



An
Bord
Pleanála

Inspector's Report

ABP-315724-23

Development	60 apartments
Location	West City Centre Office and Retail Park, Seamus Quirke Road, Galway.
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	22290
Applicant	Sodalitas Property Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant	Sodalitas Property Limited
Observer(s)	Ashe Road Residents Association Carmel Harte
Date of Site Inspection	22 nd September 2023
Inspector	Ronan O'Connor

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	7
3.3. Prescribed Bodies	9
3.4. Third Party Observations (& Government Departments).....	10
4.0 Planning History.....	11
5.0 Policy Context.....	11
5.2. Development Plan.....	13
5.3. Natural Heritage Designations	15
5.4. EIA Screening	15
6.0 The Appeal	16
6.1. Grounds of Appeal	16
6.2. Planning Authority Response	18
6.3. Observations	18
7.0 Assessment.....	19
8.0 Appropriate Assessment.....	29
9.0 Recommendation.....	34
10.0 Reasons and Considerations	35

1.0 Site Location and Description

- 1.1.1. The site is located in the West City Centre building/site. The site is bounded by existing residential development to the south, St. Joseph's Community Centre and Shantalla Neighbourhood Park to the east, and a service station to the north-east. It is bounded by the Seamus Quirke Road to the north and the Old Seamus Quirke Road to the west. The site is accessed off the Old Seamus Quirke Road
- 1.1.2. On site is an existing two-storey building contains a number of retail units and a Post Office at ground level, with offices at first floor level. With regard to the information on file, it does not appear the first floor offices are in use. There are extensive areas of surface car parking. with an underground parking area, which is not in use. There are some small areas of landscaping.

2.0 Proposed Development

- 2.1.1. Permission for development which consists of:

1) the demolition of existing first floor office level followed by the proposed construction of : (a) 60 new apartments at first, second and third floors within the existing curtilage, (b) external 1st floor central external landscaped podium courtyard, (c) balconies to all apartments outside of the existing curtilage , (d) additional communal open space to the southern end of the block at ground level, including residents refuse storage facilities and housing for technical services. (e) modifications to the existing basement carpark, (f) roof level lift overruns and PV panel plant areas.

The apartments will comprise of : 4 no. 3 bedroom - 5 person units, 32. no 2 bedroom - 4 person units, 2 no.2 bedroom - 3 person units and 22 no.1 bedroom - 2 person units. (2) The construction of an additional single storey retail wing, to the west of the existing block, comprising of 1,976sqm of gross internal floor area. The existing block and proposed block being inter-connected by an atrium lobby measuring 124sqm. (3) Modifications to the existing surface car park area, including the ramp access to the existing basement car park. Modifications to existing and additional hard and soft landscaping provisions to the site. (4) Modifications and connection to all other associated site services

The development as proposed is summarised below:

Key Figures

Site Area	1.72 Ha
No. of residential units	60 (22 X 1 bed, 34 X 2 bed, 4 X 3 bed)
Density	35 units/Ha
Public and Communal Open Space	2,015 sq. m
Height	4 storeys
Communal Space	1,355 sq. m.
Part V	12 no. units
Vehicular Access	Via Old Seamus Quirke Road
Car Parking	As per existing provision 303 no. spaces (163 no. surface level; 140 no. spaces basement level)
Bicycle Parking	68 no. spaces (at first and second floor levels)
Other uses	Single storey retail building (1,976 m2 gfa)

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority issued a Notification of Decision to **REFUSE** Permission on the 11th January 2023 for **8** no. reasons as follows:

1. The design and height of the proposed apartment and commercial buildings would be contrary to the criteria in the Galway City Council Development Plan 2023-2029, Chapter 3 and 8 Urban Design and Placemaking, and the Urban Density and Building Heights Study, as developments of such a scale and nature are required to be of an outstanding architectural design and have built form excellence and satisfy

all other planning criteria. In this regard the justification for exceedance in the recommended heights and satisfaction of other criteria such as contextual setting, prevailing residential amenity, public realm attributes, layout, environment and amenity impact is not satisfactory and this proposed development fails to achieve an adequate standard, this is coupled with a poor internal layout and substandard access 'gallery's', and the proposal is therefore contrary to the Galway City Council Development Plan 2023-2029 policies and would if built also be injurious to the residential amenities of the area.

2. The inclusion of protruding balconies on the elevations of the apartment block, owing to their poor visual coherence and the climatic conditions prevailing in the west of Ireland/Galway would be visually and functionally unacceptable and contrary to the requirements under the Galway City Council Development Plan 2023-2029, Chapter 3 and 8, Urban Design and Placemaking.

3. The proposed development layout is contrary to the requirements of the Galway City Council Development Plan 2023-2029 Chapter 3 and Chapter 8, for a site proposed to transition from a commercial retail park to a mixed commercial/residential development. The proposal has failed to include for revisions to the overall site layout and current harsh commercial environmental context which would accommodate the appropriate amenity context and safe environment for such a redevelopment where a significant element of residential use is being introduced. The proposal fails to accommodate sustainable movements also, including walking and cycling and has a deficiency in accessible/adequate bicycle storage and linkages. The proposed layout and site context does not accommodate a high quality of design, landscape or an accessible living environment, nor accommodate local community needs, nor support a high quality modern architecture in a holistic integrated manner, in this instance the proposal has failed to achieve these criteria, with a particular deficiency in the provision of good public realm context, sustainable access, civic/public enhancement which is required for the scale of residential proposed and therefore if permitted would, contravene the development plan and be injurious to the residential amenities of the area.

4. The proposed development would contravene the requirements of the Galway City Council Development Plan 2023-2029 Section 11.3.1 (e) Daylight as the "internal windows of the western block and the front windows of the eastern residential block

would be continuously and completely overshadowed and would not have the benefit of sufficient day/sunlight required for residential occupancy. The design as proposed prevents sufficient day/sunlight to penetrate the windows of the proposed apartments, therefore the block layout as proposed is not acceptable and contravenes the policies in the development plan and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines requirements and would result in a substandard development injurious to the residential amenities.

5. The quantity and quality of private and communal useable space to be provided for this development is significantly deficient in terms of layout, orientation, sustainable positioning, residential amenity, exacerbated by the location and design which included for areas proposed of a narrow unusable/fragmented nature, with the main portion of communal space positioned at an elevated location between the apartment blocks resulting in an area which will be completely overshadowed by the proposed buildings and access gallery. In this regard the development as proposed would be contrary to the requirement of the Galway City Council Development Plan 2023-2029 section 11.3.1 (c) Amenity Open Space Provision in Residential Developments and the Sustainable Urban Housing Design Standards for New Apartments (2020) and does not meet the vision of the Westside Decarbonisation Zone initiative, resulting in a development which would be injurious to residential amenities and the proper planning and sustainable development of the area.

6. The Galway City Council Development Plan 2023-2029, Section 11.3.1 (d) requires that "Residential units shall not directly overlook private open space or land with development potential from above ground level by less than 11 metres minimum" and "In the case of developments exceeding 2 storeys in height a greater distance than 11 metres may be required, depending on the specific site characteristics". The proposed development, which is introducing a residential building of greater height than existing, does not meet the above policy/standard requirements, and if permitted, would give rise to undue overlooking of adjoining properties thus detracting from the residential amenity, overlooking of adjacent lands with development potential, and would be contrary to the proper planning and sustainable development of the area.

7. The proposed development has not demonstrated compliance with the Galway City Council Development Plan 2023-2029 Section 5.3.1 European Designated

Sites', including Appropriate Assessment screening, and if necessary, appropriate assessment, therefore, it has not been demonstrated to the satisfaction of the Planning Authority, that the proposed development would not be likely to have a significant effect on any identified European Site and their qualifying interests and special conservation interests, alone and or in-combination with other plans and projects, and does not allow for full assessment of the proposed development which could without this process being facilitated be injurious to the environment and contrary to the requirements of the Galway City Council Development Plan 2023-2029.

8. The proposed development has failed to demonstrate satisfactorily that the additional traffic and transport movements and associated intensification from the proposed uses and the specific nature of these movements, including for all modes, accessing and exiting the site can be accommodated adequately and safely and therefore the proposed development, if permitted in the absence of this necessary assessment could result in a traffic hazard and endanger public safety.

3.2. Planning Authority Reports

3.2.1. Planning Report (10th January 2023)

- No Screening for Appropriate Assessment Submitted.
- Notes that the site is zoned CI 'Commercial and Industrial'
- Proposed development is open for consideration
- Notes the contents of Section 6.5 – Level 3 District Centres of the Development Plan & Section 10.24 which refers to these lands
- Higher density development open for consideration given the location and characteristics of the site
- Plot ratio is in accordance with Development Plan standards
- Density is 35 unit/ha
- Lower density acceptable given the existing footprint and context of site

- Considered that the fourth level and services element above are excessive/design and appearance would not lead to an enhancement of the area/poor design resolution for this important location
- Requires further civic/public enhancement
- Failure to provide for the creation of a community/including linkages to adjacent footpaths/cycleways
- Potential impact on flight operations related to the hospital helipad
- Useability of the proposed balconies is questionable/no microclimate and wind assessment
- Principle of the external access route to the apartments is not acceptable/not acceptable to be used as a balcony/private amenity space
- Would not meet minimum separation distance requirements/would overlook lands zoned CI which have potential for development
- Skewed window to prevent internal overlooking/leads to a discordant appearance
- There is no breakdown of open space areas
- Proposed communal space at first floor level would be overshadowed
- Limited useability of the southern ground level amenity space
- Concerns in relation to compliance with daylight/sunlight standards
- Shadow plan fails to demonstrate potential impacts
- Location of the bin store beside existing residential units not acceptable
- Additional 20 car parking spaces (over existing) created by this development
- Require TTA to be reviewed
- Cycle parking proposed on upper levels/difficult to access
- Insufficient visitor cycle parking
- Existing access points should be upgraded to provide for cycle and pedestrian access into the site/Mobility plan should be provided
- Recommended refusal for the 8 no. reasons as per above.

3.3.4. Other Technical Reports

3.2.2. Transportation Planning (dated 3rd January 2023)

- Has not recognised impacts on existing public infrastructure that might be impacted by the proposal
- No commitment to implement changes required under the Audit
- Little info on residential cycle parking
- Lack of analysis in relation to existing parking/CMP required
- Analysis does not seem consistent with current observations/intensification of the site must exacerbate the current situation/regular queues
- Impact on existing uses during construction
- No analysis of flight path impact for the UCHG Helipad
- Recommend Further Information

Drainage (dated 12th December 2022)

- Details of existing SuDS/surface water details/proposed storm water connections required.

Heritage Officer

- Archaeological Monitoring should take place due to proximity to 17th Century fortification

Environment

- Resource and Waste Management Plan required

3.3. Prescribed Bodies

3.3.1. None received.

3.4. Third Party Observations (& Government Departments)

3.4.1. 3 no. observations were received. The report of the Planning Officer summarises the main issues raised in the third-party observations as follows:

- The cover letter is misleading as it refers to social housing which is not mentioned in the description of development
- No additional car parking is proposed for this development, and it is suggested that the occupiers of the units will not require car parking spaces, there will be a deficit of parking on the site and permission should be refused on these grounds.
- The traffic safety audit and Mobility Access Plan are both flawed.
- There is no TTA provided for this development and the applicant refers an expired permission 07/748, TTA as remaining relevant
- There is no account of the existing traffic and backings within the area
- The development will lead to a loss of ground level car parking.
- The proposed new height of the building will overshadow existing adjacent residential dwellings on Ashe Road,
- The referencing of approximate heights on drawings/elevations/sections is unacceptable
- The proposed apartments will overlook the adjacent lands adversely impacting upon the residential amenities of adjacent properties, The shadow profile does not correctly outline the impacts this development will have in adjacent lands/properties
- The building is located on the flight path of the search and rescue helicopter landing pad for the hospital and no evidence or demonstration that this issue or impacts of a higher building have been submitted
- The development is an overdevelopment of this site.
- There should be a significantly improved provision for safety in accessibility for pedestrians to enter and exit the site, with the provision of universally accessible wheeling, walking and cycling access points.

- There is no cycle parking provided at ground level to cater for visitors of the retailing element. The numbers of cycling spaces for the residential element have not demonstrated compliance with the national Cycle manual, with regards to numbers of spaces provided.
- The proposal to provide bicycle parking at upper levels, needing a lift, opening doors, and overall would reduce the usability of such a facility, let alone negate the use of non-standard bicycles, the proposals would not appear to comply with the requirements of the apartment guidelines or the national cycle manual, overall it is a poor solution which will not encourage the long term storage and access to bicycles. The level of car parking and its layout does not meet the requirements for the decarbonisation of this area as it is car dominant and the number of spaces should be examined and broken up to provide for an improved layout.
- The density of the proposed development would be contrary to development plan policies and standards.
- The addition of 60 residential units will add to the negative traffic issues experienced in surrounding areas and along the Seamus Quirke Road.

4.0 Planning History

Appeal Site

- 4.1.1. There are a large number of previous applications/appeals pertaining to the site as detailed in the Planner's Report. However there are no applications/appeals that are directly relevant to this current appeal.

5.0 Policy Context

5.1. National and Regional Policy

5.1.1. National Planning Framework 2018-2040

National Strategic Outcome 1, Compact Growth, recognises the need to deliver a greater proportion of residential development within existing built-up areas. Activating these strategic areas and achieving effective density and consolidation,

rather than urban sprawl is a top priority. A preferred approach would be compact development focussed on reusing previously developed, 'brownfield' land.

Objective 2a targets half of future population growth in the existing five Cities and their suburbs.

Objective 3a seeks to deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements, while Objective 3b further seeks to deliver at least half (50%) of all new homes targeted in the five Cities and suburbs, within their existing built-up footprints.

Objective 13 is that planning and related standards including building height and car parking in urban areas, will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.

Objective 35 seeks to increase residential density in settlements, through measures including infill development schemes, area or site-based regeneration and increased building height.

5.1.2. **Housing for All - a New Housing Plan for Ireland** (September 2021)

A multi-annual, multi-billion euro plan which will improve Ireland's housing system and deliver more homes of all types for people with different housing needs.

The overall objective is that every citizen in the State should have access to good quality homes:

- to purchase or rent at an affordable price
- built to a high standard and in the right place
- offering a high quality of life

5.1.3. **Rebuilding Ireland: Action Plan for Housing and Homelessness**

The plan identifies five pillars for action. Pillar 3: Build More Homes, seeks to increase the output of private housing to meet demand at affordable prices.

The key action is to double housing output over the Plan period aided by measures including infrastructural funding through the Local Infrastructure Housing Activation Fund (LIHAF).

5.1.4. **Regional Spatial and Economic Strategy for the Northern and Western Region 2020-2032 (RSES)**

The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.

5.1.5. **Section 28 Ministerial Guidelines**

Having considered the nature of the appeal, the receiving environment, and the documentation on file, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (Jan 2024).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023) (the 'Apartment Guidelines').
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines').
- Design Manual for Urban Roads and Streets (DMURS) (2019).

5.2. **Development Plan**

The Galway City Development Plan 2023-2029 came into effect on the 4th January 2023 and is the relevant development plan.

The site is zoned 'CI' Commercial and Industrial. "To provide for enterprise, light industry and commercial uses other than those reserved to the CC zone." Section 11.2.6 states for CI zoned lands that 'Residential content of a scale that would not unduly interfere with the primary use of the land for CI purposes and would accord with the principles of sustainable neighbourhoods outlined in Chapter 3'

Section 6.5 District Centre Level 3 – Westside

Level 3: Districts Centres

In general, district centres function to provide a range of services characterised by large multiple anchors with a mix of convenience and comparison goods. In addition there is generally a range of smaller local services including local offices, restaurants, recreational and community facilities.

The area known as Westside is more established than the other two existing district centres.....it is anticipated that new developments in this area will deliver both commercial, community and residential developments in a compact, attractive format. In design, renewal will be required to rehabilitate the public realm, be of a high architectural quality, encourage and facilitate active modes and passive surveillance when combined will enable transformation of the area to become an attractive and vibrant place. This area has benefited from investment in recreation facilities, access upgrades including bus lanes and cycle lanes and the designation of the main access road, Seamus Quirke Road as suitable for a rapid transit bus route. This investment will be beneficial especially on the larger opportunity sites which form part of the district centre.

Section 10.23 refers to Westside and it is noted that *inter alia* the area lacks a strong urban definition and streetscape which means it has a poor legibility and sense of place. Re-developments should include for more enclosure, good use mix, use of scale and massing to create more human scaled address to public areas and in general a better urban design regime.

Policy 10.4 Westside 'Enhance the quality of the urban environment at Westside through the creation of a more enclosed, strong street edge on CI zoned lands along the Seamus Quirke Road, creating a high quality active and vibrant streetscape'.

Policy 3.3 - Sustainable Neighbourhood Concept

Policy 3.6 - Sustainable Neighbourhoods: Inner Residential Areas

Policy 8.7 - Urban Design and Placemaking seeks to *inter alia* encourage high quality design, placemaking and public realm and to adhere to the Galway City Urban Density and Building Height Study (2021). Proposals for buildings which are taller than the prevailing benchmark heights will only be considered where they do not have an adverse impact on the context of historic buildings, ACA's, residential amenity or impinge upon strategic views, in accordance with the Urban Density and Building Height Study for the city.

The Galway Urban Density and Building Height Study 2021 provides general guidance in relation to proposals for tall buildings within the city. The Urban Density and Building Height Study refers to the Westside District Centre - noted that the area offers the most significant potential for redevelopment opportunities (of the Established Suburbs – West) - heights between 2 - 3 within the established suburbs, rising to between 2 - 4 at key community centres and nodes and that there is significant scope for taller heights along Seamus Quirke Road which will help to establish a more urban and contained urban character. Chapter 20 of the Study sets out Design Guidance and refers to issues which include compactness, routes and links, grain and morphology, context, flexibility, frontage and public/private spaces, design quality, variety and viability and materials.

Chapter 11 includes development standards and guidelines, the following of particular relevance to this assessment:

11.3.1 (c) Amenity Open Space Provision in Residential Developments

11.3.1 (d) Overlooking

11.3.2 (f) Distance between Dwellings for New Residential Development

5.3. **Natural Heritage Designations**

- Lough Corrib SAC (Site Code 000297) c800m to the east
- Galway Bay Complex SAC (Site Code: 000268) c.1.5km south
- Inner Galway Bay SPA (Site Code: 004031) c.1.5km south

5.4. **EIA Screening**

- 5.4.1. See completed Form 2 on file. Having regard to the nature, size and location of the proposed development, and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. This is a first-party appeal against the decision to refuse permission. The grounds for appeal may be summarised as follows;

Reason for Refusal No. 1 (Design and Height/Internal Amenity)

- PA have not considered the approved 7 no. storey SHD Student Accommodation Scheme adjacent to the site
- Adjacent site is an opportunity site
- Project is a rehabilitation, reconfiguration and an extension of an existing building
- Results in constraints
- PA could have issued a request for Further Information
- Draw ABP's attention to the comprehensive planning submission which demonstrates both compliance and improvement in relation to residential amenity, public realm, layout, environment and amenity.

Reason for Refusal No. 2 (Protruding Balconies)

- Inset balconies are not feasible due to independent third party interests at ground floor/are a regular cause of envelope failure
- PA's position is not supported by any technical statutory guidance
- Improved VSC with cantilevered balconies

Reason for Refusal No. 3 (Site layout)

- Project is not a redevelopment of the entire site
- Additional qualitative and quantitative external landscape features have been carefully incorporated into the design
- Refer ABP to the Landscape Design proposal

Reason for Refusal No. 4 (Overshadowing/Internal daylight/sunlight)

- The submitted application documents contradicts the conclusions reached

- The western and eastern blocks would not be continuously and completely overshadowed as alleged
- Design has followed the recommendations of BRE 209
- Podium achieves compliance with 3.3.7

Reason for Refusal No. 5 (Private and Communal Space)

- Proposed provision of private and communal space is compliant/result of well-considered design criteria and assessment applied by the Design Team
- Podium gallery will not be overshadowed
- Refer the Board to the submitted Shadow Cast Analysis

Reason for Refusal No. 6 (Overlooking)

- Relationships to the boundary are predetermined by the existing building curtilage Application of the 11m principle in this case is inappropriate
- Lands to the east are zoned Recreational and Amenity within which residential development is prohibited/there is no development potential
- All other boundary relationships achieve compliance

Reason for Refusal No. 7 (AA Screening)

- PA should have issued a request for further information
- City Development Plan 2023-2029 has identified the Westside Sports Grounds circa 500m from the application site as a location outside of EU and national designated sites which are covered by legislative protection

Reason for Refusal No. 8 (relating to Traffic and Transport)

- PA has failed to understand the import of the Traffic and Transport Screening document or have overlooked the critical document
- The TTA Screening concludes that there is no intensification and no increase in traffic hazard
- Reference is made within the TTA Screening to the TTA carried out as part of the previous permission on this site (07748)
- PA should have sought clarification on this matter

Conclusion

- Ask that ABP overturn the reasons for refusal
- The partial change of use from office to residential was not identified as a fundamental issue
- FI should have been sought in this case, as per the Development Management Guidelines (2007)
- Proposed development is of high architectural quality and will provide a high-quality residential apartment complex in close proximity to the city centre
- Is in line with national policies and objectives for sustainable, compact growth

6.2. **Planning Authority Response**

6.2.1. None received.

6.3. **Observations**

6.3.1. 1 no. observation has been received from Carmel Harte, 37 Ashe Road, Galway. The issues raised are summarised below:

- Site is located to the rear of observer's property
- Site is zoned commercial/retail not residential
- 4 storey high residential structure is unacceptable in lands not zoned for residential
- Will result in overlooking and overshadowing
- Site is fully utilised as it stands
- Lack of useable open space proposed/cannot be rectified within the existing site boundaries
- Will worsen traffic congestion/will create a traffic hazard/existing issues entering and exiting the development
- Lack of parking on the site to accommodate 60 new apartments
- Will impact on property value

7.0 Assessment

7.1.1. Having examined the application details and all other documentation on file, including the appeal, having inspected the site, and having regard to the relevant national and local policy and guidance, I consider the main issues in relation to this appeal are as follows:

- Design and Layout including height
- Traffic and Transport
- Internal Residential Amenity (Private and Communal Space, Overshadowing, Daylight & Sunlight)
- Overlooking/Impact on Development Potential

7.2. Design and Layout including height

7.2.1. The Planning Authority's reason's for refusal No's 1 and 3 refer to the design of the proposed development and cite concerns in relation to the overall design of the scheme including the height and layout, which were considered contrary the relevant design and placemaking policies of the Development Plan, and contrary to the associated Building Heights Study (2021).

7.2.2. Chapter 3 of the Development Plan sets out policies and objectives in relation to Housing and Sustainable Neighbourhoods. The site is located within the 'Established Suburbs', and Section 3.6 and Policy 3.5 'Sustainable Neighbourhoods: Established Suburbs' of the Development Plan relates to same. Policy 3.5 seeks to *inter alia* consolidate existing residential development, to facilitate densification where appropriate, while protecting residential amenity and the character of the established suburbs, and to encourage residential infill development at appropriate locations. Chapter 8, and Section 8.8 refers to Urban Design and Placemaking and Table 8.1 of same sets out the key principles of good urban design. Policy 8.7 'Urban Design and Placemaking' seeks to *inter alia* encourage high quality design, placemaking and public realm and to adhere to the Galway City Urban Density and Building Height Study (2021). Of note is that the Development Plan describes the Urban Density and Building Height Study as '*providing suggested ranges of scale and intensity which are to be used as a guide and not absolute measures to be pursued or achieved, and notes that each site should be considered on its merits, with*

consideration of densities and heights lower or higher than those outlined in the study considered appropriate when assessed against other relevant policy and guidance’.

- 7.2.3. The Galway Urban Density and Building Height Study (2021) refers to the Westside District Centre, and notes that *inter alia* the wide road corridor is lacking in enclosure, and the area offers the most significant potential for redevelopment opportunities (of the ‘Established Suburbs – West’). It is further noted that the area lacks focus and could be transformed with higher density supporting the west of the city with a strengthened/enhanced streetscape.
- 7.2.4. In relation to appropriate densities in this area, the Building Height Study notes that ‘Densities open for consideration’ within the Westside District Centre include mixed use development with housing densities of 50+ dph. It is further stated that redevelopment of the Westside District Centre/Seamus Quirke Road should be delivered to density levels typically seen in Salthill (which is referred to elsewhere as being around 40 dph). As such there would appear to be some conflict within the Plan as relates to appropriate density, but it can be determined that densities of at least 40 dph are generally sought after in this area.
- 7.2.5. In terms of heights open for consideration, it is noted that heights between 2 - 3 within the established suburbs, rising to between 2 - 4 at key community centres and nodes and that there is significant scope for taller heights along Seamus Quirke Road which will help to establish a more urban and contained urban character. Chapter 20 of the Study sets out Design Guidance and refers to issues which include compactness, routes and links, grain and morphology, context, flexibility, frontage and public/private spaces, design quality, variety and viability and materials.
- 7.2.6. In relation to the density proposed here, the proposal entails 60 no. units on a site of 1.72 ha., equating to a density of c. 35 dph. This is below the general guidance in the Building Height Study, although the Planning Authority is of the view that the density is acceptable given the existing nature of the site. In relation to Section 28 Guidance, the recently published ‘Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (Jan 2024) seeks residential densities in the range of 50 dph to 200 dph in the urban neighbourhoods of Limerick, Galway and Waterford (I note the site is approximately 1km from Galway City Centre

and could reasonably be defined as an 'Urban Neighbourhood'). As such, I am of the view that there is scope to increase the overall density on this site, which could potentially be provided if the site were to come forward as part of a comprehensive redevelopment proposal (see further discussion of same below).

- 7.2.7. In terms of the heights proposed, the proposed development is a part single, storey part three storey and part four storey development. It is proposed to demolish the existing first floor the existing retail/office building and to construct an additional three floors of residential over the existing ground floor. It is further proposed to construct a single storey extension to the south of the site, accommodating additional retail floorspace. The site lies within the 'Established Suburbs', as defined within the Development Plan, and the Urban Density and Building Height Study refers to heights of 2 to 3 storeys within the Established Suburbs, with 2 - 4 at key community centres and nodes. The site is not identified as a key community centre or node. The study refers to significant scope for taller heights along Seamus Quirke Road, to provide enclosure for same. While the site adjoins the Seamus Quirke Road, the proposed built form does not, and does not serve to provide the sought after enclosure to Seamus Quirke Road, and as such I am of the view that this 'scope for taller height' is not provided for in this instance. Notwithstanding, I note the flexibility referred to in the Development Plan, with each site considered on its merits and with the proviso that heights higher than those outlined in the study may be appropriate. I would also note that the Urban Development and Building Height, Guidelines for Planning Authorities (2018) also encourage greater height in accessible locations, including city centres and suburbs, subject to the criteria as set out in Section 3.2 of same. I not of the view that the 4 storey height itself leads to a development which is significantly out of context, overbearing or incongruous, with the proposed development sitting within the site, limiting the impact and visibility of same from the public realm, which includes the Seamus Quirke Road and sites beyond (I have considered the impact on visual amenity of residential properties below). The Development Plan also refers to cases where the proposed development exceeds the prevailing height (which in this case is generally 2 storeys), and in such cases, these proposals will only be considered where they do not have an adverse impact on the context of historic buildings, ACA's, residential amenity or impinge upon strategic views. There is no Protected Structures, ACA's or strategic views impacted

by the proposed development. I have considered impacts on residential amenity below, and I have concluded that the impact on same is acceptable. As such the principle of the height proposed here is acceptable, in my view.

- 7.2.8. In relation to the proposed site layout, I would note that the current public realm, both on the site, and in the wider area, is somewhat inhospitable, being dominated by the large expanse of surface car parking (on the site) and the surrounding road network, most notably, the Seamus Quirke Road, which is relatively wide and busy thoroughfare. Overall the site itself, and the wider area, lack a defined character, which is acknowledged in the Development Plan, and there is scope for development on these sites to create their own character. The site as a whole could be considered a large redevelopment site. However, I note that the applicant has cited development constraints in relation to the site coming forward as a comprehensive redevelopment and, as such, the scheme as presented here must be assessed on its merits. In relation to same then, I am of the view that there is little in the way of a contribution to place making provided within the scheme, although I do note the provision of an open space/play area to the south-east of the site, which will be of some benefit to occupants of the residential units, and possibly for the users of the retail park, although the benefit to the wider area is questionable given the lack of safe pedestrian and cycle access to same. The overall contribution of the proposal the streetscape is minimal and, in the absence of a wider redevelopment of the site, it is difficult to see how a proposal could introduce provide enclosure to Seamus Quirke Road (as required by Policy 10.4 'Westside' of the Development Plan), or introduce new public spaces that would benefit the wider area. Furthermore, there are no additional pedestrian or cycle linkages to the surrounding road network adjoining sites provided within the scheme (see further discussion of same in Section 7.3 below). In terms of the overall layout, the footprint of the existing two storey over basement building remains largely unchanged, with the bulk of the proposed development on the upper floors of same. The proposed development does seek not to alter, in any meaningful way, the inhospitable character of the site, and introduces some 60 no. residential units onto the site with little supporting infrastructure to provide for same. The layout then, in the absence of a complete redevelopment of the site, or at the very least, the provision of additional pedestrian or cycle infrastructure, does not appear to lend itself to a high quality pedestrian environment,

and represents an undesirable piecemeal redevelopment of site, and I do not consider it complies with those urban design principles as set out in Table 8.1 of the Development Plan.

7.3. Traffic and Transport

- 7.3.1. Reason for Refusal no.8 refers to the impact of additional traffic arising from the intensification of the site, as well as road safety issues arising for all modes of traffic accessing and exiting the site. This reason for refusal, then, refers to vehicular traffic, as well as pedestrians and cyclists.
- 7.3.2. The application is accompanied by a Traffic and Transport (TTA) Screening Letter prepared by ORS Consulting Engineers. It is noted within this document that while the site comprises of a 2 storey retail building, only the ground floor is being used. It is further noted the site has a total of 303 no. car parking spaces, 163 no. surface parking bays and 140 no. underground bays, with only the surface car park in use. On the day of my site visit at least the underground element was not accessible and appeared to be closed off. The Screening Letter notes that once the development is in place, all of the 303 no. parking spaces will be available to the public and future residents of the site. Reference is made to a previous consent on the site (07748 – Granted 25th January 2008) for a 2-storey mixed use development over basement car park which included office and retail space and which included an additional 68 no. spaces and realignment of the junction between the Seamus Quirke Road and the Old Seamus Quirke, and it is noted that the traffic impacts of same were found to be acceptable. It is contended that the traffic impacts of this current proposal would be less than this previous consent. It is further set out that the current proposal is for retail and social housing and it is stated that car ownership for social housing tends to be lower (therefore the impact on the surrounding road network will be less). The application documents also include a ‘Car Parking Assessment’. This notes the previous Development Plan requirements in relation to car parking and it is noted that the previous Plan required a total provision of 450 no. spaces for the retail and the residential floorspace. This document also utilises the TRICS database to estimate parking demand for the retail and residential elements. It is set out that the maximum parking demand within any give one hour period (between 07:00 and 19:00) is 183 no. spaces, between 12:00 and 13:00. The application is also accompanied by a Mobility Management Plan which sets out the existing transport

infrastructure in the area and sets out proposed measures to encourage a modal shift towards more sustainable modes of transport by future occupiers of the development.

- 7.3.3. In relation to the potential impact on the surrounding road network, I note the contents of the Traffic and Transport (TTA) Screening Letter, and I would share the concerns of the Planning Authority in relation to relying on traffic data derived from an assessment related to an application that was granted in 2008, with the data therein being at least 16 years old, not least as the surrounding context of the site may have changed considerably since then, with the baseline traffic environment changing accordingly. Both the Planning Authority and third party submissions at application stage, and at appeal stage, have cited issues with existing congestion, and the Planning Authority's Transportation Report has questioned the conclusions made within the technical note. In this regard, I do not accept that one can compare the relative impact of this current development to the impact of a development which was granted in 2008, not least as the impact of this subject development is not known (in terms of potential traffic generation and impacts on surrounding junction capacity etc). Only the ground floor of the existing building is in use at present, with the proposed development proposing additional retail units within an extension to same. In terms of the additional retail and residential elements proposed here, there is no analysis of the impact of same, save for a consideration of parking demand on an hour by hour basis (as set out in the 'Car Parking Assessment') and there are no proposals to restrict areas of car parking to residents only, or to allocate spaces to individual units. To my mind, this is not an appropriate method of car parking allocation, and does not lend itself to minimising car ownership in what is a relatively accessible site. The Planning Authority have also expressed concerns in relation to a lack of a Car Parking Management Strategy. In relation to the parking demand analysis for the residential element, as set out in the Car Parking Assessment, one would expect the number of departures to peak at the AM period and the number of arrivals to peak at the PM period, but this does not appear to be reflected in the data. There is no analysis of parking demand after 7pm, when one would expect residential parking demand to peak during the overnight period. In addition, the TRICS database utilised to generate the data within the Car Parking Assessment, was for 'Affordable/Local Authority Flats. and while the applicant has stated that

these units are to be social units, this is not reflected in the development description, and as such there is no mechanism to prevent these units being let and/or sold on the private market. I would also share the Council's concerns in relation to the potential impact on traffic volumes in and around the site, in particular at the junction of the site/Old Seamus Quirke Road and the junction of the Old Seamus Quirke Road/Seamus Quirke Road. In the absence of a formal and up-to-date assessment of the impact on the surrounding road network (either by way of a revised Technical Note or within a Traffic Impact Assessment), I am of the view that it is not possible to assess the impact on the surrounding road network and I would recommend that the appeal be refused on this basis.

7.3.4. In relation to cycle and pedestrian traffic, as noted above, and as noted in the Council's reasons for refusal (namely reasons no.'s 3 and 8), the proposed development does not seek to improve the existing pedestrian or cyclist infrastructure, notwithstanding the introduction of a significant residential element on the site. I would share the concerns that in the absence of any proposals to facilitate this additional population on the site, it would give rise to road safety concerns, with pedestrians and cyclists forced to navigate a public realm which is dominated by surface car parking. I note the application is accompanied by a Stage 1/2 Road Safety Audit, which has raised concerns in relation to *inter alia* the lack of dedicated pedestrian routes and crossing facilities on the site, and there does not appear to be adequate response to same reflected in the proposed drawings.

7.3.5. The Council has also raised concerns in relation to the provision of cycle parking on the upper levels of the proposed development and I would share those concerns, with such a provision not representing convenient and accessible cycle parking as required by the Apartment Guidelines.

7.4. Residential Standards (Private and Communal Space, Access, Overshadowing, Daylight & Sunlight)

7.4.1. Section 11.3.1 (c) 'Amenity Open Space Provision in Residential Developments' of the Development Plan sets out that communal recreation and amenity space provision is required at 15% of the site area. This would equate to 2,500 sq. m.. An open space/playground (c660 sq. m) is provided to the south-east corner of the site. The proposed development includes a communal podium area at first floor level, with

a total area of 1,355 sq. m. The total area of public and communal open space is therefore 2,015 sq. m. In terms of the communal open space provided (i.e. an open space shared by the residents of the proposed development), I share the Council's concern in relation to the quality of this communal open space. The space is surrounded on three sides by built form and acts also as an access route into the first floor units, with an access walkway also provided above to allow for access to the second floor units. This limits the overall amenity of the space, in my view. In addition, many of the bedroom windows front onto these access walkways, raising privacy concerns, as well resulting in potential noise disturbance. While I note that some privacy screens have been provided to these bedroom areas, I am not of the view that these are sufficient to ensure privacy to same. In relation to provision of sunlight to this communal area, the shadow diagrams submitted indicate the area in shadow in for much of the day (in the AM and PM periods), although during the middle of the day it would appear that the area does receive some sunlight (the open aspect of the communal space faces south). However, no Daylight, Sunlight and Overshadowing Assessment has been submitted with the application, and it has not been demonstrated that the proposal complies with BRE Guidelines¹ relating to the provision of sunlight to amenity areas.

- 7.4.2. In terms of private open space, the proposed development has provided same in the form of balconies and/or private terrace areas that adjoin the communal open space at first floor. The Planning Authority has raised concerns in relation to the projecting balconies, citing the poor visual coherence of same and the climatic conditions prevailing in the west of Ireland (Reason for Refusal No. 2 refers to same). In relation to the latter issue, while the Development Plan would appear to require an assessment of all environmental impacts including *inter alia* micro-climate, there is no specific policy restriction in the Development Plan restricting the use of projecting balconies for reasons of prevailing climate, and as such I am not inclined to support the omission of same for this reason. Furthermore, I do not consider the appearance of the balconies to be unacceptable, and they read as a standard addition to a residential development, and are not visually incoherent in my view.

Daylight and Sunlight

¹ As set out in BRE Site Layout Planning for Daylight and Sunlight (3rd Edition – June 2022)

7.4.3. The council has raised concerns in relation to the levels of daylight and sunlight to the proposed units, namely the internal windows of the western block, and the front windows of the eastern residential block. Section 11.3.1 (e) 'Daylight' of the Development Plan states that all buildings should receive adequate daylight and sunlight, and notes that a daylight, sunlight and/or overshadowing assessment may be required, guide by quantitative performance approaches, such as BRE Site Layout Planning for Daylight and Sunlight (2nd Edition) or updated versions of same (I note the 3rd edition of same is the current version – published June 2022). The Apartment Guidelines (2023) have similar provisions, although refer to the provision of daylight only, and not sunlight. As noted above, no such assessment has been provided. I would share the Council's concerns in relation to the potential levels of daylight and sunlight to the proposed units, noting that many of the habitable rooms have an aspect towards the enclosed communal area, which has the potential to limit the levels of daylight and sunlight received to same. In addition, those north facing units would also have restricted access to direct sunlight. In the absence of a technical Daylight and Sunlight Assessment, I am of the view that the Board cannot be satisfied that the units would have sufficient daylight and sunlight provision. I note that the Apartment Guidelines allow for the provision of compensatory measures where daylight and sunlight requirements cannot be fully met. There are no readily apparent compensatory measures provided here (and the applicant has not referred to same either at application stage nor within the appeal submission) and as set out above, there is little provision of an appropriate public realm or widely accessible public open space, and the communal open space that has been provided is not of sufficient quality for the reasons as set out above.

7.5. **Overlooking/Visual Impact/Impact on Development Potential**

7.5.1. Reason for refusal No. 6 of the Council's decision refers overlooking of adjacent residential properties and overlooking of adjacent lands with development potential. Section 11.3.1 (d) 'Overlooking' of the Development Plan states that '*Residential units shall generally not directly overlook private open space or land with development potential from above ground floor level by less than 11 metres minimum. In the case of developments exceeding 2 storeys in height a greater distance than 11 metres may be required, depending on the specific site characteristics*'. In this instance, the nearest existing residential dwellings are located

at least 27m to the north of the nearest residential dwellings on Ashe Road. This is sufficient, in my view, to ensure that there is no material overlooking from the proposed development towards directly opposing windows, or of adjoining amenity spaces. I would note also that there are only 2 no. bedroom windows that face south. I would also be of the view that this distance is sufficient to ensure to material impact on the visual amenity of the existing dwellinghouses to the south, and am not of the view that the proposed 4 storey building would be overbearing or visually dominant when viewed from the houses on Ashe Road.

7.5.2. In relation to the development potential of adjoining lands, the Planning Authority have not cited any specific development or approved application on any adjoining lands in the reason for refusal. I note the site is bounded by existing residential development to the south, St. Joseph's Community Centre and Shantalla Neighbourhood Park to the east and an existing service station to the north-east. It is bounded by the Seamus Quirke Road to the north and the Old Seamus Quirke Road to the west. In relation to the service station lands to the north-east, I note there are proposed units which face over these lands, and which are approximately 8m from the boundary with same. There is no approved development proposals for this site (most recent planning history relates to 2 no. refused applications for a food supermarket – Appeal Refs 307522-20 & 312059-21), which were considered under the previous Development Plan. This site is zoned Enterprise, Light Industry and Commercial (as is this subject site). As such, in principle then, it would appear that there is potential for a mixed-use scheme that may include some residential scheme to come forward. However, it would be expected that such a scheme would have regard to this subject site, and be set off the boundary somewhat, maintaining an acceptable distance from any potentially directly opposing windows. As such, I am of the view that the it is unlikely that this scheme in its current guise would impact the development potential of the service station site in any material way. In relation to the community centre site and neighbourhood to the east, this is currently zoned 'Recreation and Amenity' RA. There is no indication that a scheme with a residential development will come forward on this site, and notwithstanding, it would be expected that any form of development would maintain a separation from the boundary. I would note also that the development as proposed here is set back approximately 9m from the eastern boundary. As such I also of the view that the

proposed development will not impact the development potential of the lands to the east in any material way.

8.0 **Appropriate Assessment**

Introduction

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

The Project and Its Characteristics

- 8.1.2. The detailed description of the proposed development can be found in section 2.0 above.

Compliance with Article 6(3) of the Habitats Directive

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

Submissions and Observations

- 8.1.4. I note that no Appropriate Assessment Screening Report was submitted and Reason for Refusal No. 7 of the Planning Authority's decision refers to same. The observations from the third parties are summarised in Section 3 above. The observer has not raised any specific issues with regard to appropriate assessment or in relation to ecology or biodiversity more generally. The planning application was referred to a number of statutory consultees, including An Comhairle Ealaíon (The

Arts Council), the Minister for Housing, Local Government and Heritage (NPWS), Fáilte Ireland and An Taisce. No submissions on the application was received from any of these Prescribed Bodies.

Screening for AA

- 8.1.5. I note that the submission of an AA Screening Report is not a mandatory requirement. In order to screen for Appropriate Assessment I have utilised the information on the appeal file and publically accessible information on the NPWS² website and the EPA website, namely the EPA's Appropriate Assessment Tool³ and the EPA Water Mapping⁴.
- 8.1.6. The development site is not within or directly adjacent to any Natura 2000 site. There are no surface water hydrological features on or adjacent to the site with the nearest such feature being the River Corrib, which is approximately 1km to the east of the site. The Corrib River flows from Lough Corrib through Galway City and discharges into Galway Bay. The site is located in an area surrounded by existing low density residential development, low rise commercial development, an open space at Shantalla Park and community infrastructure. The site itself comprises brownfield land with hardstanding/surface car parking and a two storey retail/office building. While there are no bird or ecological surveys submitted, I am of the view that is very unlikely that the site would support any significant populations of birds or mammals given the very limited vegetation on the site.
- 8.1.7. Of note for the purposes of screening for Appropriate Assessment is that the proposed storm water system will collect all rainwater from the non-permeable areas and roof of the proposed new retail block and connect to the existing storm water system, which currently services the existing development, and which ultimately connects to the Galway City Council mains Storm Sewer System (as per information in the 'Design of Storm Water Sewers Report').
- 8.1.8. I am of the view that the only Natura 2000 sites where there is potential for likely significant effects are the Galway Bay Complex SAC and Inner Galway Bay SPA, via the hydrological connectivity posed by surface water drainage pathways.

² <https://www.npws.ie/protected-sites>

³ <https://gis.epa.ie/EPAMaps/AAGeoTool>

⁴ <https://gis.epa.ie/EPAMaps/Water>

8.1.9. Significant impacts on any remaining SAC and SPA sites are considered unlikely, due to the distance, dilution factor and the lack of hydrological connectivity or any other connectivity with the application site in all cases having consideration of those site's conservation objectives.

8.1.10. I have set out further details of the sites that I consider to be within the zone of influence of the project in Table 1 and I have considered the likelihood of significant impacts on these same sites below. :

Table 1: Table of European Sites/Location and Qualifying Interests

Site (site code) and Conservation Objectives	Distance from site (approx.)	Qualifying Interests/Species of Conservation Interest (Source: EPA / NPWS)
<p>Galway Bay Complex SAC (000268)</p> <p>To maintain or restore the favourable conservation condition of the bird species and habitats listed as Special Conservation Interests.</p>	<p>1.1km</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Turloughs [3180]</p> <p><i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (*important orchid sites) [6210]</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]</p> <p>Alkaline fens [7230]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>

		Phoca vitulina (Harbour Seal) [1365]
<p>Inner Galway Bay SPA (004031)</p> <p>To maintain or restore the favourable conservation condition of the bird species and habitats listed as Special Conservation Interests.</p>	1.1km	<p>Great Northern Diver (Gavia immer) [A003]</p> <p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Grey Heron (Ardea cinerea) [A028]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Wigeon (Anas penelope) [A050]</p> <p>Teal (Anas crecca) [A052]</p> <p>Shoveler (Anas clypeata) [A056]</p> <p>Red-breasted Merganser (Mergus serrator) [A069]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Lapwing (Vanellus vanellus) [A142]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Curlew (Numenius arquata) [A160]</p> <p>Redshank (Tringa totanus) [A162]</p> <p>Turnstone (Arenaria interpres) [A169]</p> <p>Black-headed Gull (Chroicocephalus ridibundus) [A179]</p> <p>Common Gull (Larus canus) [A182]</p> <p>Sandwich Tern (Sterna sandvicensis) [A191]</p> <p>Common Tern (Sterna hirundo) [A193]</p>

		Wetland and Waterbirds [A999]
--	--	-------------------------------

Potential Effects on Designated Sites

8.1.11. I would note that the standard surface water management measures to be incorporated (as considered in the Storm Water Sewer report) are not included to avoid or reduce an effect to a Natura 2000 Site, and therefore they should not be considered mitigation measures in an AA context. I would note that there is nothing unique or particularly challenging about the proposed brownfield development, either at construction phase or operational phase. During the operational stage, after passing through surface water management systems, all stormwater generated onsite will be managed on-site through the existing storm water management system and then to the municipal stormwater water network. The surface water pathway creates the potential for a distant hydrological connection between the proposed development and European sites in at Galway Bay. While not detailed in the application, during the construction phase it is likely that standard pollution control measures would be used to prevent sediment or pollutants from leaving the construction site and entering the water system, and any competent developer would employ such measures. During the operational phase, surface water will connect to the existing surface water system, and the surface water quantity or quality would not differ materially from the existing situation, in my view. The pollution control measures to be undertaken during both the construction and operational phases are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed, I remain satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Galway Bay can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in Galway Bay (dilution factor).

8.1.12. In terms of in combination impacts other projects within the Galway area which can influence conditions in Galway Bay via rivers and other surface water features are

also subject to AA. In this way in-combination impacts of plans or projects are avoided.

- 8.1.13. It is therefore evident from the information before the Board that the proposed development would not be likely to have a significant effect on the Galway Bay Complex SAC (000268) and Inner Galway Bay SPA (004031) and a Stage II AA (and submission of an NIS) is not required.

AA Screening Conclusion:

- 8.1.14. In reaching my screening assessment conclusion, no account was taken of measures that could in any way be considered to be mitigation measures intended to avoid or reduce potentially harmful effects of the project on any European Site. In this project, no measures have been especially designed to protect any European Site and even if they had been, which they have not, European Sites located downstream are so far removed from the subject lands and when combined with the interplay of a dilution affect such potential impacts would be insignificant. I am satisfied that no mitigation measures have been included in the development proposal specifically because of any potential impact to a Natura 2000 site.
- 8.1.15. It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Galway Bay Complex SAC (000268) and Inner Galway Bay SPA (004031), or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required. In reaching this conclusion I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

9.0 Recommendation

- 9.1. Having regard to the above, it is recommended that permission is **REFUSED** based in the following reasons and considerations and subject to the attached conditions.

10.0 Reasons and Considerations

1. In the absence of a comprehensive redevelopment of the site, or in the absence of significant and material alterations to the existing site layout, the proposal fails to provide an appropriate public realm, or high quality widely accessibly civic spaces, and fails to provide a high quality layout that would accommodate the proposed residential units on the site, including the required pedestrian and cycle infrastructure, and additional permeability to the wider area. As such, the proposed does not comply with Policy 8.7 'Urban Design and Placemaking' and does not fulfil the urban design criteria as set out in Table 8.1 of the Galway City Development Plan 2023-2029.
2. In the absence of an assessment of the traffic impacts of the proposed development, either in the form of a revised Technical Note, or in the form of a Traffic and Transport Assessment (TTA), and noting the evidence on file of existing traffic congestion in the immediate area, the Board is not satisfied that the proposed development would not have an unacceptable impact on the surrounding road network. Furthermore, in the absence of additional cycle and pedestrian infrastructure on the site, the proposal would raise road safety concerns. In addition, in the absence of additional justification for the proposed car parking provision, including the lack of a car parking management strategy, the Board is not of the view the proposed provision of car parking is acceptable, and would not appear to be in line with the principle of minimising car parking provision on sites which are centrally located and accessible. The proposed cycle parking provision at first and second floor levels, is not considered to be convenient or universally accessible, and is contrary to guidance as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023). The proposed development, then, is not in line with the principles of proper planning and sustainable development and would result in the creation of a traffic hazard.
3. In the absence of a Daylight, Sunlight and Overshadowing Assessment, the Board cannot be satisfied that the overall provision of daylight to the proposed residential units is adequate. Furthermore, the proposed development does not provide communal open space of sufficient quality, with the internal courtyard

area provided at first floor level appearing to be deficient in terms of overall usability and amenity, and in terms of sunlight provision. The proposal does not, therefore, comply with the requirements of Sections 11.3.1 'Daylight' and Section 11.3.1 (c) 'Amenity Open Space Provision in Residential Development' of the Galway City Development Plan and is contrary guidance as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023).

Ronan O'Connor

Senior Planning Inspector

18th January 2024