reused in landscape areas on site. Any construction phase impacts would only be of a temporary nature and would also be subject of a finalised project Construction and Environmental Management Plan with CTMP, as would be standard for a development of this nature and scale. Standard construction hours can be applied to the proposed development as a condition in the event of a grant of permission.

#### Anti-Social Behaviour

12.6.18. An observation asserts that the layout of the development would facilitate anti-social behaviour along the route of the greenway objective illustrated in the Development Plan. Matters relating to anti-social behaviour are dealt with under differing legal codes and I am satisfied that there is no reason to suggest that the layout and design of the proposed development could reasonably be considered to support anti-social behaviour in this area, particularly as the design of the scheme provides for passive surveillance of the greenway route along the western boundary. Drawing no. P-E 100A indicates the proposed locations of light stands in the development, including the extent of illumination from these proposed lights. There is an absence of lighting along the pathway running along the western boundary linear park and it would appear reasonable for same to be provided to encourage active travel and safer movement through this space. This could be addressed as a condition in the event of a planning permission being granted for the proposed development.

#### Conclusions

12.6.19. In conclusion, sufficient information has been provided with the application and is available to allow a comprehensive and thorough assessment of the impacts of the proposals on neighbouring amenities. I am satisfied that the proposed development would not result in excessive overshadowing, overbearing or overlooking impacts for residents of neighbouring properties. Accordingly, the proposed development would comply with the stated provisions of policy 3.4 of the Development Plan relating to

the protection of neighbouring residential amenities and the proposed development should not be refused permission for reasons relating to the likely resultant impacts on neighbouring amenities.

## **12.7. Residential Amenities and Development Standards**

12.7.1. An assessment of the amenities of the proposed development relative to quantitative and qualitative standards for residential development is undertaken below having regard to the guidance set out in the Quality Housing for Sustainable Communities Guidelines, the New Apartment Guidelines and the Development Plan, as well as the Building Heights Guidelines, which refer to documents providing guidance for daylight and sunlight assessments within new developments. Section 3.5 of the Development Plan sets out the general requirements for new residential developments in the outer suburbs, while section 11.3.1 of the Development Plan sets out management standards for residential development in the outer suburbs, including standards for housing. The subject development would not come within a category of development that would be open to relaxed development standards. The applicant has submitted apartment and housing quality assessments appended to their Architectural Design Statement and comprising a schedule of accommodation based on unit types and providing details of apartment, duplex apartment and house sizes, aspect, room sizes, storage space and private amenity space.

### Houses – Mix and Standards

12.7.2. Policy 3.4 of the Development Plan refers to the need for a mix of house types and sizes in new residential developments. SPPR 4 of the Building Heights Guidelines requires the avoidance of mono-type building typologies in locations such as this and at the scale proposed. In their Planning Report and Statement of Consistency, the applicant refers to the proposed mix of duplexes, apartments and houses, as well as the size of the units featuring one, two, three and four-bedrooms. The ten semi-detached and 74 terraced houses within the development would feature two, three or four bedrooms, and in conjunction with the one, two and three-bedroom apartments and duplex apartments, this approach would comply with the mix requirements outlined above with respect to the Development Plan and the Building Heights Guidelines, with a range of housing options provided for.



- 12.7.3. The floor areas for each of the proposed two, three and four-bedroom houses measuring a minimum of 88sq.m, 103sq.m and 121sq.m respectively, would be in compliance with the 80sq.m for a two-bedroom four-person two-storey house, 92sq.m for a three-bedroom five-person two-storey house and 110sq.m for a four-bedroom seven-person two-storey house, which are set out as minimum standards within the Quality Housing for Sustainable Communities Guidelines. The proposed houses would appear to exceed or meet the relevant 'Quality Housing' guidance, with respect to aggregate living rooms and aggregate bedroom sizes, as well as layouts, room sizes and widths, and storage areas.
- 12.7.4. The Development Plan requires minimum private open space for houses to be greater than half the gross floor area of the respective house and, as stated above in order to address overlooking concerns, to feature depths of at least 11m. The Sustainable Residential Development Guidelines require private open space for houses to be provided in the form of rear gardens. The Planning Authority do not raise concerns regarding the proposed provision of private open space. Based on the drawings submitted, the proposed houses would feature rear gardens serving houses ranging in size from 48sq.m to 190sq.m. It would only be the depth of the rear gardens to proposed house type B3 that would not strictly comply with the Development Plan 11m standard. The 11m standard is primarily required to address the potential for overlooking between residences, a matter that I have considered above with respect to existing properties and which I consider further below with respect to the proposed properties. I am satisfied that the garden areas provided would be of a sufficient standard for suburban housing.

#### Apartment Mix and Standards

- 12.7.5. Policy 3.1 addressing the city housing strategy and section 11.3 of the Development Plan setting out general development standards and guidelines, states that in considering new apartment developments, regard should be given to the 2020 version of the New Apartment Guidelines. SPPR1 of the New Apartment Guidelines (2022) states that apartment developments may include up to 50% one-bedroom or studio type units and that there shall be no minimum requirement for apartments with three or more bedrooms. I am satisfied that when excluding the house units, the proposed development featuring 33 one-bedroom (38%), 40 two-bedroom (47%) and 13 three-bedroom apartments (15%) would be compliant with SPPR1 of the New

Apartment Guidelines. A total of 13 of the proposed two-bedroom apartments would accommodate three persons, which would exceed the 10% provision or nine units allowed for this type of unit based on the New Apartment Guidelines and the overall apartment mix. Accordingly, four of the two-bedroom, three-person apartments, all of which appear to be at ground floor to the duplex blocks, should be revised to form one-bedroom apartments. This can be requested as a condition in the event of a grant of planning permission for the proposed development.

- 12.7.6. The applicant asserts that the proposed apartments have been designed to fully comply with the minimum standards within the New Apartment Guidelines. The one-bedroom units measuring between 52sq.m and 57sq.m, the two-bedroom four-person units measuring between 76sq.m and 81sq.m, and the three-bedroom units measuring 108sq.m, would meet the minimum 45sq.m, 73sq.m and 90sq.m unit size respectively required for these apartments in the New Apartment Guidelines. The two-bedroom, three-person apartments measuring 66.6sq.m to 68sq.m would comply with the minimum 63sq.m floor area required for such units in the New Apartment Guidelines. The internal design, layout, block configuration, room sizes and storage space for each of the apartments and blocks, as identified in the applicant's drawings and schedules, would appear to accord with or exceed the relevant standards, as listed in the New Apartment Guidelines, including the appendix 1 standards. Floor to ceiling heights of 2.7m are illustrated for ground-floor levels in the section plans for the proposed apartment blocks, in compliance with SPPR5 of the New Apartment Guidelines.
- 12.7.7. In safeguarding higher standards, approximately 15% additional floor space would be provided in the proposed apartment element of the development complying with the 10% additional floor space required in section 3.8 of the New Apartment Guidelines. Private amenity space for each of the apartments, including balcony or terrace sizes and depths, would meet or exceed the minimum requirements of the Guidelines. In compliance with SPPR 4 of the New Apartment Guidelines, 74% of the proposed apartments would feature dual aspect, which I am satisfied would meet the 50% minimum required for a site such as this in a suburban location. North-facing, single-aspect apartments are not proposed.

### Daylight

- 12.7.8. The Development Plan requires all habitable rooms to be naturally ventilated and not lit solely by rooflights. Section 6.6 of the New Apartment Guidelines also states that Planning Authority's should have regard to BRE 209 and BS 8206-2: 2008 for lighting standards. The Planning Authority do not raise concerns with respect to the provision of daylighting to the proposed apartments and the location of the site and the nature of the development, including layout, building heights and separation distances, is such that lighting to the proposed development would not be highly likely to fail to provide adequate levels of lighting to the subject apartments.
- 12.7.9. The BRE 209 Guide and BS 8206-2:2008 standards recommend that for the main living spaces/living rooms of residences, a minimum average daylight factor (ADF) of 1.5% should be achieved, with a 1% ADF for bedrooms and a 2% ADF for kitchens. The applicant has referred to these targets in their Daylight, Sunlight and Overshadowing Study, with the results of testing presented in tabular format for all the habitable rooms within the two apartment blocks and the four duplex blocks. The applicant also carried out testing in line with 'IS EN 17037:2018' and 'BS EN 17037:2018 – Daylight in Buildings', which utilise lux levels across the area of a room in setting appropriate lighting targets. The results of the testing for the all the apartments and duplex apartments calculated ADF values compliant with the BRE 209 Guide, as well as IS EN 17037:2018 and BS EN 17037:2018.

### Privacy and Overlooking

- 12.7.10. As mentioned above the Sustainable Residential Development Guidelines generally require a minimum separation distance of approximately 22m between directly opposing first-floor windows to maintain privacy. A similar separation distance is required in the Development Plan, including potential for increased separation distances in residential developments of two storeys or more. I am satisfied that the design measures such as separation distances, intervening public realm and open spaces, as well as building orientation, would generally be appropriate and would primarily address the potential for excessive direct overlooking between the proposed houses within the development. Where the 22m rule is not complied with, for example, house no.39 with rear elevation located approximately 11m from the side elevation of house no.40, the first-floor rear window to house no.40 would serve

a bathroom only, thereby avoiding the potential for excessive direct overlooking between the houses.

12.7.11. In general, there is sufficient space fronting the apartment buildings to ensure that the privacy of future residents of the upper or lower ground floor apartments would not be substantially undermined by residents or visitors passing by windows or terraces, with medium height buffer planting proposed to surround apartment block 1 and a low height ornamental shrub mix proposed to surround apartment block 2.

#### Childcare Facility

12.7.12. Policy 7.7 and 11.14 of the Development Plan address the provision of childcare facilities with reference to the standards in the 'Childcare Facilities - Guidelines for Planning Authorities' (2001), as well as other standards. Observers raise concerns that the childcare facility would attract additional traffic to the area. The applicant has proposed a two-storey childcare facility measuring a stated 300sq.m along the eastern boundary of the site featuring four classrooms, accompanied by two external play areas amounting to a stated 176sq.m. The applicant refers to the criteria used in guiding the scale of the facility, including the Childcare Facilities - Guidelines for Planning Authorities, which require a childcare facility to accommodate 20 children for every 75 units. According to the applicant, the proposed facility would cater for 46 childcare spaces arising from the development. Galway County and City Childcare Committee has not commented on the application. I am satisfied that the scale of the childcare facility proposed would be acceptable to serve the proposed development based on the relevant standards and it would appear that the proposed childcare facility has generally been designed and scaled to serve the subject development, as opposed to the wider area.

#### Support Facilities

12.7.13. A third-party observer asserts that the development would feature poor or absent provision of supporting services and amenities. As noted above, I have expressed some concerns regarding the general provision of recreation and amenity space to serve the proposed development. Notwithstanding this, increased housing in locations such as this, ensure the efficient and increased use of existing and planned services in a formal manner, including schools and other social and physical infrastructure. Such services are dependent on a critical mass of population to justify

the establishment of additional services or for them to remain viable. In the immediate and wider environs of the site there are schools, shops and medical facilities, all of which would benefit from the development. A local neighbourhood centre is identified in the Development Plan at the junction of Bóthar an Chóiste and the L5041 local road, including a convenience retail shop and other retail service units. The immediate area features an array of existing and proposed infrastructure and services that would be supported by the proposed development and which would be likely to support the proposed development as demand increases.

### Public Lighting

12.7.14. Public lighting details, including lighting columns intended by the applicant to be installed along Bóthar an Chóiste, are identified in the applicant's Site Lighting Design Report and the electrical installation site lighting drawings (nos.20.2068 P-E100A and B). As noted above, public lighting should be provided through the linear park along the western boundary of the site. The applicant's proposals account for the need for sensitive lighting, as part of the protection of impacts on bats, as deemed necessary in the applicant's Ecological Impact Assessment. The public lighting along Bóthar an Chóiste would be provided along the northern side of the proposed carriageway, which would be likely to feature a footpath in future should the adjoining residential zoned lands to the west of the application site be developed for housing purposes. Notwithstanding this, I am satisfied that sufficient provision has been made for public lighting to serve the site at this juncture, and the requested additional and finalised public lighting within the application site should be agreed with the Planning Authority in the event of a grant of planning permission for the proposed development.

### Noise

12.7.15. The proposed development would feature housing along the northern boundary backing onto agricultural zoned land and the boundary of the N6 Galway City ring road project. The ring road would feature a motorway element approximately 15m to 20m from the rear of the closest house, no.66 in the northeast corner of the site, and on a marginally higher ground than this house. To avoid adverse impacts for new development arising from existing and future roads, Section 3.7 of the Spatial Planning and National Roads Guidelines for Planning Authorities refers to potential

matters that should be considered, including traffic noise and vibration. The stretch of the motorway along the boundary with the application site would not appear to feature any specific noise mitigation measures based on the proposals considered under ABP-302885-18. The applicant has submitted an Acoustic Design Statement with their application. This statement sets out that based on surveying and testing, the acoustic performance requirements for the proposed residences have been developed to achieve the internal noise levels defined in British Standard BS8233:2014 'Guidance on sound insulation and noise reduction for buildings and ProPG: Planning & Noise – New Residential Development (2017). The applicant highlights that the external noise levels for 24 gardens along the rear boundary and the 20 balconies and terraces along Bóthar an Chóiste would not comply with the desirable external amenity levels (55dB<sub>L<sub>day</sub></sub> [L<sub>Aeq,16hr</sub>]). The applicant refers to the extensive provision of open space within the development as offsetting the noise impacts on external amenity areas. As noted above, I have some reservations with respect to the provision of open space serving the proposed development.

12.7.16. The rear boundary with the road project would feature a capped and rendered 1.8m-high block wall. Increasing the modest proposed boundary treatment heights would substantially benefit as a noise-reductive measure in this context and I am satisfied that further mitigation along this boundary would be warranted. In this context, I recommend the attachment of a condition to ensure that improved noise mitigation measures are undertaken by the applicant along the northern boundary of the development, to further reduce noise levels within the immediate proposed rear gardens.

#### Waste and Recycling Management

12.7.17. Policy 9.8 and section 11.3.1(i) of the Development Plan sets out bin storage standards for residential units in the outer suburbs, including adequate storage for three wheeled bins and adequate storage for the bins to the front of the houses with no access to the rear. Options for waste and recycle storage to serve apartments are listed in the Development Plan and such bin stores shall generally be at surface level, screened from public view, adjacent to the block it serves and adequately ventilated.

12.7.18. The applicant has submitted a drawing (no.1520-OMP-00-00-DR-A-5000) identifying the locations and design of the individual bin stores to serve residents of the apartments and houses and this appears to be based on the bin store provision outlined in appendix 7 of the applicant's Planning Report and Statement of Consistency. Four separate communal bin stores capable of accommodating between three and five 1,100 litre bins to serve the residents of the duplex blocks are proposed adjacent to the four terraces of duplex apartments (see drawing no.18151-3061). Internal bin stores at lower ground-floor level to apartment block 1 and at upper ground-floor level to apartment block 2 are also proposed. Proposed bin stores to serve the childcare facility are illustrated on drawing no.18151-3060. For the proposed houses featuring external access to the rear, bin storage areas would be available in the respective rear gardens, while individual bin stores sufficient to accommodate three wheelie bins would be provided to the front of the mid-terrace houses. Further details of these bin stores fronting mid-terrace houses would be necessary to ensure that they would comfortably sit into the appearance of the streetscape. A swept-path analysis drawing illustrating how a refuse vehicle would manoeuvre through the development is included with the application (see drawing no.107 502111 Revision P01). In conclusion, sufficient provision for waste and recycling collection, comparable with developments of a similar scale and nature, would appear to be provided as part of the development and in line with the Development Plan provisions. Should permission be granted for the proposed development, a condition can be attached to request the screening details for the bin stores serving the mid-terrace houses.

#### Building Lifecycle and Management

12.7.19. As required within the New Apartment Guidelines, a Building Lifecycle Report assessing the long-term running and maintenance costs and demonstrating the measures that have been considered by the applicant to manage and reduce costs for the benefit of residents of the proposed apartments, has been included with the planning application. Various energy efficiency measures are listed as being considered with respect to the management and maintenance of the development, including low-energy technologies. According to the applicant, durable building materials would be selected in order to avoid regular ongoing maintenance. The Building Lifecycle Report also addresses landscaping measures, waste

management, general management, transport, health and wellbeing considerations. Prior to the lease of individual apartments, the developer would have to achieve compliance with the terms of the Multi-Unit Development Act 2011, inclusive of the establishment of a development specific Owners' Management Company.

#### Sustainability and Energy Efficiency

12.7.20. Policy 2.4 of the Development Plan promotes the integration of energy efficiency and sustainability in existing and new residential developments. Policy 3.4 also requires energy efficiency measures to be integrated into the design and layout of residential developments in the outer suburbs. Section 11.31 of the Development Plan requires the submission of a Scheme Sustainability Statement for applications of this nature and scale, to demonstrate climate change mitigation and adaptation considerations that informed the proposal.

12.7.21. A Mechanical and Electrical Services Report addressing the sustainability and energy efficiency of the proposed development has been submitted with the application and this includes specific reference to mechanical and electrical measures as part of the development strategy. The applicant sets out the heat sources and renewable energy options considered for the residential elements of the proposed development, including air-source heat pumps for the houses and exhaust air heat pumps for the apartments. Building fabric / specification and ventilation details are outlined in the report to address energy savings in the development to make the buildings fully compliant with the requirements of Part L of the building regulations nearly zero-energy buildings (NZEB). Section 4 of the applicant's Architectural Design Statement addresses broader energy efficiency considerations that influenced the design and layout of the proposed development.

12.7.22. I am satisfied that the information provided with the application reveals that due consideration for energy efficiency has been undertaken as part of the initial design of the development, in compliance with the Development Plan provisions. Further consideration of energy efficiency matters will be evaluated under a separate code, including Part L of the building regulations.

#### Conclusion

12.7.23. In conclusion, subject to conditions, I am satisfied that the proposed development would provide a quality and attractive mix of houses, duplexes and apartments,



meeting the relevant design standards and providing a suitable level of amenity for future residents.

## 12.8. Traffic and Transportation

### Access Arrangements

- 12.8.1. Observers asserts that the area features limited public transport options and that the proposals fail to maximise on opportunities for safe, active travel and, as such, the development would be overly car reliant. I have addressed the provision of public transport services in section 12.3 of this report when considering the density of the development, which indicated that the area is served by reasonable access to public transport, based on the existing provision of public bus services along the local road (L5041) to the south. The observers' primary concerns with regard to public transport services appear to be primarily focussed on the manner in which future residents would access these public bus services, a matter that I address further below.
- 12.8.2. At present Bóthar an Chóiste, including the stretch of this road fronting the application site and leading to the L5041 local road, would not appear to easily allow for traffic to pass in both directions, with vehicles frequently required to use informal layby areas in order to allow approaching traffic to safely pass. There are no foot or cycle paths at present on Bóthar an Chóiste and I understand that a 516m-long stretch of Bóthar an Chóiste from the L5041 to the eastern side of the application site was recently subject of an approved CPO procedure by Galway City Council following withdrawal of objections relating to same in April 2022 (ABP ref. CH61.311965).
- 12.8.3. Section 11.2.8 of the Development Plan states that in order to enable residential development on the subject and neighbouring lands north of Bóthar an Chóiste, road improvements will be required and these should be capable of accommodating these future developments. Specific objective 28 of the Development Plan aims to implement general road widening and street improvements in the Castlegar area, including Bóthar an Chóiste, for safety and convenience purposes, in order to facilitate improved infrastructure and safer environments, and for sustainable modes of transport such as walking, cycling and public transport.

- 12.8.4. Observers assert that the existing roads serving the area, would be inadequate and substandard to serve the proposed development, featuring substantive and congested traffic volumes at present and with insufficient capacity to cater for the additional traffic that would arise from the proposed development, with implications for traffic, pedestrian and cyclist safety.
- 12.8.5. The applicant has proposed road widening and street improvements along a 650m-long stretch of Bóthar an Chóiste from its junction with the L5041 local road. These works would generally entail widening of the carriageway width to 6.5m, the provision of a 1.8m-wide footpath adjoining the southern side of the carriageway fronting the site and leading to the L5041 junction and the provision of a grass verge adjoining a 2m-wide footpath along the northern side fronting the housing development area of the application site. Public lighting would also be provided and the widening works would appear to require the removal of existing road boundary features along the northern side of the road and part of the boundary walls fronting houses on the southern side of the road (nos.2, 4 and 6 Bóthar an Chóiste). An altered road junction layout is also proposed omitting the existing slip-road and one-way road features to be replaced by a two-way T-junction cutting through the existing traffic island along the L5041. The applicant asserts that these road works all within urban speed limit zones would be compliant with standards in the DMURS. The Planning Authority has not objected to the revised junction layout, although details with respect to the final layout and treatment of this area would be necessary in order to detail how access to an electricity substation would be maintained and how the existing single-lane carriageway fronting the recently completed terraced houses along Cairéal Mór would be treated with scope for existing footpaths within the redline boundary to be extended to provide for joined up paths. This can be addressed as a condition in the event of planning permission being granted.
- 12.8.6. The observers do not consider the applicant's proposals to sufficiently cater for improved pedestrian, cycle and traffic movement, as envisaged in the Development Plan, particularly as they consider that they would be absent of cycle infrastructure and safe pedestrian crossing facilities. Specific objective 28 of the Development Plan is not overly prescriptive in setting out what is envisaged in terms of the 'road improvement' works along Bóthar an Chóiste, however, as noted above, Galway Metropolitan Area Strategic Plan (MASP) forming part of the RSES, the

Development Plan (figure 4.2) and the Galway Transport Strategy (2016) each identify a public transport route and a feeder cycle network route along the L5041 local road to the south of the application site, and not along Bóthar an Chóiste. Feeder cycle routes are stated in the Development Plan to be located on streets or roads that are highly constrained or suited to other modes, and need to cater for cyclists too. The Planning Authority do not object to the specification of the road improvement works.

- 12.8.7. Specific proposals to use Bóthar an Chóiste as part of the cycle or public transport network are not set out in planning policy relating to this area. The scale of the development is not one that would necessarily be dependent on cycle infrastructure along the local road serving the site, although I do recognise the 'RA Greenway' objective relating to the western boundary of the site, which I have addressed in section 12.4 above. Accordingly, I am satisfied that there is not a specific need to provide dedicated cycle infrastructure as part of the proposed road improvement measures to Bóthar an Chóiste.
- 12.8.8. Given the scale of development proposed and the absence of a proposed footpath along the northern side of Bóthar an Chóiste, which would require pedestrians to cross the road when moving between the housing development and the L5041, and based on the provisions of the DMURS, there would be merit in providing a zebra crossing or similar crossing infrastructure along Bóthar an Chóiste to improve pedestrian safety and alert drivers to the context relative to the residential development. The applicant has submitted separate Road Safety Audits for the works along Bóthar an Chóiste and the housing element of the proposed development. The audit of the housing element refers to visibility concerns for pedestrians attempting to cross the widened roadway when fronting the site to the west side, and based on this a safe crossing point would be required to be set away from the western boundary of the application site. Observers also refer to a number of concerns with respect to the layout of the development at the proposed entrance to the housing area off Bóthar an Chóiste, as well as other concerns with respect to the road layout, including limited turning radii relative to the DMURS. Conditions would appear necessary to be attached in respect of the provision of a zebra crossing, the matters raised within the Road Safety Audits and to ensure compliance with the DMURS.

12.8.9. Observers refer to limitations with respect to connectivity and permeability for pedestrians, cyclists and others within the wider street network, including only stepped access into Cluain Riocaird estate to the south, inadequate cycle infrastructure along the Headford Road (N84) and limited connectivity with a future secondary cycleway route along a laneway to the south of the site and the housing areas to the south. The Planning Authority also refer to the lack of proposals to improve Bóthar an Chóiste east of the site. The proposed road improvement measures would provide level access towards a local neighbourhood centre, public bus services, and the footpaths and cycle paths along the L5041 local road. At present there are no dedicated cycle infrastructures along Headford Road (N84) connecting with the L5041. Based on the cycle network route options in the Galway Transport Strategy (2016) it is intended that a secondary cycle route will be provided along Headford Road (N84) and along the southern boundary of the estates to the immediate south of the application site. The area immediate to the application site, including land north of the junction of Bóthar an Chóiste and the L5041 have been subject of recent housing developments (Cairéal Mór). While there may be some limitations in the provision of cycle infrastructure in the wider area, I do not consider this to prohibit the development of housing on the application site. I also recognise the intention of the N6 Galway City ring road project to free up space within the city for alternative modes of transport. A Quality Audit should be undertaken of all routes in the development, including cycle routes, and this should be addressed at planning compliance stage.

12.8.10. Observers also refer to the possibility of providing alternative vehicular access routes through Local Authority-owned land adjoining Cluain Riocaird estate and from the northern boundary of the site towards the Headford Road (N84). The residential estate access roads within Cluain Riocaird are of limited capacity and do not appear to have been designed to form a link route towards the subject site in order to cater for additional traffic. I am satisfied that the Development Plan clearly steers access towards the application site via road improvements along Bóthar an Chóiste, which would provide the most convenient access from the site to the majority of local services. I also acknowledge the Board's decision in October 2022 refusing to grant permission to Galway City Council for a social housing development approximately 350m to the northwest of the application site (under ABP ref. 313723-22) along the

Headford Road (N84). This housing development was refused permission due to the peripheral location of the site and the limited provision of bus services and pedestrian and cycle linkages serving the site. The social housing project on the neighbouring site subject of ABP ref.313723-22 and the application site are a similar distance to the city centre, but the social housing project would be reliant on intermittent narrow sections of footpaths along the Headford Road, as well being a substantial distance from the bus stops on the L5041 and Headford Road (N84) serving city bus routes.

12.8.11. In conclusion, subject to conditions, I am satisfied that the proposed development would feature appropriate access arrangements. Subject to the amendments suggested above, including the matters raised in audits being addressed, I am satisfied that the roads layout would be appropriate to serve the development. An observer has requested further plans as part of the asserted necessary revisions to the scheme, however, I note that this is not provided for in the Act of 2016.

#### Phasing

12.8.12. Third-party observers have requested that the proposed works to upgrade the road along Bóthar an Chóiste be undertaken in advance of the commencement and occupation of the housing element of the proposed development, as they consider that this phased progression of the proposed development would serve to address potential conflicts between construction traffic and road users, including pedestrians and cyclists. The Planning Authority request that the road upgrade works are undertaken in advance of the occupation of the housing proposed in the development. The assessment above highlights that the housing element of the proposed development would be reliant on the upgrade works along Bóthar an Chóiste in order to provide a safe route for pedestrians, cyclists and others towards local links, infrastructure and services, including public bus services. As also referenced above, based on the present condition of the existing road it has limited capacity, including carriageway widths, to safely and conveniently cater for extensive traffic, including HGVs. Consequently, in the interests of road safety the proposed development should be undertaken in a phased manner, with the proposed road upgrade works along Bóthar an Chóiste to be undertaken in advance of the commencement of construction on the housing element of the proposed

development. Should permission be granted for the proposed development, a condition can be attached to require the development to be phased in this manner.

12.8.13. Third parties also assert that the development would be premature pending the publication of a revised Galway Transport Strategy and pending significant traffic-calming or modal filters along Bóthar an Chóiste. Changes to modal filters along Bóthar an Chóiste are not proposed in the application, although there would be greater scope arising from the proposals for various modes to use the stretch of public road fronting the site and connecting with the L5041 local road. Other than the stated road improvement works objective, I am not aware of any planning provisions requiring changes to modal filters along Bóthar an Chóiste. Changes to modal filters moving east along Bóthar an Chóiste would not be within the scope of this planning application given the public rights of way that would exist along this road. According to the Development Plan, review of the Galway Transport Strategy commenced in 2022 and this will be completed in 2023. Galway Transport Strategy 2016 is a strategic planning document guiding the development and provision of transport infrastructure and services in the city, aspects of which are directly and indirectly translated into objectives within the Development Plan. Based on the present statutory planning provisions contained in the Development Plan and matters referred to above, I am satisfied that the proposed development would not be considered premature pending publication of a revised Galway Transport Strategy and pending significant traffic-calming or modal filters along Bóthar an Chóiste.

12.8.14. The Transportation Department within the Planning Authority consider that the proposed development would be premature in the context of the potential development of lands to the east in the Castlegar village / Tuam Road area. Reason for refusal no.2 of the Planning Authority submission asserts that the proposed development is premature due to the deficiencies in pedestrian, cycle and public transport infrastructure along Bóthar an Chóiste to the east of the site leading to the Tuam Road (N83), which would result in high levels of commuting by cars causing traffic congestion in the area. While it must be recognised that there are deficiencies in the road leading east of the site and the Development Plan includes an objective to upgrade this road, the Development Plan does not specifically state that development on the subject lands would be dependent on this stretch of local road

(Bóthar an Chóiste). My assessment highlights that the proposed development would not be dependent on upgrade of the road east of the site, but that it would be dependent on upgrade of the road west of the site, which it would need to undertake in advance of occupation of the proposed houses. Accordingly, I am satisfied that the proposed development would not be premature pending upgrade of the entire stretch of Bóthar an Chóiste.

### Parking Standards

12.8.15. The applicant is proposing a total of 260 car parking spaces all at surface level to serve the development, five of which would serve the childcare facility. Observers to the application refer to the need for increased car parking unless additional pedestrian and cycle infrastructure is provided, as well as supporting reduced car parking on site based on planning provisions. Section 11.3.1(g) of the Development Plan sets out five optional maximum standards for car parking within residential developments in the outer suburbs. The applicant states that 1.5 grouped car parking spaces are proposed for each of the houses, as well as one visitor car parking space for every three houses. This would align with one of the optimal Development Plan standards and would attract demand for 154 car parking spaces. The applicant refers to the New Apartment Guidelines benchmark of one car parking space per apartment and one visitor car parking space for every four apartments in peripheral and / or less accessible locations, in order to justify the proposed provision of 101 car parking spaces for the apartment and duplex element of the proposed development. Table 11.6 of the Development Plan requires one car parking space per 20sq.m of operational floor area in childcare facility developments in this part of the city. The operational space is not defined within the Development Plan, but the applicant considers this to be amount to 159sq.m. This would appear to account for the four classrooms and ancillary staff rooms. The applicant states that five car parking spaces would be provided, as opposed to the eight spaces required based on the Development Plan standard.

12.8.16. Based on the Development Plan parking standards, there would appear to be scope for between 311 to 396 car parking spaces to serve the residential element of this development, while the childcare facility would require eight spaces. Consequently, the proposed 260 spaces development would be well within the maximum permissible Development Plan standards.

12.8.17. The applicant addresses the provision of car parking within their Material Contravention Statement in the event that the Board consider the proposals to feature a shortfall in car parking for visitors and the childcare facility, and that such a shortfall would represent a material contravention of the previous Development Plan 2017-2023. As noted the Development Plan 2017-2023 has been superseded by the Development Plan 2023-2029, which includes maximum car parking standards, which the subject proposals would not exceed. I am satisfied that car parking standards below the maximum Development Plan standards for the housing element of the proposed development would be reasonable based on the proposals and extensive planning policy, such as the NPF, DMURS and the New Apartment Guidelines, supporting reduced car parking in developments such as this. I am also satisfied that the car parking proposed would not reasonably be considered to materially contravene the Development Plan 2023-2029.

12.8.18. A total of 76 cycle parking stands within lower-ground floor internal spaces are proposed to serve the two apartment blocks in the development. A further four cycle stores are proposed within the development, containing 60 spaces to serve residents of the duplex apartments. A total of 65 uncovered visitor cycle parking spaces are proposed in ten locations distributed throughout the development (see drawing no.18151-3076). Two uncovered cycle parking spaces for each of the ground-floor apartments in the duplex blocks and the proposed houses would be provided via access to the rear or within the front curtilage of these units. The New Apartment Guidelines and the Development Plan require one cycle parking space per bedroom in apartments and one visitor cycle parking space per apartment. The Development Plan also requires a minimum of two cycle parking spaces per house, as well as short and long-stay visitor parking.

12.8.19. When excluding the 84 houses and 24 ground-floor one-bedroom apartments in the duplex blocks with cycle parking spaces proposed within their curtilage, the duplex apartments and the apartments in blocks 1 and 2 would attract demand for 156 cycle parking spaces based on the New Apartment Guidelines and the Development Plan standards. I am satisfied that the apartment block internal cycle parking spaces, the covered bicycle stores and the immediate uncovered visitor spaces would comply with the relevant cycle parking standards for the apartment element of the development. Staff and visitors to the childcare facility would appear to have to rely



on uncovered visitor cycle parking spaces external to this facility. A dedicated covered cycle parking facility should be provided as a condition in the event of a permission to serve staff and visitors to the childcare facility. The covered cycle parking facilities should be fully sheltered, however, the present stacked arrangement for the external covered stores appears constrained and it would require patrons using the upper tier stacks to do so from external areas, as highlighted in the Galway Cycling Campaign observation. To encourage use of the stacked sheltered cycle parking spaces the stores should be revised to feature an increased floor area or an overhang to the bike stores to allow patrons to use the upper tier spaces while being sheltered from the elements.

12.8.20. Arising from this and subject to conditions, I am satisfied that the general provision of cycle parking would be appropriate based on the relevant standards and given the layout, nature and context for the proposed development.

#### Traffic

12.8.21. The applicant submitted a Traffic and Transportation Assessment following traffic surveys undertaken in June 2019 at two junctions in the immediate vicinity of the site. The assessment illustrates the traffic flows surveyed and sets out forecasts for potential traffic growth scenarios based on estimated traffic flow increases and traffic surveyed entering and exiting Baile an Chóiste residential development to the south of the L5041 / Bóthar an Chóiste junction. The assessment suggested the number of additional vehicular trips associated with the proposed development during the morning peak hour (8:15 to 09:15 hours) would comprise 58 outward trips, with 45 returning trips during the evening peak hour (17:00 to 18:00 hours). The applicant's assessment concludes that junctions 1 and 2 on the L5041 local road with Baile an Chóiste and Bóthar an Chóiste would operate within capacity with the proposed development in place.

12.8.22. The observers to the application raise concerns regarding the timing of the applicant's traffic surveys, as this fails to account for revised junction arrangements completed in the interim at the N6 Bóthar na dTreabh / N83 Tuam Road / R336 intersection. I acknowledge the revised junction arrangement with a traffic-light controlled junction replacing the previous roundabout system, which may have an altered influence on traffic flows along Bóthar an Chóiste. Notwithstanding this, the

revised junction arrangements do not appear to restrict traffic movements in an east-west direction between the N83 and N84 and there does not appear to have been any substantive road improvements to Bóthar an Chóiste in recent years.

Consequently, it would only be expected that the revised junction arrangements would have very limited traffic flow impacts along Bóthar an Chóiste in and, as such, very limited implications for the findings within the applicant's submitted Traffic and Transportation Assessment.

12.8.23. The Traffic and Transportation Assessment does not provide any analysis for the junctions to the east of the site along Bóthar an Chóiste and the junction of School Road (L5039) and the N83 Tuam Road T-junction. The data presented would appear to suggest all or the majority of traffic movements to and from the T-junction serving the proposed development onto Bóthar an Chóiste would be from the southwest side with only limited or no traffic movements to and from the N83 Tuam Road side of Bóthar an Chóiste to the east. Observers consider this to represent a substantive flaw in the applicant's Traffic and Transportation Assessment, as this fails to recognise the location of schools in the Castlegar area and other destinations to the east of the city that would potentially be more conveniently accessed from the east side of Bóthar an Chóiste.

12.8.24. Bóthar an Chóiste is not the only local road that facilitates movement between the N84 and N83 national roads. Local roads to the north, including School Road (L5039) and the L6210, would continue to cater for through traffic between the N83 and N84, thereby limiting the potential for increased traffic along Bóthar an Chóiste. I would agree that Bóthar an Chóiste to the east of the proposed development would have limited capacity to cater for additional traffic, however, while some increase in traffic movement along Bóthar an Chóiste to the east of the site would be anticipated arising from the proposed development, including vehicular, pedestrian and cycle trips, the vast majority of traffic entering and existing the development would be along the improved stretch of Bóthar an Chóiste leading to the retail and public transport services along the L5041 and the N84 Headford Road. Accordingly, the additional traffic arising from the development moving along the eastern side of Bóthar an Chóiste would not be likely to result in substantive further increases in traffic that would impact on traffic queuing on the eastern junctions with School Road and the N83 Tuam Road.

12.8.25. As noted, the site is located on zoned lands with reasonable access to an array of services. There would undoubtedly be some increase in traffic as a result of the proposed development, which would invariably add to any existing congestion in the area. However, traffic congestion at peak periods in suburban and urban areas, would be anticipated to occur intermittently and temporarily, and various measures and design features have been set out within the application to support the use of public transport, cycling and walking, as alternatives to the use of private vehicles. Improvements to the proposed development layout are also required in this regard. All road networks feature limited capacity in terms of the accommodation of private cars and increased population in locations such as the application site area, which are served by public transport and have the capability for additional public transport services as demand requires, should be developed in the interest of providing for sustainable communities.

#### Conclusion

12.8.26. In conclusion, subject to conditions, the proposed development would feature appropriate access arrangements, it would not reasonably result in significant additional traffic congestion in the area and it would feature an appropriate provision of parking to serve future occupants.

### **12.9. Services and Drainage**

12.9.1. The application was accompanied by a Report on Civil Works Planning Stage and this sets out how water supply and drainage services would be provided for the development.

#### Water Supply

12.9.2. According to the applicant, there is an existing 200mm-diameter watermain running along the L5041 local road. The proposed development would connect into this existing watermain with a new 150mm-diameter watermain to be placed under the upgraded stretch of Bóthar an Chóiste. Based on the details submitted Irish Water who maintain and manage the existing water supply infrastructure confirm that a connection to the Irish Water supply network would be feasible without infrastructure upgrade works, subject to standard connection agreements and the developer providing adequate storage capacity within the proposed development to ensure that

a flow rate to meet requirements can be provided. The Planning Authority also require the works to be undertaken cognisant of an existing 525mm-trunk watermain serving the east side of the city at the junction of Bóthar an Chóiste and the L5041 local road. A method statement to outline how this would be undertaken can be requested to be agreed with the Planning Authority should permission be granted for the proposed development.

### Wastewater Services

- 12.9.3. The applicant's Report on Civil Works Planning Stage estimates the expected total wastewater loading rates arising from the proposed development based on an occupancy of 2.7 persons per residential unit (459 persons). Due to the site topography, foul water arising from the proposed development would initially drain to a wastewater pumping station in the lowest part of the site adjoining Bóthar an Chóiste. This pumping station would be 15m from the nearest residence and would have capacity for 24-hour storage for 300 units in accordance with Irish Water's Code of Practice. The pumping station has been designed to accommodate the potential future residential development of the adjoining lands to the west and to comply with Irish Water's requirements. Foul waters would subsequently drain via 100mm-diameter rising main connecting to an existing 225mm-diameter foul sewer at the junction of Bóthar an Chóiste and the L5041 local road. This sewer subsequently drains into the city drainage scheme, which according to the applicant's NIS discharges for treatment into Terryland River wastewater treatment plant (WWTP). The capacity of the WWTP serving the development has not been raised by parties to the application and correspondence from Irish Water on the file refers to the WWTP as having sufficient capacity to facilitate this development. In their submission to the Board, Irish Water confirm a connection to the existing wastewater network would be feasible without infrastructure upgrades, subject to standard connection agreements and work practices.

### Water Drainage and Flood Risk

- 12.9.4. Section 11.2.8 of the Development Plan states that residential development on the subject and neighbouring lands north of Bóthar an Chóiste will only be considered where it accords with main drainage proposals. Within their Report on Civil Works Planning Stage the applicant sets out that there are no watercourses on site and that

the proposed development site would feature six catchments for the purposes of surface water drainage management with a drainage network to be constructed on site that would drain into the underlying fractured rock / boulders after being held in five attenuation tanks serving each of the catchments. Each of the attenuation tanks would feature a separator to intercept fuels and sediment. The sixth catchment along the southern lower section of the site would connect into the existing storm sewer network running along Bóthar an Chóiste. According to the applicant, the system has been designed to accommodate surface water for a one in 100-year storm event plus a 20% climate change factor and a combined flow equal to greenfield runoff rates. The Planning Authority do not object to the drainage elements of the proposed development. Standard stormwater audits can be requested via condition to ensure the satisfactory undertaken and operation of the installed surface water system.

- 12.9.5. Appendix A to the Strategic Flood Risk Assessment of the Development Plan would suggest that the application site is not in an area prone to flooding. Following the approach set out within 'The Planning System and Flood Risk Management – Guidelines for Planning Authorities', the proposed development is a 'highly vulnerable' land use or type of development, and the site is within an area of low probability for flooding (flood zone C). I am satisfied that based on the information presented and available the proposed development would be appropriate for this site from a flood risk perspective.

#### Conclusion

- 12.9.6. In conclusion, I consider the water supply, wastewater and surface water drainage proposals to serve the proposed development to be satisfactory, subject to appropriate and standard conditions. Furthermore, the proposed development would not be at substantive risk of flooding and would not present a substantive risk of flooding to other lands.

### 12.10. **Built and Natural Heritage**

#### Local Ecological Impacts

- 12.10.1. Enhancement of biodiversity is referenced throughout the Development Plan as part of the considerations for assessing development proposals. Policy 3.4 of the

Development Plan addressing sustainable neighbourhoods in the outer suburbs, requires the integration of biodiversity measures as part of residential developments. This site lies on the edge of an urban area and current land uses in the vicinity are detailed in section 2 above. The site is located in the vicinity of the Ballindooley - Castlegar local biodiversity area listed in table 5.6 of the Development Plan. The Development Plan refers to the Castlegar area as containing small areas of wet grassland, scrub and exposed limestone. The applicant referred to the EIA associated with the N6 Galway City ring road project as part of their consideration of the impacts on ecology.

- 12.10.2. An Ecological Impact Assessment was submitted with this application following a field survey in March 2021 and four follow-up bird surveys between March 2021 and March 2022. The applicant's assessment outlines the habitats and species identified on site during surveys, as well as referring to designated sites for nature conservation in the vicinity, including Lough Corrib proposed Natural Heritage Area (NHA) (site code: 000297), the closest part of which is located approximately 1.6km to the west of the application site.
- 12.10.3. The site is stated by the applicant to primarily feature improved agricultural grassland (GA1). Other habitats on site include buildings and artificial surfaces (BL3), amenity grassland (GA2), ornamental flower beds and borders (BC4), spoil and bare ground (ED2), stonewalls and other stonework (BL1), recolonising bare ground (ED3), hedgerows (WL1) and treeline (WL2). Scrub habitat was noted along the local road serving the site.
- 12.10.4. The applicant also provided a map of any key habitats in the immediate area, including limestone pavement to the southwest of the main development site along Bóthar an Chóiste. Other habitats, such as orchid-rich calcareous grassland along the entrance to the light industrial / warehouse premises (Clada bottling plant) and molinia meadows at the northern end of the subject application site field, are noted to be within 150m of the application site. The Ballindooley - Castlegar local biodiversity area listed in the Development Plan, centred on Ballindooley Lough, includes fen, reed swamp, wet grassland, scrub and exposed limestone rock. Following the site specific survey to consider the status of an area identified in National Parks and Wildlife Services (NPWS) maps as limestone pavement along Bóthar an Chóiste, the applicant's ecologists do not consider this area to correspond to Annex I limestone

pavement habitat. The survey revealed that the subject area was dominated by bramble and bracken with individual Hazel, and that it corresponds to a scrub (WS1) habitat with no exposed limestone boulders or large rocks were present. The ground flora was low in species diversity and was dominated by Common ivy. This is not contested by parties to the application.

12.10.5. Japanese Knotweed, an invasive species listed in the third schedule of the European Communities (Birds and Natural Habitats) Regulations 2011, was identified in an area off site adjacent to the northwest boundary of the site. No evidence of badger, otter, hare, pygmy shrew, Irish stoat or other protected mammals using the site was recorded, although a fox was identified to the north of the site during surveys. A total of 20 bird species were noted during site surveys primarily in the form of common species flying over the site or calling within the site. Common gull, black-headed gull, mallard, curlew, herring gull and cormorant were noted to be either flying over the site, roosting or feeding on the site, and in small numbers. Teal, grey heron, wigeon, tufted duck, shoveler and coot were recorded on Ballindooley Lough and the surrounding flooded wetland habitats during the bird surveys. Swift and barn owls were not recorded during the specific surveys for these species on the application site. Potential impacts on bats are considered further below.

12.10.6. Stonewalls, hedgerow and scrub habitats, bats, invasive species, birds of local importance value, and downstream aquatic habitats and species using Lough Corrib and Galway Bay were considered to be the key ecological receptors for the purposes of the ecological assessment. The applicant sets out the potential impacts of the proposed development on the stated key receptors and the construction, operation and decommissioning phase mitigation measures that would be employed to address the likely impacts. Such measures include additional landscaping proposals maintaining and planting native plants, compliance with best practice measures, restricted work times and machinery operation, compliance with measures to prevent the spread knotweed and water quality control measures. Cumulative impacts alongside a range of other plans and projects, including neighbouring permitted developments, were considered. Potential for the proposed development to result in significant cumulative impacts with plans and projects was not considered to arise.

12.10.7. After mitigation, the applicant asserts that the proposed development would not result in any residual adverse effects on the ecology of the area. With the

implementation of the stated measures, which I consider standard for a project of this nature, scale and context, I am satisfied that the residual impact on local ecology would be no more than moderate-negative at a local level and the proposals adhere to the requirements of the Development Plan by incorporating biodiversity features as part of the landscaping proposals.

### Bats

- 12.10.8. Three surveys of the site for potential bat roosts, as well as dusk activity and dawn activity were undertaken between September 2020 and August 2021, including during peak active season for bats. Potential roost sites for bats were investigated, including the occupied house, the ruinous house and outbuilding, stonewalls and trees on site, but no evidence of bats using these features was recorded. During a nine-night period in 2020 and a 28-night period in 2021, a total of seven species of bats were identified foraging or commuting through the site with Lesser-horseshoe, Soprano and Common Pipistrelle bat species dominating the recordings. According to the applicant, the regularly occurring bat population on site would only be of local importance and the treelines and hedgerow habitats within and adjacent to the site may be used by commuting and foraging bats.
- 12.10.9. To avoid potential for bats to be impacted during the demolition of structures on site, on a precautionary basis, the buildings are to be re-examined by a licensed ecologist, for the presence of bats, prior to demolition works. The applicant proposes to incorporate bat-sensitive lighting and bat boxes as part of their proposals for the construction and operational phases, including measures to address disturbance of bats. To address the loss of foraging and commuting habitat, the applicant refers to the landscaping measures, including the maintaining of planting along the western boundary and the additional tree planting to be undertaken on site, which would have a net gain in suitable bat habitat. Accordingly, given the absence of bats found to be roosting on site, the limited extent of the potential roosts sites on site and the extent of bat activity noted throughout the site, I am satisfied that, subject to conditions and the stated measures being implemented in full, there would not be a significant adverse impact on bat populations, as a result of the proposed development.



## Archaeology

12.10.10. Policy 8.4 of the Development Plan aims to protect the archaeological heritage of the city, including measures to preserve features or objects of archaeological interest. The applicant's Archaeological Impact Assessment addresses the archaeological significance of the site, asserting that based on a review of the recorded monuments and places (RMPs), the closest RMPs comprise a tower house (RMP ref. GA082-021), located approximately 350m to the east of the site, and a possible crannóg (RMP ref. GA082-025), located approximately 450m to the north of the site on the shore of Ballindooley Lough. The site is not within the zone of notification for a RMP. The impact assessment refers to cartographic evidence relating to the area, as well as a field survey. The assessment also refers to there being no entries for Castlegar townland in the database of files in the National Museum of Ireland and that three licensed excavations relating to the subject Castlegar townland revealed nothing of archaeological significance. Given the potential for unknown archaeological features to survive on site, a condition should be attached in the event of a grant of permission for the proposed development requiring archaeological monitoring during the construction phase and recording for archaeological purposes.

### **12.11. Material Contraventions**

12.11.1. Under the provisions of section 9(6) of the Act of 2016, the Board may decide to grant a permission for a proposed strategic housing development where the proposed development, or a part of it, contravenes materially the Development Plan relating to the area concerned, albeit with exception to a material contravention of land-use zoning objectives and subject to circumstances provided for under section 37 of the Act of 2000, as outlined below.

12.11.2. The application contains a statement indicating why permission should be granted for the proposed development, having regard to the provisions specified in section 37(2)(b) of the Act of 2000, notwithstanding that the proposed development materially contravenes the Galway City Development Plan 2017-2023 with regard to specific statutory planning requirements.

12.11.3. The applicant addresses the potential for material contraventions to arise with respect to the proposed development and the previous Development Plan provisions relating to the provision of car parking for the duplex units and the childcare facility (section 11.3.1(g) and table 11.5), the provision of the N6 Galway City ring road project and plot ratio standards. For reasons outlined above, I am satisfied that material contraventions would not arise regarding these matters and the Galway City Development Plan 2017-2023, although I do recognise that this Plan has now lapsed. I am also satisfied that material contravention of the provisions of the Galway City Development Plan 2023-2029 would not arise in this case.

### **13.0 Environmental Impact Assessment Screening**

13.1.1. The applicant has addressed the issue of EIA within an EIA Screening Report, which contains information to be provided in line with Schedule 7A of the Planning Regulations. I have had regard to same in this screening assessment. The information provided by the applicant identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. Where an application is made for subthreshold development and Schedule 7A information is submitted by the applicant, the Board must carry out a screening determination, therefore, it cannot screen out the need for EIA at preliminary examination.

13.1.2. This proposed development is of a class of development included in Schedule 5 to the Planning Regulations. Schedule 5 to Part 2 of the Planning Regulations provides that mandatory EIA is required for the following classes of development:

- Class 10(b)(i) construction of more than 500 dwelling units,
- Class 10(b)(iv) urban development, which would involve an area greater than 2 ha in the case of a business district\*, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

\*a 'business district' means a district within a city or town in which the predominant land use is retail or commercial use.

13.1.3. Class 14 of Part 2 to Schedule 5 of the Planning Regulations provides that mandatory EIA is required for:

- works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

13.1.4. The development would provide for the demolition of an occupied house, a ruinous outbuilding and a ruinous house, the construction of 170 dwelling units, a childcare facility and associated infrastructural works, including upgrade works to a 650m-long stretch of local road, all on a gross site measuring 4.63ha in a non-business district on the edge of a built-up urban area. The net proposed residential area of the development site is stated to amount to 3.76ha. Having regard to classes 10(b)(i) and 10(b)(iv) of Schedule 5 to Part 2 of the Planning Regulations, the proposed development is subthreshold in terms of the mandatory submission of an EIA. The nature and the size of the proposed development is below the applicable class 10(b) thresholds for EIA. Further consideration with respect to 'class 14' demolition works is undertaken below.

13.1.5. The criteria within Schedule 7 to the Planning Regulations are relevant in considering whether this proposed development would be likely to have significant effects on the environment that could and should be the subject of EIA. The residential and associated uses proposed would be similar to the surrounding land uses in the area to the south. The proposed development would not increase the risk of flooding and it would not give rise to significant use of natural resources, the production of waste, pollution, nuisance or a risk of accidents. The former agricultural use of the site for cattle grazing is noted, and significant constraints in developing the site at the scale proposed have not been identified. The development would be served by municipal foul wastewater drainage and water supplies. The site is not subject to any architectural or nature conservation designation and does not support substantive habitats or species of conservation significance, as highlighted in the applicant's Ecological Impact Assessment and addressed in section 12.10 above. Connectivity of the site with protected areas and their associated qualifying interest species is considered further below in section 14 of this report. Recorded monuments or places of cultural heritage value have not been identified on the site.

13.1.6. The reports submitted with the application, as listed in section 3.3 above, address a variety of environmental issues and the environmental impacts of the proposed

development. The reports demonstrate that, subject to the various recommended construction and design-related mitigation measures, the proposed development would not have a significant impact on the environment. I have had regard to the characteristics of the site, the location of the proposed development, and the type and characteristics of the potential impacts. Having regard to the Schedule 7A information, I have examined the sub-criteria and all submissions, and I have considered all information that accompanied the application, including the following:

- EIA Screening Report;
- Appropriate Assessment Screening Report;
- Natura Impact Statement;
- Ecological Impact Assessment;
- Planning Report and Statement of Consistency;
- Architectural Design Statement;
- Report on Civil Works Planning Stage;
- Construction and Demolition Management Plan;
- Preliminary Construction Traffic Management Plan;
- Traffic and Transportation Assessment.

13.1.7. In addition, noting the requirements of Section 299B(1)(b)(ii)(II)(C) of the Planning Regulations, the applicant has provided a statement indicating how the available results of other relevant assessments have been taken into account on the effects of the project on the environment carried out pursuant to European Union legislation other than the EIA Directive. In this regard I note the following EU Directives are directly addressed by the applicant in section 3.7 of their EIA Screening Report titled 'Other Environmental Assessments':

- Directive 92/43/EEC – Habitats Directive;
- Directive 2009/147/EC – Birds Directive;
- Directive 2001/42/EC – Strategic Environmental Assessment Directive;
- Directive 2000/60/EC - Water Framework Directive;

- Directive 2008/98/EC - Waste Framework Directive;
- Directive 2012/18/EU - Seveso III Directive;
- Directive 2010/31/EU – Directive on Energy Performance of Buildings;
- Directive 2007/60/EC - Floods Directive;
- Directive 2008/56/EC - Marine Strategy Framework Directive;
- Directive 2008/50/EC - Ambient Air Quality / Clean Air for Europe Directive;
- Directive 2012/19/EU – Waste Electrical and Electronic Equipment Directive;
- Directive 2010/75/EU - Industrial Emissions Directive;
- Directive 2002/49/EC - Environment Noise Directive;
- Directive 92/57/EEC – Temporary or Mobile Construction Sites.

13.1.8. Under the relevant themed headings, the EIA screening information prepared by the applicant addresses the implications and interactions of the proposed development, and concludes 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 for EIA. I have had regard to all of the reports detailed above and I have taken them into account in this assessment, together with the Strategic Environmental Assessment of the Development Plan. I am satisfied that the information required under article 299B(1)(b)(ii)(II) of the Planning Regulations has been submitted.

13.1.9. I have completed an EIA screening assessment of the proposed development with respect to all relevant considerations, as set out in Appendix A to this report. I am satisfied that the location of the project and the environmental sensitivity of the geographical area would not justify a conclusion that the proposed development would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects that would be rendered significant by their extent, magnitude, complexity, probability, duration, frequency or reversibility, and this opinion extends to my conclusion that the proposed development is subthreshold in terms of the mandatory submission of an EIA based on class 14 of Part 2 to Schedule 5 of the Planning Regulations. In these circumstances, the application of the criteria in Schedule 7 of the Planning

Regulations to the proposed subthreshold development demonstrates that it would not be likely to have significant effects on the environment and that an EIA is not required should a decision to grant planning permission for the project be arrived at. This conclusion is consistent with the EIA screening information submitted with the application. A Screening Determination can be issued confirming that there is no requirement for an EIA Report to be prepared for the project based on the above considerations.

## **14.0 Appropriate Assessment**

- 14.1.1. The requirements of Article 6(3) of the Habitats Directive, related to screening the need for appropriate assessment (AA) of a project under section 177U of the Act of 2000, are considered in the following section.

### **14.2. Compliance with Article 6(3) of the EU Habitats Directive**

- 14.2.1. The Habitats Directive deals with the conservation of natural habitats, including 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 a European site, but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to AA of its implications for a European site, in view of the site's conservation objectives. The competent authority must be satisfied that the proposal would not adversely affect the integrity of a European site before consent can be given. The proposed development in the townlands of Castlegar and Ballinfoile on the north fringe of Galway city, is not directly connected to or necessary to the management of any European site and, therefore, is subject to the provisions of Article 6(3) of the Habitats Directive.

### **14.3. Stage 1 AA Screening**

- 14.3.1. The applicant has submitted an AA Screening Report dated July 2022, and prepared by professional ecologists from MKO Planning and Environmental Consultants. This report initially provides a description of the proposed development and identifies European sites within the possible zone of influence of the site.

### Site Location

- 14.3.2. A description of the site is provided in section 2 above and throughout the assessments above. The site features an agricultural field, ruinous structures and an occupied bungalow, as well as adjoining and neighbouring stretches of local roads. Habitats on site are outlined in section 12.10 of this report and are noted by the applicant to be dominated by improved agricultural grassland (GA1) and buildings and artificial surfaces (BL3). No Annex I habitats were recorded within or adjoining the application site during the applicant's habitat surveys, and species listed for protection under the Habitats Directive or the Wildlife Act were only recorded as passing through the site or in small numbers on the site or in the adjacent wetland area. Japanese Knotweed, an invasive species listed in the third schedule of the European Communities (Birds and Natural Habitats) Regulations 2011, was identified in a location adjacent to the western boundary of the site.
- 14.3.3. There are no watercourses running through the site and the closest waterbodies comprise the Terryland River approximately 300m to 500m to the south of the site, and the low-lying wetland area associated with Ballindooley Lough approximately 150m to the north of the site, which floods on a seasonal basis. Terryland River flows southwest into the river Corrib, which drains into Galway Bay approximately 3.3km to the southwest of the application site. According to the Environmental Protection Agency (EPA), the Terryland River has a 'moderate' water quality status and is at risk of not achieving good water quality for the purposes of the Water Framework Directive (WFD), while the River Corrib features 'good' water quality status and is not at risk of achieving good water quality for the purposes of the WFD. The Corrib Estuary has a 'moderate' water quality status with a risk status that is 'under review'. Inner Galway Bay North waterbody has a 'good' water quality status and is not at risk of achieving good water quality for the purposes of the WFD. The groundwater body (IE\_WE\_G\_020) for the application site has a 'good' water quality status and is at risk of not achieving good water quality for the purposes of the WFD.

### Proposed Development

- 14.3.4. A detailed description of the proposed development is provided in section 3 above and expanded upon below where necessary. Details of the construction phase of the development are provided throughout the application documentation, including

the Construction and Demolition Waste Management Plan. Foul wastewater from the operational phase of the proposed development would discharge to the public network for treatment at Terryland River WWTP. Following various standard practice construction site environmental management measures, as well as SUDS measures during the operational phase, surface waters would be discharged from five of the six catchment areas to the underlying ground and from one of the catchments into a stormwater sewer. Ultimately the resultant surface waters and treated wastewaters from the proposed development would drain to Galway Bay.

14.3.5. The potential direct, indirect and secondary impacts that could arise as a result of the proposed works and which could have a negative effect on the qualifying interests of European sites, include the following:

- Construction Phase – demolition, surface water runoff, disturbance and emissions, including dust, noise and vibration;
- Operation Phase – disturbance, surface water runoff and emissions to water.

#### Submissions and Observations

14.3.6. The submissions and observations from observers, the Planning Authority and prescribed bodies are summarised in sections 9, 10 and 11 of this Report.

#### European Sites

14.3.7. The nearest European sites to the application site, including Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), comprise the following:

**Table 5.** European Sites

Site Code	Site Name / Qualifying Interests	Distance	Direction
000297	<p>Lough Corrib SAC</p> <ul style="list-style-type: none"> <li>• Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</li> <li>• Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]</li> <li>• Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]</li> </ul>	0.7km	west



	<ul style="list-style-type: none"> <li>• Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</li> <li>• Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</li> <li>• Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</li> <li>• Active raised bogs [7110]</li> <li>• Degraded raised bogs still capable of natural regeneration [7120]</li> <li>• Depressions on peat substrates of the Rhynchosporion [7150]</li> <li>• Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</li> <li>• Petrifying springs with tufa formation (Cratoneurion) [7220]</li> <li>• Alkaline fens [7230]</li> <li>• Limestone pavements [8240]</li> <li>• Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</li> <li>• Bog woodland [91D0]</li> <li>• Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</li> <li>• Austropotamobius pallipes (White-clawed Crayfish) [1092]</li> <li>• Petromyzon marinus (Sea Lamprey) [1095]</li> <li>• Lampetra planeri (Brook Lamprey) [1096]</li> <li>• Salmo salar (Salmon) [1106]</li> <li>• Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</li> <li>• Lutra lutra (Otter) [1355]</li> <li>• Drepanocladus vernicosus (Slender Green Feather-moss) [1393]</li> <li>• Najas flexilis (Slender Naiad) [1833]</li> </ul>		
000268	<p>Galway Bay Complex SAC</p> <ul style="list-style-type: none"> <li>• [1140] Mudflats and sandflats not covered by seawater at low tide</li> <li>• [1150] Coastal lagoons*</li> <li>• [1160] Large shallow inlets and bays</li> </ul>	1.7km	south

	<ul style="list-style-type: none"> <li>• [1170] Reefs</li> <li>• [1220] Perennial vegetation of stony banks</li> <li>• [1310] Salicornia and other annuals colonising mud and sand</li> <li>• [1330] Atlantic salt meadows (Glauco-Puccinellietalia maritimae)</li> <li>• [1355] Otter (<i>Lutra lutra</i>)</li> <li>• [1365] Harbour seal (<i>Phoca vitulina</i>)</li> <li>• [1410] Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</li> <li>• [3180] Turloughs*</li> <li>• [5130] <i>Juniperus communis</i> formations on heaths or calcareous grasslands</li> <li>• [6210] Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco Brometalia</i>)(*important orchid sites)</li> <li>• [7210] Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i>*</li> <li>• [7230] Alkaline fens</li> </ul>		
004031	<p>Inner Galway Bay SPA</p> <ul style="list-style-type: none"> <li>• Great Northern Diver (<i>Gavia immer</i>) [A003]</li> <li>• Cormorant (<i>Phalacrocorax carbo</i>) [A017]</li> <li>• Grey Heron (<i>Ardea cinerea</i>) [A028]</li> <li>• Brent Goose (<i>Branta bernicla hrota</i>) [A046] Wigeon (<i>Anas penelope</i>) [A050]</li> <li>• Teal (<i>Anas crecca</i>) [A052]</li> <li>• Shoveler (<i>Anas clypeata</i>) [A056]</li> <li>• Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</li> <li>• Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</li> <li>• Golden Plover (<i>Pluvialis apricaria</i>) [A140]</li> <li>• Lapwing (<i>Vanellus vanellus</i>) [A142]</li> <li>• Dunlin (<i>Calidris alpina</i>) [A149]</li> <li>• Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</li> <li>• Curlew (<i>Numenius arquata</i>) [A160]</li> <li>• Redshank (<i>Tringa totanus</i>) [A162]</li> <li>• Turnstone (<i>Arenaria interpres</i>) [A169]</li> <li>• Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</li> <li>• Common Gull (<i>Larus canus</i>) [A182]</li> <li>• Sandwich Tern (<i>Sterna sandvicensis</i>) [A191]</li> </ul>	1.7km	south

	<ul style="list-style-type: none"> <li>• Common Tern (<i>Sterna hirundo</i>) [A193]</li> <li>• Wetlands [A999]</li> </ul>		
004042	<p>Lough Corrib SPA</p> <ul style="list-style-type: none"> <li>• Gadwall (<i>Anas strepera</i>) [A051]</li> <li>• Shoveler (<i>Anas clypeata</i>) [A056]</li> <li>• Pochard (<i>Aythya ferina</i>) [A059]</li> <li>• Tufted Duck (<i>Aythya fuligula</i>) [A061]</li> <li>• Common Scoter (<i>Melanitta nigra</i>) [A065]</li> <li>• Hen Harrier (<i>Circus cyaneus</i>) [A082]</li> <li>• Coot (<i>Fulica atra</i>) [A125]</li> <li>• Golden Plover (<i>Pluvialis apricaria</i>) [A140]</li> <li>• Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</li> <li>• Common Gull (<i>Larus canus</i>) [A182]</li> <li>• Common Tern (<i>Sterna hirundo</i>) [A193]</li> <li>• Arctic Tern (<i>Sterna paradisaea</i>) [A194]</li> <li>• Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]</li> <li>• Wetland and Waterbirds [A999]</li> </ul>	2.8km	northwest
004142	<p>Cregganna Marsh SPA</p> <ul style="list-style-type: none"> <li>• [A395] Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>)</li> </ul>	8.1km	southeast
001312	<p>Ross Lake and Woods SAC</p> <ul style="list-style-type: none"> <li>• [1303] Lesser Horseshoe Bat (<i>Rhinolophus hipposideros</i>)</li> <li>• [3140] Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp.</li> </ul>	13.4km	northwest
002034	<p>Connemara Bog Complex SAC</p> <ul style="list-style-type: none"> <li>• Coastal lagoons [1150]</li> <li>• Reefs [1170]</li> <li>• Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</li> <li>• Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130]</li> <li>• Natural dystrophic lakes and ponds [3160]</li> </ul>	13.9km	west

	<ul style="list-style-type: none"> <li>• Water courses of plain to montane levels with the <i>Ranunculus fluitans</i> and <i>Callitriche-Batrachium</i> vegetation [3260]</li> <li>• Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</li> <li>• European dry heaths [4030]</li> <li>• <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinia caerulea</i>) [6410]</li> <li>• Blanket bogs (* if active bog) [7130]</li> <li>• Transition mires and quaking bogs [7140]</li> <li>• Depressions on peat substrates of the <i>Rhynchospora</i> [7150]</li> <li>• Alkaline fens [7230]</li> <li>• Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</li> <li>• <i>Euphydryas aurinia</i> (Marsh Fritillary) [1065]</li> <li>• <i>Salmo salar</i> (Salmon) [1106]</li> <li>• <i>Lutra lutra</i> (Otter) [1355]</li> <li>• <i>Najas flexilis</i> (Slender Naiad) [1833]</li> </ul>		
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14.3.8. In determining the zone of influence I have had regard to the nature and scale of the proposed development, the distance from the development site to European sites, and any potential pathways that may exist from the development site to a European Site. Table 3-1 of the applicant's screening report identifies the potential links from European sites to the application site. Distances and direction from the site to European sites are listed in table 5 above.

14.3.9. I do not consider that any other European Sites other than those identified in table 6 potentially fall within the zone of influence of the project, having regard to the nature and scale of the development, the distance from the development site to same, and the lack of an obvious pathway to same from the development site. Lough Corrib SAC is the only European site located within the same groundwater body (European code IE\_WE\_G\_0020 - Clare Corrib) as the application site.

**Table 6.** Identification of relevant European Sites using the Source-Pathway-Receptor model and compilation of information (Qualifying Interests and Conservation Objectives)

Site Name	Qualifying Interests (QIs) / Special Conservation Interest (SCIs)	Connections	Consider Further
Lough Corrib SAC	<p>QIs – 15 habitats, as well as nine species, including Lesser Horseshoe Bat and Otter.</p> <p><a href="http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000297.pdf">http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000297.pdf</a></p>	<p>No complete surface-level hydrological connection identified.</p> <p>The closest part of this site within the relevant groundwater body is up-gradient of the site and the closest down-gradient part of this European site is separated by a substantive distance of 2.1km with no likelihood to significantly impact on habitat or species.</p> <p>No potential for disturbance or loss of habitat for QI species, including Lesser Horseshoe Bat, as their summer roost is known to be approximately 29km northwest of the site and therefore outside the 2.5km core foraging range for this species identified in map 11 of the NPWS conservation objectives document.</p> <p>Wastewater from the site passes and would be treated in Terryland River WWTP, which is operating within capacity.</p>	No
Galway Bay Complex SAC	<p>QIs – limestone pavement habitat, turlough habitat and 13 coastal and maritime habitats, as well as harbour seal and otter species.</p> <p><a href="http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000297.pdf">http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000297.pdf</a></p>	<p>No complete surface-level hydrological connection identified. The groundwater body serving the application site which contributes to the groundwater body serving this</p>	No

	<p>sites/conservation_objectives/CO000268.pdf</p>	<p>European site, is separated by a substantive distance of 1.7km with no likelihood to impact on habitat or species referenced in the conservation objectives of the European site.</p> <p>No potential for disturbance or loss of habitat for QI species, including Harbour Seal and Otters, due to the separation distance across urban lands.</p> <p>Wastewater from the site passes and would be treated in Terryland River WWTP, which is operating within capacity.</p>	
<p>Inner Galway Bay SPA</p>	<p>QIs – 20 bird species and wetland habitats.</p> <p><a href="http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004031.pdf">http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004031.pdf</a></p>	<p>No complete surface-level hydrological connection identified. The groundwater body serving the application site which contributes to the groundwater body serving this European site, is separated by a substantive distance of 1.7km with no likelihood to impact on habitat or species referenced in the conservation objectives of the European site.</p> <p>Wastewater from the site passes and would be treated in Terryland River WWTP, which is operating within capacity.</p> <p>No potential for disturbance or loss of habitat for QI species due to the separation distance across urban lands, the nature of the development and given the results of surveying on site.</p>	<p>No</p>

Lough Corrib SPA	<p>QIs – 13 bird species and wetland habitats.</p> <p><a href="http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004042.pdf">http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004042.pdf</a></p>	<p>No hydrological connection as up-gradient.</p> <p>No potential for disturbance or loss of habitat for QI species, given the results of surveying on site, the nature of the development and the separation distance.</p>	No
Creganna Marsh SPA	<p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests</p>	<p>No hydrological connection identified.</p> <p>No potential for disturbance or loss of habitat for QI species (Greenland White-fronted Goose), given the results of surveying on site, the nature of the development and the separation distance.</p>	No
Connemara Bog Complex SAC	<p>QIs – 17 habitats and species.</p> <p><a href="https://www.npws.ie/protected-sites/sac/002034">https://www.npws.ie/protected-sites/sac/002034</a></p>	<p>No hydrological connection as up-gradient.</p> <p>No potential for disturbance or loss of habitat for QI species, given the nature of the development and the separation distance.</p>	No
Ross Lake and Woods SAC	<p>To restore the favourable conservation condition of Hard oligo-mesotrophic waters with benthic vegetation of Chara spp.</p> <p>To restore the favourable conservation condition of Lesser Horseshoe Bat.</p>	<p>No hydrological connection as up-gradient.</p> <p>No potential for disturbance or loss of habitat for QI species, including Lesser Horseshoe Bat, as their roost is known to be approximately 12km south of the site and therefore outside the 2.5km core foraging range for this species identified in map 3 of the NPWS conservation objectives document.</p>	No

## 14.4. Potential Effects

14.4.1. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites within the zone of influence:

- construction activity and drainage from the proposed development site affecting water quality;
- habitat loss and fragmentation;
- disturbance of bird species;
- increased wastewater being sent to Terryland River WWTP during the operational phase of the proposed development.

14.4.2. Although no karst features were identified on the application site, according to the applicant the construction phase of the proposed development may result in pollution to groundwaters via the percolation of polluting materials through the limestone bedrock underlying the site. Within their NIS, the applicant sets out what they initially refer to as 'best practice environmental control measures' for the construction phase of the development, generally comprising site set-up details, pollution prevention measures, measures to avoid the release of cement-based material during construction, measures to avoid effects associated with the disposal of wastewater, waste management and environmental monitoring. The applicant subsequently refers to these as mitigation measures to address the potential for deterioration of water quality during the construction phase of the development, which they consider may have significant indirect effects on the water-dependent and groundwater-influenced QIs/SCIs of Galway Bay Complex SAC, Lough Corrib SAC, Inner Galway Bay SPA and Lough Corrib SPA. I am satisfied that the applicant's stated measures are not mitigation measures to avoid or reduce harmful effects of the project on the stated European sites, as there is no clear intention that the measures would specifically serve such a purpose and as the measures stated in the NIS are typical and well-proven construction (and demolition) methods that would be expected by any competent developer whether or not they were explicitly required by the terms and conditions of a planning permission. Furthermore, their implementation would



be necessary for a residential development on any site, in order to protect the surrounding environs, regardless of proximity or connections to any European site or any intention to protect a European site. Other than being stated in the applicant's NIS, these measures have not been set out in a manner that specifically intends to address the likelihood of adverse effects on the integrity of European sites in light of the respective conservation objectives.

- 14.4.3. Within their NIS the applicant also refers to the characteristics of the proposed development, including site drainage, as mitigation measures to block indirect effects during the operational stage of the development. These are not mitigation measures, as they are embedded elements of the scheme that respond to the need to provide piped services capable of serving future residents and patrons of the development, and they are not intended to specifically address the likelihood of significant effects on the integrity of European sites in light of the respective consideration objectives.
- 14.4.4. The likelihood of pollutants entering groundwater in such quantities and eventually reaching the distant groundwater body associated with the neighbouring Lough Corrib SAC, Galway Bay Complex SAC and Inner Galway Bay SPA, is so limited that it could not reasonably be considered to potentially lead to a level of pollution that would present significant risk to groundwater-dependent habitat and species in the aforementioned European sites. There is no reasonable scientific basis to suggest that the impacts to groundwater, which are doubtful in themselves based on the applicant's stated best practice guidelines, could impact in a substantive manner to significantly affect or adversely impact on the integrity of groundwater habitat or species associated with Lough Corrib SAC, Galway Bay Complex SAC and Inner Galway Bay SPA.
- 14.4.5. During bird surveys five Common Gull, one Black-headed Gull and one Curlew were identified feeding on the application site, as well as one Cormorant flying over the site. Furthermore, during bird surveys of Ballinbooley Lough and its associated wetlands, 32 Teal, two Wigeon, one Grey Heron, ten Tufted Duck, between one and three Coot, and between three and seven Shoveler, were identified feeding or roosting on the lough. These bird species are of SCI for either Inner Galway Bay SPA (Site Code: 004031), Lough Corrib SPA (Site Code: 004042) or both of these SPAs. The lough is over 400m from the application site boundary. Very limited use

of the site and neighbouring lough for QI/SCI birds only arises, as well as very limited numbers. Survey details provided with the applicant's Ecological Impact Assessment do not highlight qualifying interest species or other species associated with the conservation objectives of European sites habituating the site or the neighbouring lake/wetland area in significant numbers. The application site does not provide substantive habitat for QI/SCI birds and it would not impact on habitat in Ballindooley Lough given the nature, scale and location of the development. Habitat loss or fragmentation would, therefore, not arise. The site is surrounded by extensive agricultural lands of a similar variety that are likely to be being used in a similar capacity by QI/SCI birds.

- 14.4.6. The proposed development would not increase disturbance effects to birds in Galway Bay and Ballindooley Lough, including during construction and operational phases, given the separation distance from these sensitive areas and the fact that birds using these areas would be habituated to human activity, such as traffic movement along roads.
- 14.4.7. Wastewater would ultimately be treated at Terryland River WWTP and the proposed development would result in a residential loading equivalent to approximately 459 persons. Having regard to the scale of the development proposed, it is considered that the development would result in an insignificant increase in the loading at Terryland River WWTP, 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. It is stated that the WWTP has capacity to cater for development of this scale and nature, therefore, it is reasonable to conclude that the development would not lead to any impacts upon qualifying interests of European sites downstream of the WWTP.

#### In-combination Impacts

- 14.4.8. This project is taking place within the context of greater levels of construction development and associated increases in residential density in the Galway area. This can act in a cumulative manner through surface water run-off and increased wastewater volumes to the Terryland River WWTP.
- 14.4.9. The expansion of the city is catered for through land use planning by the Planning Authority, including the Galway City Development Plan 2023-2029. The

Development Plan has been subject to AA by the Planning Authority, who concluded that their implementation would not result in significant adverse effects on the integrity of any European sites. The proposals would not generate significant demands on the existing municipal sewers for foul water. While this project would marginally add to the loadings to the municipal sewer, Terryland River WWTP is currently operating under the EPA licencing regime that was subject to AA Screening and it is understood to be operating within capacity.

14.4.10. The development is not associated with any loss of semi-natural habitat or pollution that could act in a cumulative manner to result in significant negative effects to any European site. I am satisfied that there are no projects, which can act in combination with the development that could give rise to significant effects to European sites within the zone of influence.

#### AA Screening Conclusion

14.4.11. The proposed development was considered in light of the requirements of Section 177U of the Act of 2000. Having carried out Stage 1 AA Screening Report for the project, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European sites, given the absence of a pathway between other European sites and the application site, and the separation distances to European sites.

14.4.12. I recognise that the applicant has considered that there would be potential for the proposed development to result in effects on the water quality within European Site No. 000268 (Galway Bay Complex SAC), European Site No. 000297 (Lough Corrib SAC), European Site No. 004031 (Inner Galway Bay SPA) and European Site No. 004042 (Lough Corrib SPA), as well as disturbance for bird species of special conservation interest associated with European Site No. 004031 (Inner Galway Bay SPA) and European Site No. 004042 (Lough Corrib SPA), and, as a consequence they concluded that a AA would be necessary, thus instigating the submission of a NIS for the proposed development with the application. Based on my assessment above, it appears that this approach was taken primarily out of an abundance of caution and a Stage 2 AA of the proposed development would not be necessary.

14.4.13. The possibility of significant effects on other European sites has been excluded on the basis of objective information. Measures intended to reduce or avoid significant effects on European sites, including measures referenced in the NIS, have not been relied upon in reaching a conclusion in this screening process.

## **15.0 Conclusion and Recommendation**

15.1. I am satisfied that the adoption of the new Development Plan has no material effect in consideration of the third-party observations and submissions as part of the assessments above. Having regard to the above assessments, which are based solely on my professional planning judgement, I recommend that section 9(4)(a) of the Act of 2016 should not be applied and that permission should be refused to be granted for the proposed development, for the reasons and considerations set out in the draft Order below.

## **16.0 Recommended Order**

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 8<sup>th</sup> day of August, 2022, by Lock House Developments Limited care of MKO, Planning and Environmental Consultants, of Tuam Road, Galway, County Galway.

### **Proposed Development:**

The development will consist of:

- demolition of an existing house (124.6sq.m), a ruined outbuilding (42.8sq.m), and a ruined dwelling (41.7sq.m);
- construction of 170 residential units, comprising 84 two-storey houses (34 two-bedroom, 42 three-bedroom and eight four-bedroom), an apartment block comprising 17 apartments (ten one-bedroom and seven two-bedroom), an apartment block comprising 21 apartments (12 one-bedroom and nine two-bedroom), 48 duplex units (11 one-bedroom, 24 two-bedroom and 13 three-bedroom);

- construction of a two-storey childcare facility (300sq.m) accommodating 46 child spaces and featuring associated outdoor play and parking areas;
- provision of all associated surface water and foul drainage services and connections, including a pumping station, with all associated site works and ancillary services;
- upgrade of the existing Bóthar an Chóiste local road from the proposed development to its junction with the L5041 local road, consisting of road improvements, road widening and junction re-alignment;
- pedestrian, cyclist and vehicular links throughout the development and onto Bóthar an Chóiste, with a pedestrian and cyclist link to the adjacent greenway route;
- provision of shared communal and private open space, site landscaping and public lighting, resident and visitor car parking, including electric-vehicle charging points, bicycle parking spaces, and all associated site development works.

at Castlegar and Ballinfoile townlands, Bóthar an Chóiste, Galway, County Galway.

## **Decision**

**Refuse to grant permission for the above proposed development in accordance with the said plans and particulars, based on the reasons and considerations set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## Reasons and Considerations

1. Having regard to the design and layout of the proposed development, including a central shared space that would be dominated by an array of hard surfaces with limited soft landscaping and excessively-wide home zones, the limited passive surveillance and weak urban edge onto Bóthar an Chóiste, the unbalanced distribution of fully functional open spaces, and the absence of proposals to provide a greenway along the western boundary of the site, the proposed development would not be conducive to creating a people-friendly environment, would not feature sufficient quality, functional, recreational and amenity space and facilities to conveniently serve the public and communal open space needs of future residents of the development, would fail to provide a sufficiently appropriate active frontage addressing the public road and would fail to ensure sufficient permeability through the development. Accordingly, the design and layout of the proposed development would be contrary to the standards set out in the Design Manual for Road and Streets issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, would be contrary to the principles advocated in the Guidelines for 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, which includes 'layout' as one of the 12 criteria for the design of residential development, would be contrary to the communal amenity space provisions in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2022 and would fail to comprehensively provide for the 'RA Greenway' specific objective of the Galway City Development Plan 2023-2029. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Colm McLoughlin  
Senior Planning Inspector

23<sup>rd</sup> February 2023

## Appendices

### Appendix A: EIA Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS		
<b>An Bord Pleanála Case Reference</b>		ABP-314295-22
<b>Development Summary</b>		Demolish house and ruinous structures, and construct 84 houses, 86 apartments, a childcare facility and associated development, at Castlegar townland, Bóthar an Chóiste, Galway.
	<b>Yes/No/N/A</b>	
<b>1. Has an AA screening report or NIS been submitted?</b>	Yes	An Appropriate Assessment Screening Report and a Natura Impact Statement submitted with the application. An Ecological Impact Assessment was also submitted with the application.
<b>2. Is an 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?</b>	No	
<b>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</b>	Yes	SEA and AA were undertaken in respect of the Galway City Development Plan 2023-2029.



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) <b>Mitigation measures</b> –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
<b>1. Characteristics of proposed development</b> (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	There is a clear consistency in the nature and scale of development in the surrounding area, comprising low to mid-rise residential buildings in estates to the south, alongside one-off housing and agricultural lands to the north, east and west of the site. The proposed development sequentially extending the residential footprint of the city is not regarded as being of a scale or character significantly at odds with the surrounding pattern of development.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposed residential development would result in the loss of agricultural lands that have been zoned for residential development and the development has been designed to logically address the alterations in topography on site, resulting in minimal change in the locality, with standard measures to address potential impacts on surface water and groundwaters in the locality.	No

<p><b>1.3</b> 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?</p>	<p>Yes</p>	<p>Construction materials will be typical for an urban development of this nature and scale. The loss of natural resources as a result of the development of the site are not regarded as significant in nature.</p>	<p>No</p>
<p><b>1.4</b> 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 and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard measures outlined in the NIS and a finalised Construction and Environmental Management Plan (CEMP) would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>
<p><b>1.5</b> 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 similar substances and give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and with the implementation of the standard measures outlined in the Construction and Demolition Waste Management Plan and a final CEMP would satisfactorily mitigate the potential impacts.</p> <p>Operational waste would be managed through a waste management plan to obviate potential environmental impacts. Other</p>	<p>No</p>

		operational impacts in this regard are not anticipated to be significant.	
<b>1.6</b> 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?	Yes	<p>Operation of the standard measures to be outlined in a final CEMP and section 6.2 of the NIS will satisfactorily mitigate emissions from spillages during construction and operation.</p> <p>The operational development will connect to mains services and discharge surface waters only after passing through fuel interceptors and SUDS. Surface water drainage will be separate to foul services within the site.</p>	No
<b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	<p>There is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised and short term in nature, and their impacts would be suitably mitigated by the operation of standard measures to be listed in a finalised CMP.</p>	No
<b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures within a final CEMP would satisfactorily address potential risks on human health.</p> <p>No significant operational impacts are anticipated for the piped water supplies in the area.</p>	No

<p><b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?</p>	No	<p>No significant risk is predicted having regard to the nature and scale of the development. Any risk arising from demolition and construction will be localised and temporary in nature. The site is not at risk of flooding. The site is outside the consultation / public safety zones for the nearest Seveso / COMAH sites 3.3km at Galway docks.</p>	No
<p><b>1.10</b> Will the project affect the social environment (population, employment)</p>	Yes	<p>Development of this site would result in an increase in population in this area. The development would provide housing that would serve towards meeting an anticipated demand in the area.</p>	No
<p><b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	Yes	<p>The development would adjoin the works site for the permitted N6 Galway City ring road project, which was subject to EIA and the permitted road project would be undertaken on lands separate from and adjoining the proposed development lands. Any cumulative effects arising from the proposed development would not have substantive additional impacts on the environment alongside the permitted road project.</p>	No
<p><b>2. Location of proposed development</b></p>			
<p><b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <p style="margin-left: 40px;">1. European site (SAC/ SPA/ cSAC/ pSPA)</p>	No	<p>Sensitive ecological sites are not located on site. Limestone pavement habitat adjacent to the site and referenced in NPWS mapping was identified as actually featuring scrub habitat. The nearest European sites are listed in table 5 of this report and other designated</p>	No

<p>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</p>		<p>sites, including NHAs and local ecological sites are referred to in section 12.10 of this report. Protected habitats or habitat suitable for substantive habituating of the site by protected species were not found on site or adjoining the site during ecological surveys. The proposed development would not result in significant impacts to any protected sites, including those downstream.</p>	
<p><b>2.2</b> 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>	<p>No</p>	<p>The proposed development would not result in significant impacts to protected, important or sensitive species. Biodiversity measures are included as part of the proposals, including native tree planting, bat boxes, and bat-sensitive lighting.</p>	<p>No</p>
<p><b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>The site and surrounding area does not have a specific conservation status and the site has relatively low potential for archaeology on site given the separation distance from the nearest RMP and the applicant's archaeological impact assessment.</p>	<p>No</p>
<p><b>2.4</b> 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>	<p>No</p>	<p>No such features are in this suburban location with extensive other agricultural lands of comparable characteristics in the immediate area to the west.</p>	<p>No</p>

<p><b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>No</p>	<p>The development will implement SUDS measures to control surface water run-off. The development would not increase risk of flooding to downstream areas with surface water to discharge at greenfield runoff rates. Potential impacts arising from the discharge of surface waters to receiving waters are considered, however, no likely significant effects are anticipated.</p>	<p>No</p>
<p><b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>There is a steady change in ground levels across the site. Only shallow cut and fill, as well as excavation works for services and SUDS are proposed and construction measures can be implemented to safeguard risks to any sensitive receptors.</p>	<p>No</p>
<p><b>2.7</b> 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 road network. There are sustainable transport options available to future residents. No significant contribution to traffic congestion is anticipated to arise from the proposed development.</p>	<p>No</p>
<p><b>2.8</b> 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>No significant construction or operational impacts would be anticipated for other facilities.</p>	<p>No</p>

**3. Any other factors that should be considered which could lead to environmental impacts**

<b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	Yes	The proposed development would adjoin the works site for the permitted N6 Galway City ring road project and would not give rise to significant cumulative environmental effects with this road project. Any cumulative traffic impacts that may arise during construction would be subject to a construction traffic management plan.	No
<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	No	No transboundary considerations arise	No
<b>3.3</b> Are there any other relevant considerations?	No	No	No

## C. CONCLUSION

<b>No real likelihood of significant effects on the environment.</b>	<input checked="" type="checkbox"/>	<b>EIAR Not Required</b>	
<b>Real likelihood of significant effects on the environment.</b>	<input type="checkbox"/>	Refuse to deal with the application pursuant to section 8(3)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended)	

## D. MAIN REASONS AND CONSIDERATIONS

Having regard to

- the nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(i), 10(b)(iv) and 14 of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2022;

- the location of the proposed houses, duplex apartments, apartments and childcare facility on lands zoned 'Residential - R' in the Galway City Development Plan 2023-2029 with a stated objective to provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods, and the results of the Strategic Environmental Assessment of the Development Plan;
- the nature of the existing site and the pattern of development in the surrounding area;
- the availability of mains water and wastewater services to serve the proposed development;
- the location of the development outside of any sensitive location specified in Article 299(C)(1)(a)(v) of the Planning and Development Regulations 2001-2022;
- 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);
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001-2022, and;
- the features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the project Construction and Demolition Waste Management Plan, the Natura Impact Statement and the Report on Civil Works Planning Stage.

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: \_\_\_\_\_ Colm McLoughlin

Date: 23<sup>rd</sup> February 2023